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PROCEEDINGS AND DEBATES OF THE 89th CONGRESS, SECOND SESSION

SENATE

TUESDAY, SEPTEMBER 13, 1966

(Legislative day of Wednesday, September 7, 1966)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by the Vice President.

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

Our Father, God, in the abundance of Thy mercy another day is added to the record of the lengthening years, as swift to its close ebbs out our little day. For the tomorrows and their needs we do not pray. For the day of Thy grace which now bathes us in its returning light, give us courage, give us vision, give us wisdom, that we fail not man nor Thee.

Save us from being embittered by ingratitude, pettiness, or meanness, and from cowardly compromise in the world battle now raging for the minds of men. Valiantly may we fight the good fight whose issue will mold the future, knowing that soon the night cometh when no man can work.

May Thy kingdom of love and righteousness come within us, that we may contribute worthily to mankind's abiding peace.

We ask it in the Name which is above every name. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the Journal of the proceedings of Monday, September 12, 1966, was approved.

REPORT OF SURGEON GENERAL—MESSAGE FROM THE PRESIDENT

The VICE PRESIDENT. The Chair lays before the Senate a message from the President of the United States, which, with the accompanying report, will be referred to the Committee on Labor and Public Welfare, without being read.

The message from the President is as follows:

To the Congress of the United States:

The decade since 1956 has been one of unprecedented efforts in health research—and in future years, our commitment to this vital field will grow.

Success for our research efforts depends not only upon the dedication of thousands of professional researchers across the Nation, but upon the adequacy of the facilities available to them.

Realizing this, the Congress, through the Health Research Facilities Act, has provided since 1956 more than 1,330 matching grants totaling over $360 million for the construction or renovation of research space.

I believe this program is an impressive example of the commitment of our people to better health—and of our success in pursuit of that national goal.

It is with pride, therefore, that I submit for the information of the Congress, the 10th Annual Report of the Surgeon General summarizing our accomplishments under the Health Research Facilities Act, as amended.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *September 13, 1966.*

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

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

On September 12, 1966:

S. 3105. An act to authorize certain construction at military installations, and for other purposes.

On September 13, 1966:

S. 3418. An act to amend the Peace Corps Act (75 Stat. 612), as amended, and for other purposes.

ENROLLED BILLS SIGNED

The VICE PRESIDENT announced that on today, September 13, 1966, he signed the enrolled bill (S. 2263) relating to the composition of the District of Columbia Court of General Sessions, which had previously been signed by the Speaker of the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 3625) 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 message also announced that the House had passed a 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, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

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, was read twice by its title and referred to the Committee on Finance.

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON RECEIPT OF APPLICATION FOR LOAN UNDER SMALL RECLAMATION PROJECTS ACT

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, an application for a supplemental loan from the Settlement Canyon Irrigation Co., of Tooele, Utah, under the Small Reclamation Projects Act (with accompanying papers); to the Committee on Interior and Insular Affairs.

AMENDMENT OF PUBLIC LAW 89-428, AUTHORIZING APPROPRIATIONS UNDER THE ATOMIC ENERGY ACT OF 1954

A letter from the Chairman, U.S. Atomic Energy Commission, Washington, D.C., transmitting a draft of proposed legislation to amend Public Law 89-428 authorizing appropriations pursuant to section 261 of the Atomic Energy Act of 1954, as amended (with an accompanying paper); to the Joint Committee on Atomic Energy.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 3500. A bill to authorize the President to retire Lt. Gen. Robert Wesley Colglazier, Jr., in the grade of lieutenant general (Rept. No. 1598).

By Mr. LONG of Louisiana, from the Committee on Finance, with amendments:

H.R. 483. An act to amend section 2056 of the Internal Revenue Code of 1954 relating to the effect of disclaimers on the allowance of the marital deduction for estate tax purposes (Rept. No. 1599); and

H.R. 11216. An act relating to the tariff treatment of articles assembled abroad of products of the United States (Rept. No. 1600).

BILLS INTRODUCED

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

By Mr. McGEE:

S. 3822. A bill to authorize the Secretary of the Interior to consider a petition for reinstatement of an oil and gas lease (Wyoming 0280122); to the Committee on Interior and Insular Affairs.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

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

By Mr. KUCHEL (for himself, Mr. JACKSON, Mr. ANDERSON, and Mr. MURPHY):

S. 3823. A bill to provide for the participation of the Department of the Interior in the construction and operation of a large prototype desalting plant, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. HART:

S. 3824. A bill for the relief of Helen Chien Wu; and

S. 3825. A bill to amend title 18 of the United States Code in order to provide that committing acts dangerous to persons on board trains shall be a criminal offense; to the Committee on the Judiciary.

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

By Mr. DODD:

S. 3826. A bill for the relief of Rear Adm. William D. Wright, U.S. Navy (retired); to the Committee on the Judiciary.

By Mr. FULBRIGHT (by request):

S. 3827. A bill to authorize the appropriation of an increased contribution by the United States for the support of the International Bureau for the Publication of Customs Tariffs; to the Committee on Foreign Relations.

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

LIMITATION ON STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be 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 VICE PRESIDENT. Without objection, it is so ordered.

AUTHORIZATION FOR SECRETARY OF THE INTERIOR TO CONSIDER A PETITION FOR REINSTATEMENT OF AN OIL AND GAS LEASE IN WYOMING

Mr. McGEE. Mr. President, I send to the desk, for appropriate reference, a bill which I am introducing at the request of the Mountain Fuel Supply Co., a Utah corporation which does considerable business within the State of Wyoming.

This corporation was issued an oil and gas lease on certain public lands in Wyoming by the Wyoming office of the Bureau of Land Management. This original lease was effective as of December 1, 1963. The leased acreage was described as 320 acres and the rental for this specified acreage was retained on that basis by the Cheyenne office of the BLM. The 1964 rental was tendered and accepted on that basis also.

In 1965 an agent for the lessee discovered that the Cheyenne land office made an error and that the proper acreage described in the lease should have been 480 rather than 320. When this error was brought to the attention of the Cheyenne land office by the Mountain Fuel Supply Co., the lease was canceled for the reason that the full rental for 480 acres had not been paid in 1964, notwithstanding the fact that the lease at that time showed the leased tract as 320 acres.

This is a situation quite similar, if not identical, to that involved in S. 2918, which is now pending on the Senate Calendar. The error quite clearly was made by the personnel in the land office and was discovered only as a result of the lessee bringing it to the attention of the land office in an effort to correct the mistake. It is my understanding, however, that under existing law BLM personnel have no authority whatsoever to correct situations of this type on an administrative basis and that special legislation is the only recourse a lessee such as Mountain Fuel Supply Co. has.

For that reason I have introduced this bill and ask that it be appropriately referred.

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

The bill (S. 3822) to authorize the Secretary of the Interior to consider a petition for reinstatement of an oil and gas lease (Wyoming 0280122), introduced by Mr. McGEE, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

DESALTED SEA WATER FOR SOUTHERN CALIFORNIA

Mr. KUCHEL. Mr. President, along with my friend, the distinguished chairman of the Committee on Interior and Insular Affairs [Mr. JACKSON], my colleague from California [Mr. MURPHY], and the senior Senator from New Mexico [Mr. ANDERSON], I am pleased to introduce a bill to authorize the Department of the Interior to participate in the construction and operation of a massive desalination plant and nuclear power generating facility to be built off the coast of southern California. The Federal Government will contribute $72.2 million toward the estimated total cost of approximately $445 million in this unique partnership between Government and private enterprise. Of this 72.2, the Department of the Interior will be authorized by the legislation which I introduce today to contribute $57.2 million, and the Atomic Energy Commission will be authorized by other legislation to contribute the additional $15 million.

In the 85th Congress, I was consponsor of a measure which authorized the construction of five demonstration plants for the desalination of water. One of these five plants, designed to produce 1 million gallons of fresh water per day, was built in San Diego. I was present when the demonstration desalting plant was opened, and sea water was converted into fresh water for use in San Diego homes. Its capacity was later increased to 1.4 million gallons per day.

Later, when the Cuban Communist tyrant, Fidel Castro, attempted to isolate Guantanamo, the San Diego plant was moved lock, stock, and barrel to Cuba, where it now supplies water for that vital military installation.

By comparison, the project which is now being proposed is enormous. It will provide southern California with 150 million gallons of fresh water per day. The new salt water conversion plant will be over 100 times as large as the San Diego-Guantanamo plant; it will more than double the combined capacity of all the salt water conversion plants in the world today.

This bill is the outgrowth of a Federal desalination program extending back over 15 years. It is the fruition of the cooperative efforts of the Metropolitan Water District of Southern California, the Department of the Interior and the Atomic Energy Commission. On August 18, 1964, these agencies signed a contract authorizing a wide study of a huge nuclear fueled sea water conversion plant which would provide large quantities of electric power. The objective was a plant capable of producing 150 million gallons of water per day, enough to supply a city the size of Boston or San Francisco.

Included in the study was a proposal submitted by the Los Angeles Department of Water and Power, Southern California Edison Co., and San Diego Gas & Electric Co. They would finance and build two large—3 million thermal kilowatt— nuclear reactors and two turbine generators. The reactors would also furnish heat for the desalting plant and steam for a generator unit to be constructed by the metropolitan water district. The total electrical output from the complex would be 1,800 megawatts.

The study report was submitted in December 1965 by the Bechtel Corp. of San Francisco. It stated that the project was technically feasible and could produce fresh water at a cost of 22 cents per 1,000 gallons at plant site, as compared with a minimum of $1 at existing desalting plants.

One of the most intriguing aspects of the report was Bechtel's recommendation that the complex be placed on a manmade island about 3,000 feet offshore from Bolsa Chica State Beach in Orange County, just a few miles from my own home. This 43-acre island would be connected to the mainland by a two-lane causeway and would carry the water and power transmission lines to the distribution systems of the metropolitan water district and the utility companies.

The potential for advancing our desalting technology through the construction of a major plant is vast. While distillation itself, as a process to convert sea water to drinking water, is hardly a scientific breakthrough, its application prior to this time has been largely experimental.

Responsible authorities estimate there will be 50 million people in California before the turn of the century. With our ever-expanding population taxing water supplies in almost every section of our country, improved techniques are demanded to sustain a healthy economy and to allow a livable environment to continue to exist. While desalination is not proposed as a panacea for all water ills, it will obvously be a significant factor in our future water planning.

I am particularly pleased that the area I represent is again demonstrating its leadership in the development of its water resources. The southern California coastal plain has suffered from a lack of adequate local water supplies since the population booms of the last century forced it into bold and imaginative water planning. The construction of this plant is a great step on the path toward reliable water sources to quench the thirst of the 50 million people who will be with us sooner than we realize.

The experience and technological skills which the Federal Government and the other participating groups will obtain from this project have a deep significance for all those concerned with supplying that most basic necessity for a thriving civilization—water.

I ask unanimous consent that a copy of a letter from the Secretary of the Interior describing the bill be incorporated in the RECORD and that the text of the bill likewise be printed in the RECORD.

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

The bill (S. 3823) to provide for the participation of the Department of the Interior in the construction and operation of a large prototype desalting plant, and for other purposes, introduced by Mr. KUCHEL (for himself and other Senators), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 3823

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to participate in the development of technology for a large-scale desalting plant by providing financial, technical or other assistance to the Metropolitan Water District of Southern California for the design, development, construction, and operation of a water treatment and desalting plant to be constructed as a part of a dual-purpose electrical power generation and desalting project in the southern California area.

SEC. 2. Before providing any assistance as authorized by this Act, the Secretary shall first determine that the value of the anticipated technical knowledge and experience in desalting to be derived from his participation in the construction and operation of this facility will be not less than the amount of such assistance.

SEC. 3. In order to provide the assistance authorized by this Act, the Secretary may enter into a contract with the Metropolitan Water District to cover such periods of time as he may consider necessary but under which the liability of the United States shall be contingent upon appropriations being available therefor.

SEC. 4. There is hereby authorized to be appropriated not to exceed $57,200,000 to carry out the purposes of this Act.

The letter, presented by Mr. KUCHEL, is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., September 12, 1966.

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

DEAR MR. PRESIDENT: Enclosed for your consideration is a draft of a bill "To provide for the participation of the Department of the Interior in the construction and operation of a large prototype desalting plant, and for other purposes."

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

The Government of the United States, represented by the Office of Saline Water, Department of the Interior (OSW), and the Atomic Energy Commission (AEC), has executed a Memorandum of Understanding with the Metropolitan Water District of Southern California (MWD) on the principal features of an arrangement providing for certain specified assistance from OSW and AEC in connection with research and development, design, construction, and operation of a large-scale dual-purpose nuclear electric power and sea water conversion plant. The combination plant is to be financed, owned, and operated by MWD and a group of public and private electric utilities (the utilities) serving the Southern California area. A separate agreement will be executed by MWD with the utilities, based upon the utilities' proposal.

The proposed legislation provides a basis for the purchase of valuable advanced technology by OSW participation in the construction and operation of the multimillion-gallon-per-day desalting plant. We have also enclosed, for the files of your Committee, a copy of the Memorandum of Understanding and a report on the proposed project entitled "A Justification of Department of the Interior Participation in the MWD Dual-Purpose Plant". We understand that a separate request for legislation authorizing Atomic Energy Commission participation in this project is being made by that agency.

The dual purpose plant is to built by MWD with the utilities group, comprised of the Los Angeles Department of Water and Power, the Southern California Edison Company and the San Diego Gas and Electric Company. The installation will be designed to produce 150 million gallons of fresh water per day from the Pacific Ocean, and to generate approximately 1,800 megawatts of electrical power. The proposed project, subject to final firm contracts and necessary approvals by Congress and the involved agencies, provides an early opportunity for the Government to participate with MWD in the development and construction of a dual-purpose plant, the technology of which is important to future planning of both the Department of the Interior and the Atomic Energy Commission.

Since 1959, the MWD, a public corporation organized for the purpose of supplying supplemental water to its member agencies for domestic, industrial, and other beneficial uses, has made studies of the feasibility of desalting sea water as a possible new means of implementing future water supply plans. In August 1964, the District entered into a contract with the United States jointly sponsoring an engineering and economic feasibility study for a combination water-desalting and electric power-generating plant. The Department of the Interior, through its Office of Saline Water, and the Atomic Energy Commission contracted on behalf of the United States Government. In April 1965, the utilities offered to participate in the proposed dual-purpose plant, indicating their willingness to furnish, own, and operate a two-unit nuclear power plant. This group earlier in the year had appointed a committee of its representatives to work with MWD in developing information on the power aspects. Under the proposal of joint participation, the nuclear reactor units would be designed to have sufficient capacity to supply the power requirements of the utilities as well as the steam and power requirements of the District. The District would own a back-pressure turbine and the desalting plant.

This request for authorization is based on the comprehensive year-long technical and economic study jointly sponsored by MWD, AEC, and OSW. In addition, it provides a prime opportunity effectively to utilize, in a timely fashion the technology developed through basic research and engineering development program sponsored by OSW to develop the best and most economical processes and methods for converting saline water into water suitable for beneficial consumptive purposes. This program has included the engineering research and technical development work to advance processes and plant designs to the point of large and practical scale demonstration. Although a number of conversion processes are being developed to meet specific needs for desalting under widely varied conditions, the multistage flash distillation process selected in the proposed dual-purpose plant is the process most advanced for use in large sea water conversion plants.

To achieve the goals set forth in the 1964 report to President Johnson, "Program for Advancing Desalting Technology," which resulted in the enactment of Public Law 89-118 (79 Stat. 509), to expand, extend, and accelerate the saline water conversion program, the importance of developing technology applicable to large-scale sea water conversion has been emphasized. The desalting program plan which was presented and subsequently enacted by the Congress and approved by the President on August 11, 1965, included the possibility of construction by OSW of a large prototype sea water conversion desalting plant as a necessary part of the advanced engineering development program being carried forward, provided the specific project proposal received Congressional authorization.

OSW participation in the project is keyed to the value of the information and data to be gained and will take the form of a purchase of needed technology and operating experience. We have considered alternatives for proceeding with the development, and proving out the engineering feasibility and economics of the multistage flash distillation process on a large scale. These are: (1) the Government financing of a single-purpose 50-million gpd prototype plant, (2) purchase of technology and operating experience through the cooperative effort in the MWD 150-million gpd plant, (3) a similar cooperative effort in the proposed Israeli 100-million gpd plant, and (4) participation through a cooperative effort with an outside group in the construction and operation of either a dual- or single-purpose 50-million gpd prototype plant.

We have concluded that participation in the MWD project is clearly the most advantageous from the standpoints of location, time, and cost. This effective partnership with public and private water and power utilities, to advance the technologies of dual-purpose desalting and nuclear power-generating plants will reduce the financial burden on the Federal taxpayer. Moreover, the product water will be fed into an existing supply system to be blended with Colorado River water. The tentative arrangements being worked out may be a landmark in developing an effective partnership in public and private power utility relationships. An additional advantage is found in the fact that the use of desalted water is fitted into an existing and operating system, operated by a public water agency. Thus, the project will serve to demonstrate the technical and economic feasibility of this application and to encourage public acceptance and confidence in desalting as a dependable source of water. Although Government participation is limited to a specific time period, technological advantages will continue to accrue for the life of the plant.

On the basis of an engineering and economic feasibility study by the Bechtel Corporation for MWD, the building of the dual-purpose plant is estimated to cost $400,500,000. Of this total, the island site and the desalting plant with its associated power facilities are estimated to cost $153,700,000. It is proposed that the Federal Government be authorized to participate in these latter costs to the extent of $60,700,000—$45,700,000 from the Department of the Interior, and $15,000,000 from the Atomic Energy Commission. In addition, it is proposed that the Department of the Interior participate in the operation and maintenance of the desalting plant to the extent of an additional $11,500,000. Thus, the total Government contribution would be $72,200,000, with the Interior portion being $57,200,000.

The present plan is to build the desalting plant in two phases. The first phase will develop 50 million gallons per day of fresh water—the second will produce another 100 million gallons per day. Experience with the first phase will provide significant information for making decisions about the second phase. Since the largest technological benefits expected to accrue will be associated with the first phase, $49,200,000 of the Federal capital contribution will be associated with it. As and when the second phase proceeds, the Government will contribute an additional $11,500,000 toward the capital costs.

OSW will furnish technical parameters for the desalting plant design and construction based on information and data developed through its research and development program, including module tests to be conducted at the San Diego Saline Water Test Facility.

OSW will provide review assistance and advice during design, construction and operation periods, qualified technical personnel to maintain liaison between MWD and the Government agencies involved, and assistance in the procurement of materials, and acquisition of specialized services.

In return for the assistance provided, OSW will be granted the right to propose experiments and participate in their experimental operation, reasonable access to the plant by OSW or others as authorized by OSW, and the use for publication of all technological data and information resulting from the design, construction, operation, and maintenance of the desalting plant, including substantial rights under patents granted based on work on the project.

We believe the proposed legislation represents a dynamic step forward in the development of processes for the economical conversion of saline waters for beneficial consumptive use. We consider this proposal to be of paramount importance in the effort to find new ways and means of conserving and increasing the water resources of the Nation. We recommend its immediate consideration and approval.

The Bureau of the Budget has advised that the enactment of this legislation would be in accord with the President's program.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

AMENDMENT OF TITLE 18, UNITED STATES CODE, TO PROVIDE THAT COMMITTING ACTS DANGEROUS TO PERSONS ON BOARD TRAINS SHALL BE A CRIMINAL OFFENSE

Mr. HART. Mr. President, I introduce a bill proposing that it be a Federal crime to endanger the safety of persons traveling on trains.

In recent months, it has been called to my attention that there are many incidents where rocks and other objects are thrown at rapidly moving trains and that this would become an increasing hazard as we experiment with new, high-speed rail transportation.

It is my hope that the appropriate Federal agencies will have an opportunity to study and analyze this legislation and report on it so that Congress could consider action next year.

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

The bill (S. 3825) to amend title 18 of the United States Code in order to provide that committing acts dangerous to persons on board trains shall be a criminal offense, introduced by Mr. HART, was received, read twice by its title, and referred to the Committee on the Judiciary.

INCREASED U.S. CONTRIBUTION FOR INTERNATIONAL BUREAU FOR THE PUBLICATION OF CUSTOMS TARIFFS

Mr. FULBRIGHT. Mr. President, by request, I introduce, for appropriate reference, a bill to authorize the appropriation of an increased contribution by the United States for the support of the International Bureau for the Publication of Customs Tariffs.

The proposed legislation has been requested by the Secretary of State and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill may be printed in the RECORD at this point, together with the letter from the Secretary of State, dated August 30, 1966, in regard to it.

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

The bill (S. 3827) to authorize the appropriation of an increased contribution by the United States for the support of the International Bureau for the Publication of Customs Tariffs, introduced by Mr. FULBRIGHT, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S. 3827

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated annually to the Department of State the sum of $8,658 for the payment by the United States of contributions for the support of the International Bureau for the Publication of Customs Tariffs, which sum shall be in addition to the contributions authorized by the convention, as amended, establishing such Bureau.

The letter, presented by Mr. FULBRIGHT, is as follows:

THE SECRETARY OF STATE,
Washington, D.C., August 30, 1966.

THE VICE PRESIDENT,
U.S. Senate.

DEAR MR. VICE PRESIDENT: There is enclosed for the consideration of the Congress a draft bill which would authorize an increase in the annual appropriation for the support of the International Bureau for the Publication of Customs Tariffs.

The United States has, since 1891, been a member of this Bureau, established at Brussels by a multilateral convention of 1890 (26 Stat. 1518, see also 8 UST (pt. 2) 1671). The only function of the Bureau is the useful one of translating, publishing, and distributing the tariff laws and regulations of the various countries and other customs territories throughout the world (art. 2, 26 Stat. 1519). The convention and supplementary documents (regulations and final declarations) provide that contributions shall be paid by the member countries to defray the cost of the Bureau's operation. The United States annual contribution is now $8,658.

In 1963 the President of the Bureau, in his annual report, pointed out that the "growing complexity and number of Customs tariffs throughout the world", and the growing demand from both public and private sources for its publications containing their texts, justified an increase in the Bureau staff beyond that which could be financed under the existing arrangements.

Forty-one of the seventy member countries, including Canada, France and the United Kingdom and accounting for well over 60% of the contributions according to the prevailing proportional schedule, have already agreed to double their contributions. This request from the Bureau, through the Belgian Government, that the United States agree to double its contribution has raised the question of the best method of obtaining an authorization for the annual appropriation of an additional $8,658 for the Union. The enclosed draft bill would provide such an authorization. The combined United States contribution of $17,316, under both the convention and the bill, would be less than 7% of the total contributions to the Bureau.

The various Executive agencies that have responsibilities relating to foreign trade, especially the Department of Commerce, find the publications of foreign tariffs (particularly the English translations) of great value in handling questions raised by exporters and in preparing for negotiations for the reduction of tariff barriers to United States exports. The Bureau has translated the new Tariff Schedules of the United States into the four languages which it uses in addition to English—French, German, Italian and Spanish.

It is recommended that the Congress promptly enact legislation along the lines of the enclosed draft bill to authorize a modest increase in the United States contribution in order to assist the Bureau in the continuation of its most useful activity.

The Bureau of the Budget advises that there would be no objection from the standpoint of the Administration program to the enactment of this legislation.

Sincerely yours,

DEAN RUSK.

PARTICIPATION OF THE UNITED STATES IN HEMISFAIR 1968 EXPOSITION, SAN ANTONIO, TEX.—AMENDMENT

AMENDMENT NO. 929

Mr. YARBOROUGH submitted an amendment, intended to be proposed by

him, to the bill (H.R. 15098) to provide for participation of the United States in the HemisFair 1968 Exposition to be held at San Antonio, Tex., in 1968, which was referred to the Committee on Foreign Relations and ordered to be printed.

ADDITIONAL COSPONSORS OF BILL

Mr. MONDALE. Mr. President, I ask unanimous consent that the names of the distinguished Senator from the State of Washington [Mr. JACKSON] and the distinguished Senator from the State of Massachusetts [Mr. KENNEDY] be added as cosponsors of S. 3769, the Clean Lakes Act of 1966, at its next printing.

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

PARTICIPATION BY DEPARTMENT OF THE INTERIOR IN CONSTRUCTION AND OPERATION OF PROTOTYPE DESALTING PLANT—NOTICE OF HEARING

Mr. KUCHEL. Mr. President, I announce for the information of the Senate that public hearings will be held September 19 by the Senate Committee on Interior and Insular Affairs on S. 3823, a bill I introduced earlier today to provide for the participation of the Department of the Interior in the construction and operation of a large prototype desalting plant, and for other purposes.

The hearings will begin at 11 a.m. in room 3110 of the New Senate Office Building. All those who wish to express their views for the committee on this important piece of legislation are invited to do so.

POPULAR ELECTION OF GOVERNOR OF GUAM AND GOVERNOR OF VIRGIN ISLANDS—NOTICE OF HEARING

Mr. JACKSON. Mr. President, I announce that the Subcommittee on Territories of the Committee on Interior and Insular Affairs will conduct a hearing on Thursday, September 22, on H.R. 11775 and H.R. 11777, to provide for the popular election of the Governor of Guam and the Governor of the Virgin Islands, respectively.

The hearing will be held in room 3110, New Senate Office Building, beginning at 10 a.m. All interested parties who may wish to testify or submit statements on these measures should contact members of the committee staff in order that an agenda of witnesses may be prepared.

NOTICE OF RECEIPT OF NOMINATIONS

Mr. FULBRIGHT. Mr. President, as chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the nominations of Arthur J. Goldberg, of Illinois, James M. Nabrit, Jr., of the District of Columbia, William C. Foster, of the District of Columbia, CLIFFORD P. CASE, U.S. Senator from New Jersey, and FRANK CHURCH, U.S. Senator from Idaho, to be representatives of the United States of America to the 21st session of the General Assembly of the United Nations; and, James Roosevelt, of California, Mrs. Eugenie Anderson, of Minnesota, Mrs. Patricia Roberts Harris, of the District of Columbia, George L. Killion, of California, and Harding F. Bancroft, of New York, to be alternate representatives of the United States of America to the 21st session of the General Assembly of the United Nations.

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

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 13, 1966, he presented to the President of the United States the enrolled bill (S. 2263) relating to the composition of the District of Columbia Court of General Sessions.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1558, and that the remainder of the calendar be considered in sequence.

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

PAYMENT OF EXPENSES INCIDENT TO EVACUATION OF DEPENDENTS OF MEMBERS OF THE UNIFORMED SERVICES

The Senate proceeded to consider the bill (H.R. 11979) to make permanent the act of May 22, 1965, authorizing the payment of special allowances to dependents of members of the uniformed services to offset expenses incident to their evacuation, and for other purposes which had been reported from the Committee on Armed Services with an amendment on page 1, line 4, after the word "by" to strike out "striking out ', and terminates on June 30, 1966'." and insert "striking out 'June 30, 1966' and substituting in lieu thereof 'June 30, 1971.' "

The amendment was agreed to.

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

The bill was read the third time, and passed.

The title was amended so as to read: "An act to extend the authority for the payment of special allowances to evacuated dependents of members of the uniformed services, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1594), explaining the purposes of the bill.

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

PURPOSE

The bill as amended would (1) authorize a 5-year extension of the authority to pay special allowances to dependents of members of the uniformed services who are evacuated because of emergencies, and (2) permit the payment of such allowances to dependents who are evacuated to the States of Hawaii and Alaska, or to a territory or possession of the United States.

EXPLANATION

Public Law 89-26 authorized the payment of special allowances and dislocation allowances to dependents of members of the uniformed services whenever these dependents are evacuated from an overseas danger area to the United States. The need for such authority had been illustrated during the evacuation of dependents of military personnel from the naval base at Guantanamo Bay, Cuba, to Norfolk, Va., in October of 1962. The dependents were evacuated under circumstances that permitted them to carry limited amounts of clothing. Most of them arrived in Norfolk with only limited funds and several cases of serious hardship resulted.

The committee recommended that the authority for the payment of special allowances to evacuated dependents be temporary in nature and that it expire on June 30, 1966. The authority has expired and the purpose of this bill is to continue it for another period of 5 years.

In addition to the evacuation of dependents from Cuba in October of 1962, other dependents were evacuated from Haiti in 1963, from the Panama Canal Zone and Isle of Cyprus in February 1964, and from Vietnam and from the Dominican Republic in 1965. After the enactment of Public Law 89-26 dependents were evacuated from Pakistan and Indonesia in September and October 1965.

EXTENDING APPLICATION TO ALASKA, HAWAII, AND TERRITORIES OR POSSESSIONS

The basic law restricts entitlement to the payment of special allowances when dependents are evacuated "from places outside the United States to places inside the United States." This language has been construed as being limited to the 48 contiguous States and the District of Columbia. Such a construction has prohibited the payment of allowances to dependents who are evacuated to the States of Hawaii or Alaska, or a territory or possession of the United States. To avoid an unfair discrimination against members of the uniformed services whose homes are in one of the extracontinental United States, or a territory or a possession of the United States, this bill would eliminate the restrictive phrase "from places outside the United States to places inside the United States."

ALLOWANCE THAT MAY BE PAID

The kinds of special allowances that may be paid under the authority that would be extended by this bill are as follows:

(1) A dislocation allowance: Under present permanent law (37 U.S.C. 407), a member is entitled to a dislocation allowance only when his dependents make an authorized move in connection with a permanent change of station. The dislocation allowance is equal to 1 month's basic allowance for quarters.

(2) Waiver of recovery of not more than 1 month's basic pay previously advanced under section 1006(c) of title 37, United States Code: Under this section of title 37, the Secretary concerned has authority to advance up to 2 months' basic pay. But this is essentially a loan. The act allows waiver of recovery of up to 1 month's portion of any basic pay advanced if it is found recovery would be against equity and good conscience or against the public interest.

(3) A per diem payment: The payment is ordinarily limited to 30 days under regulations prescribed by the Secretary of the service concerned. Under present permanent law, dependents of members of the uniformed services evacuated from an oversea area "to safe haven" in another oversea area are entitled to a per diem payment and the cost-of-living allowance prescribed for the area to which they are evacuated. But there

is no permanent authority at present for such allowances when the dependents are evacuated to the United States.

(4) Shipment of a private vehicle to a temporary residence selected at the time of evacuation: The vehicle may also be transported from the temporary residence to the serviceman's subsequent permanent duty station at Government expense. Present permanent law limits transportation of a private vehicle at Government expense to a permanent change of station.

All of the above payments would only be paid when the evacuations are ordered by competent authority.

COST

It is impractical to predict the cost of this authority because it is impossible to foresee the circumstances in which dependents may be ordered evacuated. Evacuation expenses in fiscal year 1965 were $659,369.

AUTHORIZATION OF GRADE OF BRIGADIER GENERAL IN THE MEDICAL SERVICE CORPS OF THE REGULAR ARMY

The bill (H.R. 11488) to authorize the grade of brigadier general in the Medical Service Corps of the Regular Army, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1595), explaining the purposes of the bill.

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

PURPOSE

This bill would authorize one officer of the Medical Service Corps of the Army to hold the grade of brigadier general.

EXPLANATION

Under existing law, the grade of colonel is the highest Regular grade in the Medical Service Corps of the Army, which has an officer strength of approximately 4,850, of whom 1,793 are Regular Army officers. This is the only male corps in the Army that does not have an authorization for a general officer.

The general officer strength authorized for the Army is based on the total officer strength of the Army. If the number of Medical Service Corps officers was excluded from the base, the number of general officers authorized for the Army would be reduced by 20 to 25. The committee was informed that 10 Army branches or control groups that have fewer officers than the Medical Service Corps have at least 1 general officer each.

The work of the Medical Service Corps is varied and includes such activities as medical supply, personnel management, administration, and staffing of hospitals. The corps includes four sections established by law: the Pharmacy Supply and Administration Section; the Medical Allied Sciences Section; the Sanitary Engineering Section; and the Optometry Section. About 25 percent of the Army officers holding a Ph. D. degree are in the Medical Service Corps, which has only 5 percent of the Army officer strength.

For the number of officers currently on active duty, the Army is authorized 475 general officers. This bill does not authorize an additional general officer, but the Medical Service Corps would be allowed one of the Army's currently authorized number of generals.

For the reasons mentioned above, the committee considers that it is not unreasonable for the Medical Service Corps to be allowed one of the Army's general officer spaces.

COST

The cost of this bill is neligible as there would be no increase in the total number of general officers authorized for the Army.

AUTHORIZATION OF REGULAR COMMISSIONS FOR MALE NURSES AND MEDICAL SPECIALISTS IN THE ARMY, NAVY, AND AIR FORCE

The bill (H.R. 420) to amend title 10, United States Code, to authorize the commissioning of male persons in the Regular Army in the Army Nurse Corps, the Army Medical Specialist Corps, the Regular Navy in the Nurse Corps, and the Regular Air Force with a view to designation as Air Force nurses and medical specialists, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1596), explaining the purposes of the bill.

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

PURPOSE

This bill would authorize Regular commissions for male officers in the Army Nurse Corps, the Army Medical Specialist Corps, the Navy Nurse Corps, and in the Air Force with designation as Air Force nurses and medical specialists.

EXPLANATION

Since 1955 male persons have been eligible to become commissioned officers in the Army Nurse Corps and the Army Medical Specialist Corps, but their commissions are as Reserve officers. There is no authority for male nurses to be appointed as Regular officers in the Army and the Navy. There is no prohibition against appointment of males as nurses or medical specialists in the Regular Air Force, but several provisions of law relating to Air Force nurses and medical specialists use the words "she" or "her" or other language that might be construed to restrict the application of these provisions to female officers.

Since approval of the authority to commission male nurses and medical specialists in the Armed Forces, sufficient time has elapsed to evaluate the professional performance of these officers. Male nurses and medical specialists have proved that they can make valuable contributions to the medical missions of the military services. They have demonstrated their effectiveness as general nurses, psychiatric nurses, operating room nurses, and anesthetists. They have made important contributions in airborne units and in emergency care units for organizations such as the Special Forces. The committee was informed that 97 male nurses of the Army are now serving in Vietnam and that their performance has been outstanding.

Authority for regular commissions for male nurses and medical specialists is intended to cause the retention on active duty of a larger number of male nurses and to encourage others to seek a military career. All the Armed Forces are experiencing shortages of trained nurses and, to the extent that this bill achieves its desired effect, these shortages would be alleviated. In this connection, it is notable that in many instances male nurses can remain on active duty for longer periods than can women, because family responsibilities are not as likely to terminate the career of a male nurse.

For a period of 2 years the bill permits the Secretary of the Army to waive maximum age requirements for the appointment of male nurses and medical specialists who are on active duty on the date of enactment of this bill. Without this savings provision many male Nurse Corps officers of the Army would be ineligible for appointment in the Regular Army because their years of active commissioned service began soon after their 35th birthday. Authority to waive the maximum age provisions will permit the Secretary of the Army to tender Regular commissions to outstanding male nurses who otherwise would be ineligible for consideration.

COST

It is impractical to estimate the cost of this bill because of uncertainties about the number of male nurses to be commissioned and the number of male nurses who might remain on active duty until they qualify for the immediate receipt of retired pay if they were not granted Regular commissions. The committee was informed that the bill will not increase the budgetary requirements of the Department of Defense.

REMOVAL OF INEQUITIES IN THE ACTIVE DUTY PROMOTION OPPORTUNITIES OF CERTAIN OFFICERS

The Senate proceeded to consider the bill (H.R. 15005) to amend title 10, United States Code, to remove inequities in the active duty promotion opportunities of certain officers which had been reported from the Committee on Armed Services with amendments to strike out all after the enacting clause and insert:

That, beginning with the date of enactment of this Act through June 30, 1972, the columns under the headings "For colonels" and "For lieutenant colonels" contained in the table in section 8202(a) of title 10, United States Code, are suspended. For such columns shall read as follows:

"For colonels	*For lieutenant colonels*
3,500	6,500
3,859	7,706
4,218	8,911
4,577	10,116
4,936	11,321
5,295	12,527
5,654	13,732
6,013	14,937
6,372	16,142
6,730	17,348
7,089	18,533
7,449	19,758
7,807	20,963
8,166	22,169".

SEC. 2. For a period of six years after the effective date of this Act, the authorized strengths prescribed by section 8202 of title 10, United States Code, may be exceeded (1) by 1,000 for the grade of lieutenant colonel; and (2) by the following numbers for the grade of major:

Fiscal years following enactment:	*Number to exceed authorized strength*
First	9,500
Second	7,917
Third	6,334
Fourth	4,751
Fifth	3,168
Sixth	1,585

However, the authority to exceed the authorized strengths by 1,000 for the grade of lieutenant colonel, and 1,500 for the grade of major authorized by this section may be used only in the event that drastic reductions or increases in the authorized strength of the commissioned officers on active duty in the Air Force occur within a short period of time and that such

changes seriously impede promotions to the grade of major and lieutenant colonel as determined by the Secretary of the Air Force, who shall notify the Committees on Armed Services of the Senate and of the House of Representatives not later than 60 days following the utilization of any of the numbers covered in this sentence.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act to amend title 10, United States Code, to increase the authorized numbers for the grade of major, lieutenant colonel, and colonel in the Air Force in order to provide active duty promotion opportunities for certain officers, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1597), explaining the purposes of the bill.

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

PURPOSE

The purpose of the bill is to increase the authorized number for the grades of major, lieutenant colonel, and colonel in order to provide the officers on active duty in the Air Force a promotion program comparable to the programs for the other military services.

EXPLANATION

The bill may be summarized as follows:

INCREASE THROUGH JUNE 30, 1972, IN GRADES OF COLONEL AND LIEUTENANT COLONEL

The bill as amended would suspend through June 30, 1972, the permanent provisions of law relating to the authorized strengths for the Air Force for the grades of colonel and lieutenant colonel, and in lieu thereof provides for a new sliding scale during this period for these two grades. Based on the current total officer strength of approximately 128,000 officers, this amendment would increase the authorized numbers for these grades to a sum approximately equal to the combined total, presently authorized under both the permanent and temporary authority. With the current total officer strength of approximately 128,000 Air Force officers, the new table would authorize a strength of 6,326 colonels and 15,987 lieutenant colonels. These totals may be compared to the total authorized strength as of June 30, 1966, of 6,300 colonels, of which 5,240 are authorized under permanent law, and 15,901 lieutenant colonels, of which 10,639 are authorized under permanent law. The remaining numbers were authorized under temporary authority.

It should be observed that the new tables for these two grades through June 30, 1972, provide a completely new sliding scale, with the result that the number of authorized colonels and lieutenant colonels would vary depending on the total officer strength of the Air Force.

TEMPORARY AUTHORITY—ADDITIONAL VACANCIES FOR LIEUTENANT COLONELS AND MAJORS FOR A 6-YEAR PERIOD

In addition to the increased strength levels provided through June 30, 1972, the bill also provides that the Air Force, during the 6-year period following enactment of the bill, could exceed its newly authorized strengths by 1,000 officers in the grade of lieutenant colonel and by a varying number in the grade of major, ranging from 9,500 for the first fiscal year following enactment down to 1,585 for the sixth fiscal year following enactment. As an example, during the remaining portion of fiscal year 1967, the Air Force would have the authority to use an addition 9,500 vacancies in the grade of major under all contingencies. For the second fiscal year, beginning July 1, 1967, this figure would be 7,917.

The 6-year authority for exceeding the authorized strengths would be used for two purposes: First, the entire additional authorization for the 1,000 lieutenant colonels and 1,500 of the vacancies for the grade of major for each fiscal year would be used solely to provide vacancies in the event of a severe disruption of the Air Force promotion program resulting from a sudden and large-scale increase or decrease in the size of the total officer strength of the Air Force. These vacancies would not be used in connection with the normal promotion process. The sliding scale itself is intended and should be able to accommodate the sizable increases or decreases in the authorized Air Force officer strength. There could be, however, unforeseen contingencies which would disrupt any acceptable operation of the promotion program. The remaining number of majors would be utilized for the purpose of reducing the Air Force promotion point to 11 years of service, rather than 12 to 13 years at the present time.

OVERALL EFFECT OF LEGISLATION

The overall effect of this legislation would be to provide promotion opportunity for career Air Force officers comparable to that presently in effect in the other services.

The effect of the legislation and the manner in which it would be implemented is indicated by the chart below setting forth the promotion points the Air Force would extend under the vacancies created by this legislation. In addition, the comparable information is set forth with respect to the Army and the Navy.

Comparative promotion opportunity and promotion service points, fiscal year 1967

Grade	Promotion opportunity				Promotion service points			
	Army[1]	Navy	Air Force	Marine Corps	Army[1]	Navy	Air Force	Marine Corps
		Percent	*Percent*	*Percent*	*Years*	*Years*	*Years*	*Years*
Colonel/captain	--------	60	45	65	22	21	22	22-24
Lieutenant colonel/commander	--------	75	75	75	15	15	17	15-16
Major/lieutenant commander	--------	85	85	90	9	9	11	9-11

[1] Army projection through March 1967. (Selection rates not yet approved.)

NOTE.—Opportunity is presented by dividing selections by 1st-time eligibles. The promotion service point is the year of promotion list service or active commissioned service in which the mode of officers in each category was promoted.

EFFECT OF NO LEGISTATION

Without the enactment of legislation the Air Force, as previously indicated, would be required to reduce its officer strength in certain grades to the levels authorized under the permanent 1954 legislation. The permanent law authorizes, based on current total strength, a total of 5,240 colonels and 10,649 lieutenant colonels. There are presently assigned approximately 6,100 officers in the grade of colonel and 15,721 in the grade of lieutenant colonel. Without legislative relief, therefore, having to revert to the permanent strength levels would mean a reduction in strength of approximately 1,100 officers in the grade of colonel and 5,300 in the grade of lieutenant colonel.

The effect of these reduced authorizations would be as follows: There would be no selections for promotion to the grades of major, lieutenant colonel, and colonel for fiscal year 1967. In addition, certain officers already selected to the grade of major and lieutenant colonel would not receive their promotions.

Due to the reduced authorized strength for these grades, without further relief, the following would occur:

(a) Approximately 800 officers in the grade of colonel would necessarily be demoted or otherwise eliminated;

(b) Approximately 6,000 officers in the grade of lieutenant colonel would be demoted or eliminated; and

(c) Approximately 6,000 officers in the grade of major would have to be reduced by one grade.

PREVIOUS ADDITIONAL TEMPORARY AUTHORIZATIONS

The authorized permanent strength for the Air Force was enacted in 1954 as a part of the Officer Grade Limitation Act due to the need for providing additional promotion opportunity for certain grades. There have been four temporary legislative items enacted for the purpose of providing additional grades over and above the permanent law. The four measures of temporary relief were as follows: In 1959 there was enacted a 2-year authority authorizing an additional 3,000 majors; in 1961 there was a 2-year authorization for an additional 4,000 lieutenant colonels; in 1963 the authority for an additional 4,000 lieutenant colonels was extended for an additional 2 years; in 1965 temporary relief was enacted providing that the total number of officers who could be on active duty in the grade of colonel would be 6,300 and the number in the grade of lieutenant colonel would be 15,901. The effect of this latter measure was to authorize an additional 1,100 colonels and 5,400 lieutenant colonels above the strength authorized under the permanent law.

Without further relief the Air Force on June 30, 1967, would be required to come within the authorizations provided under the permanent law.

COST

The Department of Defense has informally estimated that the additional cost of this legislation, if effective in September 1966, would be approximately $10 million for the remaining portion of fiscal year 1967. This additional cost results from the increase in pay and allowances for the persons who would be promoted under this legislation. The original cost estimate of $17 million as being the additional funding necessary for fiscal year 1967, was based on a full implementation of this legislation at the beginning of the current fiscal year.

PRESIDENTIAL VETO OF FEDERAL EMPLOYEES GROUP LIFE INSURANCE BILL, H.R. 6926

Mr. CARLSON. Mr. President, I regret sincerely that the President felt it necessary to veto the liberalized life insurance bill for Government employees.

Frankly, I feel that our dedicated and deserving Federal employees are entitled to the same consideration as employees in the private sector of our economy.

Congress this year approved pay legislation for our Federal employees under the threat of a Presidential veto if we exceeded a 2.9-percent increase in basic pay, plus any additional fringe benefits that might exceed 3.2 percent.

I challenge anyone to name an industry anywhere in the country in which the employees would settle for 2.9 percent. The President's wage guidelines are being broken daily by contract settlements that reach or exceed 5 percent in every bargaining agreement concluded. Wage settlements in the construction industry, for instance, have gone for 10 to 14 percent increases.

While the administration stresses the importance of our Federal employees receiving pay based on comparability of employees in the private sector, it refuses to use current Bureau of Labor Statistics figures to base Federal employees pay. As a matter of fact, when we wrote the last pay bill, we used the Bureau of Labor Standards figures for April 1965.

We not only wrote the present pay increase for Federal employees under the threat of a Presidential veto, but also we now find that the President has not only vetoed the liberalized life insurance bill, but he has also vetoed a bill which would have increased the pay of star route and contract mail carriers.

As chairman of the Senate Post Office and Civil Service Committee in the 83d Congress, I wrote—and Congress approved—the life insurance bill which has been of great value to our Federal employees.

I can assure our Federal employees that a liberalized life insurance bill will be before the next session of Congress, and I shall do everything in my power to secure its approval.

Mr. MONRONEY subsequently said, Mr. President, last night the President of the United States vetoed a bill, H.R. 6926, which provided for increased life insurance and accidental death and dismemberment insurance for our 2½ million Federal employees.

There has been a good deal of misunderstanding about this bill. I wish to make clear just exactly what this legislation proposed to do. It has been described as "inflationary," "designed primarily to benefit upper echelon Government executives," and the result of little consideration and no debate in either House of Congress. In my opinion, it is none of these.

To say that the bill was not given adequate consideration in the Congress is to ignore the public hearings and six or seven separate committee executive sessions during which the bill was discussed and analyzed by the committees of Congress.

Far from primarily benefiting upper echelon Federal executives, the bill which our committee reported, and both Houses of Congress eventually passed without a dissenting vote, was designed to provide major insurance protection for those who are in the rank and file of Government employment.

The Senate version of the life insurance bill:

Provided insurance protection equal to 1⅓ the annual salary, instead of just the annual salary,

Provided for the Government to pay 40 percent of the cost, instead of 33 percent,

Provided an additional $2,000 in insurance for all employees which would not reduce after retirement, and

Provided a maximum of $40,000 in benefits.

The new maximum of $40,000 is obviously beneficial to those in the upper echelon brackets of the Government, but it should not overshadow the fact that this bill is essentially a bill to benefit the employee in the lower levels of the Federal service. The $2,000 additional insurance which does not reduce after retirement is of primary benefit to those in the lower levels whose insurance now reduces after retirement to a bare minimum, and who can least afford buying insurance outside the Federal program.

The bill proposed by the administration in 1965 and reendorsed by the President last night would benefit a few thousand high-ranking Federal employees, Presidentially appointed executives, Members of Congress, and the Supreme Court, but it would do nothing at all—and I repeat nothing at all—for the 2½ million Federal employees who earn less than $20,000 a year. Our basic concern was to improve employment benefits affecting the vast majority of our employees who are in the rank-and-file positions of the postal service, the classified service, and the other branches of the Government.

Ninety-nine percent of the cost of the bill would benefit those lower grade Federal employees who were left out of the administration's bill.

The Senate committee reported the bill on March 15 of this year. At that time the severe strains on the economy which exist today were not apparent. Although the administration opposed the bill, it did not present evidence to the Senate committee that the bill's passage would have the dire effects mentioned by the President in his press conference.

I believe the Senate committee and subsequently both Houses of Congress acted in good faith based on the facts at their disposal. H.R. 6926 is a good bill which I am confident will eventually be enacted into law. Congress' action certainly did not warrant the critical remarks made by the President.

I am genuinely disappointed by the President's action on this bill. I am hopeful that suitable action can be taken by the Congress next year to improve the employee insurance program as soon as possible for all employees—not just the executives.

Mr. YARBOROUGH. Mr. President, I want to associate myself with the remarks of the distinguished chairman of the Committee on Post Office and Civil Service. I share his very real disappointment that this bill was not approved by the President. It is a good bill. I think it should have been approved.

Our committee and our counterpart committee in the House of Representatives held public hearings on the life insurance program and gave it very careful consideration. I think this bill was a prudent compromise between the interests of the Federal employees and the necessities of the budget. Every employee group that appeared before our committee urged that the Government pay at least 50 percent of the cost of life insurance, as is characteristic of private enterprise programs. Many urged a minimum of $10,000 insurance and a 50-percent remainder after retirement.

The Life Insurance Act had not been improved since it was enacted in 1954. No other fringe benefit program in the Government has gone so long without significant and beneficial amendments. This bill, H.R. 6926, was a modest proposal. We gave it very careful consideration over a period of several months. I frankly favored more than what we included in this proposal, because I believe our employees deserve the best insurance program available. But the committee was interested in producing a bill that would not cost too much and would not be vetoed. The only proposal which the administration endorsed was one designed to benefit only those few in the upper grades, Members of Congress, the Supreme Court, and Presidential appointees—such as our administration witnesses who testified on this bill—who earn more than $20,000 a year.

We certainly were not willing to do that. The bill we produced increased everybody's insurance, improved the after-retirement benefits, particularly for the men and women in the lower grades, and charged the Government with a very modest 7-percent increase in its share of the cost of the program.

The bill does cost money; it costs the Government $90 million a year, but it costs the employee more than that—$97 million a year. I think the postal clerk or the classified secretary who pays an extra dollar or two a week for insurance would feel that just as much as the Bureau of the Budget or the Council of Economic Advisers will feel the expenditure of $90 million for our 2½ million postal and Federal employees.

I do not believe we are through with this bill. I think we must move very early in the 90th Congress to provide the kind of insurance protection which our employees deserve.

COMMITTEE MEETINGS UNTIL NOON TODAY

On request of Mr. MANSFIELD, and by unanimous consent, all committees were authorized to meet until noon today.

NATIONWIDE POLL OF PROTESTANT CLERGYMEN INDICATES 71.4 PERCENT OPPOSED TO U.N. ADMISSION OF RED CHINA OR U.S. RECOGNITION OF PEIPING

Mr. DOMINICK. Mr. President, in recent months there have been some trial balloons, some sincere expressions of opinion, and a variety of articles in the news media and broadcasting media con-

cerning a possible change of U.S. foreign policy with respect to Red China.

As early as February of 1966, the General Board of the National Council of Churches, meeting in St. Louis, adopted a resolution calling for the admission of Communist China to the United Nations and the granting of U.S. diplomatic recognition of the Peiping regime.

This concerned a great number of us who were thinking very thoughtfully and very fully about the dangers of the Communist regime in Red China to the free world, and who were concerned about the effect which any change in our policy might have on those countries which have been resisting the Red Chinese aggression.

I was gratified, Mr. President, to receive, as did other Senators, a copy of a letter from the Legislative Yuan of the Republic of China, in Taipei, dated May 17, 1966, which goes into this matter in some detail.

The letter points out the purges of the intellectuals in China, conducted by the Red Chinese leaders in mainland China, which have taken place over a number of years, and which are continuing. It points out the problems that would arise if the policy of the United States were changed in this field. It points out the difficulties that would be apparent insofar as the free Asian countries are concerned.

Following that, because we simply did not believe that the National Council of Churches resolution reflected the opinion of the clergy, a poll was conducted by the Reverend Dr. Poling of all American Protestant clergymen in the country.

I am pleased to report to the Senate that this poll reflected that 71.4 percent of clergymen polled were opposed to the admission of Red China to the United Nations or to the diplomatic recognition of Peiping.

The same poll showed that 93.7 percent of American Protestant clergymen were opposed to the expulsion of the Republic of China from the U.N. in order to satisfy Communist Chinese conditions for joining. As most of us will remember, this was part of the conditions that were required by Communist China concerning its entry into the U.N.

Mr. President, at this point, I request unanimous consent that I may insert in the RECORD the letter of May 17, 1966, from the Legislative Yuan of the Republic of China, and also the release to the news media dated August 31, 1966, of the results of the poll by Reverend Poling, who is chaplain of the Interfaith Memorial Chapel of the Four Chaplains and chairman of the board of the Christian Herald magazine.

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

[A letter from the Legislative Yuan, Republic of China, Taipei, Taiwan, China]

MAY 17, 1966.

The Senators, the Senate, U.S. Congress, Washington, D.C., U.S.A.

SIRS: We have read with deep admiration the earnest opinions honestly expressed by a number of witnesses invited to testify at the hearings on China recently held by The Senate Foreign Relations Committee. However, there were also those who, lacking a complete understanding of the historical traditions and social characteristics of China, have misread the true nature and the realities of the Chinese Communist regime and have, as a consequence, advanced certain opinions which are not only incompatible with the realities, but which may also damage the joint efforts on the part of the Republic of China and the United States to preserve the security of Asia and the peace of the world. It is because of the possibility that these hearings may have repercussions which are inimical to the purposes for which the hearings were held that we, in the interest of the traditional friendship between our two countries and our common effort to stem the tide of Communist aggression, venture to address ourselves jointly to you, and to express some of our views.

Some of those who took part in the Senate hearings are of the opinion that there should be a change in the United States China policy. They have variously proposed that, in its relations with the Chinese Communist regime, the United States should adopt a policy of "containment without isolation," "no containment and no isolation," or "waiting for the next generation of Communist rulers to evolve a peaceful policy." Although these proposals are based on different interpretations of the situation, they are all guided by the principle which has grown out of the "Two China" idea, an idea which, in our opinion, is the product of certain misconceptions.

First, those who favor a change in the United States China policy claim that the Peiping regime is in firm control of the Chinese mainland, that the same regime, far from being a passing phenomenon, is likely to develop into a permanent and stable government and that, therefore, the United States should establish diplomatic relations with that regime and admit it to the United Nations.

These views, we submit, were advanced without regard to such incontrovertible facts as the prevalence of resistance movements on the Chinese mainland and the numerous attempts on the part of the people in mainland China to escape to freedom. In their continuing campaign to purge the Chinese mainland of anti-Communist elements, the Chinese Communists instituted four years ago a new persecution campaign euphemistically referred to as a "Socialist education movement." Originally scheduled to be completed within two years, this movement, according to a recent proclamation, will be extended to 1970 so that all anti-Communist elements may be completely eradicated. If it were not for the extensive and formidable opposition to the Communists and if such opposition did not pose a dire threat to the very existence of the Communist regime, what reasons would the said regime have to devote eight long years to the "eradication" of anti-Communist elements?

What is more, the Chinese Communists, seeking to intensify their persecution campaign against the anti-Communist elements, have some six months ago made the intellectuals their chief target of attack. Up to the moment, some 2,000,000 hapless intellectuals have been mercilessly purged. What better proof is there that the Communist regime can only be maintained by force and brutal suppression? What are some of the dangers that are liable to explode in the face of the Chinese Communists? An editorial appearing in the May 4th issue of the Communist Army newspaper "Liberation Daily" admitted that the growth of anti-revolutionary ideas might lead to anti-revolutionary uprisings similar to those which occurred in Hungary in 1956. "Their anti-party, anti-Socialist activities," the editorial stated emphatically, "are deceptive in character. They present a threat that cannot be minimized. Our struggle against these elements is a life or death struggle. This is a problem basic to the intensive development of our Socialist revolution, a problem affecting every aspect of the entire situation. It is a problem which has a vital bearing on the future destiny of our party and our country as well as on the future course of the world revolution."

Secondly, those who favor a change in the United States China policy characterized the bellicose and warlike attitude of the Chinese Communists as an outgrowth of the revival of the spirit of nationalism which in turn is the result of long years of foreign aggression and oppression. Proceeding from that premise, they have come out with the proposal that the United States should give the Chinese Communist regime its sympathetic understanding, that the United States should recognize the status of the Communist regime as a major power or that the United States should respect the aspirations of the Chinese Communist regime to establish in Asia a certain sphere of influence so that it desist from further adventures beyond its borders.

Those who advanced such views appear to have completely overlooked the wars of aggression, the infiltration and subversion activities, the creation of uprisings or the incitement of hostilities undertaken by the Chinese Communists for a period of over ten years in Asia, Africa and Latin America, not to mention the controlling influence exercised by the Chinese Communist regime over the invasion of South Vietnam by the North Vietnamese Communists. The Chinese Communist appetite for aggression cannot be easily satiated. Lin Piao, the Chinese Communist Defense Minister, has made public the Chinese Communist blueprint for world revolution. He made no secret of the Chinese Communist objective to complete the encirclement of North America and Europe, which he termed "the cities of the world," by Asia, Africa and Latin America which, in his view, represent "the rural areas of the world." In fact, short of total surrender by the United States, there is no way to divert the Chinese Communists from their policy of aggression.

Thirdly, citing the "peaceful coexistence" strategy adopted by Khrushchev as a precedent and pinning their hopes on the possibility that the next generation of Chinese Communists might turn their attention to domestic affairs and evolve a peaceful policy in foreign affairs, those who favor a change in the United States China policy have proposed that the United States should adopt a wait-and-see policy, that the United States should take a patient and conciliatory attitude and that every effort should be made to improve its relations with the Chinese Communist regime through a program of cultural exchange and the establishment of trade relations.

This proposal, so far entirely unilateral, is born of an illusion unsupported by cold realities. Without delving into the dissimilarities between Soviet Russia and Communist China which preclude any meaningful comparison, let us see what the Chinese Communists have been up to. They have in recent years speeded up their training program for "revolutionary successors." They have subjected these future leaders to rigid training and rigorous tests so that they may emerge as worthy successors. These candidates for future leadership are even more provincial in their outlook and more ignorant of the outside world than the present leaders. Once placed in a position of power, it is entirely possible that these future leaders may prove even more rabid in embarking on adventures beyond the Chinese borders. Any policy that is not based on a correct appraisal of the actual situation will only give the aggressors more time to develop their nuclear capability. Once the Chinese

Communists have successfully developed a delivery system, the United States will be made their primary target and efforts to avert a nuclear war will then be too late. In saying this, it is not our intention "to cry wolf." The Chinese Communists themselves have made it known to Khrushchev that they were prepared to face the prospect of a nuclear war and that they would then build a Communist world order on the ruins of a nuclear holocaust.

Please be assured that we have no wish to question the motives of those who favor the adoption of a conciliatory attitude towards the Chinese Communists. Our only concern is that these people might be instrumental in influencing the American people into an unrealistic appraisal of the Chinese Communists and thus weakening the moral position of the United States in the preservation of world peace. The serious consequences resulting from a faulty appraisal is something which the representatives of our two peoples would do well to take into account before it is too late.

For a period of over ten years, the majority of the members of the Senate have won our abiding admiration with their wise and farsighted statements based on what is right and just. It is because of our deep concern over the possibility that the Chinese Communists might derive further encouragement in pursuing their policy of aggression from the appeasing statements made by certain individuals in the United States and that, as a consequence, Asia and the free world might be faced with a greater threat that we are moved to present the facts as we see them for your consideration.

Yours sincerely,

HUANG KUO-SHU, NIEH WEN-YA
(And the other 375 signatories).
Members of the Legislative Yuan, Republic of China.

[A press release from the Clergymen's Emergency Committee on China, Aug. 31, 1966]

NATIONWIDE POLL OF PROTESTANT CLERGYMEN INDICATES 71.4 PERCENT OPPOSED TO U.N. ADMISSION OF RED CHINA OR U.S. RECOGNITION OF PEIPING—NATIONAL PROTESTANT CLERGYMEN'S COMMITTEE ON CHINA ORGANIZED

NEW YORK, N.Y., August 31, 1966.—Reverend Daniel A. Poling, Chaplain of the interfaith memorial Chapel of the Four Chaplains and Chairman of the Board of Christian Herald magazine, today announced the results of a nationwide poll which indicated that 71.4% of American Protestant clergymen polled were opposed to the admission of Red China to the U.N. or American diplomatic recognition of Peiping. The same poll showed that 93.7% of American Protestant clergymen were opposed to the ". . . expulsion of the Republic of China from the U.N. in order to satisfy Communist Chinese conditions for joining."

Dr. Polling also announced the formation of the Clergymen's Emergency Committee on China to ". . . provide factual information and material on Red China to American clergymen and, whenever necessary, to articulate the sentiments of the majority on the question of concern."

In his statement announcing the results of the poll, Dr. Poling said: "On February 22, 1966, the General Board of the National Council of Churches, meeting in St. Louis, adopted a resolution calling for the admission of Communist China to the United Nations and the granting of United States diplomatic recognition of the Peiping regime.

"This widely-publicized resolution—and similar statements from some other church bodies—has caused dismay in nations throughout the world who stand in firm opposition against Communist aggression and enslavement and who look to the United States as the leader in this crucial world struggle. Particularly tragic is the effect on the morale of young Americans battling Communism in Vietnam. If their own churches and church leaders favor accommodation with totalitarian, atheistic and predatory Communism, should they give their lives in resisting it?

"In the belief that these resolutions and statements do not represent the American Protestant community—and that the great majority of Protestant clergymen are one with their fellow Americans in opposing any steps which would help strengthen Communist China—I undertook to poll individual American Protestant clergymen on this historic question.

"A master list of Protestant clergymen from every state of the Union was obtained through the Dunhill International List Co. of New York City, and 65% of these were selected at random and mailed a form containing three questions: are you in favor of the admission of Communist China to the United Nations at this time?; are you in favor of the expulsion of the Republic of China from the United Nations in order to satisfy Communist Chinese conditions for joining?; are you in favor of the United States granting diplomatic recognition to Communist China at this time? Nearly 30,000 clergymen mailed their completed forms back to Philadelphia. The services of John Felix Associates in New York were employed to make an independent tabulation of the results.

"The "NO's" were overwhelming. Of those responding: 72.9% were opposed to the admission of Communist China to the United Nations; 25.6% were in favor, the balance did not reply; 93.7% were opposed to meeting the basic Red Chinese condition for joining the United Nations; 2.9% were in favor, the balance did not reply; 71.4% were opposed to diplomatic recognition of the Peiping regime; 25.8% were in favor, the balance did not reply. This great reaffirmation of support of present United States policy toward Communist China was made in spite of the tremendous and continuing campaigns advocating appeasement of Red China which have been leveled at American clergymen.

"The results of this poll should set the record straight. Those church bodies or officials who may take differing point of view have every right to do so. However, it is now clear that they speak only for themselves and not for the Protestant community."

Dr. Poling went on to announce the organization of the Clergymen's Emergency Committee on China by saying: "Well-financed and well-publicized pressures for appeasement of Red China still continue. It is therefore vital that clergymen be kept informed of the true facts—without illusion or wishful thinking—so that the will of the majority will not be overcome by a small minority through default. For this reason, the ad hoc Clergymen's Emergency Committee on China has been formed—to provide factual information and material on Red China to American clergymen and, whenever necessary, to articulate the sentiments of the questions of concern.

"We call on clergymen of all faiths to join with us in this emergency movement. We call on the American people of all faiths to support this movement. We have a transcendent moral and spiritual responsibility: to the young Americans who are daily giving their lives in Vietnam in the struggle for freedom against a ruthless Communist enemy; to the enslaved Chinese people who have no place to look for hope but to us; to the hundreds of millions more who live in Communist darkness throughout the world; and to the basic security and safety of our beloved country."

The Reverend David C. Head has been appointed Executive Secretary of the new Committee which will have its national headquarters at 342 Madison Avenue in New York City. Rev. Head served with the American Baptist Convention and was former pastor of the Grace Baptist Church in Brooklyn, New York. He was Vice President, Public Relations & Development of The King's College, Briarcliff Manor, New York and served as the Director of their National Freedom Education Center.

INACCURACIES BY THE PRESS

Mr. BYRD of West Virginia. Mr. President, the debate which surrounds many of our domestic problems today has often been confused by the repetition of inaccurate statements and the perpetuation of errors.

I wish to draw the attention of Senators to a column which appeared in the Charleston, W. Va., Gazette on September 12, 1966, and which repeats errors originally published by two Washington, D.C., daily newspapers.

Among other things, the column criticizes me for making an "intemperate" and "abusive" visit to the 11th police precinct station. I believe that everyone who was present at the 11th precinct will attest to the fact that my visit there was neither "intemperate" nor "abusive." It was an information-gathering visit and there was absolutely no condemnation of Capt. Owen W. Davis of the 11th precinct.

Nevertheless, the Charleston Gazette apparently did not exert even the slightest effort to determine the accuracy of these statements, did not inquire of me or of anyone on my staff concerning the accuracy of the visit, and probably did not believe it important enough to ask Captain Davis whether the meeting in his precinct was cordial or whether it was unfriendly.

As a result of this general disregard for accuracy, readers of the Charleston Gazette will see only the incorrect report.

Moreover, I would like to point out that this column berates me for urging "law and order" but then proceeds to lecture me on the writer's personal views which, I am forced to note, are not universally accepted by many of our top law enforcement officials throughout the country.

I am told by the columnist that "thousands of people do not riot because a Marxist or a thug tells them it is the thing to do." I believe the author may find this statement challenged by mayors and police of the cities which recently have felt the pain and destruction of the summer riots.

I ask unanimous consent to have the article printed in the RECORD.

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

WASHINGTON WATCH: CAPITAL PAPERS CRITICIZE BYRD

(By Harry W. Ernst)

WASHINGTON.—Senator ROBERT C. BYRD, Democrat, West Virginia, is riding again as plantation overseer for the Southern congressmen who rule the black masses in the nation's capital.

In recent years BYRD's energies have been devoted to chasing the undeserving poor off the relief rolls from his powerful perch as chairman of the Senate subcommittee that

appropriates funds for the District of Columbia.

But, as Negroes began smashing the big city ghettoes which enslave them almost as much as the old plantations, the senator's concern shifted to law enforcement by which he apparently means putting down rebellion with bullets and billy clubs.

BYRD's first field trip to promote law and order, however, resulted in some disorder. It inspired editorial lashings from both the Washington Post and Washington Evening Star, which frequently support BYRD's positions on district affairs.

"His desire to see the nation's capital a city of law and order is one which every responsible citizen supports," the Star editorialized. "That desire was not advanced an iota, however, by the senator's intemperate, abusive visits the other day to the troubled 11th and 14th police precincts.

"Storming into the station houses, he sharply condemned the precinct commanders' judgment in their handling of recent disorders . . . It was a sorry performance. And it was grossly unfair to the men concerned."

The Washington Post commented:

"He (BYRD) is evidently of the opinion that the way to deal with the wretchedness and the grievances and the alienation of Americans who are poor is the way in which King George III and his colonial governors dealt with them 200 years ago . . .

"This is a difficult and delicate time in Washington's civic life. It is a time for display of the greatest possible patience, tolerance, compassion and understanding—and no time for Senator BYRD's brand of harshness and hatred."

BYRD berated one white police captain for calling civic leaders to help stop Negro teenagers from throwing rocks. The captain's strategy worked and a riot was averted. Would the senator really have preferred the police to shoot several Negro youths and perhaps inspire a city-wide riot that would turn the nation's capital into another Watts?

The ghetto Negro today is experiencing somewhat the same frustration that inspired thousands of West Virginia coal miners to take up arms when the coal operators refused to let them join a union before the New Deal made it possible.

Low wages and miserable living conditions inspired the mine wars in West Virginia's past when the rebellious miners would have booted BYRD out of the state if he had dared lecture them on law and order.

Thousands of people don't riot because a Marxist or a thug tells them it's the thing to do. They riot because their lives are miserable and they see no opportunity to change them.

Preaching law and order to people without hope is in effect telling them to accept the status quo and like it—or else they'll get shot or clubbed and sent to prison. Their respect for society and its laws will inevitably rise if they are given opportunities to improve their lives.

But Senator BYRD would even deny them the modest, inadequate tools to stimulate changes that have been proposed by the Johnson administration. He voted against both the demonstration cities bill (aimed at eliminating ghettos) and the rent supplements to help provide decent housing for the poor. And he is seriously considering voting against the antipoverty bill this year.

ADMINISTRATION PLANNED BUDGET CUTS SHOULD NOT HAMPER SCHOOL MILK PROGRAM

Mr. PROXMIRE. Mr. President, Budget Director Schultze indicated yesterday in testimony before the Ways and Means Committee that Federal agencies already have initiated action to reduce their budgets by $1.5 billion, principally by cutting construction project spending. This is, in my estimation, exactly where the administration should start. It is the construction sector of our economy that has been subject to the greatest inflationary pressures. As I have pointed out on this floor more than once, the administration as well as the Congress should move to deflate these pressures by withholding the expenditure of funds for construction activities such as public roads and buildings.

In addition, Mr. President, the good news indicates that the administration is not going to slash essential public welfare programs that are a key to the continued vitality of our health and education efforts. A case in point is the school milk program. By spending Federal funds to encourage children to drink milk we are contributing to the health of the Nation's future leaders at very little cost to the taxpayer. For milk not purchased under the program traditionally has been purchased and stored at Government expense under the price support program. Furthermore, by boosting dairy farm income, the program has helped to restrain in part the heavy exodus of dairy farmers into other, higher-paying, occupations at a time when milk production is falling to dangerously low levels.

Mr. President, although I intend to fight for a reduction of nonessential Federal expenditures I will not do so at the expense of vital public welfare programs, such as the milk program, which give the taxpayer an excellent return on his tax dollar.

RIDDLE OF THE VANISHING INSURANCE COMPANIES

Mr. DODD. Mr. President, I wish to invite the attention of Senators to an informative and well-written article, captioned "Riddle of the Vanishing Insurance Companies," written by Lester Velie, and published in the September edition of the Reader's Digest.

The author used much of the national data developed during the course of the Senate Antitrust and Monopoly Subcommittee investigation of high-risk automobile insurance.

Mr. Velie and the Reader's Digest have rendered a valuable and constructive service to the American people by publishing some of the shocking facts gathered by the subcommittee and by Inspector George Head of the Post Office Department. Mr. Head particularly deserves the gratitude of the American public.

According to my information, some 65 auto insurers writing high-risk business have failed since 1960, mainly because of fraudulent and inept managerial practices, coupled with the apathy of State officials and their failure to act in time when trouble appeared. Hundreds of thousands of unfortunate policyholders and third-party accident victims stand to lose over $100 million due to the fact that not one of the 22 States in which these failures occurred had guarantee funds.

But this problem should not be described merely by reciting loss figures. The financial suffering of the individuals involved best tells the tragic tale. A few of these case histories are tellingly set forth in the article.

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

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

RIDDLE OF THE VANISHING INSURANCE COMPANIES—A SHOCKING ACCOUNT OF HOW FRAUDULENT MANIPULATIONS HAVE BROUGHT GRIEF TO THOUSANDS OF UNSUSPECTING AUTOMOBILE DRIVERS

(By Lester Velie)

Although some 100 insurance companies have died during recent years, at first no foul play was suspected.

All that was known was that their deaths brought sudden disaster to tens of thousands of Americans. Families that had lost a breadwinner in a car crash could collect no damages; neither could thousands of maimed accident victims. Drivers who thought they were insured found after an accident that their policies were worthless; they lost homes, had their wages garnisheed and were plunged into debt for years.

Had autopsies been performed on the dead companies, a suspicious pattern would have emerged. For one thing, the companies usually died about three years after new owners bought them. These owners often were from out of state, and often they had been involved in prior insurance-company failures. The autopsies would have revealed, moreover, that, while the companies went bankrupt, the owners' wives wore diamonds.

But no autopsies were made. State insurance-department watchdogs sniffed nothing rotten. They blamed the deaths on "hard luck" or bad management. Insurance departments even helped reorganize the companies—which then failed all over again. In Missouri, one pair of owners went through four companies in five years.

Owed: $300 Million. Where did they find their victims? In a vast territory known as high-risk auto insurance, peopled by 12 million drivers who are regarded as "substandard" risks by the insurance industry and so are shunned by most of the reputable companies. Among them are drivers with bad records. But included, too, are drivers with good records who are under 25 (many of them soldiers at our military bases), those who drive sports cars or are over 65, or live in Negro or slum neighborhoods.

The racket is still going on—a Senate committee has estimated that some 60 insolvent high-risk auto-insurance companies presently owe some $300 million to more than 200,000 accident victims. But now a most unusual 38-year-old postal inspector named George Head has exposed a loosely interconnected insurance-company Murder, Inc., which operates from coast to coast. Head has sent one insurance-company killer to jail, forced three to flee abroad, and won indictments that charge 30 others with mail fraud. Equally important, he has spelled out the anatomy of insurance-company murder in a "how to" manual and so raised the alarm that today other postal inspectors, FBI agents, Treasury and Justice Department investigators are pressing what he would call "one of the dad-gummest manhunts" in the annals of business crime.

Sophisticated Suspects. George Head, an unlikely sleuth with out-sized glasses and small-town Hoosier habits (he has a way of venting his feelings with expletives like "Dad bust it!"), began the hunt in the summer of 1965, when his chief handed him a list of names, and said, "The U.S. Attorney in

Minneapolis thinks these people are committing a crime. But he doesn't know what the crime is, and the FBI hasn't been able to find out."

Head's preparation for his assignment was sketchy. As a boy, he had aimed at a career as druggist; but he had not gone beyond high school and had settled for the life of a postal clerk, sorting mail and selling stamps. Then in 1964, he had been tapped for the Postal Inspection Training School at Washington, D.C., and had spent eight intensive weeks learning to catch mail crooks—primitive lawbreakers who collect money by mail for nonexistent charities, or advertise coins and other merchandise and then "fail to furnish." Now he was matching wits with the most sophisticated of all suspects, the business manipulator.

At the office of the then U.S. Attorney in Minneapolis, Miles Lord, Head found piled high on a table the financial records of a business empire of 15 intertwined companies—insurance companies and agencies, realty and finance companies, a bank.

These had been put together by Phillip Kitzer, Sr., a onetime Chicago bailbondsman. Kitzer and two sons had brought an ailing insurance company in Minneapolis, had formed a new company—the American Allied Insurance Co.—and were taking in some $5,896,000 in premiums yearly. State insurance-department examiners believed that the Kitzers were insolvent or on the brink, for they stalled claims and took policyholders to court. FBI agents and state officials had been looking for evidence of a crime, but had come up with nothing. If fraud existed, the evidence had to be extracted from that pile of records that hid the movement of premium money from one company to another.

"Look at the Assets." Head sought help from veteran insurance-company accountants, professionals who could read the ordinary insurance company's condition at a glance. None could follow the Kitzer maze. Somewhere, Head figured, there must be someone who could help him—a man who had "done it himself." With help from the insurance industry's own sensitive grapevine, Head found such a man.

"If you steal money from an insurance company," the man told Head, "you steal it by taking out good money—cash or other assets—and hide it by putting in bad or worthless stuff. Take a look at the assets. They can cover a multitude of sins."

Head locked himself in his hotel room and pored over the millions of dollars' worth of assets in American Allied records. Some didn't look right. He called the state examiner who had audited the company's books, "Have you checked these securities?" Head asked. "Don't have to," the examiner replied. "The National Association of Insurance Commissioners has certified them as okay."

But when Head queried brokers in Chicago and New York, he found that the stocks were not listed in any financial manual. The Wall Street "pink sheet," which records over-the-counter transactions, listed two of the stocks as "no bid," meaning worthless. A third stock had an occasional sale at one cent a share. Yet, for them, according to a later report by the Minnesota state attorney general, the Kitzers had taken out $509,500 of insurance-company cash.

But how had the National Association of Insurance Commissioners approved the securities? Apparently the stocks had been traded back and forth on the over-the-counter market, thus raising their prices. These prices, published in the "pink sheet," were accepted by the NAIC experts as the true values of the stocks.

Head obtained a subpoena and soon was talking to Frank G. Buffum, president of Buffum & Co. Head learned that Buffum not only sold but rented stocks. And, as a federal indictment later alleged, the Kitzers didn't own the marked-up securities; they had rented them from Buffum for a few thousand dollars.

If Kitzer and sons didn't own the inflated Buffum stocks, what about the real estate valued on their books at $478,000? Here, too, as the state attorney general was to report later, much of the property wasn't theirs, either. In three months Head had the ammunition with which the U.S. Attorney won a mail-fraud indictment against the Kitzers and 14 others, including Minnesota's state insurance-department commissioner, Cyrus E. Magnusson—a former president of the NAIC. In four years, according to the indictment, the Kitzers and their colleagues had drained about $4 million from their insurance companies.

BENEFITS—ZERO

What happens when such an insurance company goes under?

One who got hurt was a Minneapolis bricklayer who had been supporting eight children on his $140 weekly wages. He is on relief today because he could collect no damages after a car crushed his legs and sent him to the hospital for two months. The driver who hit him had no resources other than his worthless American Allied insurance policy.

Another victim is a St. Paul janitor who can perform only light duties the rest of his life—a driver ran him down and crushed his pelvic girdle. He owes $3000 in hospital bills. His suit against the driver and American Allied has brought him nothing.

From the tangled deals of the Kitzers, Head extracted leads that exposed other operators, including a gang centered in Arkansas and Tennessee. This gang plied one of the cruelest insurance rackets of all, aimed at the unmarried soldier under 25.

The youthful "high-risk soldier" is an especially easy mark for auto-insurance manipulators. To drive a car on or off the post, he must display a sticker indicating that he is covered by insurance. But since insurance companies generally shun his category, this serviceman may sign up with fast-talking agents for dubious or dying companies, or buy insurance by mail.

Not long ago, I visited an agent in North Little Rock, Ark., who said he was selling auto liability insurance by mail "to the military all over the country." He said he sent some 40,000 pieces of promotion mail to military bases monthly, and that these brought back some $360,000 a year in premiums. The mailing pieces bore no names of insurance companies with which he placed his business. The cost seemed reasonable enough, and the soldier-buyer was assured by the mailing piece that he could cancel his policy within 14 days after he paid his first premium.

However, the policy was seldom mailed until the 14-day period had expired. So, when the soldier presented his policy to the camp's insurance officer—and found that it was no good, because the company was not licensed to do business in the state as required by the Defense Department—the soldier could not get his money back.

Even if his policy was accepted by his insurance officer, the soldier's chances of getting protection were dubious. Three insurance companies for which the North Little Rock agent had written policies in the past had gone bankrupt. The company for which he was writing insurance *now*, he told me, was located in the Bahamas. And it, I learned, was owned by insurance manipulators whom George Head had already indicted for fraud!

Prosecution Is Not Enough. George Head's sleuthing has to date exposed 13 insurance-company assassinations. But the case of the insurance-company killers is far from closed. As this is written, some 30 fringe operators are continuing to handle other people's money, because the postal inspectors, Justice Department prosecutors and state insurance departments have not yet got around to them.

I asked the Arkansas Insurance Department's counsel, Glyn Sawyer, what the department was doing about William Brickey, Sr., who had been caught inflating the financial statements of two insurance companies with rented stocks, and who was still operating the Republic Casualty Co. in Little Rock.

"We've ordered him to stop selling insurance to soldiers outside of Arkansas," Sawyer said, "and to put more cash into his company."

In mid-July, the department ordered an examination to see if Brickey's company was solvent. Meanwhile, he was continuing to collect premiums. Last year these amounted to over a million dollars.

What can be done to protect against frauds in the business? Obviously, prosecution alone is not enough. Tighter state regulation is needed. Illinois, California and Missouri have recently empowered their insurance commissioners to check the character of new owners or organizers of insurance companies and to bar dubious ones. New York State has had such a law since 1909. Many states are demanding that organizers of new casualty-insurance companies put up substantially more capital than in the past. Iowa, for example, requires at least $500,000 in approved securities. New York requires $1,200,000.

How, if you're rated a "substandard" driver, can you defend yourself against insurance fraud? The surest way is to buy insurance from a reputable broker. If you want to check on the company with which he proposes insuring, ask your state insurance department about it. Or go to the public library and look it up in *Best's Guide*, which describes and rates every insurance company in the country.

If you're insured by a reputable company, how can you protect yourself against the driver who bought insurance from a fringe company? With your regular auto insurance, you can buy additional protection at nominal cost—from $1 to $8—against the uninsured driver.

ADDRESS BY UNDER SECRETARY OF AGRICULTURE SCHNITTKER TO AMERICAN FARM ECONOMICS ASSOCIATION

Mr. TALMADGE. Mr. President, Under Secretary of Agriculture John A. Schnittker recently gave a very fine address to the American Farm Economics Association at the University of Maryland. His remarks were what I thought to be both timely and informative on the direction of the U.S. farm policy in today's world.

I commend the speech to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

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

FARM POLICY—TODAY'S DIRECTION

(Summary of remarks by Under Secretary of Agriculture John A. Schnittker to the American Farm Economics Association, University of Maryland, College Park, Md., August 22, 1966)

More than 100 years ago, Oliver Wendell Holmes wrote:

"I find the great thing in this world is not so much where we stand,
As in what direction we are moving . . .

We must sail sometimes with the wind and sometimes against it,—
But we must sail, and not drift, nor lie at anchor."

Those words from the *Autocrat of the Breakfast Table* describe my approach to farm policy better than any words of my own.

In following Holmes' advice, we must, of course, move in the right direction. We must avoid stalemate and be on the move, for the world is going faster today than a century ago, or even a decade ago.

Farm and food affairs may be moving as swiftly and as ominously as national security and foreign affairs sometimes move. Farm and food policies are no less complicated than these other fields. They may be just as critical to the future of the world.

We have a choice in facing the future of farm policy. We can let events pass us by and adapt ourselves and our policies as best we can to whatever has happened. That is one of the ways of the past in farm commodity policy—especially in the years prior to the 1930's and again in the 1950's. The other choice is to help shape the world of tomorrow by positive actions which anticipate events. That is the course this Administration has chosen.

In discussing "Farm Policy—Today's Direction" I will not describe in any detail the commodity price support and production control programs enacted since 1960. Nor will I catalog the successes we have had, the false starts, or the compromises made. These have been recorded in the press and archives. They can be savored or sorrowed over at leisure.

I speak of farm policy today as primarily U.S. government efforts and actions with regard to the major commodities, recognizing that food distribution, research, conservation, marketing and lending programs are also an integral part of the farm policy. They were, in fact, once the entire farm policy and are no less important today. They do get less attention, however, because of public preoccupation with prices, costs, and more recently, adequate supplies.

No one should judge that the many approaches to farm programs these past five years represent any lack of purpose, or that changes in farm policy tactics since 1960 represent any lack of direction.

The determination of Secretary Freeman to make the farm policy a national asset, to end the surplus era, to improve farmer incomes, to use food constructively at home, and to help meet the rising tide of expectations abroad, made it imperative on many occasions to go back to the Congress and to the people with a new approach the day after another approach had run its course or fallen short of expectations. To have done less would perhaps have looked better. It might have saved face for a few months or a few years. It would not have gotten the required results.

The willingness of an increasingly urban Congress to consider and to enact constructive farm legislation year after year on short timetables and against organized opposition reflects also a determination not to drift from crisis to crisis, but instead to shape the future.

Farmers too were exceedingly patient, considering the fact that changes in programs were often enacted after the crop was planted.

To repeat, the Kennedy-Johnson-Freeman farm policy has had consistent objectives. It has made use of a variety of methods to meet a variety of problems. Five consecutive years of reductions in surpluses, a sharp improvement in farmer incomes, and a record rate of trade expansion attest to the wisdom of these actions.

I have said on previous occasions that impasse was the central fact of U.S. farm policy in the 1950's. The advocates of high rigid supports were dug in on one line, and the partisans of the low flexible supports on the other. Neither could win a major victory. Neither found a way to achieve general and constructive compromises although there was, of course, some constructive legislation.

As the impasse hardened, the surpluses grew, fueled by the research and education of a generation earlier and the prosperity of the war years just past. Programs enacted in 1938 and changed but little by the 1950's became increasingly unable to cope with the new revolution in production. By 1960 the grain and dairy product surpluses approached a national crisis:

This Administration was determined to avoid such an impasse.

Out of the stalemate came today's farm policy.

1. It is geared to commercial agriculture—to farmers who depend on farming for most of their incomes, and who have enough resources to earn a good living farming. It also helps small farmers, but being geared to bushels and acres and products, it can't help them enough.

2. It is market-oriented policy, consciously designed to reduce the role of the Commodity Credit Corporation in market operations.

3. It contributes to achievement of the broader objectives of economic policy.

4. It is adapted to the growing importance and the exploding opportunities in commercial world trade in U.S. farm products.

5. It is an integral part of our food assistance programs.

6. It is a potential major force in world affairs in the next decade.

1. A POLICY FOR COMMERCIAL AGRICULTURE

Commodity price support and production control programs have long helped the larger commercial farmers far more than small farmers. But they were often justified as "for the small farmer."

Today's programs have been designed specifically to provide price and income protection primarily to farmers on adequate-sized farms. They also help small farmers, but it is now clearly understood and widely accepted that most small farmers in the U.S. cannot attain good incomes and living standards from farming alone. Many will expand to larger farms, but most will not.

The central objective of farm policy is to foster conditions under which those farmers who operate a more or less full-time farm business can earn as much in farming as they could earn in similar employment or from similar investments. We call it parity income for adequate-sized family farms.

This is a relatively simple idea, but a series of complicated measurement problems arise in defining "parity income." The Department of Agriculture is preparing a report for the Congress on alternative parity income formulas, and on the income position of American farmers in relation to this standard. Many farm economists have their own formula, and we have half a dozen or more under study in the Department of Agriculture.

No parity income formula will be exactly right for Congressmen, statisticians, economists, or the Secretary of Agriculture. Most of us can agree, however, that parity of income-earning-opportunity is a useful idea and a reasonable objective. It is an idea that has been around a long time. By several standards I consider reasonable, parity income is an objective which can shortly be achieved.

By one USDA measure published several years ago, nearly half the one million farms with sales greater than $10,000 averaged incomes above the standard in 1965. This year, that number will increase rather sharply as overall net farm income increases. The farms in the size group averaging parity returns marketed 65 percent of all farm products.

How to measure parity income is important. But it is most important to keep farm policy headed in the direction of those farmers who market most of the agricultural products. Farming today is a business as well as a way of life. Farm policy needs to be primarily commercial farm policy. Price support levels, production incentives, and income objectives must be geared to this central fact.

This in no way diminishes the importance of public and private efforts to speed rural development and reduce rural poverty. Other programs—some administered by the Department of Agriculture but primarily programs which are the responsibility of other Departments—must provide the jobs, the education, and the opportunities so essential to better lives for those persons in rural America not on adequate-sized farms. Farm policy can help but it cannot do the job for those people.

2. A MARKET-ORIENTED FARM POLICY

History will record that it was commodity surpluses and inflexible programs—not bureaucratic bungling—which expanded the role of CCC in commodity pricing in the 1950's and materially reduced the role of farm markets as a result.

Today it is the absence of stored surpluses, and a degree of program flexibility seldom enjoyed before that make it possible to adapt Agriculture's administrative actions to swiftly changing circumstances. These have done much to re-establish the market place as the primary factor in farm pricing.

From 1953 to 1960, CCC acquired 8 to 16 percent of the corn crop each year. Prices were usually at or below support levels. In 1963 through 1965, CCC acquired an average of 1 percent of the corn crop. Prices were nearly always above support levels.

From 1953 to 1960, CCC acquired from year to year an average 27 percent of the wheat crop. Prices were usually below supports. In the years 1963–65, this figure fell to 4 percent. Prices were generally above supports.

For cotton, tobacco, rice, peanuts, and milk, as much as for the grains, we are determined that CCC acquisitions be no larger than the amount needed to provide strong prices to farmers, and to meet certain food distribution requirements at home and abroad.

The year just ahead will provide a test of our ability to maintain prices in the market place well above price support levels—in a period when we expect to add wheat to stocks to shore up our carryover position. Some say it can't be done; we expect to do it just the same.

Payments to farmers have become an integral part of the market-oriented farm policy. Whether they are made from public funds or as wheat certificates, payments make it possible to separate the functions of income support from price support—an objective high on the list of most economists. They have also served a very practical function as the instrument of production adjustment these past five years.

3. A FARM POLICY IN THE NATIONAL INTEREST

Full employment, higher and widely distributed real incomes, relatively stable prices, and expanded trade are central economic objectives of this Administration. Indeed, they have been key national objectives pursued by each Administration since 1946. Emphasis and determination have varied, but the Employment Act itself has not been a major issue.

It came to be widely held by economists in the 1950's that the farm policy had not kept pace with advances in national economic policy. Certainly, there was no striking innovation in postwar farm policy to match the Employment Act of 1946. Nor was the need

for farm policy reform so great in the postwar era as the need for full employment policy, since pent-up postwar demand kept the farm economy humming without help from farm policy until 1953.

By the late 1950's however, the public view and the economists' views had merged. Both looked upon the farm policy and the farm programs as archaic. Clearly, stagnating farm income and growing surpluses ran counter to national objectives.

Since 1960 broad recognition of the fact that there are at least two distinct agricultures in the U.S. has made it possible to direct farm policy discussion and design to the problems of commercial farmers.

Since 1960 recognition that the prospects for better lives and higher incomes of many small farmers, lie outside conventional farm policy, has finally required serious attention to the needs of rural America for jobs, housing, education, training, and health programs.

Since 1960 gearing the farm policy to trade expansion has contributed measurably to the ability of the United States to continue extensive security and development programs abroad.

There are still some who talk and write of the need for a major overhaul of the farm policy. We are occasionally advised to look to Europe for constructive proposals for linking U.S. policy with world food needs or reconciling farm policy with over-all national goals.

I would never argue that today's farm policy is perfect. I will argue that it is progressive. I urge critics to study it as it is—not as it was.

4. A TRADE-ORIENTED FARM POLICY

A decade ago, U.S. farm policy was increasingly out of touch with the growing importance of U.S. agricultural exports. World prices for farm commodities declined in the 1950's in the wake of war, but U.S. prices continued at or near World War II levels.

Wheat, rice, cotton, feed grains, and tobacco could be exported only because export payments were used to offset lower world prices, and by direct government sales of CCC stocks at competitive prices. Lack of authority in some instances, and lack of attention to the need for change in others, often left our products at non-competitive prices for several years.

One of the key purposes behind the design of the wheat and feed grain programs first enacted in 1962 and the cotton program enacted in 1965 was to support prices of U.S. farm products at or near competitive world levels, so that we could compete in world markets with minimum resort to export subsidies.

These ends have now been achieved for the products which make up half the value of all our agricultural exports. Nearly all of our exports which lately required large export payments now move virtually without such payments. No fundamental improvement in our national trade policy stance has been carried out with so little notice or has had so much impact. It is not only of great importance to trade expansion; it is central to our stance in present trade negotiations.

Tobacco and rice programs have not yet been amended in the same fashion, although a number of trial runs have been made in rice. The need to get to a more market- and export-oriented program is as great for these crops as it was for wheat and cotton.

Best of all, the present policy reduces the extent of CCC administered export pricing, although it does not eliminate the need for some CCC actions to assure competition in world markets when our prices are bid above world levels by factors unique to the domestic market.

In the year ahead, U.S. corn will be exported without any export payments; sorghum grain with little or no export subsidy; wheat continues for the moment to require export payments averaging 20–25 cents per bushel—far below former levels. U.S. cotton will compete directly in world markets in the year ahead without export payments.

5. FARM POLICY AND FOOD ASSISTANCE

Our foreign food assistance programs were founded on world needs in the wake of World War II. They assumed a new identity under a new law in 1954. For 12 years they have operated under the banner of surplus disposal. During the first six years of P.L. 480—until 1961—surplus disposal and surplus accumulation went hand in hand.

Five years of laborious surplus removal—net drawdown of our commodity stocks—began in 1961. Today the real surpluses of grain, milk, vegetable oil, and rice, which made up for many years a first line of defense against shortage at home and hunger abroad, are gone.

During the coming 12 months we will use a part of our wheat reserve, as stocks are reduced to around 400 million bushels by next June 30. Feed grain stocks—expected to be 47 million tons on October 1 this year—will be reduced during the year ahead to well below anticipated reserve needs of around 45 million tons.

The past five years have also been a time of soul-searching about the legitimate long-term role of food in foreign assistance. The Food for Freedom bill now before the Congress is a partial response to this effort.

There are in the bill two major changes from today's food aid program:

*Food aid will no longer be limited to surpluses, but will be made up of commodities determined to be of maximum use in meeting program objectives, and produced for food aid.

*Food aid will to the extent possible (and in words from the President's Message to Congress) ". . . take into account efforts of friendly countries to help themselves toward a greater degree of self-reliance . . ."

Recent studies by USDA and FAO have documented the growing world food gap. With our surpluses used up, we are this year, beginning to tap our reserves—the ready reserve of stored grain stocks, and the inactive reserve of unused cropland.

At least half the land diverted from crops this year can probably be brought into production in 1967—partly to replenish our reserves and partly to meet current needs.

Abandoning the surplus requirement in P.L. 480 will not bring dramatic changes in the commodity composition of our food aid program. Commodities now important in food aid happen to be those which we produce rather efficiently. But the new concept will allow the mix of commodities to be changed if conditions require it.

Some have speculated that the U.S. is not serious about using the self-help principle as a guide to eligibility for food aid. Actually, neither we nor the world have a choice in the matter for the longer run.

There are three benchmarks by which to judge the adequacy of agricultural performance—that is, the rate of growth in farm production—in the developing countries: (1) the rate required to match population growth, (2) the rate required to meet minimum nutritional needs within the foreseeable future, and (3) the rate required to meet the economic growth targets while maintaining stable food prices. At present few of the developing countries are doing well by any of these criteria.

The proposed legislation also includes a shift from local currency sales to long-term dollar credit sales. Accumulation of vast quantities of local currencies deposited to the account of the U.S. Government in several of the principal food aid recipient countries has created some monetary and fiscal problems. Credit terms for the proposed dollar sales (replacing foreign currency sales) will be similar to development loan terms, with a grace period of up to 10 years and 40 years for repayment at low interest rates. Farm products would be available under the same terms as industrial products.

We are beginning the most complex farm policy period in our history as a result of the link now being forged between domestic farm policy and food assistance programs. Today's decisions by U.S. farmers and program administrators must be geared to domestic and export markets and to food aid needs as far as 30 months ahead. It is sobering to reflect upon the recent drought in India, or the dramatic transformation of the USSR from a grain exporter to a consistent grain importer with purchases now contracted three years ahead.

6. FARM POLICY IN WORLD AFFAIRS

The marginal but potentially crucial importance of U.S. agriculture as the source of food for commercial and concessional markets abroad brings us to a sixth feature of today's farm policy—its link to broader international policy.

It is not a new thing for food to play a leading role in world affairs.

Socrates is reported to have questioned an aspiring young statesman on the strength of the army, the budget of the city, and the number of houses in Athens. Having no success, he finally asked how much wheat would be required to feed the people of Athens for a year, and the young man was silent. Socrates ended the interview with the remark that "nobody was qualified to become a statesman who was entirely ignorant of the problems of wheat."

More recently Bertold Brecht wrote in *Three Penny Opera:*

"Now all you gentlemen who wish to lead us,
To teach us to resist from mortal sin,
Your prior obligation is to feed us,
When we've had our lunch, your preaching can begin."

Somewhere today someone is drafting a similar verse—perhaps a sonnet on scarcity.

Everywhere today farm policy decisions by this country are being closely watched and widely reported. Our crop reports are scanned as eagerly in Delhi as in Des Moines.

With Canada and Australia we stand as the major source of grain imports for the world. We are the only nation with a large supply of both grain and developed but unused land.

The Soviet Union and China have turned to Canada and Australia to fill the embarrassing grain gap which repeated 5-year plans, crash fertilizer programs, and one Great Leap Forward have left unfilled.

The Soviet Union, with vast agricultural resources relative to her population, has imported as much wheat in the past three years as India.

Communist China is using nearly 40 percent of all her foreign exchange earnings to import food and fertilizer. China's annual population growth of 15 million persons means it must find food for "another Australia" each year, good weather or bad.

Latin America's per capita calorie supply slips backward slowly but relentlessly. Ominously, sheer numbers seem to thrive best where agricultural production stagnates.

In such a world, food and the means to produce it have become important instruments of foreign policy. As good as dollars for aid if carefully used; more powerful than arms if strategically planned—America's food must be used not simply to meet the margin between subsistence and famine, but as the powerful force it can be for food production and rural development abroad.

DEMOCRATIC PROCESSES SUCCESSFUL IN FIRST VITAL TRIAL IN SOUTH VIETNAM—PEOPLE DESERVE CREDIT FOR THEIR COMMITMENT TO CITIZENSHIP THROUGH USE OF THE BALLOT—OUR OWN NATION HAD ITS EMERGING TRIALS AND TRIBULATIONS

Mr. RANDOLPH. Mr. President, many of my colleagues have spoken of the heartening news of the apparent success of the recent elections in South Vietnam. I, too, am impressed and optimistic at the size of the voter turnout in the face of terrorist activities and real and threatened violence.

Although the healthy, and—according to news releases—clean elections do not necessarily mean that this Asian nation is now finally on firm internal footing, it is an indication that the help we have been giving, in men, arms, material goods, and lives, has not been given in vain.

Among the editorials I have read, the commentary appearing in the Tuesday, September 13, issue of the New York Daily News sums up in cogent terms the results of these elections and their meaning for the people of South Vietnam and our own country.

Mr. President, I have been among the supporters of the administration in its efforts to assist the Vietnamese toward a stable, self-sufficient and democratically oriented government. The path which the past three Presidents have chosen is a difficult one for them, and for us. But many of our paths have been difficult, since our inception born of the most difficult step of all—rebellion against our own "motherland," England, which began in earnest with the Battle of Lexington-Concord on April 19, 1775.

The editorial to which I refer draws some parallels between voting in South Vietnam and in our Republic. But I think other parallels can be drawn—and those have to do with our Revolution, and our emerging as a democratic constitutional republic.

I have mentioned that our Revolution began in 1775. It continued, Mr. President, for 8 years—ending in 1783. Then, as we all know, there was still work to be done by our forefathers in building the kind of government which we have today, and through which we have become a great nation. The Founding Fathers met to draft our Constitution, first on May 25, 1787. But it took many months before their work was done, and still longer for ratification by the several States. It was 3 years later, May 29, 1790, before Rhode Island ratified the Constitution of our Republic, thereby giving it full and binding force, on all of us.

In the months and years ahead, while the South Vietnamese delegates struggle with the momentous task of framing their own governmental system, Mr. President, let all of us remember our origins. Let us not expect of them any more, or less, than is written of us in our own history. Let us wish them wisdom in their counsels, calmness in their deliberations—and let us remain with them for whatever time it takes, rather than giving them just so much time, and no more, in which to perform their tasks.

For there is no greater task, Mr. President, no more serious responsibility, than that of framing the principles by which a people shall be governed. Our contribution to the people of South Vietnam now must be patience, understanding, and continued support.

Mr. President, I ask unanimous consent that the editorial in the New York Daily News be printed at this point in the body of the RECORD.

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

A SMASH VIET VOTE VICTORY

Sunday's election in South Viet Nam were an overwhelming victory for the government headed by Premier Nguyen Cao Ky, and a humiliating defeat for Communism as represented variously by the Viet Cong, North Viet Namese Boss Ho Chi Minh, Red China, and Red Russia.

The Viet Cong tried every kind of terrorist tactics from murder on down to scare voters away from the polls.

Premier Ky would have considered a 60% voter turnout a victory. Instead, about 80% of those eligible to vote went to the polls and cast ballots—though some of these may have been blanks.

It's sensational—especially when you recall that in our 1964 Presidential election only 62% of our total voting-age population saw fit to vote.

The Sunday South Viet Nam elections produced a 117-member Assembly which is to write a constitution for the strategic Southeast Asian nation. Premier Ky calls the event "the beginning of the end for the Communists."

That may be over-optimistic. But the victory at least indicates, we think, that it is time to junk any notion that the Viet Cong are 10 feet tall or that their terrorist hold on large parts of South Viet Nam is unbreakable.

It is time, too, we believe, to get on with winning the war as soon as may be, ignoring the home-front Vietniks and all foreign kibitzers in the process.

The South Viet Nam elections strongly indicate that the great majority of South Viet Namese want Communism rooted out of their country. Let's help them, to the best of our ability.

PRIZE-WINNING ESSAY BY VICTORIA ASARE, OF GHANA

Mr. INOUYE. Mr. President, school children in Ghana were recently offered a prize for the best essay on "Democracy: What It Means To Me" in a contest sponsored by the U.S. Information Agency and the Ghanaian Ministry of Education.

The winner, out of 4,500 entries, was Miss Victoria Asare, 19. Her essay was published in the September 10 issue of the Christian Science Monitor.

Since this essay gives each of us an opportunity to see how one young African views democracy, I ask unanimous consent that the essay be printed in the RECORD.

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

[From the Christian Science Monitor Sept. 10, 1966]

DEMOCRACY AS SEEN BY A GIRL IN GHANA

(By Victoria Asare)

Democracy is such a wide and diversified concept that to my mind it defies definition. However, although it may seem impossible to capture its essence in one neat phrase, one can say that democracy rests on a trinity of permanent values; liberty, fraternity, equality.

The latter two fall easily into line but how can one and the same system incorporate liberty and equality since liberty of its very nature would seem to demand diversity?

Edward Lindeman puts it like this: "Where conformity is imposed as an external discipline, liberty is by definition excluded."

But to my mind it is this very tension between liberty and equality that gives democracy its vital force. It leaves room for a fruitful clash of ideas resulting in new developments. Edmund Burke, believing that liberty was "the dearest of the democratic graces" more or less ignored the idea of equality.

On the other hand, Rousseau held that since men were by nature unequal, it was the work of society to make them equal.

What exactly he meant by making them equal I am not sure, but, it seems to me that under a democratic regime all should have equal opportunities to develop whatever talent they may possess since all are equally worthy of respect on account of their dignity as human beings.

All through the ages men have been searching for a way—a system of living that would set them free, help them to live in harmony with their inner selves and with other men.

Plato, Rousseau, Lincoln, Aggrey are just a few of the apostles of democracy. With each of them the ideal became more and more fully realized till today there is hardly a corner of the world which is not in love with freedom.

Africa is no exception, nor is Ghana. The very fact that "Animal Farm" was once confiscated in our schools shows that the youth were wide awake but applying the moral too closely to home!

BATTLE CRY TWISTED

The trouble about democracy is that it is something which has to mature over a long period, otherwise it loses its roots and withers. No one will deny that the battle cry of the French revolutionaries was "liberty, fraternity, equality," yet in their fanatic pursuit of their ideals their cry was turned into "licence, fratricide, inequality."

The quest for liberty, fraternity, equality must be a patient one and the leader of a democratic government must be prepared for many false starts and disappointments.

"Instability, tension, and immaturity are inevitable when people are just beginning to face collectively and individually, a wide range of new situations and problems" (Adrian Hastings in his article "The Second Revolution"—New Blackfriars, March, 1966).

And to try to make everyone follow "the party line" just because one thinks it the best for them is to invite disaster as we have already seen here in Ghana. There must be a democratic approach. A leader must be willing to see his plans only partially realized.

There must be give and take and it is here that Africans have an advantage over more developed countries. Living close to the soil and living with its slow, peaceful rhythm, most Africans can wait patiently for growth.

The large and extended family system, too, gives every opportunity for give and take.

It is futile to argue that a newly independent country "cannot afford" to be democratic. A one-party system may seem to be the inevitable choice for a developing country which has to build up its economy, give an illiterate population much guidance, and do in 10 years what other nations have taken hundreds of years to do.

This may seem on the face of it very wise indeed, but recent events in our country have shown it to be a short-sighted policy. The 80 percent illiterate population soon tired of the forced "guidance." They were not willing to be led by the nose forever.

FAMILY FRAMEWORK

This goes to show that people who thought that democracy was not practicable in a country like Ghana were all wrong. They seemed to imply that we ought not to try out democracy until we had become wise and good under dictatorship. What folly! Any man who resolves never to get into the water until he has learned to swim will indeed wait forever and never learn.

We could do worse than base our teaching of democracy on a framework which we know already—the family. If I mention family, it includes not only my father, mother, brothers and sisters, but the extended family or group of relatives living in single or in neighboring communities. We are under the leadership of the elder men of the family, one of whom is popularly acknowledged as the head.

I remember once there arose the problem of sending to a secondary school one of the girls whose parents were dead. All the relatives met together and discussed how they were going to do this. It was finally decided that three of the uncles who were fairly well-off should contribute a certain amount of money each month.

Though the head died, this system continued to operate because once they had given their opinion and come to a satisfactory agreement they considered that out of loyalty to the family and respect for the head their promises must be kept.

This being the normal family's way of dealing with problems, it should not be hard to get people to understand democracy on a larger scale.

Besides, they are already familiar with democratic government, though not consciously so. I am referring to chieftaincy which holds in embryo almost all the essential features of democracy.

TENURE WITH STRINGS

A chief is made eligible for office by his birth into the royal family, but his ultimate selection to community headship depends upon the clear recognition of his acquired abilities to lead, by three powerful groups: first, by the members of his own family, then by the council representatives of all the other families in the community, and finally and most democratically, by the individual members of all the families who register approval or disapproval through their own representatives.

His tenure, like that of the family head, depends upon his behavior. If he fails to please, out he goes, to be replaced by another member of the royal family who can gain the necessary approval. In this way autocracy is prevented.

Nowadays, we find that the claims of the native chiefs are often unduly overlooked when native questions are being dealt with. The chief was formerly a man of very great importance. But his present position is anomalous. Both his rights and duties are ill-defined, and, as a natural consequence, he has lost a great deal of self-respect.

I think that it is the duty of any democratic government to endeavor to restore the native chief to his former position of trust in the community. He must be given real power, definite responsibilities, and definite rights and duties.

If this is done I feel sure we will be developing along lines of natural evolution instead of substituting for our own laws and customs, a system that we think is better just because it happens to be in force in Great Britain or Russia.

Improvement on, and not mere imitation of the views of the Western democratic credo, whether in morals, manners, and customs, or in dress, art, or industry is the trade keynote of civilization throughout the world.

If democracy is to have the proper environment in which to develop there must be a stable economy and more and varied educational opportunities.

"In general the economy is not developing comparably with education and there is a real danger that higher education—especially if it is incomplete will come to put people out of a job, rather than into one.

"This is especially true as so little of the educational effort is directed toward a trade or craft. It is academic, geared to professional work or to the white-collar jobs of an advanced industrial society, but that society hardly exists yet in Africa" (Adrian Hastings). Therefore, there is need for more emphasis on technical training so that there will be skilled workers to fill the jobs made available by an expanding economy.

But preparing people to fill posts is only a minor part of education. Democracy is not just a form of government, it is an attitude of mind and in educating people for it there are many factors to be considered. I shall deal with only two extremes.

First, there are those whose ideas of freedom have been so blunted that they may have to be shaken out of a servile frame of mind. To such people it must be pointed out that they have a right to speak their mind, to fight against injustice, to vote for whomsoever they please and in secrecy.

They have a right to education, a just wage, free time, consultation with their employers and so on.

A LESSON IN LIMITS

Then there are the others, a greater number I think, whose ideas on freedom need to be corrected. They are the people who criticize everything destructively but who fail to realize that they are not exercising liberty here, but taking liberties, which is entirely different (Adrian Hastings).

Among those who offend against liberty are many of us young students. Since democracy is a way of walking and not of talking, we must have opportunities to live it in school. There is already the prefectorial system which teaches that positions of honour and trust bring their own responsibilities and duties.

But not all young people appreciate that the responsibilities are at least as important as the privileges, if not more so. Let me illustrate this point.

In a certain boy's school the students were continually clamoring for more democratic treatment. They felt they should be consulted and have a say on the drawing up of the menu for meals.

The headmaster eventually decided to teach them a lesson. He allowed the students' food committee to take over completely the ordering of provisions. They were to be entirely responsible for handing out the food to the cooks and hardest of all for keeping within a fixed budget. The experiment failed.

After a week the boys tired of the extra work involved, and, worse still, half the school was reporting at the dispensary with stomach-aches!

But the committee had learned at least this: That democracy is not all shouting for rights.

Freedom has limits and we should all respect each other's. What makes a society is a common aim; and to have a solid, lasting society there should be rules and some basic moral standards. What should be learned is that we are what we are today because of our neighbors, their personalities, and the influence of all those we have ever met.

Therefore, we should respect the ideas of other people and accept and bear our own mistakes if we are in the wrong, for we are all fallible.

EDUCATED MINORITY

People who have recognized their freedom, its limits, and their fallibility form a free state. A man of a free state is bold enough to stand by the light given him. This means he is able to bear witness to the right and wrong he sees. He need not close windows and doors in order to talk about the government, religion, or a frivolous book on politics found in the library.

This does not mean that he may always criticize the government if it intervenes in certain of his affairs. There is no use in its giving me a full scholarship while I sit down at my desk enjoying the breeze. The head of my school, acting in the government's interests, has a right to withdraw that scholarship.

To conclude, we know that only love, goodwill, friendship, and spiritual togetherness can secure the well-being, prosperity, and progression of our nation.

Above all, I feel strongly that as far as we Ghanaians are concerned, we shall be depending for a long time to come on an educated minority. Let them be truly educated then. Let them put away all thought of personal gain and advancement and be men of sympathy, imagination, and above all men of patience.

For "all this will not be finished in the first 100 days. Nor will be finished in the first 1,000 days . . . nor even perhaps in our lifetime on this planet. But let us begin" (President Kennedy in his first inaugural address).

HISTORY DIDN'T REPEAT—FAILURE OF AGGRESSION IN SOUTH VIETNAM

Mr. BAYH. Mr. President, some people do not seem to learn that it is impossible to stop aggressors by giving them what they seek at the moment.

This unfortunate, potentially tragic, failure to recognize the aggressor's nature is the theme of a forceful editorial in the Indianapolis Star.

Because the message implicit in the editorial is well worth serious deliberation, I intend to ask that it be printed in the RECORD in full at the close of my remarks.

It is my understanding that the editorial, entitled "History Didn't Repeat," states the policy not only of the Indianapolis Star but of the other newspapers published by Mr. Eugene C. Pulliam in Indiana and Arizona.

Quite obviously, it supports the view of President Johnson and strongly endorses our stand against Communist aggression in Vietnam.

The President has declared again and again that we do not seek any territory or any special rights in Vietnam. Likewise, he has made it very clear that we are fighting the cause of liberty for the South Vietnamese and, in consequence, for all men.

The President has warned the Communists that we will not quit and that

we will stay until peace is achieved at the conference table or until the aggression is halted.

The editorial to which I previously referred goes back 30 years to reinforce its case. Certain events of that period are written on history's darker pages.

In 1936 France decided not to challenge Hitler's remilitarization of the Rhineland. By the time it became apparent that he would never stop, Hitler had marshaled a mighty army, a fleet of marauding U-boats, and a powerful air force.

Hitler stacked up his dominoes, as the Indianapolis newspaper recalled. They consisted of Austria, the Sudetenland, then all of Czechoslovakia, and ultimately Poland, the Netherlands, Norway, the Baltic States, the Balkans, France, and North Africa.

Parenthetically, it should also be pointed out that during those years Mussolini's Italy subjugated Ethiopia, and Japan penetrated farther and farther into Manchuria.

With the rest of the world, many Americans also looked upon these invasions with the illusory hope that the aggressors would soon be satisfied.

But now we choose to resist. The history of three decades ago is not repeating. We are determined to stem the Communist tide before it overruns all of southeast Asia. Responsible Americans realize that giving in to aggressors cannot stop them. That, we are reminded in this perceptive editorial, is why we are fighting in Vietnam.

Mr. President, I ask unanimous consent that the entire editorial be printed in the RECORD.

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

[From the Indianapolis (Ind.) Star, Aug. 14, 1966]

HISTORY DIDN'T REPEAT

France in 1936 chose not to fight Adolf Hitler when he remilitarized the Rhineland. Most French leaders thought he would stop there.

By the time they realized he would never stop—that it would take superior force to stop him—he had all of the trump cards, a lightning war land army, a fleet of U-boats and a powerful air force.

The United States today chooses to fight Asian Communism as it applies armed force to seize South Viet Nam. We aim to stop the Red tide before it overruns all Southeast Asia.

The peaceniks today do not consider Viet Nam to be the Rhineland of our generation. The appeasers of the 1930s did not consider the Rhineland of 1936 to be a crucial issue for their generation. They scoffed at the "domino theory" of Winston Churchill and other tough-minded, realistic men.

Hitler began stacking up his dominoes—Austria, the Sudetenland sections of Czechoslovakia, finally all of Czechoslovakia, ultimately Poland, the Netherlands, Norway, the Baltic states, the Balkans, France, North Africa.

The chief peace advocate of that tragic era was Prime Minister Neville Chamberlain, who after pleading with Hitler at Munich not to start a war, and offering Czechoslovakia as appeasement, flew back to England and announced to the world it was assured of "peace in our time."

Responsible American leaders realize today that you cannot stop aggressors by giving in to them. That is why we are fighting in Viet Nam.

But the peaceniks go on believing, as Neville Chamberlain believed, that you can stop aggressors by giving them what they seek at the moment. Some people never learn.

EXCLUSION OF PIECE RATE FARMWORKERS FROM WAGE AND HOUR BILL

Mr. ROBERTSON. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement indicating why I intend to support the motion that will be made tomorrow by the Senator from Vermont [Mr. PROUTY] to instruct Senate conferees on the wage and hour bill to insist on the Senate provision for the exclusion of farmworkers who are paid on a piece rate basis.

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

STATEMENT BY SENATOR ROBERTSON

Senator A. WILLIS ROBERTSON, Democrat of Virginia, announced yesterday he will support a move to be made in the Senate this week to send the Fair Labor Standards bill back to conference for exclusion from coverage of hand-harvest workers who are paid on a piece-rate basis.

"On Wednesday, the Senate plans to act on the conference report on the wage and hour bill," said Senator ROBERTSON. "Senator PROUTY, of Vermont, will offer an amendment to instruct the Senate conferees to insist on the Senate provision for exclusion from coverage of piece-rate farm workers.

"In Virginia, that would apply primarily to those who are paid by the bushel to pick apples, but the definition would be for all piece work.

"If the Prouty motion is adopted, the House conferees would probably ask for instructions from the House, and the House may approve, although the motion made in the House on May 26 to recommit the bill to eliminate completely the coverage of agriculture, was defeated by a vote of 231 to 168.

"The inclusion of thousands of agricultural workers will, I believe, only lead to further mechanization of farms with a resulting loss in job opportunities.

"And, as was pointed out by Senator HOLLAND, it is a forerunner of a move to apply the minimum wage to all farm-workers, to be followed, of course, by their unionization.

"More and more, the Government is encroaching upon a rather unique and vital principle of our representative democracy—private enterprise. The framers of our Constitution in embodying private enterprise in that great document intended that the Government would be only an umpire of fair play between management and labor. The pending bill is an evidence of a modern trend in the direction of a managed economy—a poor substitute for private enterprise and doomed to failure when it controls management but not labor."

FLY ASH: A WASTE PRODUCT THAT CAN CUT COSTS

Mr. PROXMIRE. Mr. President, our colleague, Senator ROBERT C. BYRD of West Virginia, has written a revealing and thoughtful article in the September 15 edition of Public Utilities Fortnightly on a project sponsored by Federal funds involving the use of coal fly ash. Senator BYRD has explained the great value of reusing this waste product which now represents a costly disposal problem for our public utilities.

I ask unanimous consent to have the article printed in the RECORD.

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

(By the Honorable ROBERT C. BYRD, U.S. Senator from West Virginia)

Last year when I amended a bill to add $275,000 to Office of Coal Research funds for the purpose of constructing a pilot plant at West Virginia University to produce building brick from fly ash, a colleague on the Senate Appropriations Committee remarked:

"I would vote that amount just to find places to get rid of the stuff."

Disposing of fly ash has been a growing problem since piles of cinders from beehive ovens began to blight areas of West Virginia and Pennsylvania in the latter part of the last century. In more recent years, as the electric utility industry developed equipment to capture fly ash before it leaves the stack, the dilemima has spread to every area where there is a coal-fired power plant. Today fly ash is being used to fill swampy land and old quarries; it is dumped at sea and in any place where it can be hidden.

Slowly, American industry is waking up to the fact that wanton discard of fly ash is not only costly; it is also wasteful.

The value of fly ash was first recognized by the Romans, who used volcanic ash and lime to make hydraulic cement for the construction of their buildings. While a great deal of experimentation took place through the years, the use of the material in modern times did not begin on a large scale until after World War II, when electrostatic precipitators came into wide use to remove solids from the flues of coal-fed steam plants.

For some time it has been known that fly ash could be used as a mixture for concrete, but the extent of this utilization has been entirely too limited. Probably no more than 5 per cent of the 20 million tons collected last year was put to constructive use. With the addition of electric generating capacity this year and in the years ahead, the accumulation will spiral upward, especially because of increased efficiency in the arrest of particulate matter in the boiler plant operation. Modern precipitators can trap as much as 99.5 per cent of the fly ash that occurs in combustion. Used advantageously, this material can help defray the cost of expensive air pollution control equipment.

Costs of disposing of fly ash are estimated at from 50 cents to $2 a ton, depending largely upon the distance it must be hauled. Mere eradication of this expense can bring important savings to electric companies; when demand for the by-prouduct is established, sales will further reduce operational costs and, in effect, strengthen coal's competitive position in the utility market.

The brick-making project at West Virginia University appears to have outstanding potential. In planning a production of 1,000 cured bricks and 8,000 uncured bricks per eight-hour day, the university will demonstrate the value of the process to commercial firms. Experimentations to date have indicated that the coal-based bricks can meet or exceed all standard requirements, and the cost of producing them will be reasonable and competitive.

HOW FLY ASH MAY BE USED

Whatever the outcome of this project, however, there are already numerous proven uses for fly ash, but the value of the product is not likely to be quickly recognized without proper marketing stimulus on the part of the coal and electric industries.

A unique pamphlet published by the Baltimore Gas and Electric Company points out that, when fly ash is mixed with cement, the end product contains these features:

Improved Workability. Concrete in the plastic state flows more readily and finishes

better when it contains fly ash. It is more cohesive and plastic and is less prone to segregation and bleeding. Less vibration is required when concrete contains fly ash.

Better Appearance. Smoother surface with less cracking. Fewer voids and sharper edges.

Lower Permeability. Fly ash concrete shows less susceptibility to water penetration. This is of particular importance when concrete is in contact with sea water.

Improved Chemical Stability. Many tests have shown that fly ash concrete resists the action of sulphates and sulphuric acid.

Less Heat of Hydration. Fly ash concrete demonstrates as much as 25 per cent less temperature rise when compared with concrete that does not contain fly ash. This feature is of considerable value in mass concrete.

Lower Shrinkage. Fly ash concrete shows less tendency for cracking during the initial setting and drying.

Continued Strength Gain. The pozzolanic action of fly ash concrete continues over many years and insures higher ultimate strength than all cement concrete.

More Uniform Color. The presence of fly ash in a concrete mix produces a more uniform color.

Resistance to Thermal and Chemical Effects. Fly ash concrete is more resistant to freezing and thawing and to salts used as ice removers.

Fly ash has been used as a concrete reinforcement in the construction of some of the world's largest dams. It has added years to the life of the concrete highway. It serves as a mineral filler in asphalt paving. The Santa Fe Railway is using it to stabilize its roadbed.

GREATER UTILIZATION IS FORTHCOMING

J. P. Capp, chemical engineer at the Morgantown (West Virginia) Coal Research Center, U.S. Department of the Interior, foresees a multimillion-ton outlet for fly ash in lightweight aggregate, which currently accounts for more than one-third of fly ash consumption in this country. Consolidated Edison Company is operating a lightweight aggregate sintering plant in New York City, and another such plant is in operation near Detroit Edison's River Rouge facility.

Smaller sintering plants are producing on a semipilot-plant scale in Detroit and Philadelphia.

The potential would seem almost unlimited, yet activity in fly ash utilization continues uninspiring. In an effort to spur its use, I have recently appealed to the Secretary of Commerce, who is authorized under the Appalachian Development Act to require each participating state, to the maximum extent possible, to use coal derivatives for purposes of research and development in the construction of highways and roads. The initial results are encouraging and hopefully will prompt states outside Appalachia to take advantage of fly ash availability at generating stations within proximity of the highways they are building or planning.

Earlier this year Robert E. Lee Hall, vice president of the National Coal Association, told the Electric Club of Los Angeles that use of coal by southern California utilities will open the way for utilization of fly ash in that area's building industry. He predicted that introduction of fly ash to West coast industry will begin as soon as the Southern California Edison Company plant in Clark county, Nevada, goes into operation.

The economic benefits of fly ash may have been established nationally when the Clark county station goes on the line four or five years hence. But, meanwhile, neither coal nor the utilities should be satisfied with the present pace of fly ash sales. Experience indicates that proper promotion would more than pay for itself.

WHAT'S HAPPENED TO RESPECT FOR LAW AND ORDER?

Mr. KUCHEL. Mr. President, with an alarming increase in the crime rate in the country, as reflected by the reports of the Federal Bureau of Investigation, it is reassuring to read of a citizen's pride which results from respect for law and order.

That pride is expressed in an article, entitled "What's Happened to Respect for Law and Order?" written by Senator ROBERT BYRD of West Virginia and appearing in the September 1966, edition of Future magazine. The magazine is published by the U.S. Junior Chamber of Commerce.

I ask unanimous consent to have the article printed in the RECORD.

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

WHAT'S HAPPENED TO RESPECT FOR LAW AND ORDER?

(By Senator ROBERT C. BYRD, Democrat, West Virginia)

A serious domestic crisis is facing our Nation today. I refer not only to the crime crisis as it appears in widely publicized statistics and to the fact that the rate of serious crime has increaseed six times faster than the rate of our population growth since 1958. I refer to the dangerous breakdown of respect for law and order sweeping this country today which recently has shown itself in the demonstrations in "protest" of the foreign policies of our Federal government, specifically giving aid and comfort to the Communists by opposition to our military efforts in Viet Nam.

The freedom to protest has become, at the least, a means of cheap exhibitionism for restless, unoccupied adolescents; and more fearfully, a way of denigrating our carefully conceived national policies and a cause of suffering and death.

With respect to those who counsel and perpetrate unlawful acts, Americans must react with vigilance, sternness, and speed in the dispensing of just and legal action for the offender. I made reference above to the fact that the traditional American right to protest is losing its significance and its respect. Other rights—greater rights—are also losing respect and significance. Recent events have emphasized that there has been a violent breach of two cardinal principles of our American society—the respect for law and order and the recourse to orderly process of law to seek redress of wrongs.

A line from the creed of the U.S. Jaycees affirms, "That government should be of laws rather than of men." I am sometimes led to wonder whether the people—most of them quite young—who are attacking this country, its laws, and its foreign polices have heard of Hitler and Stalin and Mussolini, if they have any conception of the kind of government that would result if they were successful in their attempts to undermine the laws, to discredit the men who endanger their lives to enforce these laws, and to cause doubt and disaffection among those men who stalwartly serve in support of our Nation's military commitments. The government of men inevitably follows the failure of the government of laws.

The time has come for the lawabiding citizens of this country to realize that law and order are as vulnerable as they are valuable, and with this in mind, to put their full weight behind the laws and those men who enforce them. The members of the progressive organization, the United States Jaycees, are ideally suited to show the way. The Nation needs your help.

I have been very interested to learn about the Jaycees' statewide project in Wisconsin to rally public support behind the police. I understand this project is extremely successful, and that other Jaycee organizations are considering initiating similar ones. I would strongly encourage them to do so.

At one time, a suggestion was advanced in the District of Columbia that a campaign be undertaken to enlist the active support of the business and professional community in combating crime, in the belief that this could make an immense contribution to justice in the community.

It is my belief that, on a national scale, an intensive effort toward encouraging support of and cooperation with the police and other law enforcement officers would be an effective element in the prevention of crime. Moreover, I believe that if the Jaycees would so desire to undertake the organization of such effort, and could campaign to increase public support for law observance and greater responsibility of action in support of duly constituted authority, they would prove to be a truly independent and effective voice in encouraging decency of public action and in protecting the civil rights of all, the majority as well as the minority.

The U.S. Jaycees represent the very opposite end of the pole from these dangerous and irresponsible elements of society about which I have been talking. Your goal is service, to the community and to humanity. We need more people in this country today who equate freedom with responsibility, or we will soon be in danger of losing both.

Western civilization cannot endure without preserving its basic principles of justice and humanity for all, and our American society cannot endure if it drifts into lethargic acceptance of breaches in the strong body of our law, as based on our Constitution.

When we reach the stage where some people can break the law without punishment in the name of individual freedom, then it is obvious who will be the loser. The loser will be John Q. Citizen—you and me, our wives and children, old and young, black and white, in cities and hamlets all over America. The law is the buttress of individual freedom, the citadel of civil rights, the bulwark of the private citizen against tyranny, and the firm foundation upon which our Republic rests.

EDITORIAL COMMENT ON SOUTH VIETNAM ELECTION

Mr. McGEE. Mr. President, the most encouraging participation of the South Vietnamese people in Sunday's election has drawn wide notice, as indeed it should. That this was a triumph giving rise to the hope that a government which can stand the most critical test of its legitimacy is quite clear.

Among the notices given this promising turn of events in Vietnam were the editorials of the three daily newspapers of Washington. I ask unanimous consent that the editorials published in the Evening Star and the Daily News of Monday and in today's Washington Post be printed in the RECORD.

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

[From the Washington (D.C.) Star, Sept. 12, 1966]

THE VOTE IN VIETNAM

The turnout in the South Vietnamese election—some 80 percent of the eligible voters—is being hailed with ample justification as a victory for the Saigon government and, indirectly, for the United States.

It is a victory because the Viet Cong tried, and failed, to so intimidate the voters that they would stay away from the polls. To a lesser degree it is also a victory because Buddhist elements tried, and failed, to persuade the people to boycott the elections. Most observers, in these circumstances, would have been satisfied with a 60 percent turnout. Anything in excess of that can properly be regarded as a welcome bonus.

It is too early, of course, to know what the heavy vote means in terms of support for or opposition to the Saigon government and its conduct of the war. The purpose of this election was to choose members of a constituent assembly which is expected to draft a new constitution by next March. After that will come the selection of a legislative assembly to restore civilian rule to South Viet Nam. These are the significant tests of what the shape of the political future will be.

None of this, however, detracts from the importance of the response by the South Vietnamese to this opportunity to demonstrate their interest in making a political choice. Had the voter turnout been small, that would have been seized upon as evidence that the people were fed up and wanted nothing more than to be left alone. Certainly this is what Hanoi hoped for in its effort to keep the voters away from the polls. That it didn't happen, that the people turned out in record numbers despite the years of war, privation and oppression, is a heartening indication that the South Vietnamese believe the future holds something better for them than submission to the agony of Communist domination.

[From the Washington (D.C.) Daily News, Sept. 12, 1966]

SMASHING VICTORY IN VIETNAM

What took place in South Viet Nam yesterday was the most reassuring, progressive and promising thing that has happened there in years. Surpassing all predictions, over three-fourths of the country's registered voters went to the polls to elect a national assembly. The enormous turnout means a smashing victory for the Saigon government, and a clear defeat for the communists.

For weeks communist agents, following Hanoi's line, had been calling on South Vietnamese to boycott and "crush" the "sham elections," and backed up their demand with threatened, and actual, terror attacks. The militant Buddhist monks also tried to undercut the elections by urging on followers "non-co-operation" toward the balloting.

The names of yesterday's winners won't be known until later this week, but the massive turnout, witnessed and verified by a host of foreign observers, means a government victory. By that we don't mean, necessarily, a victory for Prime Minister Ky and the ruling generals. We mean a declaration of loyalty to and faith in those men in authority who, for all their faults and shortcomings, represent the non-Communist alternative.

We have long believed the South Vietnamese people are basically against the Viet Cong, because they know their aims and their methods. Despite many disappointments, they are disposed to look to Saigon for the answer to the communists. That is what this election means: that millions of Vietnamese overcame their skepticism and apathy—and fear of Viet Cong retaliation—to register their faith in a non-communist future for their country.

[From the Washington (D.C.) Post, Sept. 13, 1966]

SOUTH VIETNAM'S ELECTION

The large vote in the South Vietnamese elections is a triumph for the government, more complete than anyone would have dared predict in advance. If the country were as completely dominated by the Vietcong as some critics have alleged, such a turnout would have been impossible.

The big vote, in the face of Vietcong terror, is at once a revelation of the weakness of the dissidents and a vindication of the political awareness of the rank-and-file of the people. The world has learned enough about so-called "elections" in Communist and Fascist states, to know that elections can be managed. It is sufficiently familiar with electoral frauds to know that elections in which voters have no alternative to a dictated slate may not be a meaningful index of the extent that democracy prevails.

In this election, however, the fact of voting in itself disclosed something about affairs in the country—whatever the voters voted for or against. To participate in the election at all was to defy the Vietcong, to repudiate its methods and to opt for the alternative offered by the government.

It is what the elected Constituent Assembly does that will fix the place of this election in history, of course. The opportunity now exists to establish in South Vietnam a government with the priceless endowment of legitimacy. No Communist critic can challenge successfully or convincingly the credentials of this elected body. It has a better claim to sovereignty than critical governments where the voting has been by bullet and not by ballot.

It will be difficult for the Constituent Assembly to perfect a constitution acceptable to all the people, or to an overwhelming majority of them. It will be hard to get a new government, functioning under the constitution, launched in the midst of war and rebellion. But the people of South Vietnam have made a brave beginning that is a credit to them.

INTRODUCTION OF SENATOR ERVIN TO NATIONAL ASSOCIATION OF RAILROAD TRIAL COUNSEL

Mr. TALMADGE. Mr. President, on August 22, the distinguished Senator from North Carolina [Mr. ERVIN] addressed the National Association of Railroad Trial Counsel in White Sulphur Springs, W. Va. He was introduced by our mutual friend, Charles J. Bloch, of Macon, Ga.

Mr. Bloch's introduction of Senator ERVIN was a well-deserved tribute to one of the most outstanding and dedicated Members of this body, whose vast knowledge of the law and unswerving allegiance to sound constitutional government have served the Senate and the Nation with great distinction for many years.

I ask unanimous consent that Mr. Bloch's introduction of Senator ERVIN be printed in the RECORD.

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

If there ever was a time in the history of the American Republic in which leadership was needed, it is now.

And, if there was ever a man fully endowed and equipped for such leadership, it is our speaker this morning.

Essential qualifications for such leadership are (1) Birth and heredity which have familiarized the man with the fundamental principles of American government; (2) Courage; (3) Integrity; (4) Intelligence; (5) Experience.

Seldom are such characteristics combined in one man. If and when they are, there *should* be your leader.

Born in Morganton, North Carolina, graduated from University of North Carolina in 1917, SAM ERVIN, JR., son of a distinguished North Carolina lawyer, served in France with the famed First Division in World War I. Twice wounded, twice cited for gallantry, he returned to complete his legal education at Harvard and to marry his boyhood sweetheart, who is here today. Practicing in the place of his birth, as A.D.C. of Southern Railway Company for one of his clients, he served his country in the North Carolina Legislature and as a Superior Court Judge; then his district as a Representative in Congress; then for six years as a Justice of the Supreme Court of North Carolina. On June 11, 1954, he was appointed U.S. Senator from North Carolina. Reelected that autumn, and again in 1956 and 1962, today he serves his State and Nation as U.S. Senator and as a member of its Judiciary Committee and Chairman of its Committee on Constitutional Rights. He has been cited by the American Legion for "devotion to the Constitution"; by the Patriotic Order of Sons of America "for great and inspiring public services"; by the U.D.C. for defense of Constitutional Rights. I, to you, cite him as the outstanding American of today, possessing to a unique degree those essential characteristics of leadership America so sorely needs—my dear friend, U.S. Senator SAM J. ERVIN, JR., of North Carolina.

WIRTZ SUPPORTS WAGE GUIDELINE ADJUSTMENT FOR COST OF LIVING

Mr. PROXMIRE. I thank the Senator from Colorado for his generosity in yielding to me.

Mr. President, I was delighted to notice in this morning's New York Times that the Secretary of Labor, Mr. Wirtz, has formally and publicly committed himself to an adjustment of the wage-price guidelines to include the increase in the cost of living.

This is mighty welcome news. To my knowledge, the administration has not previously recognized the inequity that the wage-price guideline represents for the workingman who is held to a wage increase that may be exceeded by the rise in the cost of living.

At yesterday's House hearings on wage-price guidelines, Economist Gerhard Colm suggested that part of the increase in the cost of living be permitted above the strict productivity guideline, but not the entire cost.

Mr. President, it is most important for the President and Congress to recognize the present wage-price guideline inequity for two reasons:

First, unless we do recognize it, the injustice of the present administration of the wage-price guideline will kill the whole concept. This would be unfortunate. Since President Kennedy instituted the concept, it has served the country well, in spite of the severe criticism it has suffered. In a period of tight demand, falling unemployment, rising utilization of plant capacity, it has kept the rise in the cost of living, well below what it was in the years prior to its conception.

Second, the guidelines as presently administered represent a clear inequity. The worker producing more will actually receive less in real wages if prices rise more rapidly than the guideline. Even if the cost of living rises less rapidly, it erodes the productivity increase the worker has earned.

Secretary Wirtz' suggestion would meet this weakness and correct it.

I ask unanimous consent that the article in the New York Times, reporting Secretary Wirtz' commitment, be printed at this point in the RECORD.

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

GUIDEPOST CHANGE BACKED BY WIRTZ—COST-OF-LIVING RISES WOULD BE FACTOR IN PAY RAISES

(By Eileen Shanahan)

WASHINGTON, September 12.—Labor Secretary W. Willard Wirtz endorsed today a basic change in the Administration's anti-inflationary wage-price guideposts. The change would recognize a rise in the cost of living as a valid basis for union wage increases.

Mr. Wirtz told a House government operations subcommittee that he subscribed "completely" to the idea that the guideposts should be amended to take consumer price increases at least partly into account when determining what a fair wage increase was.

Union leaders have generally argued that the guideposts should allow wage increases that fully reflect increases in consumer prices, plus the improved productiveness of workers.

Productiveness is the only guidepost test now.

The proposal for a cost-of-living amendment to the guideposts was made by HENRY S. REUSS, Democrat of Wisconsin, who conducted the subcommittee's hearings on plans to improve the guideposts.

Mr. Wirtz received no support for his view from the other Administration official who testified at the hearing—Gardner Ackley, chairman of the President's Council of Economic Advisers. On the other hand, Mr. Ackley did not express disagreement either.

Instead, he begged off any discussion of revisions of the guideposts in language that suggested—but did not clearly say—that the Administration might be considering a cost-of-living amendment.

"The price increases, Mr. Ackley said, "that have raised the workers' cost of living have undeniably made it more difficult to ask—and surely more difficult to expect—organized workers to refrain from seeking not only wages that would be consistent with cost stability but something more to offset all or part of the rise in consumer prices.

"However, I know that you will not ask me to discuss whether we may contemplate proposing any temporary departure from the pure productivity standard for wage increases in the face of this rise in living costs."

The reasoning behind a partial, but not complete, recognition of cost-of-living increases in the wage guidepost formula was outlined by another subcommittee witness, Gerhard Colm, chief economist of the National Planning Association.

The guideposts, he said, "were formulated under the assumption that price stability could be maintained," but "price stability has not been maintained."

"By allowing partial—not complete—adjustment to actual and prospective increases in the cost of living, [unionized] workers in any one industry are not made to bear the full burden of society's failure to stabilize prices," Mr. Colm declared. "But they are also not permitted to pass this burden on entirely to other groups in the population with less flexible incomes."

PRICE INDEX RISES

The discussion of the cost of living occurred as the Labor Department was reporting that the index of wholesale prices rose again in August for the fifth straight month. Increases in the Wholesale Price Index are generally followed by increases in consumer prices a few months later.

The rise in August was an unusually large one, four-tenths of a point, and brought the Wholesale Price Index to 106.8, with the average prices of the 1957–59 period taken as the base of 100. The index was nearly 4 per cent higher than in August a year ago.

The rise in August was entirely confined to foods and farm products, which rose 1.4 points to 111.3.

Although food price increases affect consumer budgets, they are often caused by purely seasonal factors or such noneconomic influences as drought. Economists, therefore, tend to look more at industrial prices in determining whether there are general inflationary pressures in the economy.

The index of wholesale prices of industrial commodities remained unchanged in August, at 105.2, marking the first month since last December that this index did not rise.

The hearings before the government operations subcommittee today focused mainly on a plan to make the wage-price guideposts more effective, rather than ideas for amending them.

All the witnesses expressed some doubt about legislation sponsored by Mr. REUSS and Senator JOSEPH S. CLARK, Democrat of Pennsylvania, which would give Congress a hand in deciding the size of wage increases to be permitted under guidelines.

Except for Dr. Carl H. Madden, the chief economist for the Chamber of Commerce of the United States, all the witnesses said they thought it would be desirable for Congress to hold hearings on the guideposts annually, in the interest of public education and to give labor and management their say on the subject.

However, Mr. Ackley and Mr. Wirtz agreed that there were defects in the idea of permitting Congress to revise the President's guideposts.

Dr. Madden expressed fears that Mr. REUSS's proposal would lead to making the guideposts mandatory, not voluntary as they are now. He said Government reliance on the guideposts to control inflation had lead the Government "to shirk its responsibility to do something about the cause of inflation—overspending."

THE AMERICAN INDIAN—ONCE FIRST—NOW LAST

Mr. MUNDT. Mr. President, in headlining its September issue editorial, the Plainsman magazine, published in Omaha, Nebr., states:

Our "Earliest Americans" really might deserve a bit more attention than they now receive.

The editorial kicks off a most interesting and enlightening discussion of the problems confronting the American Indian. The editorial, an excellent article by Robert Savage, entitled "The Proud, Fierce Sioux: Where Are They Today?" and an interview with Indian Affairs Commissioner Robert L. Bennett by Washington correspondent Kenneth Scheibel constitute an important documentation of the victimization of the Indian by the white man when his lands were taken and the tribes were shunted off onto reservations.

That part, of course, is well-known history, but it is worth recalling over and over to demonstrate that there is a continuing obligation on this country to take whatever steps are required to achieve the equality of opportunity which has been denied for so long. This record should also warn us all against too much paternalism by the Federal Government and the devastating consequences of suppressing the initiative and circumscribing the freedoms of any race or any segment of our society.

With respect to that obligation, the interview with Mr. Bennett, as well as Mr. Savage's assessment, outline some of the steps which are being taken and review some of the possibilities which are available or which can be developed to help the Indians help themselves.

Mr. President, in my capacity as the ranking minority member of the Appropriations Subcommittee on Department of the Interior Matters, I am familiar with the programs and the effort which have been and are being made for the Indians of America, of which a large number reside in my State of South Dakota.

Some of these activities have originated with officials of the Bureau of Indian Affairs, some have been developed from ideas presented by the Indians and their tribal officials, other recommendations have come from the membership of our Appropriations subcommittee itself, as we all strive to move forward in this problem of vital concern.

To those who serve on the subcommittee, the articles to which I invite the attention of the Senate are familiar subjects. Those who do not serve on the subcommittee or on other committees which have a relationship to the problems of the American Indian will, I believe, find in these articles information of great interest, and I am pleased to bring them to the attention of the Senate.

Mr. President, I ask unanimous consent to have the editorial, the article, and the interview printed at this point in the RECORD.

There being no objection, the editorial, article, and interview were ordered to be printed in the RECORD, as follows:

[From the Plainsman, September 1966]

OUR "EARLIEST AMERICANS" REALLY MIGHT DESERVE A BIT MORE ATTENTION THAN THEY NOW RECEIVE

The American Indian, who represents a widely-neglected minority race amid several years of hue and cry for civil liberties, for equal rights and opportunities among Negro Americans, Mexicans and Puero Ricans, has been chosen for study in some depth by the Plainsman since we feel that his story often has been ignored, in at least three of our so-called long, hot summers.

The Indian people, representing the tribes that we know so well in the Great Plains, have not participated apparently in the sit-ins, sit-downs, the chain-ins, marches, the flag waving, speech-making and even rioting that has erupted so violently and so fearfully in the major cities of the North.

Perhaps this is due to three factors:

First, the Plains Indian is not in a large measure a city dweller, where much of the racial turmoil has inspired continual and decidedly dismal headlines.

Second, the American Indian, often hoping to preserve his particular way of life, has remained somewhat aloof (though certainly not uninterested) in the manifestations of racial unrest that have plagued the nation in recent years.

Third, there simply are not enough Indians in the entire United States, approximately a half a million of them, to constitute what might be regarded as a politi-

cally effective "racial bloc," with the possible exception of certain Western states in which they undoubtedly can and should influence local, even Congressional elections. Indeed, today they largely represent a culture that appears to be somewhat remote from the American "mainstream."

This remoteness, except when it comes to the matter of paying taxes or serving in the Armed Forces, has represented a source of strength to them, a feeling of solidarity that manifests itself in the we-take-care-of-our-own philosophy (though not without Federal and State Government help and even meddling, of course).

We have found in the articles that follow on Pages 11 and 18 that the Indian people, however, seemingly are proud of their heritage as "the earliest Americans"—but that all too often they suffer from grinding poverty (sometimes self-imposed) and a sense of fatalism.

That they are proud to be Americans is without dispute. But, as our readers will note in the articles mentioned above, the Indian people often feel lost in what seems to them to be an alien and materialistic culture that is largely based on economic enterprise.

It's the Plainsman's contention, however, that optimistic steps are being taken not only by the Indian himself but by private, religious and Governmental agencies to assist him to "adjust" (which often can be synonymous with "submit") to a new order of life that he did not devise—but with which he probably will have to come to terms, granting the ill-will and bloodshed of the Indian wars of a century past.

We invite your interest, therefore, in what we consider to be a most pathetic, yet often inspiring, struggle of a culture that hopes to preserve its finest elements and yet adapt itself to an environment that often can seem heartless, heart-breaking and frustrating but which, nevertheless, refuses simply to "go away."

It isn't often easy to change a nomadic, hunting, sometimes warlike, even spiritualistic and nonmaterialistic frame of reference and turn it within a brief passage of time, when you consider the years man has inhabited the earth, into an economically aggressive, acquisitive, go-get-'em-tiger attitude that seems to prevail epidemically in America today.

THE PROUD, FIERCE SIOUX: WHERE ARE THEY TODAY?

(By Robert Savage)

PINE RIDGE, S. DAK.—When you cross the line that divides the rest of the nation from the great Pine Ridge Indian Reservation, even though you know that you are still in the United States, you tend to be overcome by a strange feeling that somehow, almost magically and mysteriously, you have suddenly been transported into a foreign country.

Traveling from the Midwest's prosperous ranch and farm country, with its neat houses, barns and well-kept fields, you find yourself unexpectedly and without warning in a land of enormous poverty and destitution.

You feel that for all intents and purposes you could be in some remote "under-developed nation" that had been over-looked by those members of our State Department who hand out the foreign aid. But, here you are, virtually in the heart of America.

This is the "Land of Red Cloud," the last refuge of the proud, fierce, hard-fighting, hard-riding Oglala Sioux.

There are five thousand square miles of this reservation, neatly tucked away in the far southwesterly corner of the State of South Dakota. An area of rough, pine-studded hills, rolling prairie—and thousands of acres of desolate, almost useless badlands, it is the largest Sioux Reservation anywhere, the second-largest Indian Reservation in the nation, and the home of approximately 10 thousand Oglala Sioux.

Arid land: It is an arid counrty, where in dry summers the blazing sun turns the prairie grasses a yellowish brown and cooks the loose clay soil until it turns to powdery dust. Cattle sometimes get a "dust pneumonia" that kills them off in a matter of hours.

By a freak of geography, moisture-carrying winds often are diverted by the Black Hills lying to the northwest, so rains frequently bypass the reservation to drop on the Sand Hills of Nebraska. Even in winter, heavy snows are uncommon, but gusting winds and ground blizzards provide genuine hazards to life hereabouts.

Wells are so scarce that nearly half of all the families must haul their water home, some going as far as two miles for the precious stuff. Many get it from contaminated streams, ponds or bogs and even have built up an immunity to micro-organisms that assuredly would poison others.

Moving across the dry stretches of the prairies and down the backroads of this "Injun Country," one frequently comes across little clusters of one-and-two-room shacks. Many of them have nothing but bare dirt for a floor. Junked car bodies litter the yards, and some of these are used as "bedrooms" for the children. A tent, to one side of the cabin, serves as an extra room that is often used in winter, as well as in summer.

"Summer Homes": To get out of the heat, the Indians cut pine boughs and, on a skeleton pole structure, place these over the top and cover two or three sides. They move their beds under it, their table and old, wooden boxes that serve as chairs. This "summer home" is called a "shade" and it can be remarkably cool on even the hottest days.

For most of these people, existing in this fashion, life is nothing more than numberless days, strung together on a seemingly endless chain of deadly monotony and despair.

The dry, Government statistics are appalling. Most of the time more than half the population of working age has absolutely nothing to do. The average family income is less than $900 a year, and families (generally) are large. Infants die at a rate of two and one-half times the national average, and life expectancy here is 38.5 years, compared with 70.8 for the rest of the nation. Tuberculosis and malnutrition are the chief afflictions.

Any one who has a mental picture of the proud, noble Sioux warrior, free and independent, the majestic lord of the Great Plains—and sees these same people today in a seeming indolence of unbelievable magnitude—cannot help but wonder if his history-book impressions were nothing but the fanciful dreams of romantic youth.

"Old Indian Hands": A brief trip through the pages of Sioux history dispels the notion that these people may be possessed of some vague "inherent laziness and lethargy" that cannot be overcome. Such a journey also clears away some of the rubbish one hears from "old Indian hands," whose stock expression is, "Don't tell me about Indians. I know Indians."

Consider one fact: For nearly one hundred years this entire people has been subjected to dreadful poverty and miserable abuse, as well as to destructive psychological forces. Yet, and in spite of this, they have managed to increase in numbers and to produce outstanding men and women in several fields. Even the Government says this is a tribute to an inner vitality and stamina that would have overwhelmed lesser peoples.

In truth they were and are a highly intelligent people. Intelligence tests, comparing Sioux Indian children to white children in similar socio-economic levels, show that the Indian children do have demonstrably higher IQ's.

Recent tests in regard to Sioux Indian childrens' abilities of perception completely amazed the psychologists. They have extremely accurate powers of observation. And their remarkably keen vision is not a romantic legend, but an easily demonstrated reality.

Lakota, not Sioux: Part of the great misunderstanding of the Sioux, or of any other Indian tribe for that matter, is the result of an enormous lack of knowledge of their culture, beliefs, feelings and recent Indian history.

Many, for example, are unaware of the simple knowledge that their tribal name is not "Sioux." This was a derogatory appellation given them by their enemies and by the French, who later gave some of their families French names, too. *Lakota,* they are, or "THE people," as translated. The two states get their name from a dialect difference in the Siouxian tongue which transposes "l's" for "d's" and vice-versa.

The Lakata's of the Pine Ridge Reservation are of the Oglala branch. Roughly translated it means, "I throw ashes in my brothers face." There are many such divisions among these people of the High Plains: Oglalas, of course, Brules, Minneconjus, Blackfeet (not the Blackfoot "Bloods" of Northern Montana, which is a distinctive tribe of its own—and a traditional enemy of the Sioux), Sans Arcs, Hunkapapas and Yanktonais. These people would fight side by side, to the death, for one another, but they are so magnificently independent that they wouldn't live with one another.

So, on one dim, distant day in the shrouded past, some headstrong, proud brave threw the ashes, turned his back on his brother and, with his people, became henceforth known as the Oglala. It happened so long ago that this became, and still is, the largest group of those divisions that are known as "The Seven Council Fires." These are the people who produced the noted leaders Crazy Horse and Red Cloud.

Trouble Brewing: Those who now farm South Dakota's rich and fertile lands along the banks of the Missouri can give some measure of thanks to Red Cloud that "their land" isn't the reservation of these Sioux today. President Grant, and President Hayes after him, the War Department and the then-fledgling Indian Bureau insisted that Red Cloud and his Oglalas, along with Spotted Tail and his Brules, move from the great hunting areas of the beautifully wild, pine-clad hills around Fort Robinson (now the Crawford, Neb., area) to the Missouri River.

The Federal Government, always economy-minded especially where Indians were concerned, wanted to dump the Indians' goods of treaty obligations on the river bank, and save the paltry dollars of freighting them to a point that had been originally agreed upon.

While all of this area was specifically and legally Sioux Territory, according to the Treaty of 1868, Red Cloud obstinately refused to settle in that portion. He saw the lands to the east as hot, humid in summer; cold and miserable in winter. No farmer, but a hunter and warrior, Red Cloud described it as a "sick country."

"My people will die there," he told President Grant. In addition, the Northwestern Nebraska area was close to the Black Hills, long the sacred burial ground of the Sioux. "Bring me your goods as you agreed on the paper. We want them here, not there. This is where my people live, and this is where they stay."

But organized Governments in power know how to get what they want. First by persuasion. Then by threats. Then by persecution of one sort or another. And, if none of these succeed, by force.

Armed Robbery: Early one morning, Red Cloud's peaceful camp was surrounded by

troops from Fort Robinson, Neb. Quickly they rounded up the Indians' horses, drove them off to the fort and eventually to Wyoming where they were sold. It was nothing more than a high-handed bit of armed-robbery, intended to bring the Indians to their knees.

Red Cloud, who continually seemed to know at which stage he either had to give in or change strategy, agreed to move. But not to the Missouri River. The wily old chief made a compromise to settle his people along the banks of the White River, and this was the beginning of the Pine Ridge Reservation, and the Rosebud Reservation as well which adjoins it on the east. There, Spotted Tail and his Brules settled down.

A long, sad and violent trail led them to this isolated and almost forgotten spot on the North American Continent. Only a few years before, this colorful warrior had clearly warned, then defeated the U.S. Army in its efforts to establish the Bozeman Trail. In council with Government officials and Army officers at Fort Laramie, Wyo., Red Cloud told them, "I will kill every white man who crosses Crazy Woman Creek," and then stalked out of the meeting.

In two years of bloody fighting, he flushed the soldiers out of Northern Wyoming and burned their forts. It stands today as perhaps the most humiliating defeat in the annals of the Army, and Red Cloud's name has been set down as the only Indian chief who ever won a war against the Federal Government.

Political strategist: Growing old beyond his middle years, but rapidly learning the ways of his white brother, Red Cloud staked out his camp at Pine Ridge and returned to do battle with the only means he had left—his mind, his tongue and his eminent skill as a political strategist.

Red Cloud fought valiantly for the rights of his people as free men on their own land. He argued for more and better food and clothing, and never hesitated to expose a cheat in the Government service. He fought for religious freedom when he, a Catholic convert, was denied the presence of a Catholic priest on the reservation. He pleaded for the education of his children, and argued soundly against time-wasting and misguided attempts of Government-sponsored teachers who were teaching the children a written form of Lakota instead of English.

When, at long last, he won his struggle for religious freedom, he persuaded the Black-robes, as he called the Jesuits, to establish a school for his children. He thus added another distinction to his record as the only Indian chief to be the founder of a school.

Today, the school still flourishes, four miles north of the town of Pine Ridge. It is the nation's largest private boarding school for Indian children, and it is generally considered to be the most outstanding and successful Indian school in the nation. In fitting tribute, the Jesuits, who operate it as part of Holy Rosary Mission, have named it Red Cloud Indian School.

Massacre at Wounded Knee: It was a great moment for the old chief when the buildings were completed, and the first of his children walked through its doors. But just two years later on, December 29, 1890, tragedy struck. Chief Big Foot and his Minneconju band, en route to visit the Red Cloud camp, were intercepted by U.S. Cavalrymen about 25 miles from Pine Ridge. They were ordered to make camp at Wounded Knee Creek. In the morning, more troops came out from Pine Ridge and surrounded the camp on all sides.

The Indians were ordered to surrender their guns. The warriors and young men of fighting age were segregated and placed under guard. During this process, a shot was fired and, within seconds, trigger-happy soldiers who were aided by a battery of cannon mounted on a nearby hillside, commenced firing into the camp.

Foot soldiers and cavalrymen chased men, women and children up a dry gully and shot them down. More than 250 Sioux were killed. Two days later, an Army contingent dug a deep trench and threw the frozen bodies into a common grave.

"The Massacre of Wounded Knee," as the Indians call it, still sears the minds of many. "The Battle at Wounded Knee," as the Army calls it, is officially recorded as the action that crushed the last of the "enemy resistance."

An Invisible Chain: It certainly did. And it crushed the spirit of the Sioux for years to follows. All their dreams, their hopes, their belief in their own destiny, disappeared in the smoke of cannon and rifle fire. Crazy Horse was dead; Red Cloud was now an almost blind and feeble old man. An invisible chain around the reservation was drawn tighter.

Now it became painfully clear that the Sioux could no longer be Indians, living as Indians. All of the old ways, the old life, and the cultural values that sustained them spiritually and psychologically, were shattered in the reservation dust. What was to become of them? Neither were they white men, nor did they comprehend the ways of the white man, nor of the world that he imposed upon them.

Caught in a conflict of cultures, and suffering from the malignancy of defeat, the Indian became a man without a world or a way of life that he could call his own. He was, in a very real sense, trapped between two worlds.

Leaving the Stone Age: The wars of the Indians and the Cavalry, and the final conquest of the American West, seems a long time ago. But Wounded Knee was only 76 years ago this December—an event that happened in the time of many still living today. To make the transition from virtually a Stone-Age culture to a highly complex mechanized, computerized society, is not as simple as some "old Indian hands" might think or say. We, and our European ancestors, have been working at it ourselves for some several thousand years—and the results still are a bit short of gratifying.

Yet, in just two or three generations and in a span of time that is but a twinkling of history's eye, literally scores (if not hundreds) of Indians have successfully moved into the mainstream of modern society. They are working now as public school teachers and university professors, teaching the descendants of their European conquerors.

They serve as nurses, military officers, engineers, mechanics and accountants. Each year a few more become active members of the business, industrial and professional life of the nation. As a matter of fact, the American Indian has made more rapid progress in such acculturation than any other primitive people anywhere in the world.

What To Do? There is, of course, great disagreement among the many who are sincerely interested in the Indians as to how this process may be accelerated. There are those who would speed the movement of the Indian from the reservation to the large cities. This effort is being pursued through the Government's relocation program. It is a good program for some.

But from one-third to one-half of the Indian people return to their ancestral lands, finding that the hard, fast city life does not agree with them. For, in spite of the privations and the hardships of reservation life, there is a certain quiet but wild beauty to this land of Red Cloud that still has its appeal.

In full sympathy, another group says, "Why should they have to move if they don't want to? After all, they were here first!" These people want to see small industry brought to the reservations, under Government subidy if necessary, to give the Indian a more comprehensive economic base.

The Indian Bureau has been pursuing this avenue, too, and in recent years a small factory for making fishhooks was established in the town of Pine Ridge through Wright & McGill of Denver. The operation proved to be so successful that Wright & McGill subsequently added two more plants on the reservation.

What is needed? Holy Rosary Mission, going further than the operation of its Red Cloud Indian School, now has a small factory producing wooden crosses with Sioux Indian designs and it plans other articles later. The project serves to help raise funds for the school, and it already provides employment for 19 Indian men and women.

Today, the Government is building a number of houses for the Indians through the Public Housing Administration, and rents them to the small percentage of Indians who can qualify. In the old days, when the last of the buffalo were gone, a benevolent Government gave the Indians canvas for tents. Later, as a reward for trying to farm the prairie lands, it built them crude, one-room log cabins.

None of these, including the new houses going up today, is a solution to the problem. The Indian needs education; he needs vocational training, and he needs the opportunity to work. He is proud, much more self-reliant than he sometimes seems, and he is extremely independent. He doesn't want a hand-out. He wants understanding and a decent chance to live in dignity and freedom.

WILL THE AMERICAN INDIAN EVER ENTER OUR NATIONAL MAINSTREAM?

WASHINGTON, D.C.

Question. Mr. Bennett, we estimate that a total of about 485 thousand to half a million American Indians now reside in the contiguous 48 states; that is, excluding Alaska.

How many Indians today live in the 12-state Great Plains area to the Rocky Mountain section that is covered by the Plainsman Magazine?

Answer. I would say in the neighborhood of 150 thousand.

Question. Mr. Commissioner, what, in your opinion, is the foremost obstacle that might keep Indians today outside the so-called "mainstream" of American life?

Answer. I believe there are two things involved here. One is the lack of skill on the part of the people to participate in the economic, social and political life around them. The other is their concern about being able to participate, but at the same time retain most of their own way of life.

Question. Do you believe that most Indians, of all tribal associations, really want to enter this mainstream or do you think they prefer to remain separate but equal? That is, besides paying their taxes and performing their military duty?

Answer. Well they, I believe, want to participate, but they would like to have some decision as to the manner in which they really do participate.

They participate in the payment of taxes, except for taxes on their rea. property, and they, of course, participate in military duty the same as any one else.

I also believe their record of voluntary enlistment is probably higher than that of any other corresponding group in the United States.

Question. Do you feel that economic factors, new jobs and skill development, will help the future of the Indian youngsters?

Answer. Yes. I believe they should be prepared to take advantage of economic opportunity, either if they so choose at a community far away from their home or near their home, or even on the reservation.

We feel that the vocational training should commence after high school because of the skills which are now required for jobs.

We don't believe that students coming out of high school at 16 and 17 years of age, with some vocational training at the high school level, are prepared to compete in the labor market, except at very menial tasks.

It is our view that they should have a basic high school education, with some vocational exposure, and follow that with intensive vocational or technical training beyond high school.

Question. What do you think in regard to liberal art students?

Answer. Yes, we encourage art studies and the comprehensive high school courses so that when the student completes high school, the student has a chance of entering into liberal arts or vocational training.

We also have a special school called the Institute of American Indian Arts in Santa Fe, N.M., which specializes in the fine arts at the upper high school level.

Question. Mr. Commissioner, do American Indians require massive practical business guidance and teaching? I understand, for example, that Indian girls make excellent nurses. Is this correct?

Answer. The Indian people generally have reached the service occupational level in their general, you might say, evolution. However, they have not reached the professions in any number at all. But the number that go into the professions is on the increase.

I believe that Indian girls have been found not only to be excellent nurses, but that their record as secretaries and stenographers also is an excellent one.

Question. It has been said, Mr. Commissioner, that the American Indian represents generally a so-called under-developed series of nations within a powerful and relatively prosperous United States. Do you agree, or disagree?

Answer. Well, for a time the Federal Government treated them as sovereign nations and even entered into treaties with them. But this was discontinued shortly after 1870.

While the legal theory is that they originally constituted sovereign nations, still the Federal Government does have plenary power over Indian tribes. There are a large number of them among the so-called "pockets of poverty" now existing in the United States.

Question. Do you think that too often anthropologists and sociologists have studied the Indian to a fairly well-worn degree without any results beyond, say, more scary Indians, or do you find that too many anthropologists and sociologists are concerned with the plenary Indian?

Answer. I think the social scientist has a contribution to make. Some of the social scientists unfortunately seek to justify some pre-conceived ideas; others tend to go beyond their discipline and enter into administrative phases. But by and large, I believe that all the social scientists are making a contribution to the development of the Indian people.

Question. What do you think, Mr. Commissioner, that American Indians have done to improve or inhibit their absorption into the mainstream of American life?

Answer. To assist their adaptation into the American way of life, Indian people generally support education.

Recently, also, the leadership of the Indian people has moved toward the development of employment opportunities more so than in the past when their emphasis had been on the development of agriculture or livestock, so that the Indian people could live at home, and close together.

They now realize that this is not possible and they are realistically facing the fact that many of their people, especially their young people, must be trained for employment.

On the other hand, they have resisted some of the progressive steps because they would like to maintain their social system as it exists among the various tribal groups.

Question. Do you think that the American Indian culture, a spiritual and nomadic, a hunting or even warlike culture, has collided, so to speak, with a highly-organized, mechanized American society?

Answer. There has been a collision which has produced some conflicts, and this is one of the major problems that the Indian people face; and that is, to bring about an adaptation between the two cultures.

I believe that with education this adaptation can be made, and the Indian people would in many ways have a fuller life by being able to participate in both cultures.

Question. Do you think this collision stands at the root of many Indian problems, say, in the past and also in the present?

Answer. Yes, I believe the differences in the two cultures are responsible for much of the difficulty. It is the Indian's desire of trying to find (and develop) an accommodation between the two cultures which is one of the greatest deterrents, you might say, to faster progress.

Question. What obligations do you feel, Mr. Commissioner, that the Federal and State Governments have toward their Indian citizens?

Answer. Well, I believe first of all that the states need to assume more responsibility for Indians who are citizens of the respective states.

There has always been a tendency more or less to describe all of the Indian problem as being a totally Federal problem. I believe that if the states would take more of an interest in them and help with the economic development of the Indian people that it would contribute substantially to the economic development of the states.

Question. Do you think that—excuse me?

Answer. Of course, the Federal Government has also a basic historic obligation in its trusteeship over the property and in its providing of services to the Indian people.

But I believe with the national policy being what it is, that the Indian people are going to look more toward the states and local units of self-government and participate much more in the political decisions with local units of government than they have in the past.

Question. Do you think these obligations have been discharged by Federal and State Governments faithfully, or rather half-heartedly?

Answer. I believe there have always been good intentions on the part of top Government administrators to discharge their obligations properly.

Many people in the Federal agencies that serve these people are dedicated to their job and to the development of the Indian people.

I don't believe the states generally have moved into the picture as much as they should, and I hope that with the many Federal aids that are now available to the states, they will undertake to use some of these aids to help the Indian citizens of their states.

Question. How does the American Indian today generally regard social and economic welfare programs. Does he sympathize with them?

Answer. I think the experience of the last year or so of Indian participation in all of the various Federal programs which have been recently authorized show that the Indian people are supporting and participating in those kinds of programs which will help alleviate the social and economic conditions among themselves.

Question. Would you say, Mr. Commissioner, that there is truly a "reservation attitude" among Indians?

Answer. I would say that there is a "reservation attitude" among Indians brought about by the paternalism which develops in any kind of trusteeship relationship such as the Federal Government has in terms of controlling the property of Indian people. *This has created attitudes of dependency upon the Federal Government in the minds of the people. We hope to correct this as much as possible.*

Question. In other words, this frame of mind has, to some extent, held back the Indian, especially in the young?

Answer. I believe the attitude which has developed over the years in terms of the relationship of the Federal Government to the Indian people has stifled initiative to some extent and has created a kind of attitude of dependency on the Federal Government for decision making.

Question. How do you deal with this problem? How do you help the people who have this attitude become self-starters and seek a break-through to develop their own initiative?

Answer. One way we can do this is by our educational programs, so that the Indian people can be partners in the fullest extent in any decision making which affects them or their property.

I believe that by obtaining high education we can establish good discussions with them and they can be partners with Government in the decision making. This, I think, would be very helpful in changing an attitude of dependency upon the Federal Government for decisions.

Question. Mr. Commissioner, do you feel that the American communications media today helps the Indian in his cause, or is it doing him a disservice? That is, television, radio, the newspapers, the western magazines and that kind of thing?

Answer. I believe that the, I guess you would call it the "exposure" of the Indian situation, to the minds of the general public generally is helpful.

There are instances which are resented by the Indian people in the manner in which they may be portrayed in movies or television. But I believe other groups share a similar feeling about this.

But generally, I believe that the more "the situation" among Indians is made known to the general public, the more helpful it will be to the Indian people as they seek to participate in the economic and social life of the country.

Question. Is the Indian today a born loser, or does he have a chance to come out on the top of the heap of our nation?

Answer. I believe that any Indian born at this time in life has an opportunity to develop into becoming a full participating citizen and to the fullest extent.

Some of the Indian people who are in their middle years, and who have missed the opportunity for education and training, will, of course, have some difficulties.

I believe, however, that any Indian born today has more than an ample opportunity.

Question. Is there any way you can describe or characterize, Mr. Commissioner, the average American Indian today?

Answer. This would be a little difficult because of the variety of conditions under which Indian people live throughout the various parts of the country.

I would say that generally his education is about five years below the national average; his life expectancy is about 20 years less than the national average; that there is probably more unemployment among Indian people than among any other group.

But I believe that this picture is changing dramatically, and that with the full support of the Indian people, they will catch up in a relatively short time, especially among the younger generation.

Question. How does he compare with the white man emotionally, psychologically and spiritually?

Answer. You stated, in one of your earlier questions, that the Indian social system has a religious base, so we know that he is fundamentally a religious person.

I believe that Indian people have the same emotions as anybody else. Sometimes they don't manifest these emotions to the extent of other people—but they have them.

And psychologically, they are concerned about being able to participate in the American way of life, but at the same time being able to maintain their customs and a system of their own.

Question. Medically speaking, does the Indian share the white man's afflictions? I am thinking of nervous disorders, mental breakdowns, alcoholism, this kind of thing?

Answer. They share in some of the same illnesses—but since many illnesses are environmental in nature, the Indian people are afflicted more with diseases that are related to poor people, such as tuberculosis and diseases of the digestive system. They show a higher incidence of these kinds of sicknesses than does the non-Indian.

On the other hand, I believe that they have a lower incidence, say, in ulcers and some of the other sicknesses that are brought about because of the fast pace of American life today.

Question. Mr. Commissioner, does the Bureau of Indian Affairs encourage Indians to remain on the reservation; that is, to develop their own particular economic base?

Answer. We have really two main objectives.

In one, we have a program of voluntary relocation by which Indian people can move away from the reservation for change and for employment.

On the other hand, we also are working in the development of reservation resources and are trying to attract industry to reservations to provide employment opportunities for those who for some reason cannot, or do not, choose to leave.

Question. Are you doing anything to encourage Indians to "settle" elsewhere?

Answer. Yes. We offer scholarships for students to go to college. We offer training programs beyond high school in industry and in trade schools and in many of the larger urban areas throughout the country.

Question. In the social and economic welfare spending by the Federal and State Governments has the American Indian received his fair share of appropriations?

Answer. Well, I would say that he has received his fair share of appropriations. However, when you realize that Indians have special problems or greater problems than other people, it is believed that there is maybe a need for just more than a "fair share" in order to overcome the problems the Indians face, and which many other people in the country don't have.

Question. What do you feel are the salient forces of discrimination against the Indian today? For example, has he suffered more than the American Negro, or the Mexicans, or the Puerto Ricans?

Answer. This is kind of hard to answer because the feeling of discrimination is based upon how you are suffering from it and how you feel about it.

Generally speaking, the Indian people have not suffered this kind of discrimination at the national level. There are some prejudices which develop in local communities around Indian reservations, but the air of overt discrimination, as far as the Indian people are concerned, is pretty much a thing of the past.

Question. Do Indians regard themselves as a distinctive ethnic group, regardless of tribal affiliation?

Answer. Yes. The Indian peoples do describe themselves as a distinct ethnic group and there is a strong surge in recent years to make this more pronounced.

Question. Would Indians respond to a group or a clique of national Indian leaders?

Answer. There have been attempts to develop all-Indian organizations which would be representative of the total Indian point of view.

Such an organization is the National Congress of American Indians, but even this organization does not have the widespread support of all Indian tribes.

Question. In other words, you would say today that there is not really an effective Indian leadership on a national level?

Answer. I would say that we have some very good Indian leaders, but they represent their own groups or represent Indian people in various sections of the country.

I would agree that there is not any real national Indian leadership that represents the total Indian population.

Question. Do you think it would be a good thing if there were this kind of leadership?

Answer. Yes. I have been a member of the National Council of American Indians for many years and I have supported the idea that there should be a national organization to represent the total Indian point of view.

Question. Has the encouragement of Indian industries on the reservations evoked what you believe to be any significant amount of economic or social progress?

Answer. Yes. Experience has shown that where the Indian people have steady employment that many of the social and other economic problems seem to be taken care of.

I believe that the experience of a steady income through the pay check is being observed by Indian people generally throughout the country and this accounts for the statement I made some time ago of the concern for employment opportunities. A few years ago there was concern for getting the Indian people into farming and the cattle industry.

Question. What about the American labor unions? Do they encourage Indian membership? Do they seem to care about the Indian at all?

Answer. Yes. There is a goodly bit of leadership in it where Indians do move into urban areas and participate in union activity. However, there has been some resistance on reservations to union activity, but time will tell just what will develop from this.

Question. What about American business, that is, private capital? Also, what about religious and missionary groups? Do they make a significant impact on the life of the American Indian on the reservation?

Answer. The opinion about the religious or missionary groups is they have had more influence on Indians and Indian policy than any other segment. This has changed recently, although missionary groups still are active on the reservations and we consult with mission leadership on a fairly continuing basis.

As far as the business community is concerned, I believe that our records show that the Indian people are obtaining more loans from private financing institutions than they are from any other source. The amounts being loaned to other people by private business increases every year, so I think it is growing.

Question. What tribe do you feel, Mr. Commissioner, has shown the greatest social, political and economic progress?

Answer. I don't believe that I can answer that because there are so many other factors that enter into each situation and because you have to determine what the starting point, so to speak, has been in the last few years.

Question. Then the other side of the coin is that you wouldn't want to state a particular opinion because some tribes are more backward?

Answer. I think their progress is pretty much related to the social and economic environment in which they are located. If they are located where there are ample social opportunities, it is faster.

Then there is the progress within themselves, and in tribal memberships. There are some who have college degrees and some who do not go to school at all. There is a great, a wide variety in this area.

Question. Do you feel that American employers are giving adequate opportunity to the eager and ambitious, to the skilled and even unskilled Indians of all kinds?

Answer. As far as the Indian people are concerned, there is no question about it. They have great opportunity in the business world, and the unskilled suffer the same—

Question. (Prompting) Handicap?

Answer. Yes, the same handicap as any unskilled worker today. So they, of course, have to face the menial tasks. They also work only seasonally, and they have just the same problems as any other unskilled worker has.

As far as Indian skilled workers are concerned, we have so many demands that we cannot fill them at the present time.

Question. Mr. Commissioner, what area of our nation shows the greatest suspicion or even hostility toward its Indian neighbors?

Answer. I believe that, generally speaking, this occurs near Indian reservations more so than in communities some distance away from Indian reservations.

It is not a question of hostility so much as it is suspicion and distrust. One of the things we want to do is to bring the Indian people and their neighbors face to face to discuss mutual problems; to bring these things out on the table and to talk about them.

The University of Oklahoma started a very intensive program called "The Oklahomans for Indian Opportunity," sometimes called O.I.O. The objective is to go into the community where Indians and non-Indians live side by side and seek to develop a very cohesive community among the groups.

Question. Indians have served faithfully in American wars abroad. Have the veterans organizations shown any genuine and lasting interest in aiding their Indian comrades-in-arms?

Answer. Yes. There are many American Legion and V.F.W. posts where Indians are members. There also are posts made up of all Indian veterans. As a matter of fact, I was a charter commander of an American Legion post on a Navajo reservation, and I see Indian veterans at most of the state and also at the national Legion conventions.

I think that the veterans organizations are well aware of and are solicitous about Indian welfare, and about Indian veterans.

Question. Speaking of the present, Mr. Commissioner, in what areas of the American "way of life" do you think that the American Indian can make his most significant contribution—and we mean right now?

Answer. I believe Indian people, like other people, have certain abilities and capabilities. They can make their contribution in almost any economic effort. However, we find that the Indian people, on the reservations particularly, possess certain skills which are now in high demand.

These skills include manual dexterity, hand-and-eye coordination, and partial tolerance. These skills, therefore, represent real assets in electronics and other kinds of industry which require dexterity of this nature.

Another point I would like to make. These skills are very high in Indian men as well as women, and I think this represents a very fertile field for the electronics industry and other industries that are looking for this particular kind of talent.

Question. In other words, this is a burgeoning opportunity for industry?

Answer. Yes, the Indian people have the natural talent so that their production is good and their quality of work is good.

We have one industry on the Pine Ridge Reservation in South Dakota at Wright & MacGill (fishing lures). They now have found greater production among Indian men and women and also they ship products directly to the wholesale houses because it is not necessary to screen the work for inperfections.

Question. Is the American Indian today generally distrustful of attempts to help him?

Answer. Well, I believe that they like to take a look at any offers of help, because a lot of well-intentioned people who want to help Indians may not really be helping them as far as the Indian people are concerned.

Question. In other words, there seem to be some do-gooders who tend to rub the hair the wrong way?

Answer. Yes. We have some people with good intentions who are not really helping the Indian people. Of course, this is not true generally. Indian people more and more like to have a say in their lives and this is true, whether it is the Government or anybody else who offers to aid them.

Question. In other words, their pride is a factor in the situation of helping the Indian or trying to help him?

Answer. Yes, I believe this definitely has a bearing on the decisions that Indians make. I believe that there is a growing tendency among Indian people to make their own way.

Question. Here in Washington, your office is a few blocks from the White House, a few blocks from the Capitol—and a few hundred yards from the banks of the Potomac River. Indian problems sometimes come into the stream of political life of this city, as you well know.

How does President Johnson regard the Indian problem? Is he aware of the scope of this situation? Is he interested in it?

Answer. The President definitely is personally aware of the situation and he made public statements at the occasion of my swearing-in ceremony in which he definitely mentioned not only the resources of the Bureau of Indian Affairs of the Interior Department, but he directed all Federal agencies that have any kind of program which would have an impact on the Indian people to see to it that the benefits of their programs were made available to the Indian people.

Question. What about Congress? Do the Indians have friends in Congress?

Answer. The attitude of Congress toward the Indian people generally is very good. Indians have received sympathetic consideration. There is legislation by the various committees, and I believe that we have the responsibility to keep Congress more informed about the Indian situation.

Congress as this time is engaged in many international problems, so it has to depend upon the Indian people themselves and agencies like ours to keep the Government up to date and informed on the Indian situation.

As you know, we do have an Indian representative in the Congress from South Dakota, Mr. BEN REIFEL, of the Rosebud Sioux Tribe.

Question. Could you pick out any state or delegation in Congress and say that this group does more to help the Indian than any one else?

Answer. Well, this would be very difficult to do because every Congressman who has Indians in his district is looking out for their welfare.

I would say the chairman of a subcommittee and full committees, as well as members of the Appropriations Committees of the Congress, are very sympathetic toward the Indian situation.

Question. Just a couple of more questions, Mr. Commissioner. You mentioned the assets to industry a few minutes ago. Are there any other strong points the Indian has?

Answer. Yes. I believe there are many cultural traits which they have that I certainly admire. One is their concern for each other upon which is based a concept of sharing.

In other words, they share what they have with their neighbors. This came about, I believe, as a part of their built-in "social security system" which existed as a part of their Indian way of life.

For instance, Indian children in their society know who their next mother and father will be in case something has happened to their parents.

Whereas—our system of taking children and putting them into foster homes, to the Indian seems a cold-blooded way of handling children. So they have a built-in social security system.

Question. In other words there are things the white man could learn from them?

Answer. I would say this is true.

Question. What would you say are the major weaknesses of the American Indian?

Answer. I don't know if you should call it a weakness, but it is a definite problem. They have to understand our economic system so to speak, so that they can participate in it.

Our economic system is based upon production, whereas their economic system is based upon consumption—since they depend upon nature to provide them with the necessities of life.

Since this is no longer true, they have to undergo a radical change in their own thinking to participate in our economic system.

HENRY PALM, SYMPATHETIC DIRECTOR OF ASSOCIATION LOAN DIVISION, FARMERS HOME ADMINISTRATION

Mr. BAYH. Mr. President, much of the excellent work performed by Federal Government officials seldom receives public attention. It is a pleasure for me, therefore, to call attention to an article which praises the fine, sympathetic performance by Mr. Henry Palm, Director of the Association Loan Division of the Farmers Home Administration, in handling an appeal for special help from a small community in my State.

The Indianapolis Star, on September 4, 1966, published an article under the byline of Ben Cole that reflected the human side of the Federal bureaucracy. The devastating Palm Sunday tornadoes that raked the Midwest over a year ago left the town of Russiaville, Ind., in shambles. Because this town of approximately 2,600 Hoosiers was unincorporated, it lacked a major qualification for participation in Federal programs. The town had no central water or sewer system, and the prospects for rebuilding the town into a prosperous community were indeed dim.

Town leaders labored in vain to locate Federal programs that would provide the assistance needed for its reconstruction. It was because of the situation of unincorporated communities such as Russiaville that I included a section in my comprehensive disaster relief bill, S. 1861, which would allow such communities to qualify for Federal assistance.

Fortunately, Henry Palm sympathetically took steps to expedite their application for assistance from the Farmers Home Administration when the town achieved incorporated status.

Russiaville is indeed grateful to Henry Palm for his understanding and cooperation in this matter. Because of this meritorious service, I ask unanimous consent that the article by Mr. Cole be printed in full in the RECORD at the conclusion of my remarks.

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

[From the Indianapolis (Ind.) Star-Sun, Sept. 4, 1966]

RUSSIAVILLE GETS SYMPATHY PLUS CASH FROM CAPITAL'S BUREAUCRACY

(By Ben Cole)

WASHINGTON.—When the Palm Sunday tornado cut through Russiaville, Ind., in 1965 it created a unique disaster relief problem.

The Federal agencies that flew to the aid of other Indiana cities gave Russiaville the cold-shoulder. The little town was unincorporated, and being so could not obtain Federal credit to rebuild its broken water and sewer system, or restore other community services.

Town attorney Bob Kinsey came to Washington and went from door to door in the government office buildings, trying to get a hearing.

At last, Kinsey discovered Henry Palm, the chief of the loan and grants division of the Farmers Home Administration.

Palm is one of those patient, understanding Federal officials whose sense of duty goes beyond merely what is set out in the code of agency regulations.

"Now, let's see," he began. "Hmm. I think we can work this out . . ."

Palm helped Kinsey figure out how the Farmers Home Administration could assume jurisdiction over Russiaville's destruction. Last week after a year of red-tape cutting, Palm notified the town that he was making a $103,000 grant and $445,000 loan to enable Russiaville to put its water and sewer systems back into operation.

WORKERS OPPOSE TERMINATION OF INTERNATIONAL TEXTILE AGREEMENTS

Mr. PASTORE. Mr. President, recently a news release emanated from the Southern Conference of the United Textile Workers of America, which was held at Mountain View Hotel, Gatlinburg, Tenn. I should like to read the news release because I think it makes sense. It is cogent and relates to a matter that has been discussed time and again on the floor of the Senate. It is a matter which affects jobs in my own beloved State of Rhode Island. The release expresses the American view of the highest value—the bread-and-butter view of the textile worker on the job.

The release reads:

A recent proposal by Rep. THOMAS B. CURTIS (R., Mo.) calling for the termination of all international textile agreements, was sharply criticized by George Baldanzi, International President of the United Textile Workers of America, in a speech to some 250 delegates from 75 locals at the union's annual Southern conference, held Sept. 9–11 at the Mountain View Hotel.

Noting that Rep. CURTIS is one of four U.S. government advisers to the Kennedy round of tariff-cutting talks now in progress in Geneva, Baldanzi called on the Johnson administration to "repudiate CURTIS's views as contrary to U.S. policy and to do everything possible to protect the American textile

worker and the American textile industry against unfair foreign competition rooted in greed, exploitation and substandard wages."

"If the Curtis program is adopted," Baldanzi said, "thousands of American textile workers will lose their jobs. The scrapping of international agreements would intensify the drive of the American textile industry, in its struggle to survive against foreign competition, to introduce automated methods of production in a haphazard manner, without proper planning, the chief victim of which would be the American textile worker."

Baldanzi, who is also a member of the Management-Labor Textile Advisory Committee, which advises the Government on matters concerning the cotton textile industry, noted that in the speech in which Rep. CURTIS proposed that all international textile agreements be terminated, the congressman suggested that the American industry export some of its know-how and capital to lesser-developed countries to produce textiles for sale there. Such a movement, Mr. CURTIS said, would mean that 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.

"Nowhere", Baldanzi said, "does Mr. CURTIS express any concern for the American textile worker. Apparently he is to be abandoned and thrown out of work, while industry sends its know-how and capital to other countries where it can take advantage of the substandard wages available there."

"It is no secret," Baldanzi said, "that textile machinery of the latest design is available to everyone. The raw materials needed in the manufacture of textiles, specifically cotton, are available to everyone at the same price in the world market. Expert knowledge is likewise universally available. Thus, given equal access to machinery, raw materials and technical information, the foreign manufacturer has just one advantage over his American competitor—the substandard wages he pays his workers. Is it these substandard wages that Mr. CURTIS finds so attractive when he suggests that American industry export its know-how and capital?

"We believe that the American textile worker and the American textile industry can compete with any textile worker and any textile industry anywhere in the world, provided they do not have to compete with low wages. If wages elsewhere were raised to American levels, then the American textile worker and the American textile industry could withstand competition from any source.

"The United Textile Workers of America would agree to the abolition of all restrictive tariffs if a world-wide system of equitable standards were established. But under present conditions the only way to protect the jobs of American textile workers against unfair foreign competition is through the establishment of quotas by category for every branch of the textile industry—cotton, wool, synthetics, etc."

Baldanzi said that if the Curtis program were adopted, "and apparently the Congressman does not confine his proposals to the textile industry, perhaps millions of American workers would lose their jobs, and this could lead to serious economic and social unrest. This no American worker—whether organized or unorganized, whether in the textile, or any other, industry—will tolerate."

Delegates to the three-day conference represented members of the United Textile Workers of America in Kentucky, Tennessee, Virginia, North and South Carolina, Georgia, and Alabama. Speakers, in addition to Baldanzi, were International Secretary-Treasurer Francis Schaufenbil, regional and legislative directors of the union, and representatives of various federal and state agencies. The members of the union's Southern organizing and administrative staff also participated in the conference.

I cite the entire news release to emphasize the high character of the participants and the time given to labor's involvement, and sense of responsibility to the textile industry—the problems of which are a standing concern of this Senate.

Mr. President, I conclude by saying that while this is sharp language and very emphatic language, I agree with the tone and the essence and the content of that release. I hope that those who represent sections of the country which do not have the economic problem that we have experienced in Rhode Island would read and reread and give some heed to the statement made by Mr. Baldanzi.

In States like mine where vital textile mills have been closed and thousands of textile workers have been put out of their jobs—even when other American industry was enjoying a boom—this matter of textile imports and foreign textile competition, in general, pose a threat to peace of mind, certainty of a job and security of the home—let alone the security of a nation to which textiles is second only to steel as a defense essential.

SUPPORT FOR U.S. COMMITMENT IN VIETNAM

Mr. DODD. Mr. President, the critics of our commitment in Vietnam have sought to convey the impression that little support exists for this commitment elsewhere in the world.

That this is clearly untrue has been made evident many times. In fact, it often seems that foreign observers view events in Vietnam with more real understanding of the stakes in that conflict than do many American critics.

In a recent editorial, entitled "This Is the Third World War," a leading English magazine, the Economist, describes the reason for standing firm in Vietnam and making it clear, at this time and place, that aggression will not be permitted to succeed:

China has nominated Vietnam as a test-case for what it claims to be a new kind of war. It is a land war, fought by relatively small formations of very brave men who are prepared to persist for years with the tactics of ambush and terrorism until the other side's nerve cracks. Those who believe that this technique of "people's war" should be opposed, because its aim is to set up an acceptable form of society, have little choice but to fight it on its own terms: that is, by a land war.

The Economist points out that it is not "the right war, in the right place," and notes that "defensive wars seldom are." If Vietnam were to fall to the Communists, this would simply initiate similar attempts at power throughout Asia, Africa, and Latin America. To critics of the American commitment, the Economist poses this question:

The deal the Americans cannot reasonably be asked to strike is one that threatens to sell the pass to the whole southern Asia. This is Mr. Johnson's enormous problem. It is also the problem of those who criticize his decision to take America into the war. Those of them—an increasing number—who agree that America has a responsibility towards the non-Communist nations of Asia cannot dodge the question it poses. How else can you suggest holding the line, if not by fighting in Vietnam?

I wish to share this important article with all Senators, and therefore ask unanimous consent that it be printed at this point in the RECORD.

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

THIS IS THE THIRD WORLD WAR

There is no Mao but Mao, and Lin Piao is his prophet.

That is what the past week's events in Peking (see page 719) boil down to. The communiqué from the Chinese communists' central committee at the weekend, followed by the ominously martial rally in Peking on Thursday, with a uniformed Mao Tse-tung presenting his "close friend in combat" Lin Piao to the people, mark out unmistakably the path Mao means China to follow. It was predictable that the central committee, in the sort of words Stalin once made Russians use about him, would duly declare Mao Tse-tung a genius, "the greatest marxist-leninist of our era." After the Mao-organised purges of the last four months, and his baptism in the Yangtse last month, this was inevitable. Like all monopolists of temporal power, from the Roman emperors to Stalin, Mao is spending his last years in arranging to become a god.

What was not inevitable is the emergence of Marshal Lin Piao as China's number two, and the meaning this has for China's foreign policy. The only other Chinese mentioned by name among the encomiums to Mao in the central committee's communiqué—and twice at that—is Lin Piao. At Thursday's rally in Peking it was Lin Piao who took precedence immediately after Mao himself, before the country's president and prime minister and the communist party's secretary-general. It was Lin Piao who made the main speech under the approving gaze of Chairman Mao. Sick man or not, palely self-effacing or not, the defence minister has risen to the rank of Mao's chief assistant and his successor-apparent. He has done this partly because he can speak for the army, and partly because he has loyally used the army as a guinea-pig for the "cultural revolution" dose of salts with which Mao is now purging the whole country. But Lin Piao has probably risen for another reason too, and this is bad news.

A year ago Lin Piao wrote the famous article, "On People's War," which said that China's foreign policy was to encourage guerrilla wars in the "countryside of the world"—Asia, Africa and Latin America—in order to encircle and destroy the imperialists in the "cities of the world," north America and western Europe. The year that has passed since Lin Piao wrote his article has been a bad one for China's foreign policy, in Indonesia, in Africa and now even in North Korea (see page 721). It would have been reasonable to expect China to whistle its revolutionary tune under its breath this year. Not a bit of it. The central committee has picked out the Lin Piao article for a pat on the back as a scientific analysis of "the world revolution of our time." And Mao has picked out Lin Piao as his chief assistant. The meaning is clear. Mao Tse-tung, now almost mystical in his certainty, is not backing down one inch from his hopes of ideological expansion.

This is the most important fact about Asia today. It is the background against which the debate on American policy in the Far East has to be measured. Whether the United States has a job to do in Asia is not, at bottom, something to be decided in Washington. It has already been decided in Pe-

king. The Americans were a Pacific power long before they became an Atlantic power. In Europe they have generally had a comforting layer of friendly countries between them and their main potential enemy, Germany or Russia. Across the Pacific, there is nothing but cold water. That is why the Americans sent Commodore Perry to Japan a century ago, when all they were asking of Europe was to be left alone by it. It is why they now have virtually no choice but to resist what China is trying to do. No one else can. It will take the other Asians at least a decade to summon up the strength to look after China themselves. The British are still snarled up in the non-sequitur of thinking that belonging to Europe means not belonging to the rest of the world. The Russians took a long step in the right direction at Tashkent this year, when they declared their interest in the stability of the Indian subcontinent; but they have still not been able to bring themselves to say out loud that China's idea of universal revolution is a hell of a way to run the world. They probably will in the end. But meantime the Americans, and the Americans alone, are in a position to do something about the problem man of the 1960s; Mao the evangelist, with his hot gospel of guerrilla liberation tucked under his arm.

None of this is really in dispute. Mr. Walter Lippmann, the most persistent and intelligent of President Johnson's critics, agrees that it is right for the United States to use its strength to establish a balance of power against the Chinese. The argument is about how much strength will be needed, and where it can best be applied.

It can be argued that in the end the whole business of restraining China's missionary zeal may turn out to be much easier than it looks right now. China is a very poor country indeed. An article on page 720 argues that its chances of ever becoming a rich one, or even of building up a modestly successful industry, are much dimmer than most people have usually assumed. If China does remain a poor country, its hope of inspiring revolutions all around the world will be rationed by the amount of help it can actually send to would-be revolutionaries. And that, to be fair to Mao, is all he aims to do. He is not an expansionist in the sense of wanting to push China's own territory beyond what he considers its historic boundaries. He just wants to spread the good word—but "out of the barrel of a gun." Ten years hence, if China is still too poor to export many guns and many missionaries, Lin Piao's thesis about "the revolution of our time" could look as punctured as President Nasser's grandiose aims of the 1950s look now. This is the optimistic way of looking at things. There is nothing wrong with hoping that the worst will not happen. But it is not a basis for policy. You look so stupid if the worst does come. Until and unless there is solid evidence that China does not intend to do what Lin Piao says it wants to do, or cannot do it, the only safe assumption for the Americans or anybody else to make is that the Chinese mean every word they say. That is where any sober Asia policy starts from.

That is where it starts from. Did it really have to lead to what is happening in Vietnam? Mr. Johnson's critics say that it need not have done. But lately it has looked very much as if some of the steam has been going out of the critics' arguments. This is not because they like this singularly beastly war any better than they used to. Nobody does. It is because, if one leaves aside the marxists and the honourable pacifists, a good many of the critics are finding it increasingly hard to disagree with the basic premise of Mr. Johnson's policy—that it is at present America's job to try to keep China's evangelism under control. Having accepted that, they then find it increasingly hard to suggest any positive alternative to doing it in Vietnam. And every time Mao Tse-tung does something that seems to justify everybody's worst fears, the critics' job gets that much tougher.

Senator Fulbright, for instance, has not taken direct issue with the policy for Asia that President Johnson spelled out at White Sulphur Springs on July 12th. He preferred to argue that the President ought to have consulted Congress first. It is an argument that would have carried more weight if Mr Truman had consulted Congress before deciding that the Americans must take over the job of defending Greece and Turkey—the "Truman doctine"—in 1947. Mr. Lippmann, for his part, has walked into a couple of traps. He tried to argue on July 26th that there is no connection between the guerrilla war in Vietnam ("one small corner of the world") and other possible guerrilla wars that might follow it elsewhere. But Marshal Lin Piao saw the connection all right for China's purposes in the article on "people's war" that the Peking central committee has just commended:

The people in other parts of the world will see . . . that what the Vietnamese people can do, they can do too.

That was one trap, and Mr. Lippmann dropped into it. The other is bigger and deeper, and goes right down to the fundamental question about the whole war: how can you defend the non-communist parts of Asia unless you are ready to fight a war in Asia? Mr. Lippmann says, quite rightly, that with the single exception of Korea in 1950 the United States has always avoided land wars in Asia like the plague. So he argues that the Americans should discharge their responsibility to the Asians by means of sea and air power alone—which means, in effect, by air power deployed from aircraft carriers and from islands off the Asian mainland. But Mr. Lippmann himself has scathingly pointed out how limited the uses of air power have been in Vietnam. If air power has not yet succeeded in tipping the scales in a war to which the Americans have committed 300,000 troops, how on earth can it protect non-communist Asia all by itself?

The blunt truth is that this is now an academic argument. China has nominated Vietnam as a test-case for what it claims to be a new kind of war. It is a land war, fought by relatively small formations of very brave men who are prepared to persist for years with the tactics of ambush and terrorism until the other side's nerve cracks. Those who believe that this technique of "people's war" should be opposed, because its aim is to set up an unacceptable form of society, have little choice but to fight it on its own terms; that is, by a land war. It is not the "right war in the right place." Defensive wars seldom are. It is not the sort of war that the Americans will be able to bring themselves to fight time and time again in other parts of the world. But if it comes out right in Vietnam, it will with luck not have to be fought all over again elsewhere. If the dissident minority in South Vietnam fails to take power by force of arms, dissident minorities in other places will think twice before they believe Lin Piao's tip that they are on to a winner.

But if the technique of "people's war" does succeed in Vietnam, the past week's events in Peking will take on a new light. Those who do not like the war in Vietnam, but equally do not want to see Mao Tse-tung's beliefs sweeping across Asia in a wave of guerrilla wars, have a duty to ask themselves where else they think the wave can be stopped. Thailand? But the non-Communist Thais are not going to call for help from a defeated-American army, and in any case it is logistically much harder to get help into Thailand than into Vietnam. Burma? Not on the cards. India, then? But the mind swerves away from the difficulty of doing anything to help that fragile country if the guerrillas once get to work in West Bengal or Kerala or wherever.

The fighting in Vietnam, it is said, could grow into the third world war. In a sense, it already is the third world war. It is not by the Americans' choice that this has become a testing-ground for the theories of Mao Tse-tung and Lin Piao. It need not have been. If there were any reasonable grounds for thinking that a communist victory in Vietnam would not be followed by communist bids for power in the rest of Asia—starting in Thailand, and moving from there towards India—it would not be necessary to make a stand in Vietnam. It would not be necessary if Lin Piao had not written what he has written, and had not now been given Mao's accolade for writing it. It would not be necessary if Russia were able to assert its authority over the communists of southeast Asia and guarantee that a stable truce line, like the line between the two parts of Germany, could be drawn along the Mekong between a communist Indochina and a non-communist Thailand. If either of those things applied, a deal could be done in Vietnam tomorrow. The only losers would be those South Vietnamese, Buddhists and Catholics alike, who keep on telling anyone who will listen that they do not want to be ruled by communists. It would be a cynical deal; but it could be struck.

The deal the Americans cannot reasonably be asked to strike is one that threatens to sell the pass to the whole of southern Asia. This is Mr. Johnson's enormous problem. It is also the problem of those who criticise his decision to take America into the war. Those of them—an increasing number—who agree that America has a responsibility towards the non-communist nations of Asia cannot dodge the question it poses. How else can you suggest holding the line, if not by fighting in Vietnam?

THE PRESIDENT AND MRS. MARCOS, OF THE PHILIPPINES, WILL VISIT THE UNITED STATES

Mr. YARBOROUGH. Mr. President, President and Mrs. Ferdinand Marcos, of the Philippines, are to pay this Nation a state visit this week. Our two countries have traditionally close ties, dating back to 1895, and the Philippines in 1946 was the first Asian country granted its political independence by a large power.

Americans vividly recall the role played by the people of the Philippines in World War II. President Marcos, the sixth popularly elected Chief Executive of his country, is known as the most-decorated Philippine soldier in that conflict.

President Marcos received 27 decorations for his heroism. A survivor of the Bataan death march, he joined the U.S. Army as a lieutenant. He was wounded five times, captured by the enemy and escaped to return to battle. His decorations include the U.S. Silver Star and the Distinguished Service Cross, and he attained the rank of a full colonel.

President Marcos is a man not only of physical bravery, but of outstanding intellectual ability. As a law student, he was brilliant in his studies and passed the bar examination with record high marks. He has served in both branches of the Philippine Congress and in numerous official positions for his country.

The visit to this Nation comes almost 11 months after President Marcos was elected to head his government by a 600,000-vote majority over his opponent.

Both he and his lovely wife are active in state affairs.

I ask unanimous consent that an article published in the September 11, 1966, issue of Parade magazine, which tells of the many fine accomplishments of this visiting First Lady, be printed in the RECORD.

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

IMELDA MARCOS: THE FIRST LADY OF ASIA—THIS BEAUTY AND HER HUSBAND, PRESIDENT OF THE PHILIPPINES, WILL PAY US A STATE VISIT

(By Vera Glaser)

WASHINGTON, D.C.—Imelda Romualdez Marcos, the brunette wife of the president of the Philippines, who is about to visit the U.S. comes on strong. Besides magnificent honey-colored skin, eyes of fiery topaz and the figure of a beauty queen, she has brains and energy to boot.

When President and Mrs. Johnson get their first look at "Meldy," as 32 million adoring Filipinos call her, they will discover why she is regarded in some quarters as the First Lady of Asia. Her style, cultural flair and interest in much needed welfare projects, set against the backdrop of the young democracy her husband leads, have earned her comparison with Jacqueline Kennedy and Eleanor Roosevelt.

"It's a privilege to be associated with them," Mrs. Marcos said in rippling silk accents—her folk singing on the campaign trail helped elect her husband—"but I would rather be myself."

At 36 Mrs. Marcos, mother of three is the glamorous teammate of 49-year-old Ferdinand E. Marcos, World War II hero and political wonder boy, who was elected the Philippines' sixth president last November, ousting incumbent Diosdado Macapagal. Overcoming her early distaste for politics, she barnstormed for her husband by plane, car, jeep and outrigger canoe.

"He's hired a movie star," a political foe charged after Mrs. Marcos had enchanted voters by singing in Ilocano, the tongue of her husband's province in northern Luzon, and in her own Visayan dialect. In pointed heels and bright Philippine *terno*, the traditional floor-length dress with butterfly sleeves, she hiked back the rutted road to prove she was really the candidate's wife.

Now she is official hostess at Malacañang, the rambling white presidential palace set among acacias and circled by a wrought-iron fence, in teeming, humid Manila. The Palace was formerly the residence of Spanish and U.S. governors. Choosing their private apartment there was a problem, Mrs. Marcos recalled humorously, 'because in one wing of the Palace all the presidents died, and in the other all the presidents lost."

Finally they settled on a four-bedroom suite. There, in endless, animated private talks, they mull over plans for their current effort to renew Filipino pride in a national heritage tracing back to 3000 B.C.

"You're in charge of culture and welfare," the president told his wife at his inaugural, an event attended by Vice President and Mrs. HUBERT H. HUMPHREY.

In a nation still battling poverty and corruption, the assignment might seem staggering to anyone but "Meldy," who in less than a year has launched a flurry of projects which have captured the popular imagination, inspiring the "haves" to dig deep into their pockets for her causes.

Her kickoff for a 35-million-peso cultural center raised the first million in a single night. She managed the feat by gathering political and social leaders together for a gala benefit of *Flower Drum Song* with an all-Filipino cast. The remainder of the money was collected from private sources in four months, and construction on the combination theater, library and museum is scheduled to begin shortly.

Now Mrs. Marcos is boosting a national market for Philippine art and handicrafts. In addition, she is up to her eyelashes in promoting tourism, selling beautification and coordinating a cradle-to-grave welfare program for which private and government agencies equally share the costs. Children, juvenile delinquents, unwed mothers, prisoners, the mentally retarded and the aged, all are due to benefit.

"When you are First Lady, you can work yourself to death, or you can sleep," contends Mrs. Marcos. "When I lie down even for a minute, I tell myself I could be helping a hundred, perhaps a thousand people, in that time."

A BEATLE BOO-BOO

Filipinos respond with a fierce loyalty. In July the Beatles, given the red carpet treatment on their arrival in Manila, were lucky to get away alive after affronting the First Lady by failing to keep a Palace luncheon date. Shouts of "Scram!", "Get out of our country!" and a score of unprintable curses were hurled by the angry crowd. The mop-haired troupe was pushed and shoved, and one of their party was kicked to the ground. Police protection and other courtesies were withdrawn.

Mrs. Marcos's warmth and charm are lavished on friend and critic alike. When the Philippine congress voted to send troops to fight beside the U.S. in South Vietnam, pro-Communist demonstrators picketed the Palace. President Marcos called in the leaders, but his wife ventured outside to wave and smile to the pickets. Applauding, they departed quickly.

Public life is not new to this First Lady. She is a member of the Romualdez family of Leyte, a powerful political clan which has produced senators, congressmen, ambassadors, a Supreme Court justice, governors and bank presidents. Her father was Dean of Law at St. Paul's College, where she earned a bachelor's degree in education and later won a music scholarship and worked at teaching and writing. Her younger brother, Benjamin, is the newly named ambassador to the U.S.

"MISS LEYTE"

Imelda grew up in Manila. She was sent there to study after her mother's death. She was then 8 years old, and she lived with her uncle, the Speaker of the Philippine House, who served as her guardian. At 18, her good looks, lyric soprano voice and 36–23–35 measurements won her the title of "Miss Leyte." At 24, her whirlwind romance with Marcos was a national sensation.

The love story began when Imelda and her aunt visited the capitol during a late session. Marcos, a young congressman who had emerged from the war with nearly every decoration bestowed by the Philippine and U.S. governments, was in the thick of battle again—this time fighting the administration on its budget.

Although 13 years Imelda's senior and considered Manila's most eligible bachelor, Marcos succumbed after one look and sought an introduction. But "Meldy" refused to give him her telephone number. Undaunted, Marcos pursued her to Baguio, the summer capital, where the courtship flourished. Eleven days after their first meeting, they were married in a civil ceremony. To the bridegroom's surprise, Mrs. Marcos refused to enter the hotel suite he had reserved, until a church wedding could be arranged 10 days later.

To this day the presidential pair believe 11 is their lucky number. As Mrs. Marcos explains it, "My husband was born September 11. We were married after 11 days of courtship. We had our first child, Maria Imelda, about 11 months afterward. We were sure we were going to win this election because this is the 11th year of our marriage."

Most evenings the president takes time to help his children, Maria Imelda, 11, Ferdinand Jr., 7, and Irene, 5, with their studies in Tagalog, the official Philippine language, as well as English and Spanish.

Then, at the end of each day, Mr. and Mrs. Marcos enjoy comparing notes.

Besides Philippine styles, she wears slacks, Paris frocks, Italian knits and American suits but seldom dons her fabulous jewels. The president describes his wife, who dances the frug and jerk, as "irrepressible." She describes their marriage as "out of this world."

"Whatever I am, I am Ferdinand's creation," the First Lady claims. "He has helped me to grow with him, not side by side, but a little behind him."

PRESENTATION OF CONGRESSIONAL MEDAL OF HONOR POSTHUMOUSLY TO NAVY SEABEE MARVIN GLEN SHIELDS

Mr. JACKSON. Mr. President, I was proud and honored to be present at the White House today as the widow of Navy Seabee Marvin Glen Sheilds, of my State of Washington, received the Congressional Medal of Honor in his behalf posthumously. Mr. Shields, a native of Port Townsend, Wash., is the first member of the Seabees to receive the Medal of Honor. This heroic young man, who died in the service of his country, receives this highest of awards on the eve of the 25th anniversary of the Navy Seabees. A construction mechanic, third class, his honor is a tribute to the more than 300,000 Americans who have served in the Seabees since its inception in 1942.

I wish to point out also that Marvin Glen Shields is the first Navy man to receive this award in the Vietnam war. Four Army men have won the Medal of Honor in Vietnam. Significantly, Army Special Forces 1st Lt. Charles Williams won a Congressional Medal of Honor in the same action at Dong Xoai in South Vietnam on June 10, 1965, that took the life of Marvin Shields and posthumously won for him the Medal of Honor.

Lieutenant Williams, who was present at the presentation of the Medal of Honor to Mrs. Shields at the White House today, asked for a volunteer to accompany him in an attempt to knock out an enemy machinegun emplacement which was endangering the lives of a beseiged special forces, Seabee, and Vietnamese camp at Dong Xoai. Williams and Shields, in a heroic effort, were successful in silencing this Vietcong weapon, and Shields, whose mission at this camp was in construction, lost his life.

I am also proud of the 8 other Seabees who fought with the 11 special forces men in that incident at Dong Xoai. Of these nine Seabees, eight won Purple Heart medals. All nine won awards for heroism, including five recipients of the Bronze Star, three of the Silver Star and Marvin Shields the Medal of Honor.

It was a moving moment when seven of the Seabees and Lieutenant Williams were present at the White House as President Johnson presented the award to Mrs. Joan Shields, of Seattle, the widow of this American hero, and their daughter Barbara, 2½ years old.

Also present were his father, Mr. William Shields, of Salinas, Calif.; his mother, Mrs. Victoria Casselery, Port Townsend, Wash.; his brothers, Ronald Shields, of Seattle, and Frank Casselery, Port Townsend; and Mrs. Shields' mother, Mrs. Louise Campbell, of Sequim, Wash.

I ask unanimous consent to have printed in the RECORD the citation read at the White House today in presentation of the Medal of Honor to Marvin G. Shields. I further ask unanimous consent that two publications just released by the Department of the Navy, the "Story of the Seabees, World War II to Vietnam" and the "Dong Xoai Story, June 9–10, 1965," also be printed in the RECORD.

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

CITATION

The President of the United States in the name of the Congress takes pride in presenting the Medal of Honor posthumously to Marvin G. Shields, Construction Mechanic, Third Class, United States Navy.

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving with United States Navy Seabee Team 1104 at Dong Xoai, Republic of Vietnam, on 10 June 1965. Although wounded when the compound of Detachment A–342, 5th Special Forces Group (Airborne), 1st Special Forces, came under intense fire from an estimated reinforced Viet Cong regiment employing machine guns, heavy weapons and small arms, Shields continued to resupply his fellow Americans with needed ammunition and to return the enemy fire for a period of approximately three hours, at which time the Viet Cong launched a massive attack at close range with flame throwers, hand grenades and small-arms fire. Wounded a second time during this attack, Shields nevertheless assisted in carrying a more critically wounded man to safety, and then resumed firing at the enemy for four more hours. When the Commander asked for a volunteer to accompany him in an attempt to knock out an enemy machine gun emplacement which was endangering the lives of all personnel in the compound because of the accuracy of its fire, Shields unhesitatingly volunteered for this extremely hazardous mission. Proceeding toward their objective with a 3.5-inch rocket launcher, they succeeded in destroying the enemy machine gun emplacement, thus undoubtedly saving the lives of many of their fellow servicemen in the compound. Shields was mortally wounded by hostile fire while returning to his defensive position. His heroic initiative and great personal valor in the face of intense enemy fire sustain and enhance the finest traditions of the United States Naval Service.

STORY OF THE SEABEES: WORLD WAR II TO VIETNAM

(By Lcdr W. D. Middleton)

The Navy's Seabees were less than six months old when their first unit came under fire early in World War II. Only three weeks after the Marines assaulted the beaches of Guadalcanal in August 1942, Seabees of the Sixth Naval Construction Battalion followed them ashore to begin the difficult job of converting a muddy former Japanese landing strip at Henderson Field into an all-weather airfield capable of supporting anything from fighter aircraft to Army B–17's.

The construction job was tough enough, but to make matters worse Henderson Field was under almost constant attack by Japanese artillery and aircraft, and great craters were torn in the airfield every time a bomb or shell scored a hit. As if all this didn't give them enough to do, the Seabees had to be ready to take up positions in the defensive perimeter in the event of Japanese landing against the narrow beachhead.

Typical of Seabee ingenuity at Guadalcanal were the "crater crews" that rushed to repair the damage after every hit on the airfield. Quickly learning from experience, the Seabees stockpiled Marston matting (the pierced steel planking used to surface the field along the runway in bundles sufficient to repair an average sized hole. Construction equipment and trucks, already loaded with enough sand and gravel to fill a bomb or shell crater, were placed under cover at strategic points along the runway.

Whenever Japanese bombers approached or artillery opened up, the Seabee "crater crews" raced from their foxholes, tore away damaged matting, backfilled the craters, and quickly laid down new matting. Before long the Seabees were doing the job so rapidly that forty minutes after a bomb or shell fell it was impossible to tell that the airfield had ever been hit.

Throughout the three-month battle for Guadalcanal the Seabees performed construction miracles to expand Henderson Field and to keep it open, at one time continuing work even when Japanese troops had pushed the Marine front line to within 150 feet of the field. During one particularly fierce attack, the Japanese put no less than 53 bomb and shell holes in the airfield during a 48-hour period.

But despite the worst efforts of the enemy forces, the Seabees were able to keep Henderson Field open throughout the bitter campain, and their success in keeping Marine fighter planes in the air played no small part in the eventual U.S. victory at Guadalcanal. Thus was begun the Seabee "Can Do" tradition of World War II.

SEABEES AND MARINES

One of the earliest traditions developed by the Seabees of World War II was an unusually close comradeship with the United States Marines. Although they fought and built almost everywhere in the global conflict, and worked with Army troops and fleet sailors as well as Marines, the Seabees' greatest contribution to World War II victory was the role they shared with Marines in the bitter island-hopping war in the Pacific.

Based upon mutual respect and shared hardships, the Seabee-Marine fellowship was born as early as 1942, when Marines and Seabees worked and fought side-by-side throughout the bloody battle to hold the Guadalcanal beachhead and to keep the Henderson Field airstrip open to Marine fighters and Army bombers. In this and later Pacific campaigns the Seabees learned to admire the Marines' unsurpassed skill as professional fighting men, and the Marines became equally impressed with Seabee skill as professional builders.

As often as not this Seabee-Marine mutual esteem was expressed in good-natured jokes at each other's expense. Recruited largely from the ranks of skilled construction workers, the average Seabee was ten years or more older than the typical Marine. Soon after the first Seabees came ashore at Guadalcanal the Marines were joking, "Never hit a Seabee, he might be some Marine's father." The Seabees quickly retaliated by manufacturing "Junior Seabee" badges, which they awarded to deserving Marines. And the Seabees liked to claim, "Marines only capture territory; it's the Seabees who improve territory."

In a classic piece of one-upmanship on one occasion during the Pacific campaign, the Seabees managed to best the Marines' proud boast of always getting places first. At New Georgia in July of 1943 a detachment of Marines charged ashore from landing craft in a dawn assault and rushed up the beach looking for Japanese troops, only to be greeted by a party of Seabees that had already landed on the enemy-held island to make a reconnaisance for an airfield site.

The close relationship that grew up between Marines and Seabees during World War II has continued throughout the postwar years. As they have ever since the formation of the first construction battalions 24 years ago, Marines still guide and assist Seabees in learning their necessary fighting skills. Much of the Seabee construction effort since the end of the war has been devoted to Marine Corps facilities. And today, in the Republic of Vietnam, the Seabees are devoting almost their entire effort to the construction of advance base facilities to support the operations of the Third Marine Amphibious Corps.

SEABEE INGENUITY

One of the earliest Seabee traditions to emerge during World War II was the almost legendary ability of a Seabee to improvise. Hastily formed and rushed into the war, the early construction battalions were nowhere near as well equipped as the present-day battalions. Frequently, too, supplies of construction materials and spare parts were insufficient for the job at hand. None of this, however, deterred the resourceful Seabees from getting the job done.

Early in the Solomon's campaign, for example, the 15th Construction Battalion was handicapped by a lack of machine tools. A Seabee warrant officer, who had been a machinery salesman before the war, set out on a trip to New Zealand, where he successfully repurchased equipment from his former customers, and the Seabees soon had a well equipped machine shop. More equipment was scrounged from the aircraft carrier *Enterprise* in return for repair jobs. Before long the Seabees were taking in repair work from the Army and Marines, and were even repairing airplanes.

Lacking a replacement for a blown out bulldozer head gasket, Seabees in the Ellice Islands fashioned a replacement from thin sheets of metal and paper, and quickly put the 'dozer back into service. A Seabee chief on Samoa manufactured a replacement condenser out of waxed paper, tinfoil from cigarette packages, and an old beer can in order to keep one piece of equipment operating. On Guadalcanal another Seabee petty officer kept captured Japanese trucks in operation by improvising replacement radiators out of metal ammo boxes, a method that was soon being used all over the Pacific. Other Seabees learned how to keep tractors running by mounting fuel drums in place of smashed radiators.

The 55-gallon fuel drum, as a matter of fact, proved to be one of the most useful of Seabee construction materials. With the ends cut out and welded together, thousands of drums were converted into culverts. Split down the side and flattened, they made excellent roofing material. One group of Seabees even manufactured a sightseeing canoe from fuel drums.

Worn out tires that would no longer hold inner tubes were kept in service by filling them with a mixture of palm tree sawdust and cement. Beer and Coke bottles were used as insulators for power and telephone lines. Seabees learned how to make replacement watch crystals out of plexiglass from wrecked planes, devised a method of welding broken dental plates with a mixture of ground rubber and cement, and one Seabee machinist even manufactured a pair of silver stars from two quarters for a newly promoted general. Other Seabees made extra money during off-duty hours by manufacturing fake Japanese battle souvenirs and native jewelry for sale to gullible new arrivals.

Perhaps the best-known of all stories of Seabee ingenuity, however, is that of a first class petty officer named Aurelio Tassone, who converted a bulldozer into a piece of combat equipment during the Treasury Islands campaign in 1943. Coming ashore on his bulldozer, Tassone found that a Japanese pillbox was holding up the advance. While a Seabee lieutenant provided covering fire with a carbine, Tassone raised his blade as a shield against enemy fire and advanced on the pillbox. At the last minute Tassone dropped the blade and demolished the emplacement.

SEABEES' MAGIC BOX

Probably the least glamorous in appearance of all the new "weapons" that helped the U.S. to win World War II was the lowly steel pontoon—the Seabees' "magic box"—that became an indispensable tool of a hundred purposes for the U.S. Navy's mighty amphibious forces.

Civil Engineer Corps planning as early as 1936 had forseen a need for a variety of barges, small yard craft, and other miscellaneous floating equipment in the event of a major amphibious war in the Pacific. By 1940 a CEC captain, John N. Laycock, had set to work in earnest developing his ideas for a standardized steel pontoon that could be assembled into an almost endless variety of floating equipment. By early 1941 the first experimental pontoons had been successfully tested and soon thousands of them were in production.

The basic pontoon was little more than a steel box five by seven by five feet. The real key to its versatility was the system of heavy steel angles and special hardware, or "jewelry," developed by Capt. Laycock which permitted the pontoons to be assembled in a wide variety of arrangements. Strings of pontoons were assembled for use as barges or piers, and with the addition of a specially developed outboard propulsion unit, the amphibious Seabees had a self-propelled barge or a warping tug for work around a harbor or beachhead. Cranes, pile drivers, dredges, and almost any other kind of equipment for waterfront work could be mounted on a pontoon barge. Arranged as a barge with pontoon walls on each side, and equipped with the necessary piping and pumping equipment, a batch of pontoons could be assembled as a floating drydock for PT boats and other small craft.

Seabees, of course, found many more uses for the versatile pontoons than those envisioned by its designers. Many saw service as fuel and water tanks, and a pontoon with the addition of a little piping could be mounted on a flat bed truck to make a water distributor. With the addition of a door a pontoon made a fine paint or gear locker. A Seabee cook in the Russell Islands even converted a pair of the pontoons into an oven and grill.

The pontoon really came into its own, however, in the Allies' 1943 landings in Sicily. The Navy's versatile LST had been designed to approach a steeply sloping beach, drop its ramp, and disgorge its load of tanks and other vehicles directly onto the shore. Since they assumed the LST's and other large landing craft couldn't get close enough to make a landing on the shallow sloping beaches along much of the southern shore of Sicily, the Germans had installed only relatively light defenses.

The ingenious Capt. Laycock, however, had already gone to work on a new use for his versatile pontoons. Special hardware and fittings were devised that permitted assembly of the pontoons in long two-pontoon wide cauesway sections, which were hung on the sides of the LST's. As the landing ships approached the shore the causeway sections were cut loose, dropped into the water, and their momentum carried them into the beach. The intrepid amphibious Seabee crews that rode the pontoons quickly connected the causeway sections, the LST's were "married" to the outer end, and in a matter of minutes vehicles were rolling ashore.

First used in the Sicily landings, where causeways over 300-feet long were employed to land allied forces where they weren't expected, the new pontoon adaptation was a major factor in the success of the operation, and for the remainder of the war the LST-pontoon causeway combination was used in almost every major amphibious assault.

Even today, a quarter of a century after its development, the versatile pontoon remains as a workhorse of the amphibious Seabees. Only last May, when MCB-10 and Marine Corps forces landed at Chu Lai, Republic of Vietnam, their equipment and supplies went ashore over the familiar pontoon causeways.

"RHINOS" IN OPERATION OVERLORD

Among the difficult problems faced by planners of "Operation Overlord," the great Allied invasion of Normandy in 1944, was one presented by the character of the beaches where the landings were to take place. At both Utah Beach and Omaha Beach, where the U.S. forces were to land, the slope of the beaches was unusually flat, and the water line moved up or down the beach a half mile or more as the tide rose or fell. Just off the shore and running parallel to the beach, sand bars—whose position shifted constantly with the tide or storm conditions—presented still another problem.

Because of these positions, it would have been almost impossible to use LST's or other amphibious craft in the usual manner. Landings could have been made at high tide, but unless the vessels were quickly unloaded, the rapidly receding tide might leave them stranded high and dry on the beach, exposed to German attack until the tide came back in and refloated them. If landings were made at low tide the vessels would ground on the sandbars, leaving troops and vehicles with deep water between them and the shore. Even if they were able to get past this obstacle, the inrushing tide might overtake them before they could get all the way up the beach.

Under these conditions even the Seabees' famous pontoon causeways, first used the year before in Sicily, would have been unable to bridge the gap between ships and shore. The Civil Engineer Corps' Capt. John Laycock, who had originally developed both the pontoons themselves and the pontoon causeways, quickly came up with still another variation of the Seabees' "magic box" to solve the problem of the Normandy beaches.

One hundred-eighty of the pontoons were assembled into a huge ferry barge, six pontoons wide and thirty pontoons long, powered by two of the large outboard motors developed for use with smaller pontoon barges. A specially developed loading and unloading ramp was placed at one end. Big enough to take half an LST load of supplies and equipment, the pontoon ferries were designed to "marry" an LST safely anchored in deep water. As soon as the ferry was loaded it cast off and headed for the beach under its own power. With its shallow draft the pontoon ferry could easily get over the treacherous sandbars to the beach. Only two trips were needed to unload an LST, and then the ferry proceeded to unload another ship.

To a naval aviator, who happened to fly over one of the first experimental models at Quonset, R.I., the Seabees' pontoon ferry looked more like a rhinoceros than anything else, so before long "rhino ferry" became their unofficial name.

As the great Normandy invasion grew nearer, Seabees of the 81st and 111th Construction Battalions worked in British shipyards to assemble their rhino ferry fleet, and as soon as they were completed, they took them to sea to practice the tricky job of "marrying" them to LSTs and transferring cargo.

On June 5, 1944, the day before D-Day in Normandy, the rhino ferries and their Seabee crews headed out to sea for the journey to France, each of them on a 300-foot towline behind an LST. Early on D-Day morning the LSTs and the rhinos were off the beaches at Omaha and Utah. Unexpected heavy seas made the task of joining the ferries to the LSTs almost impossible, but after several hours of effort the job was finally completed and the rhinos were on the way to the beaches. It was close to noon before the first rhinos reached the beach, only to discover that the Germans had planted mines and obstacles all along the beaches that made it almost impossible to land. A few got ashore that day, but many of the Seabee crews had to wait offshore with their ferries for a day and a half or more before demolition teams were able to clear the beaches so they could land.

Throughout the first days of the Normandy invasion, despite the hazards of severe weather, mines, and German gunfire, the Seabees and their rhino ferries shuttled between the invasion fleet and the beaches, landing thousands of trucks, tanks, and other vehicles, the tons of the supplies that sustained the American armies ashore.

THE GREAT B-29 BASE ON TINIAN

By the summer of 1944, advancing U.S. Forces in the Pacific War against Japan had reached the Marianas Islands, 4,000 miles west of Hawaii and less than 2,000 miles from Japan itself. On June 15, the Marines hit the beaches at Saipan. On July 21, they began the invasion of Guam, and only three days later the same Marines that had taken Saipan were swarming ashore on Tinian.

Even before the Marines had officially secured Tinian, Seabees began landing to work on their biggest single job of the entire war—constructing the world's largest air base for the Army Air Corps' B-29 'Superfortress" bombers that would soon begin carrying the war to the Japanese homeland. Tinian, 12 miles long, six miles wide, and fairly flat, provided a good airfield site that placed the new B-29's within range of Japan for the first time.

To support the huge B-29 fleet that was to operate from Tinian the Seabees built six runways, each a mile and a half long. Four were built at North Field, together with 11 miles of connecting taxiway and hardstands for 265 planes. At West Field, an 18-mile taxiway network and 361 hardstands were built to support the remaining two bomber runways, as well as two smaller airstrips. In addition to the airfield facilities themselves, the Seabees constructed nearly a thousand buildings, miles of roads, fuel and ammunition storage, and utility systems for the Tinian base.

To carry out the huge construction task, the Navy organized the Sixth Construction Brigade, made up of three Construction Regiments, each of which in turn was made up of several battalions. Altogether some 15,000 Seabees were involved in the Tinian work. The fleet of well over 1,500 pieces of heavy construction equipment assembled for the job included almost 800 trucks, 173 scrapers, 160 tractors and bulldozers, 60 graders, and 80 power shovels.

Working in two ten-hour shifts daily, the Seabees built the world's largest air base in record time. Although much of the terrain was reasonably level, in places the bomber runways required cuts as deep as 15 feet and fills 30 to 40 feet high. By the time the job was done the Seabees had moved more than 11 million cubic yards of earth and coral.

Removal of coral "heads" from the runway sites and quarrying of coral for runway surfacing consumed an average of 12 tons of dynamite and 4,800 blasting caps a day. Maintenance crews worked around the clock

to keep equipment going despite the ravages of coral dust that wore out moving parts in a fraction of the usual time. Twenty-four welding crews were required just to repair the damage done to power shovels, bulldozers and scrapers by the hard coral.

Except for one runway, which took 73 days to build, none of the B-29 runways took over 53 days to complete, and the entire base was completed in less than a year. Only a few months after the Seabees first started work the Army's B-29 fleet began striking at Japan from the Tinian base. The biggest Seabee job of the war had played a vital part in launching the great bombing raids that speeded victory in the Pacific War.

CUBI POINT

By far the largest peacetime job ever undertaken by the Navy's Seabees was the construction of a major base for the U.S. Seventh Fleet at Cubi Point, on Subic Bay in the Philippine Islands. Required to support the growing U.S. commitments in the Far East, the Cubi Point base was started at the height of the Korean War in 1951.

Overall direction of the project was in the hands of the 30th Naval Construction Regiment, which was set up at Cubi in September 1951. During the next two years the arrival of Mobile Construction Battalions 2, 3, 5, 9 and 11 brought the Cubi Point construction force to a total of some 3,000 Seabees.

Working as many as three shifts a day, six days a week, the Seabees spent five years converting Cubi Point's jungle and mountains into a modern base for Seventh Fleet carriers. Huge trees, sometimes as much as a hundred and fifty feet tall and six to eight feet in diameter had to be blasted out of the way; swamps filled, and even a native village relocated.

A huge hill was removed and Cubi Point itself widened to accommodate the base's airfield. One battalion was given the task of removing 85 feet from the top of a mountain to provide a safe approach to the runway. Over 200,000 cubic yards of rock and earth were moved in the process.

Once the airfield was done the Seabees built roads, piers, shops, ammunition storage, and barracks to complete the base. By the time the great project was done it was estimated that 20 million manhours of Seabee labor had gone into the building of the Cubi Point base, and that a greater volume of earth had been moved than in the digging of the Panama Canal.

At Cubi Point the Seabees built a major new base for the Navy, but perhaps even more important the project provided a priceless opportunity to develop construction skills and leadership qualities in a whole new postwar generation of Seabees. Hundreds of Seabees who first learned their skills at Cubi Point still serve on active duty. Now senior petty officers and chief petty officers, they provide the indispensable background of experience needed to guide and train the young Seabees of the 1960's.

SEABEES ON THE ICE

This year's 1966-67 Operation Deep Freeze marks the beginning of a second decade of Seabee participation in the continuing U.S. program of scientific study and exploration of the Antarctic continent.

Seabees first landed on Antarctica in 1947 as part of the Navy's Operation High Jump expedition led by RADM Richard E. Byrd. Seabee work in this first post-World War II Antarctic expedition included unloading of supplies and equipment and the construction of new facilities near Byrd's 1939-40 Little America base.

Although Operation High Jump lasted only a few months, the Seabees and the Navy returned to the ice to stay in 1955 when the U.S. began constructing permanent scientific outposts in the Antarctic. The Seabees of the first Operation Deep Freeze, as it was called, were part of the newly formed Mobile Construction Battalion (Special) organized at Davisville, Rhode Island and specially trained in cold weather operations. Their Deep Freeze mission including hauling of supplies by tractor and sled across the ice, construction of camp facilities at Little America and McMurdo Station, and construction of a ski-plane airstrip on the ice of McMurdo Sound.

Among a "wintering over" party from the first Deep Freeze II, were nearly 200 Seabees, whose tasks included support of the scientific program and construction of a 6,000 foot ice runway on McMurdo Sound. Working throughout the Antarctic winter in temperatures that often fell to 65 degrees or more below zero, and despite a fierce three-day blizzard that once destroyed the entire project, the Seabees had the new runway ready for arrival of a Deep Freeze II advance party by air from New Zealand in October 1956.

Before the end of October, RADM Dufek, Commander of Deep Freeze II, took off from the Seabees' ice runway to become the first explorer ever to land at the South Pole by plane. A few weeks later, Seabees, sled dogs, construction materials, and equipment followed the admiral to the Pole to commence construction of a permanent camp at South Pole Station.

In the nearly ten years since the first Deep Freeze expeditions, thousands of Seabees have continued to work at Anartica, building roads, runways and buildings at the American stations on the frozen continent.

In 1962, a milestone in the use of nuclear energy was achieved when the first of several nuclear reactors began to produce electric power and heat, and to distill fresh water, at McMurdo Station. Operating the reactors were crews made up largely of specially trained Seabees.

Although the climatic environment and much of the materials and equipment they work with have been far different from those normally encountered by Seabees, their traditional qualities of ingenuity, skill, energy, and endurance have enabled the Navy's Seabees to establish a distinguished, and still growing, reputation for their many achievements on the Antarctic ice.

SEABEE TEAM

An important new part of the Seabee tradition in recent years has been the several types of Seabee Teams, which have proven a valuable addition to U.S. programs aimed at strengthening the free world by helping the people of underdeveloped nations help themselves.

Utilizing the construction skills of carefully selected men, Seabee Teams have been deployed to locations a widespread as Southeast Asia, South America and Africa, where their skills have been employed in a wide variety of "civic action" construction missions aimed at improving the living conditions of the people of other nations.

Even more important than the work they have done themselves, the Seabee Teams have helped to train people of these countries in modern construction methods so that they themselves can continue to improve their own living conditions long after departure of the Seabee Teams.

Although Seabees have always been eager to lend a helping hand wherever they have been, the formal Seabee Team program was not born until 1960, when an Atlantic Seabee detachment was deployed to Haiti. Their mission was the construction of a road, causeway, and pontoon bridge at Lake Miragoane, Haiti, when flooding of the lake threatened to isolate the southern tip of the island.

Soon after this first venture, other Seabee Teams were sent on a regular basis to other countries for similar missions. Since 1960 Atlantic Seabee Teams have deployed to such countries as Chile, Costa Rica, Santo Domingo, Liberia, the Republic of Chad and the Central African Republic, where they have built farm-to-market roads, taught construction skills, and engaged in disaster relief work.

Since January 1963, teams from the Pacific Seabees have been deploying to Thailand and the Republic of Vietnam, where they have engaged in a wide variety of rural development work, including road, bridge, and school construction. Several teams deployed to the Republic of Vietnam have been engaged in construction of Special Forces camps. One team, Seabee Team 1104, was constructing such a camp when it participated in the heroic defense of Dong Xoai against a heavy Viet Cong attack last June.

In addition to the normal 13-man teams, other special teams from the Pacific battalions have performed similar work in Southeast Asia. Well-drilling teams have helped provide pure water supplies to rural villages in Vietnam, and EO/CM teams have helped in a rural road building program in Northeast Thailand.

RADM J. R. Davis, former Commander of the Pacific Seabees, recently expressed the comment of the U.S. ambassador to Thailand that no other U.S. aid program has accompanied as much in proportion to its cost as has the Seabee Team program.

Thus, in a few short years, the Seabee Teams have become a proud—and continuing—part of the Seabee story.

A NEW CHAPTER

In the spring of 1965, as the U.S. increased its commitment of military forces in support of the war against the Viet Cong in South Vietnam, the Seabees were once again called upon to provide construction support to Navy and Marine Corps forces in a combat area. Not since World War II had the Seabees been committed on such a large scale in support of combat operations.

MCB-10, then deployed on Okinawa as the Pacific "alert battalion", was the first to go. Late in April MCB-10 commenced its mount-out, and within less than ten days the entire battalion, its equipment and supplies, and aluminum matting to construct an 8,000-foot expeditionary airfield, were embarked on amphibious force ships of the U.S. Seventh Fleet.

Early on the morning of May 7, in one of the largest operations of its kind since the Korean War, Marines came ashore in a coordinated amphibious landing to occupy the Chu Lai site. The Seabees of MCB-10 were right behind them with their equipment and supplies to set up a camp and begin work on the Chu Lai runway. In only 21 days time, high performance Marine jets were flying strikes against the Viet Cong from the Seabee-built airfield. During the remainder of its Chu Lai deployment MCB-10 continued to expand and improve the airfield, and constructed a wide variety of roads, cantonments, and other facilities in support of units of the Third Marine Amphibious Force operating in the Chu Lai sector.

MCB-3, deployed on Guam as the Pacific "back-up battalion", was the next to leave for Vietnam. Preceded by an advance party, which started work on a battalion camp at the base of Hill 327 at DaNang, MCB-3 mounted out from Guam in May and commenced construction work at DaNang by the end of the month. Chief among Three's projects was the rebuilding of a road leading to the Marine missile site on Hill 327.

MCB-9, deploying from Port Hueneme early in June, was the third battalion to arrive in Vietnam. Establishing its camp next to the South China Sea at DaNang East, Nine immediately started work on a wide variety of projects, chief among them a large Naval Hospital and an extremely difficult road to a missile site on Monkey Mountain, in DaNang Bay.

In order to coordinate mobile construction battalion work in Vietnam, the 30th Naval

Construction Regiment, inactive since the Cubi Point project in the early 1950's, was reestablished at DaNang in May. Initially, the regiment was under the command of CAPT Harold F. Liberty. The current commander is CAPT Nelson R. Anderson.

Seabee strength in Vietnam was increased to four battalions in September, when MCB-8, previously an Atlantic battalion, moved to Port Hueneme and almost immediately deployed to DaNang where it commenced work on port facilities and other projects.

MCB-5 became the fourth Pacific battalion to deploy to Vietnam in September when it relieved MCB-3 at DaNang. A second Atlantic battalion, MCB-4, moved its home port to Port Hueneme in November, and deployed to Chu Lai a month later to relieve MCB-10. Most recently, MCB-11 deployed to DaNang early in February to relieve MCB-9.

The large scale commitment of Seabees to the war in Vietnam has proven the value of the long, hard peacetime deployments and the continuing emphasis on training, mobility, and self-sufficiency characteristic of the Navy's mobile construction battalions. For each of the seven battalions that have thus taken part in the Southeast Asian conflict has shown the same capability to deploy to a new location, establish itself, and commence production construction with a speed, effectiveness, and flexibility unmatched by any other military engineering unit.

With Seabees in demand as never before since World War II the Navy has commenced a broad build-up of the naval construction force. Each of the ten original battalions has been increased in its officer and enlisted complement and early this year the Navy Department announced the formation of four new battalions at Davisville, Rhode Island. MCB-40 was formally commissioned on Feb. 1, with MCB's 58, 62, and 133 to follow during the next few months.

Clearly, as General Douglas MacArthur wrote to Adm. Ben Moreell during World War II, "the only trouble with your Seabees is that you don't have enough of them!"

ABOUT THE AUTHOR

"The Seabee Tradition" is adapted from a series of articles highlighting Seabee accomplishments originally published in the MCB-11 Stinger during 1965.

The author, LCDR William D. Middleton, has been executive officer of MCB-11 since August 1964, and is presently deployed with the battalion at DaNang. His previous naval service includes assignments at Port Lyautey, Morocco; at NAS Minneapolis; as civil engineering adviser to the Turkish Navy on the staff of the U.S. military mission to Turkey; and as planning officer at PWC Norfolk.

During a period of inactive duty he was employed as a structural engineer with firms in California and Wisconsin, and as a bridge designer with the Wisconsin State Highway Commission.

In addition to his engineering duties, LCDR Middleton has long been active as a writer. He has written numerous articles for newspapers and magazines, among them American Heritage, and is the author of two published books of railway history, with a third due for publication later this year.

He received a bachelor of civil engineering degree from Rensselaer Polytechnic Institute in 1950 and later did graduate work in the engineering and journalism schools at the University of Wisconsin.

His wife Dorothy and sons William and Nicholas currently reside at 1061-A Guadalcanal Street on the Center.

THE DONG XOAI STORY: SEABEES VICTIMS OF VIET CONG RAID

The quiet serenity of a rainy night in a small Vietnamese military compound quickly turned into a nightmare of death and suffering for nine members of Seabee Technical Assistance Team 1104 early this month. Assigned to construction and improvement of training facilities of a Civilian Irregular Defense Group (CIDG) camp at Dong Xoai, 55 miles north of Saigon, the Seabee Team and 11 other U.S. Army Special Forces personnel were trapped in one of the bloodiest and hardest fought battles of the Vietnamese war.

The camp area contained a complex of compounds to support three CIDG companies, a Regional Forces company, a small Vietnamese Special Forces detachment, and an armored car platoon. Also in the area was the District Headquarters and a battery of 105mm howitzers.

The bizzare sequence of events started when a lookout reported that "Viet Cong were all over the airfield." A 200-round barrage by 60mm mortars at 11:45 p.m. on June 10 preceded the "human wave" assaults on the walls of the CIDG compound. Intense close range combat continued until 2:30 a.m. when the CIDG defenses were breached and the surviving U.S. troops made their way to the adjacent District Headquarters.

There they were quickly surrounded by the Viet Cong who were employing flame throwers, machine guns, recoilless rifles and small arms against the fortifications. When daylight approached the 2nd Air Division and VNAF aircraft began hitting Viet Cong positions outside the District Headquarters.

A U.S. rocket launcher team of 1st Lt. Charles Williams, U.S. Special Forces Camp Commander and Seabee Marvin G. Shields, CMA3, moved outside the headquarters defenses and successfully destroyed a Viet Cong .30 Cal. machine gun position. Shields was killed returning to the building.

The first lift of relief forces to secure a landing area about a mile and a half north of the embattled village was quickly engaged by VC forces. A pitched battle developed as aircraft continually strafed and struck the VC positions with napalm. About noon the landing area was overrun by Viet Cong forces; only three Vietnamese soldiers reportedly survived from the group of 196 troops and two U.S. advisors originally flown in.

In the meantime, a second lift of relief forces landed at a nearby rubber plantation and was also quickly pinned down by intense Viet Cong fire.

During the middle of the afternoon a coordinated effort of heavy close air support by fixed wing aircraft, permitted elements of the 118th Aviation Company to evacuate the wounded U.S. personnel from the District Headquarters.

Shortly thereafter, a Ranger relief force landed at a soccer field southeast of the town. Another group landed near the District Headquarters. This 300-man force finally reoccupied the District Headquarters compound and captured numerous Viet Cong weapons.

Sporadic fighting continued throughout the second night and the Rangers moved out the next day and recaptured large areas.

Eye witness accounts of the battle area describe the bodies of civilians and military dead strewn throughout the town. Men, women and children were walking around in a daze, the recent events being incomprehensible to them. Others were found sobbing over the fallen bodies of members of their families. Several soldiers were found with their hands tied behind their backs, probably used as human shields during the battle.

The village itself was nothing more than charred ruins; some areas were still burning and smoldering from the recent conflict.

The final count of casualties of the original 20 Americans forces was three killed, 16 wounded and one unscathed survivor. A total of 12 other Americans were listed as dead or missing as a result of action during the two-day battle. The Vietnamese forces suffered approximately 46 wounded and 300 dead or missing. Viet Cong losses were estimated at more than 700.

Of the nine man Seabee Team, 2 men were killed:

Marvin G. Shields, 26, CM3 of 141 East Clara St., Port Hueneme. He is survived by his wife, Joan, and infant daughter who are presently visiting in Sequim, Washington.

William Clifton Hoover, 25, SW2. He is survived by his parents, Mr. and Mrs. Clifton William Hoover of 1320 Hawthorne Drive, San Diego, Calif. Funeral services were held Tuesday at Fort Rosecrans with full military honors.

Six other men suffered injuries:

James M. Keenan, HM2, was treated in Saigon and released.

James Barnett Brakken, 32, BU1, of Puyallup, Washington, was also treated and released.

James Davis Wilson, 29, CM1, was released from the Saigon hospital on June 18. His wife, Janice, and two small children reside at 973-A Jelly Drive.

The other three wounded Seabees have been transferred to the hospital at Clark Air Force Base in the Philippines for further treatment and convalescence. They are.

LTJG Frank A. Peterlin, 26, Officer in Charge of the Seabee Team. He is from Oglesby, Ill.

Johnny Ray McCully, 34, EOC. His wife, Petra and two small children live at 611 East Pleasant Valley Rd., Port Hueneme.

Lawrence W. Eyman, 29, UT2. His wife and daughter live at 441 Santa Rosa St., Port Hueneme.

Douglas Martin Mattick, 22, BU2, was the one American not hurt during the fighting.

Four other members of the Seabee Team were not at the camp when the attack occurred. They are:

Jack Lee Allen, 33, EO2. His wife, Lillian, and three children live at 1520 Woodland St., Oxnard.

John Curtis Klepfer, 24, EO2. His family lives at 950-B Pearson Drive, Port Hueneme.

Frederick Joseph Alexander, 24, EA3, from Buffalo, N.Y.

Richard Stanley Supczak, 32, CE3, from New Bedford, Mass.

WOUNDED SEABEE TELLS OF VC RAID

(By Marie Levi)

It's quiet now.

The sounds the Seabee hears are the everyday pleasant ones of home—chicken frying in the pan . . . roller skates on the sidewalk . . . the voice of a neighbor at the door . . . a jet far overhead . . .

But James D. Wilson, CM1, can still hear other, more insistent, sounds. Pushing through his consciousness is the din of a mortar barrage, the whistling of rifle shells through a military compound, the blast of shrapnel just before its enters human flesh.

Just a month ago today, Wilson and eight other members of Seabee Technical Assistance Team 1104 listened to these sounds of war at Dong Xoai, Viet Nam. They were part of a 30-man force: 11 were Army Special Forces personnel, the others RVN troops.

With the exception of Johnny McCully, EOC, who was standing watch the Seabees were asleep when all hell broke loose at 11:45 p.m. on 9 June.

Bounced out of their bunks by the thunder of mortars and the staccato of small arms fire, the men quickly took up defensive positions. They were to stand against overwhelming odds of men and arms for the next 14 hours. They were all to feel the searing pain of shrapnel fragments entering their bodies, the deafening roar of battle. Two of the Seabees were to die.

"The very first assault wiped out our communications and destroyed our medical sup-

plies, with the exception of two small bags that James Keenan, HM2, had with him," says Wilson.

"Two out of the three compounds in the camp were overrun and occupied by the Viet Cong. They took over our reserve supplies of ammunition and all through the night and part of the next day they blasted us with mortars, recoilless rifles, flame throwers, and machine guns."

All around them, men were dying. Of the 30 troops, some 10 survived; no man was spared injury.

"If it hadn't been for a jerry-rigged radio put together by one of the Special Forces sergeants, we would have been done for," says Wilson.

With the radio, the survivors where able to maintain communication with command headquarters, and by dawn, American jets began strafing and bombing the area around the camp.

"It was the only thing that saved us," says Wilson.

Two groups of Vietnamese reinforcements tried to move in to save the Dong Xoai camp. The first was on the ground 15 minutes before being wiped out; the second group was pinned down by the Viet Cong and unable to advance.

"There was no possible way to hang on. The Viet Cong were firing on the compound and on the planes overhead with captured American weapons, and the small supply of ammunition we had was just about exhausted."

The only hope was to evacuate the survivors. At 2 p.m. on May 10, American jets and Skyraiders started a heavy bombing and strafing attack around the outside wall of the camp. In the meantime, three helicopters sat down in the middle of the area and picked up the remaining Americans and RVN troops.

"We couldn't have lasted 15 minutes more," says Wilson.

It was almost the heartbreaking end for Douglas Mattick, BUH2. When he started to enter the third helicoper, he was waved off, the chopper was already loaded to capacity. For a moment, he thought another helicopter was due in, but when he saw the three disappearing in the distance, the full force of his predicament hit him. He grabbed the radio, put in a quick distress call, and before long another helicopter was in for the rescue.

"Of the nine of us, two—Marvin G. Shields, CM3, and William C. Hooper, SW2, were dead. LTJG Frank A. Peterlin, officer in charge of the Seabee Team, and McCully were missing." (Both were wounded outside the compound, but where picked up the following day.)

After treatment, four members of the Seabee Team returned to Port Hueneme on July 1. Flown in by commercial aircraft were Wilson; Dale Brackken, BU1; Keenan; and Mattick.

McCully is still hospitalized in San Diego; LTJG Peterlin is undergoing treatment in Okinawa; and Lawrence W. Eyman, is at Clark AFB Hospital, Philippine Islands.

Recalling the massive Dong Xoai attack, Wilson remarks: "It's hard to imagine the sheer strength of numbers among the Viet Cong. They attack in a human wave—it would be impossible to down them all.

"Besides that, the VC round up people in the villages—young and old alike—and use them as human shields. They are completely ruthless as far as human life is concerned. It was a common sight to see women and children disemboweled as an example to other villagers.

"It was a time of horror," he added, "but the morale of the team never dropped. When the going got rough somebody would make a wisecrack, and the tension eased.

"Sure, we wondered sometimes if we would ever get out alive, but we helped each other keep our hopes up."

Of the four men who returned here last week, Mattick expects an early discharge and return to college. The other three will return to Seabee duty after a 30-day leave period.

Some of STAT 1104 team members have already volunteered for additional Seabee Team duty in Viet Nam; others will return if assigned there.

As for Wilson, he won't even consider anything but more Seabee duty. A career man with 11½ years already on the books, he expects to serve 30.

"I had a chance to cross rate to communications technician," he says. "It would have meant more shore duty and faster promotions, but I couldn't give up the Seabees."

Most of the men on the Seabee Teams feel exactly the same way.

SEABEE TEAM OIC AWARDED SILVER STAR

For his gallant action during the Viet Cong attack on Dong Xoai, Vietnam, on June 9, LTJG Frank A. Peterlin, Officer in Charge of Seabee Team 1104, was presented the Silver Star Medal by CDR W. W. Barron, MCB-11 Commanding Officer. The awards ceremony, attended by officers and men of the battalion, was held at Camp Kue Army Hospital.

The Silver Star is the fourth highest medal issued by the Navy. ADM Roy L. Johnson, Commander in Chief, U. S. Pacific Fleet, in the citation accompanying the award, said:

"For conspicuous gallantry and intrepidity in action while serving with U. S. Navy Seabee Team 1104 at Dong Xoai, Republic of Vietnam, on 10 June 1965.

"Shortly before midnight on the preceding night, the compound which LTJG Peterlin's team was assisting to construct came under intense mortar, machine gun, heavy weapons, and small arms fire from an estimated, Viet Cong reinforced regiment.

"LTJG Peterlin quickly went to a position on the berm surrounding the compound and for three hours exposed himself to hostile fire while firing at the enemy. During a massive Viet Cong attack with flame throwers, hand grenades and small arms fire, supported by mortar, machine gun, and heavy weapons fire, LTJG Peterlin, at close range, shot a Viet Cong carrying a flame-thrower.

"Shortly afterward, LTJG Peterlin was knocked down by an explosion and wounded by a bullet through his right foot. Despite his wound, LTJG Peterlin successfully evaded the Viet Cong forces which had overrun the compound and was able to conceal himself from the enemy for more than a day before being rescued. His coolness and effectiveness under fire were a constant encouragement to those about him."

CAMP SHIELDS HONORS SEABEE HERO

CAMP SHIELDS, CHU LAI, RVN, September 10.—Today the Seabee Camp at Chu Lai was named Camp Shields in memory of Marvin G. Shiels, CM3.

Shields died from wounds received while members of his unit, Seabee Team 1104, were assisting in the defense of the Special Forces Camp at Dong Xoai against an attack by the Viet Cong on June 10. The attack began late the previous night.

While assisting a wounded Army officer to a safe position, Shields sustained wounds about his face, neck and back. Despite these wounds he continued steadfast in fighting against the Viet Cong, both by means of his rifle and by throwing hand grenades.

When light broke on the morning of the 10th, Shields readily volunteered to assist in destroying an enemy machine gun emplacement. Though he had never used a 3.5 inch rocket launcher before, he performed the job well and was instrumental in destroying the position while under heavy enemy fire.

In returning to his previous position machine gun fire struck his right leg, nearly tearing it off. Though mortally wounded, he was able to move to a sheltered position and received aid. Throughout the remainder of the morning he was instrumental in keeping up the spirits of the defenders by laughing and making jokes.

Shields died that afternoon shortly after being evacuated by helicopter.

For his bravery and devotion to duty Shields has been recommended for the Navy Cross. His actions throughout were in keeping with the highest traditions of the Naval service.

The Seabees of MCB-10 are proud to enshrine the name of Marvin G. Shields in the camp which they established as a memorial to a fellow Seabee who exemplified the "Can Do" spirit of the Seabees in action against the Viet Cong.

Shields is survived by his wife, Joan, a young daughter and his mother Mrs. Victoria Cassalery, all of Port Townsend, Washington.

PUBLIC INVESTMENT IN NATION'S AIRPORTS MUST NOT BE WASTED IN TRANSITION OF AIR CARRIER EQUIPMENT AND SERVICES—AIRLINES, MANUFACTURERS AND FAA MUST SHARE BLAME FOR FAILURE TO DEVELOP AIRCRAFT FOR THE SMALLER AIRPORTS—PHASING OUT OF PLANES MUST NOT DEPRIVE COMMUNITIES OF FLIGHTS

Mr. RANDOLPH. Mr. President, on September 7, 1966, it was my privilege to have addressed the National Association of State Aviation Officials, gathered from 41 States, at the organization's meeting in Wheeling, W. Va. I stressed my belief that Congress, during the next 2 years, must meet the newer challenges of current and future aviation and must especially make major policy and financial decisions with respect to the airports of this country.

There are, I noted, approximately 3,500 publicly owned airports in the United States and, of this number, only 555 accommodate scheduled commercial air service—220 having trunk airlines service and that of local feeder line carriers, while 235 are utilized commercially by local service carriers only.

Indicative of the major problem facing us is the fact that only 100 of our airports can accommodate commercial jet aircraft—or only 1 of every 5½ airports presently having scheduled air carrier service. This is a sobering and disturbing fact.

Mr. President, I stressed that we properly could say that only 100 of approximately 3,500 publicly owned airports can be classed as "modern" in this jet age. But I remarked that we must not assume that all of the approximately 3,400 publicly owned airports not capable of accommodating commercial jet aircraft are in need of jet capacity runways. Obviously, only a low percentage have such needs.

The biggest immediate concern is the fact that 120 of the 220 trunkline airports cannot accommodate commercial jets, but there also is the question of how many of them absolutely must be expanded for jets and how soon. The central fact is, however, that we must not permit the huge public investment in these 120 below jet standard trunkline

airports to be wasted by permitting them to become obsolete through failure to upgrade or through forced under-utilization. And we must not permit commercial airlines to phase out too many of the 235 local service airports, as well as the 120 trunkline ports which are below jet standards, by too quickly establishing jet standards as runway requirements.

I also pointed out that not nearly enough funds—Federal, State, and local—are readily available—and perhaps not sufficiently attainable on short notice—to start an immediate upgrading of even the 120 trunkline airports which are below jet standards.

The Federal Aviation Agency has over 700 applications asking for approximately $260 million of Federal aid for airports under the fiscal 1967 program, whereas the appropriations for this program are to be in the neighborhood of only $71 million. This creates a huge unfilled backlog of unmet needs and, unfortunately, it has been the pattern for several years—too many needs and too few dollars.

The biggest disappointment to me—I said last week in Wheeling, and I reiterate—has been the failure of the commercial airlines, the aircraft manufacturers, and the Federal Aviation Agency to work more closely in the development of commercially feasible jet aircraft capable of utilizing the 4,500-, 5,000-, and 5,500-foot runways of the airports serving the smaller to medium-size cities of our country. I feel that there is too much research and development on the supersonic and long-haul jets and too little on the equipment requirements to fit the intermediate and small community airports, or even the medium-size regional airports.

Mr. President, Editor Wendell Reynolds, in the Huntington Advertiser, September 9, 1966, commented editorially on my remarks at Wheeling. I am appreciative. And I am grateful for the cogent article by Rudy Abramson of the Los Angeles Times in the Washington Post last Sunday, "Aircraft Advances Pose Airport Crisis." It is a thoroughly sobering discussion of the subject and includes frank and thought-provoking comments by Cole Morrow, FAA Director of Airport Services. I have known Cole Morrow for many years and I commend his dedication to and his knowledgeability in the field of airports and airport services. When he reports that it is already "too late to avoid a crisis," I believe it is time that the Congress and all officials involved in the problem take notice and work together for meaningful solutions.

The Abramson article imparts the information that the Air Transport Association, which represents the Nation's scheduled airlines, "is planning an in-depth study on the monumental problems which the new jumbo jets pose for airports and air travelers." This is timely and important and can be useful. In fact, I conferred several weeks ago with top officers in the Air Transport Association, the Aerospace Manufacturers' Association, and the Federal Aviation Agency, and at that time urged such a coordinated study.

Also noted in the article is the fact that our colleague, Senator EDWARD KENNEDY, of Massachusetts, is heading a study of these problems. This, too, is encouraging and doubtless will develop helpful facts which will enhance the development of solutions.

Mr. President, I request unanimous consent to have printed in the RECORD following these remarks the September 9, 1966, editorial from the Huntington, W. Va., Advertiser, and the article from the Sunday, September 11, 1966, issue of the Washington Post.

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

[From the Huntington (W. Va.) Advertiser, Sept. 9, 1966]

RANDOLPH URGES ATTENTION TO SMALLER CITY JET NEEDS

The need of additional air transportation facilities in this region gives particular interest to the statements of Senator JENNINGS RANDOLPH (D-WVa) Wednesday at Wheeling.

Addressing a meeting of the National Association of State Aviation Officials, the West Virginia Senator criticized airlines and federal authorities for neglecting the needs of smaller trunk-line airports in favor of supersonic long-haul jet transportation.

Among his significant remarks were:

Commercial airlines, aircraft manufacturers and the Federal Aviation Agency have failed to coordinate efforts for developing jet craft able to serve the nation's small and medium-sized cities.

Too much research is devoted to the development of supersonic and long-haul jets and too little to providing the needs for intermediate and small city or regional airports. Of the 3,500 publicly owned airports in the country only 100 are capable of accommodating commercial jet craft.

"This means," Senator RANDOLPH said, "that only 100 of 3,500 publicly owned airports can be classed as modern in this jet age."

He added:

"We must not permit commercial airlines to phase out too many of the 235 local service airports, to quickly establish jet standards as runway requirements.

The inability of the federal government to meet all requests for airport aid was illustrated by the statement that the FAA has more than 700 applications seeking about $200 million for 1967 but has only about $71 million to allocate.

"Congress, during the next two years," Senator RANDOLPH declared, "must meet the challenge of aviation."

The comments were particularly valuable because of his extensive experience as a former airline executive and transportation officer as well as his influence in the Senate.

They are particularly pertinent to this area and region for two reasons:

1. Efforts are under way for the construction of a regional jetport to accommodate craft that airlines serving the area are expected to put into use during the next few years.

2. The high cost of constructing airports in this hilly area, along with the limited federal funds for aid, makes financing a difficult problem.

It may be too late to speed research in the development of jets that can use smaller airports before new craft go into service and require longer runways.

Slowing the process of phasing out the smaller airports, however, would give areas such as this more time for constructing jetports.

Sen. RANDOLPH's statement that "Congress must meet the challenge of aviation" also strengthened the hope that additional funds may be made available for federal aid.

The Advertiser has suggested legislation giving the Appalachian Regional Commission more money for helping build jetports as attractions to industry in such areas as this.

Jetport construction would complement the road building program and would help open jobs for the unemployed commuting from more isolated areas.

The two programs could provide tremendous new stimulus to the Appalachian region.

[From the Washington (D.C.) Post, Sept. 11, 1966]

AIRCRAFT ADVANCES POSE AIRPORT CRISES

(By Rudy Abramson)

The Air Transport Assn., which represents the Nation's scheduled airlines, is planning an in-depth study on the monumental problems which new "jumbo jets" pose for airports and air travelers.

The investigation is still in the preliminary stage and will probably be preceded by a smaller pilot study before it is launched this year. Whatever the outcome, officials in the Federal Aviation Agency believe it is already too late to avoid a crisis in airport facilities during the next few years.

New planes which will carry 500 passengers or more will merely add to a dilemma born of a lack of coordinated planning between manufacturers, the airlines, the Government, and local officials.

KENNEDY CONDUCTS STUDY

Sen. EDWARD M. KENNEDY (D-Mass.) is conducting a study of these airport problems and considering legislative steps which would start some meaningful planning.

"Right now we are going about this like building a chain by designing each link individually, like planning a telephone system by designing one phone at a time," said Cole Morrow, FAA director of airport services.

"The airlines go merrily along assuming somebody is going to plunk down the millions to make it possible to operate the planes they develop. But the congestion at Washington National Airport has taught them they cannot ride herd over everybody in the country without some consequences."

Morrow said widespread reports are now coming to the FAA from airports recently receiving jet service that the Boeing 727 intermediate range jetliner is causing heavy runway damage.

"It's beginning to appear at nearly every airport where they are used," Morrow said.

SUBSURFACES INADEQUATE

Airline spokesmen say they are not aware of the problem. One airport engineer said, however, that runways are being severely damaged where the underlying surface has not been prepared to withstand the constant poundings of jet landings and takeoffs.

Future jets coming onto the market—such as the 495-passenger Boeing 747 and the Lockheed L-500, which could carry as many as 800 passengers in an all-tourist configuration, are being designed so that their weight is better distributed. The L-500, for example, will have 28 wheels and will operate with less pressure in its tires than the jets now in use.

Requirements to lengthen and strengthen runways are mounting while the FAA goes from year-to-year with a fairly stable budget for its Federal aid to airports program.

It now has 730 requests pending which total $250 million. The budget for fiscal year provided $71 million to be used with local matching funds for runway and ramp construction and improvement. Morrow says $157 million per year is needed over the next five years.

CRISIS "UNAVOIDABLE"

"It's too late to avoid a crisis," Morrow said. "The question is how long are we going to dally along before we do something."

Morrow advocates having the FAA take over the role of comprehensive planning, covering everything from airport access roads to restrooms to predicting the use and impact of new planes being developed.

"I don't think the FAA has any divine guidance, but I think we can take the leadership in development of a blueprint for air transportation so all of us working in this area can draw from a master blueprint," he said.

Presumably such overall planning would get high priority attention by the proposed Department of Transportation which has been approved by the House.

The measure is expected to come before the Senate soon. Sen. MIKE MANSFIELD (D-Mont.), the majority leader, has predicted it will be approved, establishing the second new cabinet level department of the Federal government in two years.

THE ROLE OF PROFITS IN CHRISTIAN FAMILY LIFE

Mr. MONDALE. Mr. President, 3 weeks ago Mr. Harry Heltzer, president of Minnesota Mining & Manufacturing—3M—Co., gave an address to a regional convention of the Christian Family Movement in St. Paul, Minn. He dealt with the role of business in solving the problems of poverty in our society.

His speech sounds the best note in American business today—a note of "moral responsibility in this matter of providing opportunity to all men."

As Mr. Heltzer points out, the central problem of poverty is not the shortage of jobs, but the lack of skills and motivation on the part of those who are victims of educational and cultural deprivation. Mr. Heltzer represents responsible industry in supporting an attack on this problem. His own words best set forth the challenge:

> If we really are ready to accept the moral and the economic challenge of such an undertaking, we should be ready to see it through. This is an assignment that can never be accomplished with halfway measures or wavering dedication. There is a responsible role in it for every one of us.

Mr. President, I ask unanimous consent that Mr. Heltzer's thoughtful and stimulating speech be inserted in the RECORD.

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

ROLE OF PROFITS IN CHRISTIAN FAMILY LIFE

(Remarks by Harry Heltzer, Christian Family Convention, August 20, 1966)

In considering the subject may I quote: "We are now engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated can long endure."

Abraham Lincoln said that a century ago when the people of this country were split by a rift so deep that only armed conflict could resolve the issue.

Today we are armed for another campaign within our borders. This one to bridge the gulf that prevents some of our people from enjoying the fruits of our economy.

Some social critics seem to regard this campaign as a test of whether the economic system to which this nation is dedicated can long endure.

If our concern with poverty in the midst of plenty constitutes a test of our basic economic institutions, then I, for one, am not worried over the eventual outcome.

No economic system that man has devised has yet done a perfect job of protecting all its people from want. Yet I submit to you that our notion of individual determination under free enterprise has come a whole lot closer than any other.

Let's take a look at the record. The business statistician measures our economy in terms of gross national product—that is, the total value of all goods and services produced during a year. In these terms our total wealth has grown a hundredfold in the past century—from less than 7 billion dollars in Lincoln's time to more than 676 billion dollars this past year.

And mathematically we can determine that the average family today has an annual disposable income of about $7,500.

These are comforting statistics. They measure accomplishments in which we can take justified pride. Yet there is a hazard in relying too much on gross measurements. When we do this we run the same risk as the statistician who drowned while wading a pond that averaged only two feet in depth.

This fellow came to grief because he relied entirely on generalized information and ignored the individual problem.

The parallel is that while there is value in national economic statistics for our country—our economy is actually based wholly on the individual. Our system will work only as long as it remains responsive to the needs of the individual.

What free enterprise really means is that the individual has freedom of choice in the line of work he goes into . . . in the amount of work he wants to do and the amount of wealth he accumulates . . . and most important of all—our system gives any man the right to look back on his accomplishments and reflect with pride that "I did this with my own efforts."

We can find the origins of this emphasis on the individual in the earliest reaches of American history. The majority of the early colonists came to these shores seeking individual freedom in religious belief, in political view and in economic opportunity. When the first colony was established at Plymouth it was their intention to provide for the general welfare on a share and share alike basis. All harvested crops and other foodstuffs were placed in a common storehouse to be distributed according to need.

As praiseworthy as this may have been on a humanitarian basis, it ignored man's desire to shape his own destiny. The men of that colony knew their wants were to be provided for even if they didn't get out and hustle—so most of them just coasted along and the colony suffered severe famine.

Then the rules were changed so that any man reaped what he sowed and the bounty of the land became a reality. It was only then that the first Thanksgiving became an appropriate celebration.

Since that day we have progressed only through the initiative of individuals expressed in the settling of frontiers and the development of the resources with which this land is blessed. We have progressed through the individual creativity expressed in the development of the electric light, the airplane, the hamburger and the hula hoop.

Our system has been productive—but perhaps not perfect. Throughout the years the distribution of our wealth has never been equal. But then it is not intended that it should be. We believe that only as a man sows, shall he reap—according to his own efforts.

On the other hand, opportunity has not been distributed equally either. This inequality is certainly not intended under our system and this is the problem we want to examine today.

We have all heard stories and innuendos of duplicity and greed in business. Perhaps some of these have basis—most do not. I believe you will find the businessman's outlook on the general welfare a lot closer to the moral viewpoint than you may have thought.

All of us in this group would quickly subscribe to our moral responsibility in this matter of providing opportunity to all men. Our participation in a program of this type attests that fact.

The businessman is equally interested in ridding the land of poverty and want. Why? Well, principally, it's just good business.

It is the irony of our time that the same newspaper that reports the problems of the unemployed and the under-employed on page one will also carry column after column of "help wanted" ads in the classified section. At the same time that thousands are suffering the frustrations of joblessness and want, business and industry—and for that matter, government and education—are searching fruitlessly for qualified people to fill thousands of essential jobs.

The basis of our poverty problem is an imbalance between the jobs available and the qualifications of the people eager to fill them.

The march of progress is all but doing away with the menial jobs that demand very little of the jobholder. Digging, carrying, loading and sweeping are now almost always done by machine.

This trend has taken place in response to the demands of all of us as consumers for the increased efficiency of mechanization to produce ever better goods at most attractive prices.

While mechanization and automation have eliminated some jobs, studies have proved that for every two jobs made obsolete in this way, three more are created. And the frosting on the cake is that the newly-created jobs are always more challenging, better-paying jobs than the ones they replaced because they are more productive of the goods and services demanded by the consuming public.

The reverse side of the coin is that while these jobs may be more rewarding—so are they more demanding of the skills and capabilities of the men who hold them. Industry is desperately in need of men and women who can fill these jobs well. When an operation is mechanized by any company, the usual practice is to re-train the displaced workers for new jobs—better jobs. But the individual who first approaches the job market with no skills to offer that the public is willing to buy, finds his chances are pretty slim.

During the Great Depression of the 1930's we were able to put thousands of unemployed people to work on a massive program of construction of roads, parks, monuments and other public works. But the same solution will not work today. The public works program created jobs where none existed. But a make-work program would not solve today's problem of preparing potential wage earners to fill available jobs where they are vitally needed and face promising futures. Today we are in a period of high prosperity and high employment. Our unemployed people find themselves in that situation not because there is a shortage of job opportunities but because they, as individuals, lack either the required skills or motivation or both.

What we must be able to do is to motivate and to train presently unemployable people so they can meet the requirements of the competitive job market and enjoy the opportunity to become productive citizens. This is what we are attempting to do in the programs popularly known as the war on poverty.

But if we really are ready to accept the moral and the economic challenge of such

an undertaking we should be ready to see it through. This is an assignment that can never be accomplished with halfway measures or wavering dedication. There is a responsible role in it for every one of us. These are roles calling for a great measure of what is often called "enlightened self interest."

The shortest route to failure in our war on poverty is to consider the campaign as one we can simply consign to our public agencies. True, we do need government action on the matter because we are dealing with groups of people outside the reach of the job market.

But if government agencies are to be successful in carrying out their part of this war on poverty, it will require that private business is able to offer permanent employment opportunities. Each segment has a role to play.

Without attempting to minimize the job our public agencies must carry in a war on poverty, I point out that the role of government is to regulate. I am sure that my colleagues representing government here today will agree that their organizations do not create wealth. The role of government is to provide a climate in which wealth is created by private business and industry producing useful goods and services.

The contribution that government can make is significant—but it is necessarily limited. The thing that public programs can do is to prepare people for productive employment. Beyond that point there must be rewarding jobs available—and, I say again, most of these jobs must be provided by private business.

While every war requires its share of emergency legislation, we shouldn't attempt to repeal the law of supply and demand for this campaign. This fundamental economic principle provides that the selling price of any item is established by the need of those who would buy it. With reference to the job market, there are good wages being offered for a large supply of jobs right now because of an unfilled demand for qualified people to fill them. Here is the ready-made solution to our poverty problem * * * if only we are astute enough to take advantage of it.

But we sometimes seek overly simple solutions to complex problems. It may seem simple enough that if every major employer absorbed just a few hundred needy on their payrolls the poverty problem would be licked. It is a compliment, of sorts, that the field of business is considered capable of carrying this extra load. But such a proposition could lead to a two-fold tragedy.

First, such a step would legally describe the people it covers as economic cast-offs who have no social role to play. By robbing them of motivation and opportunity we would effectively deny them the chance of ever bettering themselves.

Certainly we have had enough experience with adopting peoples as wards of the government—or of society—to be aware of the hazards of this course.

The second concern is in the ultimate economic consequences of attempting to create job opportunities where there are none. Because business today is good—there are plenty of job opportunities but only for those who can reach the high level of efficiency that current conditions demand. The employer who takes on a staff of people not prepared to produce efficiently is faced with a considerable cost for which there is no offsetting gain in income.

His only course is to add this cost to the price of his goods. This places it squarely up to you, the consumer—and we have a wealth of experience indicating that buyers just won't buy when faced with a price increase they feel is unwarranted. This not only dooms the artificially-created job—but places the jobs of thousands of presently employed qualified workers in jeopardy.

It is no exaggeration to say that success in business and industry depends in great measure on management's ability to hire with discretion. The greatest contribution business can make to a war on poverty is to stay in business—and stay profitably in business—to continue to meet payrolls, buying goods and services, paying taxes and using a portion of its profits for reinvestment in the business so that this cycle of opportunity repeats and repeats.

Business can afford to offer employment only to those persons whose skills are useful in the operation of the business—and even then, only to the number of persons needed to produce just enough goods to meet present sales volume. While there may seem to be short-range benefits from hiring a few additional people, including some below required skill levels, such a practice may well create a bigger economic problem by jeopardizing the future of what may otherwise be a successful, profitable business.

It is unfortunate that the word "profit" has acquired some unfavorable connotations. Profit is simply the gain that is earned through venturing investment capital and hard work. The promise of this gain is certainly an important motivating factor for most businessmen. But it is more than that. Because profit is the means of expanding each business and industrial organization, it is also the means of expanding the total economy. It is, therefore, the means of creating new and better job opportunities and for this reason it is as important to every employee and job applicant as it is to the owners.

I think some of the possible misconceptions about profits originate from the vague notions that profits disappear into an Ebenezer Scrooge-type accounting house where they benefit only the miser who accumulates them.

Actually, profits very rarely sit around and accumulate anywhere. Nothing moves faster nor works harder than a dollar in profit.

I say this because it is out of profits that new manufacturing plants and office buildings are paid for. It is out of profits that research is financed to seek out products and services which lead to new opportunities. It is out of profits that taxes are paid to support our common programs.

At 3M, for example, we are presently investing some $41 million a year in research—looking for new products or ways of improving existing ones. The only sources we have for this money is from the profits of previous sales.

This heavy investment in research is the key to growth in our company. As the result of this growth we were able to provide new jobs and job promotions to thousands of people during the past year. And I would stress that these were not merely jobs—they were good jobs.

This same process must go on in thousands of large and small companies all over the nation if business is to be able to fill its responsibility of offering productive employment to those in need of it.

But I would be equally candid in pointing out that these jobs that come about through our advancing technology can provide opportunity only to those people who are ready to accept the responsibility we must place on them. Today even most of the starting jobs we have to offer demand at least a high school education including a good grasp of the basic sciences, mathematics and the communications skills. Most of this preparation—and the motivation that underlies it—must be carried out in the family and in the schools, churches, and other institutions of the community. This is where each one of you has an important role to play.

Our war against poverty must not be limited to war against economic poverty—but also must be concerned with poverty of the soul as well.

The most essential ingredient in the preparation of any citizen is the preparation that makes him or her want to become a productive member of society. There is nothing more tragic than the person who wants only to sit quietly under the money tree and gather a few windfalls to meet his needs. While this man may be secure from poverty of the pocketbook and hunger of the belly, he most certainly will suffer poverty of the soul. He will never be able to stand straight and tell the world: "I did that!"

It is unfortunate that scriptural references have often been taken so literally to suggest there must be a breech between Godliness and material possessions.

I can't help but believe that any man's contemplation of the meaning of life and his relationship to the Almighty might be drowned out by the rumbling of his empty stomach. Isn't it more likely that if we can relieve economic hardship and demonstrate just reward that other opportunities of life can better assume their right dimensions?

Through the satisfaction of effectively meeting earthly responsibilties I wonder if we can't stimulate spirtual probing?

This, I believe, is a most proper concern of the Christian family and I feel that you, ladies and gentlemen, are to be commended for participating in this type of program.

I believe that when Christ seemed to speak out against the wealthy, he really was concerned with the undue preoccupation with accumulation of riches. Certainly extreme concern with affluence is the origin of just as many family problems as is poverty. What we are concerned with in our churches and our communities is the whole man—the balanced man—who carries his spiritual and his material values in their proper perspectives. It is this same whole man that the business world is eager to hire.

There is one more aspect of this field of economic opportunity that we should take up here as a responsibility both of business and of the Christian family.

We are all aware that opportunity is not equal among all our people and that the distribution of opportunity has been especially unequal to members of certain minorities among our populations.

I doubt that anyone here today has ever intentionally denied opportunity to a Negro, Mexican-American, Indian or member of any other minority group. But we may have been either indifferent or simply unaware of the need to provide equal opportunities.

In this regard, I would like to cite 3M as an example. I have been with the Company for more than 30 years. And for all of that time, and I don't know how many years before, the Company has had a stated policy of hiring the most qualified persons available without regard to race or religion. And we have lived up to this policy for as far back as I know anything about it. Certainly long before Civil Rights became a major issue, 3M hired without bias.

Our only concern has been to get qualified people. We don't seek and don't deserve any particular credit for this policy. We were simply following the dictates of good business. And any member of a minority group who applied for a job at 3M found that his application was considered strictly on the basis of his qualifications for a particular job.

However, through the years we made no particular effort to make our hiring policies known to minority groups. For one reason, I think we were a little fearful of appearing to claim credit where none was deserved. The fact is, as we have since learned, members of minority groups tended to stay away from our employment offices either because of timidity or the desire to avoid the repetition

of previous, embarrassing situations they had encountered elsewhere.

We now talk about our willingness to offer equal opportunities. For example, locally, we have worked with Mr. Cecil Newman, the publisher of the Negro newspapers—the St. Paul Recorder and the Minneapolis Spokesman. Mr. Newman occasionally carries a news item about a Negro who has taken a job at 3M. His articles invariably point out that jobs are available at 3M for qualified Negroes.

Our recruiting practices now also include advertising in minority newspapers, working with organizations representing minorities and participating in programs to encourage members of minority groups to prepare themselves and to look toward us as a potential employer.

All of us are gaining a better grasp on our moral responsibility in this matter of human rights. Yet it is interesting to consider how closely our economic self-interest parallels the moral view.

These are my thoughts on the role of profits in Christian family life. It is through the creation of profit that we cannot only provide for our material needs but contribute to the spiritual satisfaction that comes from achievement.

I sincerely appreciate the opportunity to offer these ideas to a group of this type, for after all, our national economy must first be understood if it is to continue to function and serve us all . . . and you can help.

We can't have the fruits of our economic system without having the system itself. And we cannot afford a weaker system because the size of the golden egg can never exceed the dimensions of the goose.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. GORE in the chair). Is there further morning business? If not, morning business is closed.

MRS. MARY T. BROOKS

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which is S. 3553.

The Senate resumed the consideration of the bill (S. 3553) for the relief of Mrs. Mary T. Brooks.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Arkansas [Mr. McCLELLAN] is recognized under the previous order.

Mr. MANSFIELD. Mr. President, will the Senator yield without losing his right to the floor?

Mr. McCLELLAN. I am glad to yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CIVIL RIGHTS ACT OF 1966

The PRESIDING OFFICER. The pending 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.

ADDITIONAL SIGNERS OF CLOTURE MOTION

Mr. MANSFIELD. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I yield to the distinguished majority leader without losing my right to the floor.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the name of the distinguished senior Senator from Rhode Island [Mr. PASTORE] be added to the cloture motion and that the Senator from Rhode Island be allowed to sign the motion.

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

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that the names of the distinguished Senator from Rhode Island [Mr. PELL] and the distinguished Senator from Oklahoma [Mr. MONDALE] be added to the signatures on the cloture motion.

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

Mr. CLARK subsequently said: Mr. President, I ask unanimous consent that I may be permitted to sign the cloture motion, which I believe is pending at the desk.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none, and it is so ordered.

Mr. McCLELLAN. Mr. President, contemplating that the civil rights bill would be debated at some length, I have made extensive preparations to engage in a series of speeches in opposition to the bill to fully explain its defects before we reached a vote on final passage.

In view of the present parliamentary situation, however, there is the probability that it will not become necessary for me to speak on all aspects of the measure or to speak in detail regarding it. Should the pending cloture motion be unsuccessful there may be a withdrawal of this measure and further effort to enact it dispensed with at this session of Congress. Of course, I may be expressing a wish that may not materialize. If further persistent effort is made after an unsuccessful cloture vote, if cloture is unsuccessful, I shall speak in more detail about the measure than I shall do today. If cloture is successful, of course, my opportunity to discuss the bill in detail and at length, and to point out all the evils it contains, may be limited. Mr. President, the citizens of this country who are not fully cognizant of the violence that the bill contains deserve the benefit of full discussion of it. The Congress should not enact a bill—this bill—which would do serious injury to the personal liberty of individuals and would generally undermine the great freedom that our people have heretofore enjoyed without full and free debate.

There is an effort to pass this bill by elements outside of Congress. There are efforts to bring about the enactment of civil rights legislation by elements in this Nation that are today engaged in deliberate turbulence, strife, and turmoil, trying to intimidate the Congress into passing this measure and other measures like it. I hope that Congress never yields to those who would seek to appease these elements. I hope that the Senate in particular never yields to the pressures of coercion and intimidation by mob violence. It will be a sad day for our country if that character of influence ever dominates the legislative branch, or either of the other two branches of our Government. Those forces are present throughout the Nation today and they are resorting to those means to try to influence this legislation.

Mob violence in a civilized society is abhorrent. The people of my State—like the vast majority of citizens throughout the Nation—deplore such action. The mob, as an instrument of force, intimidation, coercion, and compulsion, has no place—no proper role—in a democratic society. It is completely inimical to every concept and ideal of government under a rule of law.

The heat of passion and anger generated by the mob stimulates uncontrolled emotions; dethrones reason; and incites to hate, violence, and destruction. Violence begets violence; willful destruction spreads. It becomes wanton and indiscriminate, and personal injuries—even death—ensue.

We have witnessed this in the past several months in many sections of our country. What I am saying is not theory and not speculation. It has already occurred.

Mob demonstrations and rioting harden and solidify prejudices. They can never and will never ameloriate them. The arena of violence is not the crucible for the resolving of issues, the solving of problems, or the fixing of responsibility.

Force, as a tool of the mob is not a valid instrument for the redress of grievances, nor is it the answer to the anger, confusion, and frustration that has been engendered by agitators and extremists. This is a lesson that civil rights leaders need to learn and that mob demonstrators and rioters should be made to observe.

I make this next statement with emphasis and with regret but I think it is necessary and appropriate that it be made at this time, because the circumstances and conditions pervading our country and the business of the Senate today make this statement proper. I want to state for the RECORD that when our Government, for political expediency or in an attempt to placate minorities in their unreasonable demands, resorts to the force of punitive and unconstitutional statutes, it degrades the majesty of its authority, destroys confidence in its integrity, and ultimately invites the scorn and contempt of the very agitators it undertook to appease.

Yes, Mr. President, we are once again witnessing the technique of the double R

operation—the Negroes riot and the Congress reacts. Four major civil rights bills have been enacted into law within the past 9 years. And now, the Congress is called upon again—nay, it is being told that yet another bill must be enacted in this civil rights shell game of delusion and deceit. In trying to comply and appease by meeting the unreasonable and illegal demands of these minority groups, we are indulging false hopes and pursuing an illusion. It is impossible to satisfy the incessant and insatiable demands of the extremists in the civil rights movement.

Mr. President, I know that the words of a southern Member of this body spoken with relation to the civil rights legislation are usually cavalierly dismissed without concern or consideration.

The charge is made that we are prejudiced, and everything we say therefore must be discounted or disregarded. But let no one be deluded into thinking that this pending civil rights bill, or any other civil rights bill for that matter, will abate or extinguish the flames of unrest, riots, and mob rule currently raging in the streets of many of our major cities. Another civil rights bill—another law—will not resolve any issues or solve the problems involved. Thus, the leaders of this Nation and others who are in the forefront of advocacy for these ineffective and harmful remedies are engaging in a lot of sham and pretense. They are simply creating false hopes in those who may be so gullible as to believe that this bill will serve as a palliative to the ills and sufferings that this civil rights controversy has fostered upon our Nation.

The Negro says he does not have a job. So he demonstrates and riots, and the Congress passes a civil rights law saying that he will have equal opportunities to get a job. But, the bill does not create any new jobs. So, a false hope and delusion is created; and, when the Negro awakens to the stark reality of the situation—when he finds that no job is immediately forthcoming to him—he demonstrates and riots again.

The Negro says that he has inadequate housing, and he demonstrates and riots about that. So, the administration sends this bill to Congress providing for open housing. But, would this bill really provide adequate housing for the Negro? Of course not. So, we go through the motions—in this case, an arduous process of cranking up the gigantic power of this Government to pass another law. But what will we accomplish? We will have simply turned some wheels, made some speeches, encouraged more agitation, and greater and more unreasonable demands. The Negro people will not be greatly benefited thereby, and we will have provided no real effective solution to the problem.

If our Government is really going to alleviate or eradicate poverty, ignorance, and inequality in all forms and if it is its purpose to eliminate personal predilections, prejudice, and bias wherever and whenever they exist, then I suggest it is embarking on the wrong course when it proposes to do this simply by insisting on the enactment of still another in a long series of civil rights bills.

Mr. President, we should know by now that a true and correct solution of these problems can only be found in and applied by the processes of evolution and not by the forces of revolution. But, if the force of revolution is to be our national policy and the instrument that we choose to solve our ills—if it is to be our vehicle of progress together with huge Federal spending programs designed to relieve the individual and the State and local communities from their proper responsibilities—then we must face up to the fact that the money presses will soon have to run day and night to print the currency, Government bonds, and other evidences of debt required to supply the funds that will be necessary to support such programs and policies. I do not believe this course can be pursued—that this can be done—without sacrificing our liberties and destroying our country in the process. That is too high a price to pay, Mr. President. Temporary political expediency may seemingly dictate such a course, but the bitter fruits of it will, in the end, be national disaster.

They are not going to solve or eradicate poverty in this country by simply pouring out money without requiring comparable and corresponding responsibility and action on the part of those whose distress it is sought to relieve.

I am convinced that we can successfully defend this Nation, our liberties, and our freedom against all external threats and dangers, but I am increasingly disturbed and concerned with the persistent assaults that are made on our institutions from within.

Mr. President, every riot in this country today, all of the riots that we have experienced, are, in their proper definition and interpretation, an assault upon our institutions. Every riot is an assault upon law and order, upon the law enforcement agencies duly constituted. Those who participate disregard the processes of justice, of the courts, and of the administrative powers that are duly constituted under the Constitution and laws of our Government.

The deteriorating sense of obligation that exists and the rising waves of irresponsibility sweeping this Nation today are distressingly alarming. The lawlessness, the riots, the looting, and the mobs are all symbolic of a nation caught up in turmoil with revolutionary tendencies toward social and political chaos that border on and which might well lead to anarchy.

I do not hesitate to say that the processes of anarchy are at work in this country. Every element, every segment, every organization that has ulterior motives against our Government is contributing to the distressing conditions that we are witnessing today. We need desperately to return to reason, to restore respect for the fundamentals of our national Constitution. I say unhesitatingly that the Supreme Court of the United States ought to be the one to make the beginning, to make the start, because it has departed so far from reason that some of its decisions tend to encourage the practices and the actions that are being resorted to today to try to force and intimidate the Congress of the United States and the executive branch of this Government to take actions to placate those forces that demand the benefits, but shirk the responsibilities that belong to free men.

To repeat, we need desperately to return to reason, to restore respect for the fundamentals of our national Constitution, and to preserve order and enforce our laws with the paramount purpose of protecting society instead of interpreting and administering them to the advantage and accommodation of the criminal.

Law enforcement has deteriorated in this country, and it started from the top, when the Supreme Court began tampering with the Constitution and giving it interpretations that were never intended. That is when disrespect for the law began to arise, and civil disobedience began to become prevalent and to be the order of the day in many sections of our land.

New laws—and especially new civil rights laws—are not the answer to the problem of the Negro ghetto. Testimony in recent hearings held on urban problems by a subcommittee of the Senate Committee on Government Operations pointed repeatedly to the alleged need for more and more money if we are to end the blights of our cities. The cost to fulfill those needs for some 60 to 75 of our larger cities has been placed as high as $250 billion. If we project the ratio of that figure to all cities in the Nation that have the same or comparable problems, the cost obviously will be so astronomical as to be prohibitive.

Mr. President, these are some of the problems cited in support of this pending civil rights measure. But, this bill is really providing no answer to the problem. We are engaging in the perennial legislative shell game of delusion and deceit.

But not all are deluded and deceived, Mr. President. Let us consider the following excerpts from the subcommittee hearings to which I have previously referred. Claude Brown, a Negro and author of "Manchild in the Promised Land," in a response to the question of whether he anticipates the white and Negro communities working out some of the problems stated:

> It has to be done, or else there won't be any working out of the problems. But so far, all the white community has tried to do is placate, you know, just keep the niggers cool, you know. Pass the civil rights bill. Most negroes who are aware of, who have been around, have the slightest bit of awareness of what is going on politically in the country, they take the civil rights bill as a new method of placating the Negro.
>
> You know, it is like say 25 years ago they give us Joe Louis to identify with. Then let's say 18 years later they give us Ralph Bunche to identify with. Now that wasn't working out so well, so they are going to give us civil rights bill and this is just the latest method of placating the negroes.

Obviously, witness Brown is under no illusions about the true nature of this civil rights bill, Mr. President. He recognizes and identifies both the realities and the fallacies of this legislation.

This measure is not and cannot be a panacea for the riots, the looting, and the mobs roaming the streets of Ameri-

can cities today. This bill is not a substitute for the real needs of our time and for the sacrifices we must be willing to make if we are to achieve the higher and enduring goals of a truly great society. If we do not preserve our national institutions, our ideals of freedom for the individual, and our incentives of the free enterprise system, and our respect for law, then all will lose and suffer—white and colored alike.

I truly believe that we are today reaping the fruits of seeds of violence and disrespect for law sown by some leaders of our minority groups. And I regret to say that the sowing of these seeds has been condoned by some of our national leaders.

Consider the degree of encouragement and succor that must have been derived by some of the words of our President when he used the battle cry of our Negroes, "we shall overcome," in calling for prompt enactment of a voting rights bill in 1965.

Imagine the comfort, encouragement, and reaction of certain Negro groups when the President of the United States said "we shall overcome" when demanding of the Congress that it pass legislation to "placate" the Negro, as described by witness Claude Brown, author of "Manchild in the Promised Land."

Imagine, too, their encouragement and reaction when the Vice President of the United States declares in a public address that he could "lead" a "mighty good revolt" under comparable circumstances.

Mr. President, in my judgment, it is ignoble and tragic for the Congress to succumb to threats of blackmail—threats of blood running in the streets unless this so-called civil rights bill or that so-called civil rights bill is enacted into law.

Respect for the law and its enforcement suffers irrevocably when such means are used. And so, too, it is greatly diminished and impaired when militant Negro leaders like Stokely Carmichael call for the use of black power—when he calls on our Negro troops in Vietnam to lay down their arms, when he implies the threat of a black revolt—and when Negro leaders preach that it is perfectly all right to ignore and break laws which they find moralistically unsound. Such advocacies are seeds of rebellion, revolution, and anarchy. We have a nation—a government—founded on laws, and, when defiance of the law can be openly preached and encouraged with impunity, as we witness in these instances, then our internal security is positively endangered.

Oh, Mr. President, this Carmichael and folks like him walk the streets of America today, stirring up strife. He made a statement on nationwide television, encouraging the colored soldiers in Vietnam not to fight. I thought of him the other day, when I read of two white men being court-martialed because they refused to take a bus to start their journey to Vietnam under military orders.

Yet Carmichael commits no crime apparently, when he engages in such propaganda, and makes use of that effort to try to influence and undermine the war effort. They say, "You can't prosecute him; he has violated no law." But you can draft a boy and put him in uniform, put him under the military command, and say, "You take that bus or that plane and go abroad and fight"; and if he declines to do it, he has committed a crime, in effect, and is subject to court-martial, and is court-martialed and convicted, and a sentence is imposed upon him.

Where is the justice of it? How can we blame people, sometimes, for beginning to wonder if justice has not taken flight in this country, in this period of hysteria, agitation, and turmoil? We had better return to reason before it is too late.

The President is to be commended for his recent remarks suggesting a return to responsibility. It would certainly be well for the President to repeat such sentiments more often and with greater emphasis. But, calls for responsibility will likely prove to be nonpersuasive and ineffectual so long as our leadership tolerates and encourages provocative demonstrations that incite violence and rioting.

Each new civil rights bill passed by the Congress has been passed at the insistence and because of the intimidation and coercion of minority group leaders. Each new concession the Congress has made to those agitators has brought forth from them still more and greater demands. This dangerous and outrageous trend, if continued, will finally so contaminate and pervert the processes of democracy that law and order will be subverted to the whims and arbitrary power of rebellious and revolutionary minorities. Black power. Is that what we want to have dominate America?

I recently appeared on a television panel show and was asked if I thought the following statement by the SNCC leader, Stokely Carmichael, was not calculated to incite violence. He was quoted as saying:

> We don't get the vote, we're going to burn down the cities. Don't be ashamed when they start talking about looting. White folks are going to start running tomorrow, and they should take their dirty-cracker cops with them.

Such comments obviously incite violence, and we in the South have warned repeatedly that such incidences would occur if this Nation—if our Government—embarked as it has on a course of trying to appease minority groups by making concessions that transgress the fundamental principles of liberty and justice to the injury of the majority.

That is exactly what the bill represents.

This same Stokely Carmichael on the television program "Meet the Press" on August 21, 1966, in answer to a question by Lawrence E. Spivak, as to whether he would serve in Vietnam, replied:

> No, I would not fight in Vietnam, absolutely not, and I urge every black man in this country not to fight in Vietnam.

If he has a right to do that, every father and mother in this country has the right to do the same thing; and when we all resort to such tactics as those, there will be no America as we have known it. There will be no freedom in this land, and constituted authority by the will and consent of the people will perish.

Mr. President, this seditious statement and attitude on the part of Stokely Carmichael is a natural consequence and product of the programs of concession and the policy of appeasement that our Government has pursued.

So long as the leadership of this Nation condones, tolerates, and encourages an atmosphere wherein such disloyal, perfidious, and traitorous comments and the civil disobedience and rebellion they incite becomes commonplace, we can expect a continuation of violence and mob rule in the streets of some of our cities.

One of the greatest and most vital attributes of leadership is courage—courage that does not yield to threats of political reprisal or falter when confronted by the mob. We cannot permanently and wisely deal with the problems of racial strife in our cities and urban areas by throwing up another smoke screen and again engaging in the fraudulent shell game of passing another civil rights bill. This measure before us today does not satisfy the agitators—the black power advocates. They have already condemned as unacceptable, the House modified version of title IV. So have Martin Luther King and all of the others. So far as I know, none of them are satisfied with it.

Another civil rights measure will not placate them. They will be back here for more and more.

If we were to pass the bill in its original form and compel every homeowner in the country to abide by title IV as originally introduced, these people would still not be satisfied. They would be back, and the next time they will probably demand that the Government purchase a number of homes in each rural and urban white settlement in this country and make those homes available to them on credit so that they might have equality. Are we ready to do that?

We will not appease them and we cannot satisfy their demands. This would not be the end of it. If we were to pass this bill, there would still be others to follow.

The Congress has heretofore enacted into law a series of bills comprising a most comprehensive and far-reaching civil rights program. These measures previously enacted have had a disturbing impact on the daily lives of millions and millions of American citizens. They contain, among others, a multitude of provisions relating to voting, desegregation of schools and of all public facilities, equal access to public accommodations, and fair and equal opportunities for employment.

In addition, much legislation dealing with so-called civil rights issues and demands has been enacted by the several States, and vast sums are now being expended by the Federal Government and by the States to increase educational and job training opportunities for members of the Negro race and to eliminate every last vestige of alleged improper racial discrimination.

Billions of dollars are being spent for the relief and assistance of the impoverished, for expanded and accelerated educational programs, for vocational training of the unskilled and illiterate, for the creation of new jobs and job opportunities, for relief and rehabilitation, and for a host of other services all designed to help the underprivileged with particular emphasis on members of the Negro race. Notwithstanding all of these efforts, civil rights leaders are still not satisfied. They are demanding more and more, their discontent grows more intense, and demonstration marches and riots are getting larger and becoming more frequent.

Mr. President, when these comprehensive measures were presented, the Congress was warned that it was imperative that they be enacted, because the "rising tide of discontent was threatening the public safety in many parts of the country." We were told that failure to pass those measures would lead to racial strife which would "cause the leadership on both sides to pass from reasonable and responsible men to purveyors of hate and violence, endangering domestic tranquillity, retarding our national economic and social progress and weakening the respect with which the rest of the world regards us." See my remarks in the CONGRESSIONAL RECORD, volume 110, part 6, page 7880.

Congress was assured that the enactment of those several bills would lessen tensions and encourage the exercise of self-restraint; that their enactment "would eliminate the need for street demonstrations, mass picketing, and parades" which were then coming into use as weapons of coercion and compulsion.

What are the conditions today? Did the passage of the other civil rights measures eliminate the conditions which existed, or have those conditions grown worse?

The Presiding Officer can answer that question. Every citizen in the country knows the answer to that question. Conditions have worsened by the hour since the passage of the previous civil rights measures, and they will worsen by the hour if the Civil Rights Act of 1966 is passed. Can we not learn from experience?

Unhappily, Congress capitulated, met their demands, and enacted those measures into law. Have those civil rights laws produced domestic tranquility? They have not. Have they improved racial relations? They have not. Have they stopped marches, demonstrations, riots, and turmoil? They have not. Instead, those laws have been a source of constant agitation and aggravation and even greater provocation.

Mass picketing and other forms of demonstration are rampant, and the violence, the killing of innocent people, and the wanton and vicious destruction of private property has spread to many metropolitan areas in the West, in the North, and in the East—which, incidentally, are the primary sources of authorship and strongest support of civil rights programs. All of this is conducive to and creates a climate for the tremendous increase in crime with which our Nation is now afflicted. Today, the safety of decent Americans and law-abiding citizens is endangered in the streets of our cities, in the communities in which they live, and in their homes by lawless mobs whose civil disobedience and demands know no bounds.

Mr. President, I further stated in the television interview to which I have referred that—

> The truth is, the chickens, that have hatched, as the result of the prevailing and persistent prejudice against and the attempts to subjugate the people of the South by the enactment and enforcement of unconstitutional laws and court decisions, are now coming home to roost in other sections of our Nation. The consequences are both unpleasant and dangerous. Now we genuinely sympathize with these communities, with these citizens, that are now afflicted with strife and with riots and demonstrations and vandalism and crime, but our sympathies are not going to be adequate to redeem them from the fruits of their own folly.

I further stated, Mr. President, that—

> We tried to warn them that this would occur, many of us did, but, of course, the prejudice, we couldn't penetrate it.

I then pointed out that—

> Today, the brunt of the problem and the trouble that has been caused by some of these things that grew out of the original Supreme Court decision in 1954, are now being suffered by the people who applauded that imposition upon the people of the South.

Mr. President, some of us did in good faith and in the full depth of sincerity try to warn our colleagues here in Congress and people generally throughout the Nation what consequences could be expected if civil rights legislation were enacted.

Speaking here in this Chamber on June 18, 1964, when the Senate had under consideration one of the civil rights measures, I stated:

> We are here proposing to legislate with respect to deep emotions, sensitive feelings, strong beliefs, and deep convictions of human beings. This effort, Mr. President, is vain and futile. * * * This law will not pave the way to peace and understanding between the races. We cannot compel by statute brotherly love, fellowship, and good will. Mutual respect and tranquility between the races will be achieved only by patience, tolerance, and the processes of evolution, and not by the forces of compulsion and revolution.

I further stated that—

> The force provisions of this act will not solve racial problems nor will they improve racial relations anywhere. Quite to the contrary, they will most certainly promote and engender even greater enmity, strife, and discord. Both black and white, in my judgment, are destined in the long run to suffer rather than to benefit therefrom. This law will be a great disservice to both races.

Mr. President, I then made this observation:

> I venture to suggest that not only the South but other areas and sections of our land will experience greater trouble and more suffering by reason of the enactment of this ill-advised law. The tidal wave of civil disobedience and violence that its enactment encourages and invites will in all probability become a national rather than a sectional epidemic.

I concluded, Mr. President, by saying that—

> The agitations and, in some instances, mass demonstrations for the enactment of this law have already aroused passions and stirred instincts that are going to be difficult to subdue or control. I do not predict, but I am most apprehensive, that serious crime will greatly increase rather than diminish following the passage of this measure.

Mr. President, today in retrospect it is quite apparent that I did not indulge in exaggerations or false prophecy when I expressed those views and apprehensions in 1964. Within just 2 years' time, it would seem that they have all come true. It is time that we deal directly with and put an end to the lawlessness and anarchy which is now being tolerated and condoned under the guise of civil rights. Respect for and obedience of law and the maintaining of order must be demanded and required of all, irrespective of what their grievances—real or fancied—may be.

Mr. President, turning from the delusions which this bill creates to the fallacies that it contains, I am impelled to characterize it for exactly what it is—a direct and flagrant assault on the individual liberties of all citizens which is being committed with the avowed purpose of promoting so-called minority rights.

The Attorney General of the United States, for the sake of what he terms "national necessity," would abrogate the right which each citizen has under the Constitution to acquire, possess, use, and dispose of private property. He would, for "national necessity," sacrifice personal freedom—the right of choice—on the altar of "political expediency."

The cruel and grossly unconstitutional open housing provisions of this bill defy logic. This measure also contains other provisions, the evils of which must be exposed in the course of this debate—evils about which the people should be informed before this Senate in its haste is permitted to append its rubber stamp of approval.

TITLE I

Title I of this bill provides for a new system of selecting Federal jurors. It authorizes the defendant or the Attorney General to challenge in each case the selection process, and confers on the court authority to stay criminal proceedings or even dismiss the indictment against the defendant, pending the selection of another jury. I note with deep concern and dismay that the other body treated this drastic revision of the Federal jury system with little attention and regard during its consideration of this bill. Indeed, so apparent was its seeming indifference to this provision that it has been styled by some as the "stepchild" of this legislative proposal.

Trial by jury is a precious right, and, when changes are proposed in the jury selection process, such proposals should be carefully scrutinized and rejected, unless it is clearly demonstrated that such changes are essential to the administration of justice.

Juries are entrusted with awesome responsibility. They are called upon to adjudicate contract rights, property

right, tort liabilities, and to assess damages. In criminal cases, they decide the fate of the life and liberty of human beings. It is imperative, then, that we give profound deliberation to any proposal that would change the tried, tested, and proven system that we now have in the selection of jurors.

Mr. President, if title I, the jury selection provision of this bill, were enacted, the quality of jurors throughout this country would deteriorate, and the quality of justice to be administered under our jury system would be impaired. We ought to strive to get more intelligent people on juries, not less. We ought to strive to improve the quality of juries by getting people of sufficient capacity to form and to make judgment, instead of people who have no capacity. I do not mean by that that one must have a college education or even a high school education. Certainly, one need not be a sophisticated intellectual. But there ought to be some standards that at least require a minimum of intelligence.

Now we are going to tamper with the system that has been tried and proven to be the best. We are going to say no matter how intelligent this man over here is, even if he is a colored gentleman, somebody from another place must be secured, perhaps of less intelligence, merely to provide a leveling off process. Well, instead of leveling the jury system off from the top, to bring it down to those less competent and who have less capacity to form a judgment, we ought to try to bring the standard up. This legislation would bring it down.

In weighing the merits of this issue, we should secure and have the benefit of the judgment and experience from the highest judicial sources available. I am surprised to learn that the Judicial Conference, which is normally called upon for counsel and recommendation on measures of this nature, has not even been consulted by the proponents of this bill much less asked for comment and expressions about it.

I think it would be well, Mr. President, to have experienced jurists in this country counsel with Congress before it acts on such a vital matter, and to weigh their opinions and their recommendations before we undertake, at the insistence of some of these minority groups and these extremists, to write a law to please these groups.

In this process, we are trifling with justice under the law, and justice under the law is going to suffer in this process.

Noting this lack of announced support for the measure and the absence of any views or recommendations from that source, my colleague on the Judiciary Committee, Senator ERVIN, of North Carolina, has asked the Judicial Conference to make a study of this title. I believe he has received assurances that such a study by the Conference will be undertaken. But the Senate, under extreme and mounting pressure to pass this bill, may be persuaded to substitute haste for wisdom and thus take final action before the recommendations of the Judicial Conference can be received and considered.

I think we can well anticipate what the reaction of the Conference will be to title I. Since the Conference recommendations were not available, Senator ERVIN has sought the views of each of the chief judges of the 90 Federal district courts and divisions throughout the United States. Thus far, I believe, responses from 44 of those judges have been received. I understand that it is their general view that title I is ill advised, unworkable, and should not be enacted in its present form.

Title I declares it to be national policy that "all litigants in Federal courts entitled to trial by jury shall have a right to a jury selected from a cross section of the community in the district or division wherein the court convenes." Such a provision is destined to produce a flood of unnecessary litigation and an increase in court costs. It will afford a litigant one more technical basis for disrupting orderly and expeditious procedures.

Trial by jury envisages the right to a fair and impartial jury. When that objective has been achieved, it cannot possibly serve any constructive purpose to provide grounds for overturning a jury's verdict just because members were not selected from a cross section of the community.

Existing law—section 1865, United States Code—provides that "grand and petit jurors shall from time to time be selected from such parts of the district as the court directs so as to be most favorable to an impartial trial—that is the law today—and not to incur unnecessary expense or unduly burden the citizens of any part of the district with jury service." Certainly there is no justification for and no good purpose is served by eliminating or changing those reasonable and worthy objectives.

Bear in mind that much of this today is in the discretion of the judge—the judge who was appointed by the President of the United States and who was confirmed by the Senate. Yet, the proponents of this bill would say that we cannot trust our judges to direct the selection of juries in such a manner that would be favorable to an impartial trial. The proponents say that we have to change that law. And, what wholesome purpose is served by declaring it to be an affirmative policy that "all qualified persons shall have the opportunity to serve on grand and petit juries in the district courts of the United States."

I daresay that it is impossible to comply with that provision. There are so many qualified persons in many districts that it would be impossible to have enough courts for all of them to serve on a jury.

There are many obvious instances in which it may be to the best interest of the community that certain qualified persons, because of their profession or the nature of their work, be excluded from jury service. For example, nurses, doctors, teachers, public utility employees, along with others have frequently been excluded or excused from jury duty because of the necessity and sometimes indispensable services they perform.

Are we going to pass a law that provides a technicality whereby one tried or up for trial for an alleged crime, under indictment, can raise the question that no registered nurse is on the jury, no doctor is on the jury, no teacher is on the jury, that this group or that group is not represented on the jury? What would happen if such person is selected and the court excuses them on occupational grounds, would that enable a defendant to raise a technicality that he has been denied a right to have those persons serve on the jury?

Another burdensome provision of title I would require that the work of each jury commission be under the supervision of the chief judge of the district. The administration of this will create new problems and unnecessary inconveniences in multidivision districts in which the chief judge does not customarily handle jury trials in all of the divisions of such districts.

In my own State of Arkansas, both the eastern and western districts are multidivision districts. It is the practice there for the jury commission in any particular division to be supervised by the judge who presides and hears the cases in that division. This system has worked well. The Federal judges in my State are capable, experienced, and honest men, and there is no reason or justification for impugning either their capabilities or integrity, as title I impliedly does, by taking away their supervision over jury commissions.

What I am saying about Arkansas, I am sure holds true throughout the Nation. It would, therefore, be inexcusable indeed and most unfortunate for the Congress to compel a departure from the present reasonable, tried, and proven constructive method of selecting jurors.

However, ill-advised and unwarranted the provisions to which I have just referred may be, it is in sections 1864, 1865, and 1866, when read together and considered in connection with the policy expressed in section 1861, that the real evil of this title is exposed. Together, they constitute the scheme for jury selection in general courts. If this procedure is adopted and followed, it may well result in making jury trials a sham and a mockery of the constitutional guarantee of "due process of law." This formula would deprive the jury commissioners of all discretion in the selection of prospective jurors and would, in effect, change today's minimum standards for qualifying for jury service into the maximum requirements.

Under the obvious correct interpretation of these provisions, never again could ignorance, intemperance, immorality, and other character deficiencies be the basis for eliminating persons of such caliber from jury services, either by the jury commissions or by the courts.

If there is to be a cross section of people selected from a community for jury service there are bound to be some undesirable characters. There are few communities in this Nation where there are not some people who should not be permitted to serve on a jury because of some character defect, and some should be excused because of the business in which they are engaged. And yet, you have to

have a cross section. We are saying, in effect, to the criminal who stands before the bar of justice: You can demand that all kinds and characters of citizens be included in the jury or else we are giving you the technical grounds to ask that a judgment of conviction against you be set aside because this law of selecting a jury and getting a cross section to serve on the jury has not been complied with.

Is that the kind of justice we want in America? Who wants that? Not the law-abiding citizen. He does not need it. Whom are we trying to serve—the Stokely Carmichaels and his kind? That is who we are yielding to. God forbid if black power advocates ever get control in this country either through this insidious attempt of influencing legislation, influencing court decisions, or administrative action by the executive branch of the Government. That such is the true import and purpose of the provisions of title I is apparent from the following statement of the chairman of the House Judiciary Committee:

> The qualifications for jury service contained in existing law are retained, including the literacy qualification. However, it is intended that Title I set both a ceiling and a floor on juror qualifications, thus ending the practice in some districts of setting higher standards for jurors than are specified in the statute. Anyone meeting the requisite qualifications set out in the amended section 1866 must be determined to be qualified.

Thus, do the proponents of title I propose to insure that henceforth the jury system in our Federal courts, will function, if it functions at all, under requirements of the most minimal qualifications.

Trial by jury is one of our most precious heritages. Its origin predates the Magna Carta. It is regarded by all freemen as one of the major safeguards of life, liberty, and property. Now we propose to tamper with our jury system. Why? There is only one answer—a futile attempt to appease a minority.

Mr. President, since this is another in a series of civil rights antidiscrimination measures. I find it strangely contradictory to the general philosophy heretofore pursued and maintained by the leaders and advocates of civil rights—nondiscriminatory. Why does this bill require prospective jurors to indicate their race on a form to be provided by the Government? In many other Federal procedures today the very mention or inquiry about race and color is strictly prohibited. But expediency is the mother of strange behavior. Inconsistency and expediency are the twin offsprings of the travesty here sought to be perpetrated by this bill.

TITLE II

Mr. President, if title I of this bill is bad—and it is—very bad, then title II is absolutely obnoxious. By this vehicle the Federal Government seeks to dominate State courts by supervising and, in effect, administering their respective jury systems. To enforce the prohibition prescribed in title II, the Attorney General would be authorized to bring an action for preventive relief, to seek injunctions and restraining orders, or other actions against a State, any subdivision thereof, or any official of such State or subdivision.

Moreover, if in a criminal action it is merely asserted that the proscribed discrimination in jury selection has occurred then the State officials are put to the burden of furnishing as evidence, all information concerning the selection process. If this information does not satisfy the court, then the burden of proof is placed directly on the State to show that no denial of abridgement of rights occurred. Procedural difficulties attending such a process are readily apparent. One can only speculate on the number of criminals who may well and advantageously use such procedures as just another in a long string of technicalities available to them to delay and frustrate the orderly processes of justice. State courts will undoubtedly be inundated with frivilous claims of discrimination if this ridiculous title becomes law.

These provisions of the bill ignore States rights, impose impossible burdens on the State courts, lay down a presumption of discrimination by State officials, and erects another barrier to the successful prosecution of criminals by creating another technicality to hinder, delay and frustrate prosecutions. Our courts are already heavily burdened with criminal cases and criminals are already greatly favored and unduly protected by current procedures and court decisions. Instead of adding to already vexing problems of criminal procedure, as this bill will do, we should be trying to alleviate them.

TITLE III

Title III staggers the imagination. It would appear that this title was added as an after thought in the House Judiciary Committee. It is patently ridiculous on its face. It would empower civil rights advocates and the Attorney General to bring an action whenever they may choose to assert that there are grounds to believe that any person is about to engage or continue to engage in any action or practice that would deprive another of any right, privilege or immunity granted, secured or protected by the Constitution or laws of the United States on account of such other's race, color, religion, or national origin.

It would subject every citizen, every white citizen in this country particularly, to some action or suit at any time if some colored man wanted to make a complaint that you were about to do something that might infringe on his right. The Attorney General of the United States could bring a suit against you on that flimsy complaint.

Further, it would extend this same power to civil rights advocates and the Attorney General if they thought that someone was seeking to hinder or deny, or about to hinder those employing their first amendment rights, that is, the right to speak, assemble, and petition, when engaged in civil rights pursuits.

Obviously, this provision was added in an attempt to establish a special privilege for civil rights advocates and agitators so that they may carry on their riots and mob action without fear of local resistance or interference. Thus, those who might make an effort to oppose such actions and to rid their streets of violence could promptly be subjected to Federal court proceedings against them.

Mr. President, I submit that this exhibition of vague and confusing verbiage is the very epitome of that type of proposed legislation that one might expect when inspired by prejudices and drafted in an atmosphere of political expediency. This bill is simply a piece of junk and it should be promptly and summarily consigned to the legislative junk heap.

TITLE IV

Title IV strikes at the very heart of one of our most sacred institutions—a man's home. Indeed, under the original language in title IV, the language that the civil rights leaders want restored, a man's home would be transformed from his peaceful castle into a source of controversy, vexation, and potential costly litigation.

The Attorney General has declared that "the ending of compulsory segregation has become a national necessity" and that the enactment of title IV—in its original form—was essential to the accomplishment of that purpose. Indeed, we have heard much talk from the proponents of title IV about "compulsory segregation," "ghettos," and other emotion-arousing imaginary alleged evils.

But, the fact is that there can be no "compulsory" segregation in this Nation today. Compulsion implies the force of law, and, as long ago as 1948, the Supreme Court decision in Shelley against Kraemer rendered every statute and ordinance designed to accomplish compulsory segregation, null and void. It even went further and held that although private agreements of such nature were not in violation of the 14th amendment, they could not be enforced by the courts.

Wherever there is any segregation today, it is the result of choice, and the purely voluntary acts of private homeowners in which they exercise their constitutionally guaranteed rights of individual liberty, freedom of choice, and freedom of association. So long as those rights are preserved, individuals will continue to choose their friends, their neighbors, and their business associates largely on the basis of personal preference and mutuality of interests. To take away those rights and liberties from the individual, as this bill would do, is to take away a cornerstone of a free society.

Such integration, such segregation as exists in housing in this country today is the result of free choice. What is proposed is forced integration, denying a choice, compelling people not to choose but to accept associations that they do not want. That is not freedom in any language anywhere in the world. It is compulsion. It is force. And it is wrong.

It appears that the very intent, purpose, and inevitable effect of title IV would do just that. Its purpose is not the ending of compulsory segregation. On the contrary, its true purpose and intent is to force integration and amalgamation of all races, colors, and creeds in every residential community throughout the Nation in complete disregard of

the choice and preference of the individual citizen or that of the collective community.

Experience with school desegregation shows too painfully that forced integration and not mere desegregation is the true goal sought by the civil rights advocates. That is their policy with respect to all educational institutions, and they now seek to impose forced integration in all residential areas. To do that, they know that they must invoke the power of governmental compulsion, and that is exactly the power that title IV will give to them.

Let us remember that compulsory integration is synonymous with compulsory regimentation. Compulsory regimentation is a hallmark of totalitarianism. It is a total stranger to the true concepts of a democratic state and a free society.

The procedural aspects of title IV are as vicious and insupportable as are its substantive provisions. It openly invites every disgruntled, cantankerous, or litigious-minded person to sue when his offer to rent, lease, or buy has been rejected in favor of another person of a different race, color, religion, or national origin. In addition, upon application by the plaintiff, the court in which the action is brought is required to appoint an attorney to represent him. It may authorize the commencement of a civil action against the seller of the property involved without payment by the plaintiff of any fees, costs, or other security. State courts are authorized to do likewise.

There is no white man in this country, if the bill passes in its original form, with the original title in the bill, who would be able to make the choice of selling his property to another white man if he had a Negro applicant, without subjecting himself to likely litigation. Not only would he be compelled to litigate to whom he might sell, but he would also have imposed against him the cost of the Negro's attorney.

Is that justice?

Those white men who might want that kind of thing can get it.

I do not want it. My people do not want it.

But, if those white advocates want to sell their property to a member of another race, they can do it now. They are free to do it at this moment. No law keeps them from doing it. What the bill does compel, by force of law, is the doing of that which those white men want—that is, denying the choice to others which they want to exercise for themselves.

The court can grant such relief to the plaintiff as it deems appropriate, including temporary or permanent injunctions and restraining orders, and may award damages to the plaintiff, including damages for humiliation and mental pain and suffering, and up to $500 punitive damages. Last, but not least, the court may award a successful plaintiff reasonable attorney fees as a part of the cost.

Further, the Attorney General is empowered to bring an action whenever he 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 in title IV. But, no where in the bill is provision made to protect the innocent property owner from harassment and from loses incurred by reason of groundless and malicious lawsuits brought against him under this title.

It is not less than fair, if the plaintiff wins, that the attorney's fee can be assessed against the white man? Would it not be at least fair, if a suit is brought on flimsy charges which cannot be sustained, that thereafter the white man should be able to recover his cost and his attorney's fee, especially when the white man did not provoke the suit?

No, there has to be an injustice here. And they want it to be enacted into law.

No one can defend that concept of justice, because it is not justice, and it cannot be made to look like justice—even if Congress stamps it so under the present intimidation of that portion of the provision which is in the bill.

Thus, every homeowner would become a potential victim of vicious and vindictive litigation if title IV should be enacted into law. Indeed, title IV seems to have been designed to encourage a veritable flood of lawsuits against owners of private residential property.

In these circumstances, a property owner would have an impossible task in defending himself against the kind of lawsuits that are authorized by title IV. And, let us not be deceived in the attempt to mitigate that cruel fact by the watered-down version of title IV finally adopted by the House. The principle remains—it is embodied in the bill—diluted or otherwise, and, if the proponents of this measure condescend to let individual homeowners escape the trap of title IV this year, you can rest assured that the trap will be set and sprung again in future legislation.

After the original title IV was modified to the version that passed the House, Dr. Martin Luther King said:

> I don't think the bill is worth passing like it is.

Let me interject here that, of course, this will not satisfy them if the bill is passed in its present form. If he does not think it is worth passing, we know that it is not going to placate them. He wants more. He will be back next year demanding more, if the bill is passed now.

He further stated that instead of helping to end Negro riots such a watered-down bill—he is speaking of this bill in its present form—would only "add to the tensions and violence in our northern cities."

Let me ask all Senators, Do they want it? Do they want to increase it? Dr. Martin Luther King says that it will increase them if we pass the bill. All right, if Senators want it. If Senators pass this bill, there will be no escape because we are threatened with it. We are promised it, in effect.

All right, pass the bill and get it enacted into law but do not say that the country was not warned.

I know I am a southerner. Some of the things we have warned the country against have already come true. Pass the bill and you will invite still more trouble as Dr. Martin Luther King has promised it will do.

Stokely Carmichael, black power leader of the SNCC, called this bill in its present form "a fraud—worse than no bill." So, let not anyone be deceived. Every Senator who votes for passage of this measure does so with full warning and understanding that the Negro leaders of the civil rights movement do not accept it, that they reject it, and that they expect to and that they will demand more—and demand it soon, even at the next session of Congress.

Consider the effect of title IV in connection with the present tense and riotous situation in Chicago—and other places. If a white property owner in the Chicago area or in any other city where rioting has recently occurred were to be confronted with two willing purchasers for his home—one white and the other Negro—what would he be under compulsion to do if title IV were the law of the land. If the Negro prospective purchaser were of a belligerent nature or associated with one of the so-called civil rights groups, please tell me how much chance would the white property owner have of successfully defending himself in a title IV lawsuit if he chose to sell to the white man in preference to the Negro, regardless of how free his subjective reasons may have been of racial prejudice.

Even though he may have been influenced in his decision solely by personal traits or by many other subjective factors wholly unrelated to race or nationality, what proof could he produce other than his own word. Does anyone believe that such proof, his word, would be sufficient in an emotion-packed situation involving a charge of racial discrimination under title IV with the Federal Government—the Attorney General of the United States—prosecuting the case for the Negro?

It is proposed under title IV to give the Attorney General a roving commission—carte blanche authority—to intervene in lawsuits under title IV and to institute such actions on his own initiative, pretty much as he pleases. The obvious effect of this is to authorize the Attorney General to police every real estate transaction that occurs in the United States involving residential property. Only in a police state would one ever expect to find such power in the hands of a government officials. We will be moving toward a police state.

Is that what Americans want?

Remember, the American people are being warned. If they want to sit in silence and say nothing and do nothing about this situation and not let their Senators know that they oppose it, then forever after they must hold their peace, because this is what they are threatened with. It is not my language, it is the language of the leaders of the civil rights movement in this country who are demanding the enactment of this bill.

Mr. President, I refuse by my vote to repose such power in any agency or official of our Government.

Title IV clearly ignores the proscriptions upon the legislative power of the Congress, contained in the 14th amendment, as ably and aptly expressed by

Justice Harlan, in a separate concurring opinion in *Peterson* v. *City of Greenville*, 373 U.S. 244 (1963). He summed up the essence of the question facing this Nation today when he said that—

> Underlying the cases involving an alleged denial of equal protection by ostensibly private action is a clash of competing constitutional claims of a high order: liberty and equality. Freedom of the individual to choose his associates or his neighbors, to use and dispose of his property as he sees fit, to be irrational, arbitrary, capricious, even unjust in his personal relations are things all entitled to a large measure of protection from governmental interference. This liberty would be overriden, in the name of equality, if the strictures of the 14th Amendment were applied to governmental and private action without distinction. Also inherent in the concept of State action are values of federalism, a recognition that there are areas of private rights upon which federal power should not lay a heavy hand and which should properly be left to the more precise instruments of local authority.

Title IV is concerned with purely private transactions involving the rental, leasing and sale of real estate. It certainly cannot be bottomed on the commerce clause of the Constitution because nothing can be more local than real estate. It is fixed and immobile. It is peculiarly and permanently located within the jurisdiction of some State, territory, or other political subdivision. It is a legal fraud for the Congress, under guise of regulating commerce to enact a code of municipal law regulating the rental, leasing and sale of real estate. Yet that is what this bill does. If this title is enacted, sustained, and enforced it will obliterate State sovereignty and spell the end of limited government in this Nation.

Congress cannot, under the guise of regulating, or protecting interstate commerce, or even in the quest of solutions for social uprisings, enact such unsound and unconstitutional legislation without jeopardizing this Republic and doing irreparable injury to freedom and personal liberty. They tell us it is going to be worse if we enact this bill in its present form. Do Senators think we can appease them by passing it? They have not been appeased by bills we have passed before. They will not be appeased if this bill is passed.

In sum, Mr. President, title IV would abrogate the right and destroy the freedom of homeowners, to possess, use, control and dispose of their own property. It would give minority groups arbitrary and dictatorial power which could be brought to bear against the homeowner, to compel his subjugation to the whims of a favored minority.

This, Mr. President, is totally foreign to every concept of American democracy.

TITLE V

Title V of this Pandora's box of wild-eyed schemes is styled "interference with rights." It purports to create still more privileges for special groups and classes. It undertakes to make it a Federal offense to intimidate, interfere, or attempt to interfere, and presumably to even threaten to do these vaguely undefined things, should such action be directed against someone seeking to exercise several enumerated rights; provided, of course, such action is motivated by race, color, religion, or national origin. If not so motivated, why, then the Federal Government is not concerned and you would have to search for and invoke State laws for a remedy. Certainly State laws, which already protect the rights enumerated in title V are sufficient and adequate to deal with this problem and one cannot see any justification for warping, distorting, and making a mockery of the 14th amendment in this fashion.

Title V, if enacted, would stand as a precedent for still further Federal encroachments upon the constitutional prerogatives of the States. If it is enacted, we will need to create a national police force.

TITLE VI

Mr. President, if anyone doubts the sharp appetite of our Attorney General for power, he has only to look to title VI of this bill. The Attorney General obviously is not at all pleased with the progress forced integration is making in our educational institutions. He is not at all satisfied with the sincere efforts being made in that direction. It will certainly come as news to the South that the Federal Government is not doing enough in this area. For we know only too well that the Attorney General was given ample authority under title III and IV of the 1964 civil rights law to act whenever and wherever actual discrimination exists and to so act at all times.

Mr. President, the Attorney General is not satisfied and his greed for power has never been more clearly shown than in this attempt to array the mighty arsenal of the Department of Justice against even the crime of a "threat to threaten," whatever that may mean.

I submit, Mr. President, that we should be concerned about an endeavor to curb the Federal Government's power, and not undertaking to enact legislation to increase and strengthen it.

CONCLUSION

Mr. President, I shall conclude, but I wish to say for the record that I have only touched briefly on some of the ills and evils contained in this obnoxious piece of legislation. I shall pay further respects to them in the days ahead if this bill remains the order of the business of the Senate.

I hope it will not. I hope that we can get on with business that is important to this country. Much legislation needs to be enacted. Appropriations to carry on the essential functions of Government need to be made.

Today I have barely touched on the evils of this bill. Much more should be said because the people ought to be fully informed about this vicious legislation before Senators are asked to vote for cloture. The cloture motion should be defeated, and then the bill should be withdrawn and forever forgotten.

Even a cursory examination of this bill shows that it suffers the vice of vagueness, the insidiousness of innuendo, the dilemma of delusions, the evils of expediency, and the unconscionableness of unconstitutionality. It should be rejected, it should be defeated, and it should be condemned and irretrievably relegated to oblivion.

Mr. ERVIN. Mr. President, will the Senator from Arkansas yield for a question?

Mr. McCLELLAN. I am very glad to yield to the Senator from North Carolina.

Mr. ERVIN. Does not the Senator from Arkansas agree with the Senator from North Carolina that America was erected upon the proposition that liberty is the most precious value of civilization?

Mr. McCLELLAN. Not only was it erected on that premise, but it has also survived upon that premise and has prospered. It has brought greater happiness to a greater number of people enjoying the greatest prosperity the world has ever experienced.

Mr. ERVIN. Does not the Senator from Arkansas agree with the Senator from North Carolina that the pending bill is wholly inconsistent with the preservation of the liberties of the American people insofar as the right of private property is concerned?

Mr. McCLELLAN. It is completely inimical to every constituent factor, in my judgment, of true liberty, that true liberty which permits freedom of choice in the acquisition, the possession, the use of, and the disposition of private property.

Mr. ERVIN. Would not the bill rob all American citizens who happen to own property of a residential character, or property which is susceptible of development for residential purposes, of the right to select the persons to whom they wish to sell such property or to rent such property?

Mr. McCLELLAN. It would do that. I believe that the bill now pending has a provision exempting the residences of individual under certain conditions; but let us keep this in mind, that while the bill in its present form may have that concession, let me say that the original bill did not make that exemption. Let me also say that the President of the United States still wants, and the administration still wants, the original bill. Let me say still further that the leadership of the groups they are trying to appease still insist that this is no bill at all without that provision. So that if we enact the bill in its present form, it will not satisfy them. They will be back insisting that the original bill be restored and there will be no end to it.

If freedom is to be preserved in this country, some day, somewhere, there must be a limit, a line of demarcation beyond which there shall be no trespass or intrusion.

Mr. ERVIN. Do I not construe the remarks of the Senator from Arkansas in respect to the present bill to mean that if the present bill which came over from the House were enacted into law it would prostitute at this time the principle of private ownership of property, and that the Senator predicts that the next time a so-called civil rights bill is proposed that principle will be debauched?

Mr. McCLELLAN. There is no doubt about that.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. JAVITS. Mr. President, I am moved very strongly by the morning news about the impending cloture vote to make a few brief statements here on the floor which I think are essential to an understanding of the situation.

First and foremost, we see one thing about violence, and that is that violence breeds violence. And who could read the story about Grenada, Miss., in the newspapers this morning without having his blood run cold?

Just as we may not want to wish to be intimidate by Negro violence, whether under the slogan of "black power" or not—though Negroes have been careful to define it as excluding violence—so I hope we are not going to be intimidated by white violence. We read this morning about the beating up of little children. Men must be blind or mad to engage in such conduct in this country.

I denounce it on the floor of the Senate. There is no excuse for that or for black violence.

Mr. President, it illustrates one thing. Justice and the law must be enforced, whether it be to desegregate public schools, or to prevent riots and window breaking. There can be no substitute for law.

Grievances cannot be bottled up for generations without having the pot boil over. We will never have enough policemen to enforce the law under those conditions. We do not want to use them. We will not have enough troops to keep it down, and we do not want to do that to maintain order. But we expect to have a measure of justice to induce order among our citizens, and the civil rights bill we are discussing now is absolutely essential.

I wish to point out that title V of the bill would reach the Grenada situation. It gives the Federal Government power to proceed against those who are denying civil rights to those who are contending for those rights or those who are helping others obtain them. The title also provides a measure of punishment which would fit the crime.

Of course, Mr. President, there are deep differences of opinion in this Chamber as to whether this bill should pass. It is the duty of those of us who are proponents of the bill to call attention to the kind of violence which is bred by the effort to impose injustice in violation of law—and, in Grenada, Miss., in violation of the solemn orders of the U.S. district court.

It is our duty to denounce such violence, and to point out that we could be in much worse shape than we are. We might really have open revolt in parts of this country, if we had not gradually permitted the law to become operative in respect to the civil rights movement as it began to develop in 1954.

Another thing about which I wish to speak today, and which I think is critically important to my party, is what I now see to be something of an effort, perhaps even a calculated effort, to lay the risk of failure of this bill, disastrous as it would be to the country, upon "Republicans."

Mr. President, the minority leader [Mr. DIRKSEN] has an absolute right to his opinion. But Senator DIRKSEN, I believe, would be the first to affirm that that does not represent the opinion of all Republicans. I deplore and am very unhappy about the fact that Senator DIRKSEN seemingly is against this measure. I had hoped against hope that in 1966 he would do what he did in 1964—lead us on a civil rights bill, in finding ways and means of compromise. I and others have knocked ourselves out, and will continue to do so, trying to find some way of meeting his views, deeply and sincerely held, on housing, as we did on public accommodations.

I am deeply depressed and deeply disappointed by the fact that he is opposed to this bill. His opposition is meaningful and important.

But, Mr. President, it is by no means the opposition of "Republicans"; nor should the administration seek to lay upon that party its own failures in endeavoring to bring about the passage of a meaningful and important civil rights bill.

The President said yesterday at his news conference:

> A lot depends on his, DIRKSEN'S, willingness to support it. I hope we can find some way to get his support. Whether it passes or fails depends largely on what the minority leader does.

Mr. President, this is the President of the United States, with enormous power and enormous influence, and with two-thirds of the Members of the Senate on his side, not on this side.

There will be some votes here. I hope as many as half the Republicans will vote for cloture. Perhaps they will not; but there will certainly be an appreciable vote here.

But should cloture fail, the real failure, Mr. President, will be the inability to turn out the majority to the extent it needs to be turned out in order to effect cloture, even on this first trial.

So, Mr. President, with all respect, I think that had better be stated, and we had better understand. Senator DIRKSEN has himself, on previous occasions, during the Eisenhower administration, said that he was carrying the flag for one thing or another. Sometimes he stood alone. He is not afraid of that. Sometimes he has stood together with the majority of Republicans.

But I do not think that his opposition or his feeling about this bill should characterize the Republican side. Senators will tomorrow stand up and be counted—and should be considered—for what they believe.

One other thing, Mr. President. It is with pride that I state that in 1957, 1960, 1964, and 1965 a much greater percentage of Republican Senators voted for the civil rights bills of those years than Democrat Senators. In 1957, for example, 100 percent of the Republicans present and voting voted for the civil rights bill. On the Democratic side, it was 60.5 percent.

In 1960, the vote was 100 percent on the Republican side, and 84 percent on the Democratic side.

In 1964, it was 82 percent on the Republican side and 69 percent on the Democratic side. And in 1965, it was 93 percent on the Republican side, and 69 percent on the Democratic side.

This is a record of which to be proud, Mr. President, and it is a record which needs to be cited. Without in any way complaining about the opposition of my own leader, whose support for this bill would be invaluable, as everybody knows, and which I hope and pray to obtain, I think it is necessary to set the record straight that what Republicans do will depend upon how they vote as individuals.

The opposition of the minority leader cannot be used to characterize opposition to the civil rights bill as being "the Republican opposition," nor can the President of the United States and the majority avoid their responsibility by laying the fate of this bill upon the back of Senator DIRKSEN, which I do not think is fair at all. Nor does this approach discharge properly the responsibilities of the administration to do everything in its power to bring about the passage of the bill which it proposed, quite rightly and properly, and sent to Congress.

Mr. LAUSCHE. Mr. President, I feel that I would be delinquent in the fulfillment of my own responsibilities unless I expressed my reaction to what is sought to be done in placing the entire responsibility relating to the passage of the civil rights bill upon the minority leader [Mr. DIRKSEN].

He has a right to exercise his judgment concerning what course he believes will be in the best interests of the country. He is, in fact, the minority leader; but to say that the defeat or the passage of the bill lies entirely with him is indulging in political manipulation which in my judgment is not justified. Are we to ask him to abandon his judgment, and to remain passive, without expressing his views to his fellow Senators? In my opinion, the posing of such a proposal to him would be completely unjustified.

Various judgments will be expressed on the measure. Each Senator, I hope, will cast his vote primarily on the basis of what he believes is right and proper. Many will struggle to dismiss from their minds the tremendous motivating force of political expediency. That will be a pretty hard task to achieve. But if we are to perform our duty to our country properly, we should dismiss from our minds completely any consideration of what is politically good or politically bad. Our aim should be to further a course that will serve, in perpetuity, our system of government.

There will be votes cast on the basis of political expediency. That has been done in the past, and will be done in the future. We have cast votes on the basis of what is politically advantageous with

respect to the repeal of taxes. But today and tomorrow, we are talking about reimposing taxes. I have just read the RECORD of the 1965 debate on the repeal of the automobile tax; and I am rather proud, Mr. President, that there were three of us who voted against it: Senator Harry F. Byrd of Virginia, who is no longer with us, the Senator from Delaware [Mr. WILLIAMS], and myself.

The argument was made by others and by me that we could not subscribe to a reduction of taxes at the same time that we called upon the Senate to raise the debt ceiling. I, at least, could not reconcile myself to that paradoxical and conflicting position.

At practically that same time, the Senate had two measures pending before it. One measure was to reduce taxes and the other was to increase the debt ceiling. It was my opinion that we could not vote for both, but that we had to be for one and against the other. Many voted for both. I voted against both.

Mr. President, I will cast my vote on cloture tomorrow. I will do so substantially on the basis of what I believe will provide a fair enjoyment of constitutional rights for every member of our society.

We must consider the constitutional rights of the individual who owns a piece of property. In my judgment, the Constitution says that when a person, with the money earned by his own labor and by the sweat of his own brow, buys a piece of property and builds upon it a structure to provide habitation for people, he should be afforded protection by the Constitution. That property and building has been purchased with the results of his labor, and the Government has no right to tell him what he shall do with it.

I realize the significance of what I have said. The easy way out would be to say: "I will vote for cloture." But that would not be the conscionable way out.

If I were to follow that course, I would be bowing to political advantage and political expediency. At this stage of my public career, I will not pay that price.

I have, in my whole political career, attempted with all my might to provide for the full enjoyment of constitutional rights by every citizen of this country.

If John Brown has acquired a piece of property and built upon it a structure to house human beings, and if the Government has given him nothing by way of grants, he is entitled to say: "This is my property. I have a right to determine how I shall use it."

That is the way the whole problem appears to me.

I am finally of the judgment that if we in the Senate begin to advocate that principle, we shall be providing for the full constitutional enjoyment of rights not only by the minority, but also by the majority. The prospects of our country continuing to live will be greatly enhanced.

The Carmichaels and the McKissons cannot be permitted to run this Nation. They speak not for the Negro people. They have made it most difficult for every Member of Congress to provide help where it is needed.

These men in moving around the country—precipitating riots, and inducing young men to burn their draft cards and lie down in public places to impede the movement of traffic and in front of trains carrying military equipment and personnel—are seemingly directing what our country shall do.

It is a grave question that is before us. I recognize it. I repeat that throughout my whole public career I have fought for and advocated the promotion of the economic and social status of every minority group within our country. I broke the color barrier—a firm one—in Ohio while I was the mayor of Cleveland, when white firemen refused to sleep with Negro firemen in the firehouses; when the water department and the electricity department of the city of Cleveland refused to hire Negroes because of the fear that white women would not permit them to read the meters in the homes.

I went into a factory in Cleveland in 1943 at 2 o'clock in the morning, when white women were refusing to work with Negro women. I got onto a table and said, "You are Hungarians. How would you like it if you were seeking jobs but were told you could not be given jobs because you are Hungarians?" I was heckled. The table was shaken. But I went on with my argument.

I merely state this to emphasize that I have been a friend of the minority group in the fullest degree.

Repeating what I have already said, tomorrow I will vote against cloture.

Mr. President, I yield the floor.

Mr. DOMINICK. Mr. President, I wish to thank the distinguished Senator from Ohio for the position he has taken with respect to the distinguished Senator from Illinois [Mr. DIRKSEN], the minority leader. I believe it has been grossly unfair for the President and others to say that the question of what will happen to the civil rights bill depends solely on Senator DIRKSEN's opinion.

All of us have deep respect and admiration for the minority leader, and we all hope that something will be worked out.

More than two-thirds of the membership of the Senate are of the President's party, so to place the responsibility for the disposition of the civil rights bill solely on the Senator from Illinois [Mr. DIRKSEN] seems to me to be wholly erroneous and misleading to the public at large. So I express appreciation to the Senator from Ohio for the statement he has made.

Mr. LAUSCHE. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. I yield.

Mr. LAUSCHE. The gravity of the wrong that has been committed is the belief that to put the finger upon the minority leader will make a coward out of him and cause him to abandon his honest judgment and to abandon what he believes is in the best interests of the country.

Nothing disturbs me more than people who believe that they can make a coward out of me. That is what they are trying to do to Senator DIRKSEN.

Mr. DOMINICK. I thank the Senator from Ohio.

CHILD NUTRITION ACT OF 1966—AMENDMENT

Mr. ELLENDER. Mr. President, I ask that the Chair lay before the Senate a message from the House on S. 3467.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3467) to amend the National School Lunch Act, as amended, to strengthen and expand food service programs for children, which was, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Child Nutrition Act of 1966".

DECLARATION OF PURPOSE

SEC. 2. In recognition of the demonstrated relationship between food and good nutrition and the capacity of children to develop and learn, based on the years of cumulative successful experience under the national school lunch program with its significant contributions in the field of applied nutrition research, it is hereby declared to be the policy of Congress that these efforts shall be extended, expanded, and strengthened under the authority of the Secretary of Agriculture as a measure to safeguard the health and well-being of the Nation's children, and to encourage the domestic consumption of agricultural and other foods, by assisting States, through grants-in-aid and other means, to meet more effectively the nutritional needs of our children.

SPECIAL MILK PROGRAM
AUTHORIZATION

SEC. 3. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1967, not to exceed $110,000,000; for the fiscal year ending June 30, 1968, not to exceed $115,000,000; and for each of the two succeeding fiscal years not to exceed $120,000,000, to enable the Secretary of Agriculture, under such rules and regulations as he may deem in the public interest, to encourage consumption of fluid milk by children in the United States in (1) nonprofit schools of high school grade and under, and (2) nonprofit nursery schools, child-care centers, settlement houses, summer camps, and similar nonprofit institutions devoted to the care and training of children. For the purpose of this section "United States" means the fifty States and the District of Columbia. The Secretary shall administer the special milk program provided for by this section to the maximum extent practicable in the same manner as he administered the special milk program provided for by Public Law 85-478, as amended, during the fiscal year ended June 30, 1966.

SCHOOL BREAKFAST PROGRAM
AUTHORIZATION

SEC. 4. (a) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1967, not to exceed $7,500,000; and for the fiscal year ending June 30, 1968, not to exceed $10,000,000, to enable the Secretary to formulate and carry out, on a nonpartisan basis, a pilot program to assist States through grants-in-aid and other means, to initiate, maintain, or expand nonprofit breakfast programs in schools.

APPORTIONMENT TO STATES

(b) Of the funds appropriated for the purposes of this section, the Secretary shall for each fiscal year, (1) apportion $2,600,000 equally among the States other than Guam, the Virgin Islands, Trust Territory of the Pacific Islands, and American Samoa, and $45,000 equally among Guam, the Virgin Islands, Trust Territory of the Pacific Islands, and American Samoa, and (2) apportion the remainder among the States in accordance with the apportionment formula contained

in section 4 of the National School Lunch Act, as amended.

STATE DISBURSEMENT TO SCHOOLS

(c) Funds apportioned and paid to any State for the purpose of this section shall be disbursed by the State educational agency to schools selected by the State educational agency, to reimburse such schools for the cost of obtaining agricultural and other foods for consumption by needy children in a breakfast program and for the purpose of subsection (e). Such food costs may include, in addition to the purchase price, the cost of processing, distributing, transporting, storing, and handling. Disbursement to schools shall be made at such rates per meal or on such other basis as the Secretary shall prescribe. In selecting schools, the State educational agency shall, to the extent practicable, give first consideration to those schools drawing attendance from areas in which poor economic conditions exist and to those schools to which a substantial proportion of the children enrolled must travel long distances daily.

(d) In circumstances of severe need where the rate per meal established by the Secretary is deemed by him insufficient to carry on an effective breakfast program in a school, the Secretary may authorize financial assistance up to 80 per centum of the operating costs of such a program, including cost of obtaining, preparing, and serving food. In the selection of schools to receive assistance under this section, the State educational agency shall require applicant schools to provide justification of the need for such assistance.

NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS

(e) Breakfasts served by schools participating in the school breakfast program under this section shall consist of a combination of foods and shall meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional research. Such breakfasts shall be served without cost or at a reduced cost only to children who are determined by local school authorities to be unable to pay the full cost of the breakfast. In making such determinations, such local authorities should, to the extent practicable, consult with public welfare and health agencies. No physical segregation of or other discrimination against any child shall be made by the school because of his inability to pay.

NONPROFIT PRIVATE SCHOOLS

(f) The withholding of funds for and disbursement to nonprofit private schools will be effected in accordance with section 10 of the National School Lunch Act, as amended, exclusive of the matching provision thereof.

NONFOOD ASSISTANCE PROGRAM AUTHORIZATION

SEC. 5. (a) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1967, not to exceed $12,000,000, for the fiscal year ending June 30, 1968, not to exceed $15,000,000, for each of the two fiscal years ending June 30, 1969, and June 30, 1970, not to exceed $18,000,000, and for each fiscal year thereafter such sums as the Congress may hereafter authorize, to enable the Secretary to formulate and carry out a program to assist the States through grants-in-aid and other means to supply schools drawing attendance from areas in which poor economic conditions exist with equipment for the storage, preparation, transportation, and serving of food to enable such schools to establish, maintain, and expand school food service programs. In the case of nonprofit private schools, such equipment shall be for use of such schools principally in connection with child feeding programs authorized in this Act and in the National School Lunch Act, as amended, and in the event such equipment is no longer so used, that part of such equipment financed with Federal funds, or the residual value thereof, shall revert to the United States.

APPORTIONMENTS TO STATES

(b) The Secretary shall apportion the funds appropriated for the purposes of this section among the States during each fiscal year on the same basis as apportionments are made under section 4 of the National School Lunch Act, as amended, for supplying agricultural and other foods, except that apportionment to American Samoa for any fiscal year shall be on the same basis as the apportionment to the other States. Payments to any State of funds apportioned for any fiscal year shall be made upon condition that at least one-fourth of the cost of any facilities financed under this subsection shall be borne by State or local funds.

STATE DISBURSEMENT TO SCHOOLS

(c) Funds apportioned and paid to any State for the purpose of this section shall be disbursed by the State educational agency to assist schools, which draw attendance from areas in which poor economic conditions exist and which have no, or grossly inadequate, facilities, to conduct a school food service program, and to acquire such facilities. In the selection of schools to receive assistance under this section, the State educational agency shall require applicant schools to provide justification of the need for such assistance and the inability of the school to finance the food service equipment and facilities needed. Disbursements to any school may be made, by advances or reimbursements, only after approval by the State educational agency of a request by the school for funds, accompanied by a detailed description of the facilities to be acquired and the plans for the use thereof in effectively meeting the nutritional needs of children in the school.

NONPROFIT PRIVATE SCHOOLS

(d) The withholding of funds for and disbursement to nonprofit private schools will be effected in accordance with section 10 of the National School Lunch Act, as amended, exclusive of the matching provision thereof.

PAYMENTS TO STATES

SEC. 6. The Secretary shall certify to the Secretary of the Treasury from time to time the amounts to be paid to any State under sections 3 through 7 of this Act and the time or times such amounts are to be paid; and the Secretary of the Treasury shall pay to the State at the time or times fixed by the Secretary the amounts so certified.

STATE ADMINISTRATIVE EXPENSES

SEC. 7. The Secretary may utilize funds appropriated under this section for advances to each State educational agency for use for its administrative expenses in supervising and giving technical assistance to the local school districts in their conducting of programs under this Act. Such funds shall be advanced only in amounts and to the extent determined necessary by the Secretary to assist such State agencies in the administration of additional activities undertaken by them under section 11 of the National School Lunch Act, as amended, and sections 4 and 5 of this Act. There are hereby authorized to be appropriated such sums as may be necessary for the purposes of this section.

UTILIZATION OF FOODS

SEC. 8. Each school participating under section 4 of this Act shall, insofar as practicable, utilize in its program foods designated from time to time by the Secretary as being in abundance, either nationally or in the school area, or foods donated by the Secretary. Foods available under section 416 of the Agricultural Act of 1949 (63 Stat. 1058), as amended, or purchased under section 32 of the Act of August 24, 1935 (49 Stat. 774), as amended, or section 709 of the Food and Agriculture Act of 1965 (79 Stat. 1212), may be donated by the Secretary to schools, in accordance with the needs as determined by local school authorities, for utilization in their feeding programs under this Act.

NONPROFIT PROGRAMS

SEC. 9. The food and milk service programs in schools and nonprofit institutions receiving assistance under this Act shall be conducted on a nonprofit basis.

REGULATIONS

SEC. 10. The Secretary shall prescribe such regulations as he may deem necessary to carry out this Act.

PROHIBITIONS

SEC. 11. (a) In carrying out provisions of sections 3 through 5 of this Act, neither the Secretary nor the State shall impose any requirements with respect to teaching personnel, curriculum, instruction, methods of instruction, and materials of instruction.

(b) The value of assistance to children under this Act shall not be considered to be income or resources for any purpose under any Federal or State laws including, but not limited to, laws relating to taxation, welfare, and public assistance programs. Expenditures of funds from State and local sources for the maintenance of food programs for children shall not be diminished as a result of funds received under this Act.

CENTRALIZATION OF ADMINISTRATION

SEC. 12. Authority for the conduct and supervision of Federal programs to assist schools in providing food service programs for children is assigned to the Department of Agriculture. To the extent practicable, other Federal agencies administering programs under which funds are to be provided to schools for such assistance shall transfer such funds to the Department of Agriculture for distribution through the administrative channels and in accordance with the standards established under this Act and the National School Lunch Act.

PRESCHOOL PROGRAMS

SEC. 13. The Secretary may extend the benefits of all school feeding programs conducted and supervised by the Department of Agriculture to include preschool programs operated as part of the school system.

SEC. 14. There is hereby authorized to be appropriated for any fiscal year such sums as may be necessary to the Secretary for his administrative expense under this Act.

OVERSEAS DEPENDENT SCHOOLS

SEC. 15. (a) There is hereby authorized to be appropriated for any fiscal year such sums as may be necessary to extend to children attending overseas dependent schools administered by the Department of Defense the benefits of this Act and of the National School Lunch Act, as amended.

(b) The Secretary, after appropriate consultation with the Secretary of Defense, is authorized to make such rules and regulations as he deems necessary to carry out the purposes of this section.

MISCELLANEOUS PROVISIONS AND DEFINITIONS

SEC. 16. For the purposes of this Act—

(a) "State" means any of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Trust Territory of the Pacific Islands, Guam, or American Samoa.

(b) "State educational agency" means, as the State legislature may determine, (1) the chief State school officer (such as the State superintendent of public instruction, commissioner of education, or similar officer), or (2) a board of education controlling the State department of education.

(c) "Nonprofit private school" means any private school exempt from income tax under

section 501(c)(3) of the Internal Revenue Code of 1954.

(d) "School" means any public or nonprofit private school of high school grade or under, including kindergarten and preschool programs operated by such school and, with respect to Puerto Rico, shall also include nonprofit childcare centers certified as such by the Governor of Puerto Rico.

(e) "Secretary" means the Secretary of Agriculture.

ACCOUNTS AND RECORDS

SEC. 17. States, State educational agencies, schools, and nonprofit institutions participating in programs under this Act shall keep such accounts and records as may be necessary to enable the Secretary to determine whether there has been compliance with this Act and the regulations hereunder. Such accounts and records shall at all times be available for inspection and audit by representatives of the Secretary and shall be preserved for such period of time, not in excess of three years, as the Secretary determines is necessary.

Mr. ELLENDER. Mr. President, I move that the Senate disagree to the amendments of the House to S. 3467 and request a conference with the House on the disagreeing votes, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Presiding Officer apointed Mr. ELLENDER, Mr. HOLLAND, Mr. TALMADGE, Mr. JORDAN of North Carolina, Mr. MCGOVERN, Mr. AIKEN, Mr. YOUNG of North Dakota, and Mr. COOPER conferees on the part of the Senate.

ORDER OF BUSINESS

Mr. DOMINICK. Mr. President, I have been fascinated this morning in listening to my colleagues from Ohio and Rhode Island and Wisconsin speak on so many subjects, bringing up problems, I must say, which Republicans have been pointing out for these 5 years. It is a great comfort to me, as a member of the Colorado delegation, on the Republican side, to hear my Democratic friends finally taking cognizance of the problems that we have been pointing out. I hope that they will continue to do so.

Mr. President, the subject about which I wish to speak today is different. Because it is different and because this is not the morning hour I ask unanimous consent that I may proceed with my address on a nongermane subject.

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

SOLOMON'S DECISION

Mr. DOMINICK. Mr. President, the leaders of this Nation and the entire free world are facing in the relatively near future some most awesome decisions, comparable in magnitude to the decision posed by full-scale nuclear war—decisions so Solomonic in nature that God has never given the power to make such judgment to any human.

The stage is set. The curtain has already started to rise in some parts of the world. The scene coming into focus will show mass starvation and nations decimated by disease of epidemic proportions greater than the plagues of the Middle Ages.

Who shall have the wisdom and the power to decide which people shall be saved and which shall be allowed to die of starvation and of disease brought about through malnutrition?

Can free nations or the world itself survive the forces which will develop from the driving hunger of the hundreds of millions of people in the food-scarce areas of the world? History records famines and plagues, but nothing of the magnitude which now threatens, and consequently history does not provide us with answers to this threat.

There is, however, encouraging evidence that the calamity can be at least partially averted and the full effect lessened if the nations of the world act in time. And like the Biblical story of Joseph, who warned Pharoah that 7 years of plenty would be followed by 7 years of famine, there is time to act if the nations of the world have the will to act.

There is no simple and easy solution to the specter of mass starvation in vast areas of the world. No magic incantation will be found to transform deserts into lush gardens in the twinkling of an eye. Nor can we hope for a repetition of the Heavenly miracle of the five loaves of bread and two little fishes which fed the multitude of 5,000 people gathered in Galilee to hear the teachings of Christ. We must not only put to wider use the knowledge we have already gained in the past two decades, but we must also accelerate our efforts to add to our knowledge of food production technology, and find means of communicating our knowledge to the have-not nations of the world.

There are many complex problems to be overcome, and the time for solving many of them already is critically short. Food production is daily losing the race against population explosion in Latin America, Asia and Africa. Only the United States, Canada, Australia, and New Zealand remain as major food surplus nations in the world. The Soviet Union and Eastern Europe are barely meeting their own needs. The rate of population growth in the rest of the world threatens to surpass even our ability to fill the growing world food deficit—even at the bare subsistence level.

At the beginning of this century the world had an estimated 1,650 million human beings occupying its surface. That number has now doubled, and at the present birth rate, will more than double again before this century ends. It is most paradoxical that the greatest increase in population is occurring and will continue to occur in those areas of the world which are now producing less and less of their food needs.

It has been estimated that, if the present ratio between population increase and food production continues throughout the world, in the next dozen years the world will face a food deficit of as much as 240 million metric tons annually. Under these conditions, the same source has estimated that 48 million human beings will be left to starve and the specter of disease stalking quietly through whole populations debilitated by malnutrition will become a terrible reality. Who has the wisdom to make that decision: "Who shall live and who shall be left to starve?"

The burden rests heavily upon the United States. For two decades we have shared our abundance with the hungry nations of the world. Since 1954 farm products worth an estimated $25 billion in terms of the cost of acquisition, handling, and shipping have been distributed to more than 100 nations of the world by the United States under Public Law 480, and now we are rushing still more emergency aid to India. What lessons can we learn from the past 20 years?

There is strong evidence to support the conclusion that our handouts over the past 20 years have served mainly to postpone crises, and in some instances, to compound them by an adverse effect upon the recipient's incentive to help himself. In those areas we must profit by our mistakes and seek different solutions. We dare not continue our present course in those areas where our generosity has created lethargy instead of incentive. This is the crux of our problem. Experts in the field of human nutrition have provided some interesting analyses.

Prof. Nevin S. Scrimshaw, head of the department of nutrition and food science at Massachusetts Institute of Technology, in his address to the annual meeting of the American Freedom From Hunger Foundation last October stated:

> Even with up to 80 percent of their population engaged in agriculture, the less developed countries are losing the capacity to feed themselves. Before World War II, the less developed regions were exporting 11 million metric tons of grain per year to the developed countries. During the early post war years from 1948 to 1952, this flow reversed, as an average of 4 million tons of grain per year moved from the developed to the less developed world. As population growth rates accelerated in the 1950's the flow increased, averaging 13 million tons annually in the years 1957–59 and approximately 25 million tons in 1964.
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> Per capita availability of grains, legumes, roots and tubers at the end of this decade is projected as 210 kilograms per capita in the developing countries, 470 kilograms for the communist countries, and at least 670 kilograms in the technically developed countries of the West. Food output per person in Asia, excluding Communist China, has dropped 4 percent since the postwar high in 1961, and in Mainland China even more. Latin America output has declined each year since 1958, dropping 5 percent in 5 years.
>
> The latest reports show per capita food production lower last year than in the preceding two years in 10 of 20 Latin American countries, 10 of 16 countries in the Far East, and all 4 of the countries of South Asia—India, Pakistan, Ceylon and Afghanistan. In 43 of 63 countries for which data are available, per capita production of rice, wheat, and corn is now decreasing.

Professor Scrimshaw's conclusions are:

> We must face certain hard facts. The consequences of a continuing decrease in per capita food production in the developing countries cannot—for political, economic, and agricultural reasons—be avoided indefinitely by ever increasing food shipments, largely from the United States . . . It is evident that the rapidly worsening world food situation can be permanently improved only by two measures—a more rapid increase in food production in the developing countries and a less rapid increase in population.

It should be a matter of grave concern to all of us that little effective progress is being made in increasing agricultural yields. In the developed countries yields have more than doubled in the last 25 years, while they have increased only about 8 percent in the technically underdeveloped areas. Most of the increase in their food production has come from increased land area cultivated by the same inefficient methods. Many countries are now running out of good agricultural land without any sign of the so-called yield take-off achieved by the present industrialized countries several generations ago and more recently by Japan.

Yet the factors limiting food production in the developing countries are primarily social and economic rather than physical. Lack of knowledge and the illiteracy of the rural populations, long-standing customs, limited agricultural training activities, inadequate storage and distribution facilities, lack of fertilizers and pesticides, little or no mechanized equipment, poor seeds and animal breeds, and lack of money or credit are among the recognized factors.

Either a revolutionary breakthrough must be achieved in the application of knowledge in the less developed countries, or the time is not far off when we must all face the consequences of widespread starvation in many of them.

It is quite clear that the present population of most of the developing countries, as well as greatly increased future populations, could easily be fed by their own agricultural production of conventional crops if only there were time for crop yields to catch up with population needs and if purchasing power of the people for food kept pace.

Dr. Raymond Ewell, vice president for research, State University of New York at Buffalo, testified earlier this year before the Subcommittee on Foreign Aid Expenditures of the Senate Committee on Government Operations.

I had the pleasure of talking with him, prior to his testimony, on some of the proposals I make in these remarks. He is a most distinguished man and obviously knows his subject very well.

The distinguished Senator from Alaska [Mr. GRUENING] is the able chairman of that subcommittee. Dr. Ewell is recognized widely as an authority on soil chemistry, and has devoted many years of study to the subject of food production in many areas of the world. Dr. Ewell summarized the food dilemma in part as follows:

As far back as Biblical times, the world has experienced famines. American Indians, hunting, fishing and gathering wild nuts and fruits, had their own solution. . . . When food became scarce in one area, they moved to another. Today, there are no "new" places for the world's 3.4 billions to go.

It is obvious that the food deficit countries must redouble their efforts to grow more food within their own borders rather than rely on surpluses from other parts of the world. It sounds easy, all they have to do is to adopt modern scientific agriculture as practiced by nearly every farmer in North America, Europe, Japan and Russia, and there will be plenty of food for everyone.

It would be easy, except for the fact that at least 90% of the farmers in Asia, Africa and Latin America are totally illiterate.

They can't read, write, or add numbers. They don't know anything more sophisticated about plant life than the mere planting of seed and harvesting what comes of it.

How do you contact hundreds of thousands of farmers who can't read? Here's where the difficulties begin to multiply. It means virtualy telling each farmer individually how to get better seed through intricate breeding over a period of years, how to plant and the use of fertilizer.

Another obstacle: It takes money to buy fertilizer or to build fertilizer plants, to build irrigation systems, provide pest control, improve seed varieties and get better tools. Of these, the most important and the one which would show greatest short range effect during the next five years is fertilizer. Fertilizer must be regarded as the mainstay of any massive increase in food production.

Dr. Ewell views family planning as only slightly less important than the increase in fertilizer production and use in the food scarce areas of the world.

From the United Nations Food and Agricultural Organization which is headquartered in Rome and under the chairmanship of Dr. B. R. Sen we get some very interesting statistics. The Food and Agricultural Organization has 3,000 people working at its headquarters in Rome and an estimated 2,600 experts in the field working on the problems of increasing agricultural production in many parts of the world.

Quoting from their report:

Grains account for 71 percent of the world's harvested crop area. Grains provide 53 percent of man's supply of food directly and a large part of the remainder of his food supply when consumed indirectly in the form of livestock, poultry and dairy products.

For the purpose of comparison, the world is divided into two sectors. The developed world is divided into four geographic regions: The first is Western Europe; the second Eastern Europe including Soviet Russia; the third is North America which includes the United States and Canada; and fourth is Oceania which consists of Australia and New Zealand.

In the less developed world, there are three geographic regions: First, Africa; second, Asia; third, Latin and South America.

Comparing grain production in these various areas, North America produces 1,100 kilograms of grain per person per year. By comparison, Asia produces only 225 kilograms per person and accounts for the difference between an economy which can produce abundant livestock and poultry, and an economy requiring all of its production for direct consumption.

On the same land area in the developed world, we have increased our grain output by 51 percent since 1934. During this period, the United States and Western Europe actually reduced the area devoted to grain production; however, the Soviet Union increased its land area. During this same period, the less developed area increased its total grain output by 46 percent, but four-fifths of this increase came from expansion of land areas and not from better yields per acre.

The Food and Agriculture Production Yearbook for 1962 discloses some remarkable differences in grain production in the various countries.

Denmark, which has the highest yield per acre of wheat, produces 3,700 pounds per acre; Japan, ranking second, produces 2,450 pounds per acre; France, 2,140 pounds per acre; Poland, 1,780 pounds per acre; and the United States, 1,440 pounds per acre. But, at the lower end of the scale, Ethiopia produces only 440 pounds of wheat per acre, Brazil, 475 pounds per acre and India produces only 760 pounds of wheat per acre.

In the production of rice, which is a major item in the food budget in many countries of the world, Australia leads in the production of the most pounds of rice per acre. Australia produces 3,840 pounds of rice per acre; Italy, which ranks second, produces 3,200 pounds per acre; Egypt, 2,920; Japan, 2,720; and in fifth position is the United States with 2,210 pounds of rice per acre.

At the lower end of the scale, the Philippines produce only 710 pounds of rice per acre and India only 870 pounds of rice per acre. Brazil produces 1,020 pounds of rice and Thailand, 1,240 pounds. Burma, where rice is a most important item of the diet, produces only 1,500 pounds of rice per acre.

In these statistics, it is interesting to note that Latin America, which has the fastest population growth today, has allowed its grain production per capita to drop a full 16 percent below the 1934–40 production level.

Studying these statistics, one might well ask the question: Why the less developed countries, the food-scarce countries of the world today, cannot follow the example set by the United States, Canada, and Australia in their earlier development? In answering this question, economists from our own Department of Agriculture contend that the conditions facing today's less developed countries are far different than those which faced our own country, Canada, and Australia at a comparable stage in their development.

I may interject at this point to say it has been an interesting situation that where small plots have been put into production as a result of land reorganization in those countries, the persons who moved on them grew enough food for themselves, but did not grow enough to supply the people in the towns and cities, so that while there was land redevelopment, there was a decreased production going along with it. Many of these conditions are not favorable to those countries now attempting to develop. Among these conditions they list:

First. The area of cropland per person is only a fraction of what it was in the now advanced countries at a comparable stage in their development.

Second. Population growth rates confronting today's less-developed countries are far higher than those existing in the developed countries at a comparable point in their development, or at any other time in their history.

Third. Significant opportunity for immigration as a means of alleviating population pressure does not exist for today's overpopulated, less developed countries.

Fourth. Because of higher rates of population growth and limited possibilities for expanding the area of land under cultivation, the area of cropland per person is shrinking much more rapidly than it ever has in the now advanced countries.

There are, however, our economists acknowledge, some factors which favor the countries now attempting to develop. The principal factor among these is the backlog of agricultural technology which has been accumulated in the developed regions. Aside from some of the problems involved—such as attempting to transfer our technology, which was developed for temperate zone agriculture, to the tropical and subtropical regions—it is technically possible to double or even triple agricultural production in all of Asia, Africa, and Latin America according to some of the experts of the Food and Agricultural Organization of the United Nations. They contend that this can be done through the use of more fertilizers, more irrigation, better seed varieties, more pesticides, and other improved agricultural practices.

If we study the progress made by agriculture in this country and in other developed countries of the world, it becomes apparent that the food surplus countries have been successful in creating or generating a sustained trend of rapidly rising production. In our own country this trend was generated in the latter years of the depression and during the early years of World War II. In Australia and New Zealand this trend was generated in the years immediately following World War II. France and West Germany in recent years have been successful in generating this rapidly rising yield trend.

This was accomplished in Western Europe with a population density much greated than the population density of Asia, and with a poor endowment of farm land generally. It could, therefore, be concluded that new land available for agricultural expansion is not the obvious answer, but that intensive application of new agricultural technology is better.

The most recent proof of this has occurred in Israel, where between 1952 and 1959 agricultural production more than doubled, although farm employment rose only a fourth. Israel's growth was stimulated by capital investment and, as was the case in Europe, Israel created the factors of production that substitute for land—those factors are modern implements, machinery, new seed strains, chemicals to fight pests and plant diseases, and chemicals to enrich the earth.

Of all the nations of the food-short world, India presents the most symptomatic example. India's story is a poor contrast to the kind of progress we have seen in Israel and in Western Europe. But at the same time, India presents a good example of what capital investment might do to lift a poor country out of its rut.

India is the second most populous nation in the world. It has nearly 490 million people, more than one-third the total population of all the nations to which the United States extends assistance under our Agency for International Development programs. Futhermore, India's population is increasing at a rate of about 2.5 percent per year. Being approximately one-third the size of the United States, India is the seventh largest country in area in the world.

Per capita income averages only $70 per year. However, a decade ago, it was less than $55 per year. Housing, grain, clothing, and often jobs are in extremely short supply. As much as 60 to 70 percent of the average Indian family income is spent on food.

Health problems in India can be traced to inadequate nutrition, poor public health services, and the inaccessibility of medical facilities.

However, since 1951 average life expectancy has risen from 32 to 42 years, and rural health facilities have greatly increased.

Some progress is being made in education. For example, between the years 1951 and 1961 literacy in India rose from 17 percent to 24 percent of the population. Nevertheless, as you can see, this still remains a problem, as it does in the rest of the food-short areas of the world. In 1961 there still remained 334 million illiterate people or more than three-fourth of India's population.

While in the past India has placed a high priority on higher education, more recently there has been increasing emphasis on scientific, technological, and vocational education. Since 1951 India has greatly expanded primary and secondary schools and teacher training facilities. India is constitutionally committed to universal primary education and now about three-fourths of the 6- to 11-year-age group is going to school. Dropout rates, however, may run as high as 70 percent.

Having served in India during World War II and having visited India recently as a part of the group headed by the distinguished senior Senator from Oregon [Mr. MORSE], I have had the opportunity to observe, at firsthand, some of the problems which India faces.

We visited Ludhiana University, in the Punjab, outside Delhi, and discussed the education being given to the youngsters enrolled in that school.

When we got through, I asked them how many graduates they had who went into farming and agriculture. The reply was "one." Not 1 percent, but one person had gone into agriculture, of all the graduates they had had. The rest of them go into teaching or into the governmental service.

That is the part of the problem we face, it seems to me, in that great country.

Another outstanding example of such problems is the great shortage of chemical fertilizer. As recently as 1952 and 1953, India's total annual output of chemical fertilizer nutrients totaled only 60,000 metric tons. More recently it now produces nearly 400,000 tons per year, and uses more than 700,000 tons of fertilizer. The difference of 300,000 tons is now imported. Agricultural experts estimated that India could increase agricultural production by 50 percent in the next 5 years if India improved its methods of farming and used three times this amount of fertilizer. Obviously, India cannot afford to import such amounts of fertilizer, being lamentably short of foreign exchange.

Currently, in India our accumulated funds under the Public Law 480 program total nearly $800 million worth of Indian rupees, held in accounts which we are unable to make use of at the present time because of the limitations placed on the fund at the time we enacted the program. Fortunately, in our recently enacted revision and extension of Public Law 480, we have provided some latitude whereby use may be made of such funds, and in this year's program we have laid greater stress on the self-help aspects of the program, requiring that the recipient countries show definite proof that they engaged in efforts to improve their own agricultural situation. This is all well and good.

I think that we are headed in the right direction on this score, but I think we must go still further not only in India, but in other areas of the world, both in making available means whereby capital can be available to implement the efforts of ourselves and of the local inhabitants, and that we must be aided in this effort by the other food surplus nations of the world such as Australia, New Zealand, Canada, West Germany, France, and the other nations of Western Europe.

I am proposing that we establish regional banks of hard currency, organized on the order of the International Bank for Reconstruction and Development, with capital subscribed by the developed nations of the world, to provide the necessary capital to implement a program of intensive agricultural technological advance. The funds deposited in these regional agricultural development banks would be utilized for the making of long-term loans, to food shortage countries which cooperate in organizing and operating the banks.

The United States cannot continue to be the principal supplier of financial assistance. We must be joined in this effort by the other nations of the free world who have, in the past, themselves been the recipients of our assistance. By joining these nations together in such an endeavor, we would add to the existing situation the advantage of convertibility of currency which is today lacking. And in countries such as India, this factor is at the root of our problem in the accumulation of nearly a billion dollars in nonconvertible rupees.

A Regional Agricultural Development Bank in Asia could provide India and Pakistan the much needed foreign exchange with which to build their own fertilizer plants. India then would be freed from the need to import fertilizer and eventually from the need to import food. Scarce foreign exchange would go instead into modernizing production and processing facilities. One dire need in India today is modern storage facilities. Each year a vast tonnage of grain is destroyed both by rotting and by rats.

Additional capital placed into the agricultural economy would also tend to draw forth more native capital from India's own financial institutions and, even more important, to draw native capital from the farmers themselves. Our own Agriculture Department has stated that of the 26 developing nations where it has conducted studies, most have a larger capacity for savings and new capital formation than their per capita incomes and past record of capital accumulation would indicate. For ex-

ample, an Indian farmer with an investment of no more than $68 in livestock and $11 in implements and machinery now may arrive at the end of the season with a small cash surplus. But now, instead of using it to buy more efficient implements or fertilizer or even to acquire more land and thus increase his next season's profit, he puts his money in jewelry, or splurges it on ceremonies of birth, marriage or death. The hope is that such deep seated customs will change under the impact of modern capitalism.

I am not proposing that the Regional Agricultural Development Bank be a substitute for private enterprise investing in our developing nations. On the contrary, the Regional Development Banks should fill a need which is in addition to that proposed to be met by private investment. We should also redouble our efforts to stimulate private investment in those countries, but first we must take such steps as are necessary to assure that the risks are not greater than the potential returns. In our dealing with recipient nations, we should work to remove the factors which have, in the past, inhibited foreign investment. Some of these factors have included outright hostility, political instability, and threats and rumors of expropriation, in addition to discretionary regulations and the ever-present threat of inflation and devaluation.

One of the greatest factors existing in India which has inhibited foreign capital investment has been the requirement, which India has imposed, that substantial ownership, if not controlling interest in any enterprise be owned by Indian citizens. Very few large corporations are willing to invest huge sums in building an enterprise in a foreign country to be a minority stockholder and be outvoted in its policies and methods of operation.

One report on this subject which I read recently stated that out of $13.3 billion which has been invested in underdeveloped countries by private enterprise and foundations in this country, very little has been invested in agriculture. There are a few notable exceptions and these are mainly in Latin and South America. Mr. Albert Watson, chairman of the International Business Machine World Trade Corp., submitted this report under the heading "Private Enterprise in Foreign Aid."

Some U.S. corporations already have begun the task of education of the local citizens. ESSO Chemical Co., which has worldwide fertilizer operations through affiliates, has developed a system of chain teaching: they train their salesmen to train local people who, in turn, train larger groups to go out into the fields and preach capitalism and modern farming—sermons that may have to be rendered in one or a half dozen different dialects.

Another corporation, International Minerals & Chemical Corp., is carrying the message of fertilizer into every corner it can reach. The gist of its sermon: Nitrogen, phosphate, and potash provide a substitute for land. Fertilizer can multiply the yield of 1 acre as many as 500 times.

The average consumption of fertilizer nutrients in the food short countries is around 5 pounds per acre. By comparison some Dutch farmers use as much as 400 pounds per acre.

A former consultant who worked for International Minerals and Chemical Corp. now has a most promising scheme which, if successful in Mexico, should offer great promise in areas such as India. His proposal is to establish a consortium which not only provides fertilizer, seed, insecticide, pesticide, and farm implements for the growing of agricultural products, but also provides for the storage and processing and marketing of the products of the owners of the consortium who are the local farmers themselves. The consortium would actually handle everything from the training of the farmer in modern agricultural technology to the marketing of his finished product.

All of these proposals will require time for their implementation, and time already is starting to run out insofar as India is concerned. Time is running out in other parts of the food-scarce world. What can we do to meet the immediate needs to avert the full impact of mass starvation? No one has actually proposed that the American farmer be called upon to feed the world. However, our farmers may have to carry a large part of that burden in the decade ahead.

Earlier this year, the U.S. News & World Report conducted a study of this interesting question: "If United States Had To Feed the World." Their conclusions are truly amazing. In summary, their report reads as follows:

Is the American farmer, with his unprecedented ability to produce, able to meet the food needs of the world's undernourished people?

This question is taking on real importance in Washington. It underlies a growing debate over government policy related to agriculture, which continues to be the nation's largest industry.

Advocates of a worldwide war on hunger are increasing. They are urging the Administration to shift emphasis in farm programs away from holding down production and toward encouraging greater food output.

The possibility of such a shift raises these questions: How much could American farmers produce? If government bought the surplus to distribute around the world who would pay the cost—the American taxpayer?

When you look into the question of how much American farmers could produce, you find that their potential output is immense. Today, the U.S. farm plant is throttled down by the idling of more than 50 million acres under control programs.

It is estimated that wheat production could be increased from the 1.3 billion bushels harvested in 1965 to 2.3 billion bushels in 1970.

In the same period, corn production can be increased from 4.2 billion bushels to 5.4 billion, and output of other grains from 2 billion bushels to 2.4 billion. Soybean harvest could rise to a billion bushels in 1970, compared with the 844 million bushels in 1965.

Those are projections made by the Economic Unit of the U.S. News and World Report. They are based on U.S. Department of Agriculture figures through 1965.

The projections assume that the 51.5 million acres now idled in the Soil Bank and under control programs for wheat, corn and other grains would be in production.

It is assumed that yields per acre would continue to increase, but at a rate somewhat less than in recent years. Thus, the projections are seen as conservative.

How would this increased output stack up against the world's need for food for hungry people?

A chart included in the report demonstrated graphically how U.S. shipment of grain abroad could be increased to relieve the world's grain shortage if American farmers were given incentives to step up output.

The report concludes:

U.S. farmers could continue to meet all needs for wheat in this country and increase exports by 24.2 million tons without dipping into reserve stocks. That is almost twice the world's estimated wheat shortage of 14.5 million tons.

In addition to wheat, exports of corn and other grains aside from rice could go up 22.5 million tons, compared with a world shortage of 18.1 million tons.

Rice exports could be increased by only 1.8 million tons—far less than the world shortage of 54.5 million tons.

However, other grains can be substituted for rice in the human diet. Combined exports of rice and other grains from the U.S. could be increased by 48.5 million tons.

Thus, American farmers would fall short by about 45 percent of meeting the world's overall food shortage of 87.1 million tons.

It would be no trouble, however, for the American farmers to take care of the hunger problem in the free world. The food shortage in non-Communist countries is put at 31.6 million tons.

It is in Red China and other Communist lands of Asia that the greatest masses of hungry people are concentrated. The food deficit of Communist Asia is estimated at 55.5 million tons.

Estimates of the world's food shortages shown in these charts were made by the U.S. Department of Agriculture.

Even if American farmers were to produce at full throttle, there still would be the problem of distributing the food around the world and paying the bills.

One expert puts the cost of closing the food gap in the world outside of Red China at $4 billion a year. That would be in addition to nearly $2 billion a year now spent in the U.S. Food for Peace Programs.

But as the world's hunger pangs grow sharper, pressure is building in Washington for at least some relaxation of production controls on U.S. farms.

Mr. President, I emphasize at this point that they are talking about the situation as it now exists. As agricultural production per capita goes down and as population goes up in the coming decades, this situation will get worse and worse.

American farmers agree with this position taken upon the need for relaxation of production controls, as evidenced by the statement of Mr. Shuman, president of the Farm Bureau, before the House Committee on Agriculture earlier this session.

Mr. Shuman made the following statement:

While an increase in food aid to friendly, less developed countries is justifiable under present conditions, this cannot be considered anything more than a short range solution

to the problems of hungry nations. Even with its tremendous agricultural productive capacity, the U.S. cannot feed the world. Furthermore, we do not think that it is in our interests or the interests of the recipients to create a situation under which any country becomes increasingly dependent on U.S. charity for its food supply. Such a development could become very burdensome for the U.S. taxpayers, and we doubt that it would contribute to the attainment of a more peaceful world.

The long range answer to the hunger problem requires that the needy countries find ways of improving their own output. The magnitude of this problem could, of course, be reduced by successful measures to control population growth.

More competent observers agree that there are three major reasons for the serious food problems facing certain nations—lack of knowledge, lack of capital, and lack of an effective distribution system.

As a result of the new knowledge developed by our agricultural research institutions and its rapid adoption, U.S. farmers have a vast technological know-how that we are willing to share with others. This know-how has been freely available to other countries. Numerous U.S. experts have been sent abroad by the government and private foundations. Our government has paid the expenses of countless foreign agricultural experts and technical workers who have visited American farms to learn methods which they could copy at home.

Billions of dollars have also been made available for the financing of capital investment in less developed countries.

Despite this assistance, the need for U.S. food aid is increasing at an alarming rate. Obviously, there is an essential ingredient in our success formula which many other nations have refused or neglected to copy. This ingredient is the incentive system which has been so successful in generating an abundant supply of capital for American agriculture and business. The one common denominator that is to be found in virtually all hungry nations is their socialist political economic system, that is, a government-managed economy. It is increasingly apparent that socialist nations cannot use knowledge effectively even when we give it to them.

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

Mr. DOMINICK. I shall be happy to yield as soon as I finish the quotation:

The world does not need to starve if the underdeveloped nations can be induced to accept the profit incentive method of capital formation—competitive capitalism. Further extension of food aid by the United States should be conditioned upon the willingness of the recipient nations to replace government management of agriculture with a market price system. Also, we should insist that they encourage private capital investment by permitting incentives, by checking inflation, and by removing other obstacles to progress. Such a program would make it possible gradually to replace aid with increased local production or commercial purchases financed by Indians in their own exports of those things they can produce relatively most efficiently.

I am happy to yield to the Senator from Ohio.

Mr. LAUSCHE. First, may I ask whom the Senator is quoting.

Mr. DOMINICK. This is Mr. Shuman, the head of the Farm Bureau.

Mr. LAUSCHE. The Senator from Colorado [Mr. DOMINICK] and I, together with five other Senators, made a trip to southeast Asia last November and December.

My question is, Is it not a fact that everywhere in the nations we visited, it was obvious that where there was governmental domination and socialistic operation, eliminating the incentive of the individual to produce, there was economic stagnation and also an absence of food, where there was governmental control of the farmers?

Mr. DOMINICK. I think that this is a very accurate observation, one which I feel is supported, I may say to my good friend, the Senator from Ohio, by the report we issued following that trip, in which we pointed out that unless some of the governmental restrictions now in effect in some of those countries are relaxed, the incentive for foreign capital to come in for development of these countries will be very low, and they will continue experiencing problems in improving their own economy.

Mr. LAUSCHE. I direct the attention of the Senator from Colorado to the discussions we had in New Delhi dealing with the desire of an American firm wanting to establish a fertilizer plant in India, where starvation and hunger are rampant.

The narration made to us was that the Indian Government, despite the absence of food and the failure to produce, did not want the American company to build the fertilizer manufactory unless management and control were given to the Indians.

Mr. DOMINICK. That is an entirely correct statement. Of course, that situation has changed somewhat since that time, as the Senator will recognize.

Mr. LAUSCHE. The situation has changed, in that we finally persuaded the Indian Government that if they wanted to solve the hunger and starvation problem, they had better adopt the incentive plan and abandon the socialistic operation of the farms.

Mr. DOMINICK. I say to the Senator from Ohio that I hope that this eventually will happen. We have made some progress along that line, but I do not think we have gotten over the hurdle as yet. I think there still are many restrictions and regulations which will create many problems in India. At least, we have induced them to take action with respect to the fertilizer plant.

Mr. LAUSCHE. One further question: Does the Senator remember the statement made to us in Hong Kong about the problem of Red China, that finally the production of poultry and hogs had to come from the peasant farmer, in his individual operation of small tracts of land, and that 90 percent of the poultry and hogs produced in Red China came from those little plots, while the collective operation was a complete failure?

Mr. DOMINICK. I remember that distinctly, and I remember the emphasis that the Senator from Ohio put upon that information.

I also recall that while we were traveling through the new territories in Hong Kong, we saw trainloads of those very hogs and chickens coming into Hong Kong from Red China, to feed the people in Hong Kong—all derived from these small plots which the men were operating on their own, so they could have some of their own food and could engage in private enterprise. That is the only situation I have heard of, in all of Communist China, in which food actually was being produced for export.

Mr. LAUSCHE. I commend the Senator for discussing this subject, and I am glad that I have had the opportunity to hear his observations on this important aspect of governmental operations of farms and other industries.

Mr. DOMINICK. I sincerely hope that the Senator from Ohio will have an opportunity to read the entire address. It seems to me that we are facing a tremendous problem of hunger throughout the world, in which we have to do some planning and make some progress, for fear that this country will be made the scapegoat for the rest of the world, when people say, "We are starving. You have to give us food. We do not have any more."

Mr. LAUSCHE. I thank the Senator.

Mr. DOMINICK. The American farmer recognizes the problems of the food-short world and is willing to shoulder his part of the burden, if we will but allow him to do so. Our farmers need maximum freedom to produce. Our farmers need minimum Government interference. Our farmers want the prices of farm commodities determined by the market. Our farmers need full-scale expansion of productive resources at home and abroad.

In summary, Mr. President, we are facing a world food crisis of a magnitude greater than the world has ever known, and we must take immediate steps to avoid the chaotic conditions which will be brought about by starving masses of people in the less developed parts of the world. If we are to be successful, we must make at least a beginning on a four-point program.

First. In order to meet this crisis which has already begun to appear in India, we must unleash our farmers, unharness the full productive capacity which American agriculture has demonstrated it is capable of doing in order that we may begin at least partially to meet growing food shortages around the world.

Second. We should work toward the establishment of regional agricultural development banks structured along the lines of the World Bank with the resources of such banks available to participating nations. The capital of the regional development banks should be provided by the nations of the free world, such as Canada, Australia, New Zealand, West Germany, France, and the other nations of Western Europe—not just the United States. The function of the bank shall be to make loans to developing nations for the purchase of equipment and machinery for agricultural development, and for the processing and distributing of agricultural production.

Third. We need to expand our programs of extending education to developing nations, teaching them to read and write and to comprehend and use the technology of agricultural development. In addition, such educational programs should include such assistance as shall be needed to bring population growth within reasonable limits of an estimated

1.5 percent per year to match the average growth rate of agricultural productivity. And finally, we should enact programs to assure the participation of the private enterprise capital in the development of these nations. In our dealings with other nations, we should strive to assist them to attain the needed social and technological reforms and encourage their leaders to demonstrate the will and determination to obtain maximum progress toward meeting the approaching crisis through accelerating their agricultural production.

Man does not possess the wisdom or the power to make the judgment as to who shall be allowed to live and who shall be left to starve. The very survival of civilization in future years may well depend upon how soon and how well we approach the food crisis which is now facing the world.

Mr. President, I yield the floor.

CIVIL RIGHTS ACT OF 1966

The Senate resumed the consideration of 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. SPARKMAN. Mr. President, the first comment that should be made about the pending civil rights bill is that its very existence argues that it will not be successful. Every time a bill of this type is introduced in this Chamber, its proponents argue, "This is the ultimate bill. This is as far as we must go." We are told in glowing terms what will be accomplished by each bill. And yet if the preceding bills had achieved even one-half of that which had been claimed for them, there would be no need for this one. And if they have not been successful, by what logic do the proponents arrive at the conclusion that one more bill will be successful?

The pattern for the introduction of every so-called civil rights bill is always the same. A broad bill giving sweeping general powers to the Federal Government is introduced. Its scope is reduced in committee, and even further on the floor of the House. By the time the bill reaches us, proponents argue, "This is just a watered-down version. There can't be much harm in that." And Senators who opposed the original bill may now say, "This bill is so much better than the first one that I believe I can safely vote for it."

But what kind of choice do the proponents ask us to make? It is the choice between a little Federal control and a lot of Federal control. That is a choice unworthy of a free people.

This bill goes beyond the announced goal of desegregation and calls for active integration. From the beginning of the so-called civil rights movement, it has been acknowledged that the Federal Government had no role in the active integration of the races. But that is exactly what this bill seeks to do.

Proponents argue that this exercise of Federal power is justified in order to assure "equal protection of the laws" or to insure "due process of laws." But these guarantees have always before been applied to exercises by State and local governments and not to individual citizens.

It is well established that State and local governments are bound by these constitutional provisions. But where have we decided that constitutional prohibitions apply to the acts of an individual citizen, acting alone, representing no opinion but his own?

And the deeper and more significant question is this: Is it wise to establish a precedent whereby the Federal Government can extend every theory of social good to every citizen in this manner?

Mr. President, even if this bill was directed toward the most laudable of goals, this is a dangerous way to do it.

I cannot remember, in all of the years that I have been in Congress, when a single piece of legislation has been directed against so many fundamental concepts of this Nation.

Bills of this type create civil disturbances of great magnitude. I believe that when the history books of this period are written, the historians will decide that the most dangerous theory that grew up during our lifetime was the disregard for law and order and the property rights of others with the apparent thought in mind that when you have a complaint in our society, you take to the streets to solve it.

William Pitt once said:

> Where law ends, there tyranny begins.

I believe that it is most dangerous to American democracy when groups of men set themselves up to operate outside the law, to defy law and order and to stir up racial unrest.

I am concerned for the future of American democracy when a young man announces that the way to achieve results in our society is to "burn down some Southern courthouses."

I am concerned for the future of American democracy when the cry "black power" becomes a rallying cry for a minority group in our society.

If we pass this bill, we lend new impetus to the alien notion that laws can be forced from the streets. If we pass this bill, those people will redouble their efforts because they will believe that rioting, looting, and destruction have forced concessions at the hands of the greatest deliberative body in the history of the world, the U.S. Senate.

Let us not make the mistake of adding fuel to the fire of civil disturbance.

Mr. President, for 30 years I have worked diligently in Congress to provide safe, sanitary and decent housing for all of America's citizens. As chairman of the Senate Housing Subcommittee, I have searched for, sponsored and voted for legislation which has made it possible for millions of Americans to own their own homes.

I think I may safely say that I know something about housing. And, as an attorney and a legislator, I think I know something about laws and how they are made.

Therefore, I am absolutely appalled and dismayed by the housing provisions of the legislation now under consideration by the Senate.

These proposals flaunt and disregard every known concept of constitutional law. They do serious and consequential harm to the very basic structure of our system of laws.

So potentially destructive are the housing provisions of this legislation to the individual rights guaranteed every citizen by our Constitution, that I can scarcely comprehend the damage and disorder that will result from their passage.

We would, by passing this iniquitous legislation, draw a blank check on the Constitution, thus enabling Congress to purchase a boundless field of power, no longer susceptible of any concrete or accurate definition.

Mr. President, I want no part of such authority.

I do not wish to be dictatorial.

I am not power crazy. I am content in my role as U.S. Senator.

My chief concern is to represent the people of this great Nation and the State of Alabama as they want to be represented, within the boundaries of our Constitution and our system of laws.

I believe in and try to follow the maxim of Robert E. Lee. He said:

> Do your duty. You can do no more and you should not wish to do less.

I would be committing an injustice or a disservice to the people by sitting idly by while this legislation inexorably pulverizes our established concepts of the individual's rights to own and dispose of his property as he so desires.

Mr. Justice Harlan, concurring in *Peterson* v. *Greenville* 373 U.S. 244 (1963) recognized this right when he said:

> Freedom of the individual to choose his associates or his neighbors, to use and dispose of his property as he sees fit, to be irrational, arbitrary, capricious, even unjust in his personal relations are things all entitled to a large measure of protection from governmental interference. This liberty would be overridden, in the name of equality, if the structures of the (Fourteenth) Amendment were applied to governmental and private action without distincton. As inherent in the concept of state action are values of federalism, a recognition that there are areas of private rights upon which federal power should not lay a heavy hand and which should properly be left to the more precise instruments of local authority.

Mr. President, this bill, if adopted, would irrevocably destroy the right. The private homeowner, in many instances, would no longer have a free choice in selecting his purchaser, nor as a matter of fact, would the landlord be able to exercise his own free will and sound business judgment in the selection of tenants who are to occupy his premises.

Too often legislation claimed to prevent discrimination works a serious infringement on property rights, and generally helps those who do not need it.

The enactment of more and more stringent antidiscrimination legislation in housing is merely a panacea. It is a mirage and a delusion.

It is an apocryphal sham sold to the public. It is a tragic deception of the very minority groups whose need for good housing is real. Yet such legislation only tantalizes and never satisfies this need.

The simple truth behind all of this so-called antidiscrimination legislation is that it is designed to promote and foster compulsory integration.

It is no secret that the leading proponents of antidiscrimination legislation are always steadfastly opposed to proposals for good housing unless it is integrated. The 1959 U.S. civil rights report gives specific examples of this on pages 508 and 509. Their willingness to sacrifice good, adequate housing for integration is a matter of record.

As chairman of the Senate Housing Subcommittee, I have seen many examples of this. As a matter of fact, in 1954, the National Association of Home Builders announced a program to build 150,000 dwelling units annually for minority groups. Each local builders' association throughout the country was urged to adopt a community goal and "start an aggressive campaign and effective production program to improve the housing conditions of minority groups in their own community."

Many Negro spokesmen opposed this program for minority housing:

> We do not want Jim Crow dwellings whether they are new or old—

The annual conference of the NAACP resolved, adding specifically:

> We condemn and oppose the policy advocated by the National Association of Home Builders for planned housing developments directed toward any specific minority group on the basis of race, color, national origin, or religion.

The National Urban League also announced that it was "opposed to and unwilling to support or assist in the construction of segregated, privately financed housing."

Back in 1958, after New York City's antidiscrimination ordinance had been enacted, a large housing project was constructed in Harlem. The New York Times stated:

> Every effort was made to persuade eligible white families to apply.

The New York City Housing Authority made a special effort to inform white families of the many vacancies. The housing authority even admitted keeping vacant an average of 65 apartments in public housing in minority areas rather than rent them to waiting, needy families of minority groups in an effort to obtain whites to better integrate them.

One such project actually reported a $115,000 deficit in 1 year simply because vacancies were maintained in order to achieve a better racial balance.

Astonishingly, the chairman of the New York City Housing Authority, William Reed, was quoted by the September 18, 1960, issue of the New York Times as saying:

> Our program . . . is a positive program designed to . . . bring about true integration.

The direct result of this policy of active integration by New York City increased the supply of substandard housing by two-thirds between 1950 and 1960, whereas Chicago, during the same period, by not following a practice of active integration, reduced its inventory of substandard housing by nearly one-third.

Thus, the price of this infinitesimal integration has been to condemn a significant proportion of deserving, needy minority families to inadequate, substandard slum and ghetto habitation.

It has been said so often that education is our most important natural resource that that statement has almost become a cliche. It is because of the extreme importance of education that I turn now to title VI, which is entitled "Nondiscrimination in Public Education."

I call attention to section 303(b). There it is specifically stated that "desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance."

Now, that seems to be pretty clear. The law specifically says that there shall be no forced integration.

But that is what the 1964 act said too. It provided that nothing in the act "shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school." That provision has been consistently and continually ignored by the people who are in charge of enforcing the law. The guidelines that have been established since that time go far beyond the act. The Office of Education has adopted guidelines which use racial balance as the yardstick for compliance. That violates the 1964 act.

If we adopt this measure, what is to insure that the same situation will not happen again? What is to assure that this act will not be violated in the same way that previous acts have been ignored?

The history of the last few years has been one of migration away from the cities and into suburbs. My colleagues from the North and East should be especially conversant with this situation. The causes for the exodus have been many. But I believe that one of the causes is that the members of the various races simply do not desire to live together. The result has been a phenomenon which the education experts call "resegregation." If this bill is passed, the result, at least in those areas, should be no change in the educational system.

But you know, and I know, that those who would tinker with social engineering will not be satisfied with that result. Their goal goes beyond a destruction of legal barriers to integration and calls for legal enforcement of integration. They will use this bill to enforce their goals, not the goals of the framers of this legislation, not the goals of the Congress in dealing with this legislation, not the goals of American democracy.

In short, the proponents of this legislation want it adopted to achieve goals that have never been adapted by the Federal Government, and which are expressly prohibited by the provisions of this section.

I believe that the second point that should be made is that educational policies are matters of local concern. I can find no mention of education in the constitutional grant of powers to the Federal Government.

Mr. President, I have prepared a great deal more material dealing with the bill, and all of the features of the bill, but I shall defer giving a great part of it until a later time, if that time should present itself.

However, Mr. President, I do ask unanimous consent to include as a part of my remarks the statement which I made before the Subcommittee on Constitutional Rights of the Committee on the Judiciary on June 10, 1966, dealing particularly with title IV, and also with the jury section.

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

STATEMENT BY MR. SPARKMAN BEFORE SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS—JUNE 10, 1966

Mr. Chairman, for 30 years I have worked to provide safe, decent, and sanitary housing for America's citizens. Legislation which I have sponsored and legislation which I have supported has made it possible for millions of Americans to own their own homes.

I think I may say that I know something about housing.

And that is why I am dismayed by the housing provisions of the legislation you are considering today.

As a lawyer, I am disheartened by the provisions of the proposals which would limit state power of law enforcement and which would further erode the principle of Federalism.

And as an American, I am hopeful that this bill will not become law.

My first objection to the housing provision is that it clearly violates the right to the free use and disposal of property.

Throughout the history of Anglo-American law, the distinguishing feature between types of ownership has been the degree to which an individual could use and dispose of his property.

Mr. Chairman, this bill, if adopted, would irrevocably destory that right. The private owner would no longer have a free choice in selecting his buyer. He would no longer have a free choice of sales or conditions of sale. The landlord could not exercise his own free will in selecting the tenants who will share his home with him.

Let me emphasize that this bill applies to every room for rent in every home in America, every apartment and every house. There are no exceptions.

The legal significance of the property right was recognized by the eminent jurist Blackstone when he observed: "There is nothing which so generally strikes the imagination, and engages the affections of mankind, as the right of property; or that sole . . . dominion which one man claims and exercises over the external things of the world, in total exclusion of the right of any other individual in the universe."

Now, Mr. Chairman, things have changed since Blackstone. The property right is no longer an absolute right. But in those areas where it has been limited, there has been a tangible real harm from which the society had to be protected. *And* there has been a strong legal basis for the protective action.

Where is the legal base for this action?

This invasion of rights applies equally to homes which in no legal or logical manner are connected with interstate commerce.

This invasion of rights applies equally to property transactions which create no threat to the peace, security, health or safety of a community and hence provide no legal basis for the proper exercise of state police power.

This invasion of rights cannot be said to rest upon the "due process" clause of the 14th Amendment. Interpretation of that right has uniformly been that it applies only to action by state agencies, and not to those of individuals.

Where is the legal basis for such repugnant Federal action?

The answer, Mr. Chairman, is that there is none.

It is an arrogation of power, unprecedented, unjustified and unwise.

But strong voices have been raised in support of this bill.

We are told that this bill is the ultimate action to solve all social problems. We are told that this bill is a panacea, a cure-all for our nation's social ills.

But, Mr. Chairman, we have heard that argument before. With the introduction of every so called civil rights bill in the past, advocates of each bill have told us, "This is the last one. This is the answer."

What has been the result? There have been street demonstrations, and disorders with the passage of each new bill.

There has developed a malignant theory that if a group has a gripe in our society, it takes to the streets to solve it.

The results of each and every piece of so called civil rights legislation in the past should be proof enough that the Congress cannot legislate solutions to problems of human relations. Social engineering by legislative edict has been proved grossly ineffective.

We are also told that this bill is addressed to the controversy between property rights and so called "human rights". And we are asked to believe that somehow the former are unworthy and the latter are an ultimate good.

The first answer to that argument is that the ownership of property is a human right.

The second answer is given by no less a liberal spokesman for human rights than Walter Lippman when he said: "It has been the fashion to speak of the conflict between human rights and property rights, and from this it has come to be wisely believed that the cause of private property is tainted with evil and should not be espoused by rational and civilized men. In so far as these ideas refer to . . . great impersonal corporate properties, they make sense. . . . But the issue between the giant corporation and the public should not be allowed to obscure the truth that the truly dependable foundation of personal liberty is the personal economic security of private property."

Mr. Lippman went on to draw the conclusion "Private property was the original source of freedom. It is still its main bulwark."

Now, Mr. Chairman, those of us who support this point of view are always the subject of attack. We are pictured as supporting the greedy landlord who stands in the doorway turning away the poor, but deserving applicants. We are labeled "bigots", and we are told that we are biased, reactionary, ignorant and prejudiced.

These labels are but semantic substitutions for thinking which cannot obscure the fact that this proposal simply means a Federal official can tell me to whom and under what circumstances I can sell my home.

This proposal simply means that my freedom of choice and freedom of association must be sacrificed for no legal reason and for no rational basis.

I think also, Mr. Chairman, that this bill, if passed, will have results not anticipated by its supporters. Consider the following hypothetical example: A church group which had purchased property for construction of a home for its elderly could not legally build such a home for the exclusive use of members of its faith. This example is but one of many that show the danger of such sweeping delegation of power.

That leads me to the final objection I have to this part of the bill.

The whole process of democracy is one designed to draw legal, rational limits between the rights of various citizens. No right is an absolute right.

We all know that the right to free speech does not extend to shouting "fire" in a crowded theater. It has been said that my right to swing my fist ends at my neighbor's jaw.

In like manner, this bill is an attempt to choose between two national policies. The right of the property owner to sell, rent or lease his property is a right supported by many centuries of Anglo-American law.

The right of a buyer to buy any house anywhere is a right never before established.

I believe that it is at this point that we must support the established right. The fundamental difference between our free enterprise system and totalitarianism is the right of free property.

This bill infringes on that right.

But the weaknesses of this bill are not confined to any one section. Other sections of the bill attack the traditional Federal State relationships in state law enforcement matters and the selection of state juries.

Congress has no legal right to destroy the division that has always existed between the Federal and State legal systems. This action is nothing but a naked encroachment on the valid legal power of the state.

You know, Mr. Chairman, the erosion of the principle of Federalism is a phenomenon so often occurring that I fear it is beginning to lose its impact. No greater indictment could be made of our performance as national legislators than that we failed to understand the significance of that erosion.

During my thirty years in Congress, I have witnessed more and more attemps by various groups to resolve all their problems at the federal level without even considering that there might be a workable solution found at the local level. I for one, am a firm believer in the abilities and aptitudes of the many fine people responsible for our local governments.

Many problems call for a special solution which can best be determined by local initiative. I submit that the federal government does not always have the last word in problem solving. True, situations arise in our complex society which call for assistance from the federal government and this cannot be ignored.

But as legislators, we should allow the states and the local communities to meet the challenge of resolving their own difficulties before running to Washington to seek a solution.

Mr. Chairman, I have confidence in the people at the grass roots level.

No greater attack could be made on any bill than that it furthers the destruction of Federalism.

The ignominious proposal to put the federal government in the business of selecting state juries deals a lethal blow to our dual system of government.

The right to trial by jury is one of the oldest and most cherished rights of man. It was Thomas Jefferson who, in his first inaugural address said that: "Trial by juries form the bright constellation which has gone before us, and guided our steps through an age of revolution and reformations . . . should we wander from them in moments of error or alarm, let us hasten to retrace our steps and to regain the road which alone lends to peace, liberty, and safety."

For centuries the right to trial by jury has been one of the bulwarks against tyranny. The jury trial is one of a citizen's oldest protections against the power of the sovereign.

This bill destroys that protection because the sovereign is now involved in choosing the jury.

The jury system is worth protecting. It is the best trial system ever devised by free men. It should not be tampered with.

Federal jury packing is not the answer to any problems of our society.

In summary, Mr. Chairman, this bill is an ill advised attempt to subvert the rights of states and the rights of peoples to the arbitrary commands of the federal government.

This bill rests on no legal basis and its passage would be a serious blow to basic American philosophy and American law.

It must be rejected.

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

Mr. SPARKMAN. I yield.

Mr. ERVIN. The Senator from Alabama [Mr. SPARKMAN], in my judgment, has done more to assist the American people in procuring better housing than any other Member of Congress.

I would like to ask the Senator from Alabama [Mr. SPARKMAN] if there is a single syllable in this entire bill which would result in the erection of a single new housing unit in the United States.

Mr. SPARKMAN. No; there is not. In fact, in my judgment, it will have the reverse effect.

Mr. ERVIN. Does the Senator from Alabama agree with the Senator from North Carolina that the object of this bill is to rob all American people of the freedom to determine for themselves their residential patterns and to confer an arbitrary power on the Federal Government to make that decision for them even against their will?

Mr. SPARKMAN. The Senator is correct. The Senator will recall that he was presiding over the subcommittee when I testified before it, and that was one of the points I argued as strongly as I could.

Mr. ERVIN. I might add that the Senator from Alabama made a wonderful statement in opposition to the bill and particularly in opposition to the housing section of the bill.

Mr. SPARKMAN. I also dealt with the jury section and argued against the bill as a whole.

Mr. ERVIN. The Supreme Court of the United States has held in one case that a zoning ordinance which based the right of an owner of property to use that property for a specific purpose upon his obtaining consent of private individuals so to do, was deprivation of property without due process of law.

I should like to ask the Senator from Alabama if the effect of the housing provision of the bill would not be to deprive every owner of residential property or rental property in the United States of the right to select his purchaser or the right to select his renter unless he can first get the tacit consent of every person of another race, another religion, or of a different national origin to consent to it?

Mr. SPARKMAN. Certainly, those who made the Constitution never intended any such action as that. The Senator will remember that I made the statement that among the rights most strongly protected by the Constitution was the right of a citizen to enjoy his own property and to use it as he saw fit; and, of course, the due process clause applies directly to that.

Mr. ERVIN. I should like to ask the Senator from Alabama if he does not recall that Sir Edward Coke made the statement to the effect that every man's home is his castle and that even the King of England dared not invade that castle against the consent of its owner.

Mr. SPARKMAN. The Senator is correct. It is a heritage which we carry down to this very day. It is also a principle of law that a man has a right to defend his home against anyone who might dare to invade it.

Mr. ERVIN. I should like to ask the Senator from Alabama, if the bill becomes law, would it not be true that the owner of rental property would not have the right to bar his door to any person desiring entrance, if that person happened to be one of another race, another religion, or of a different national origin?

Mr. SPARKMAN. If the bill should become law, he would not have the right to protect his home in all of his property and business rights as he saw fit.

Mr. ERVIN. He would be compelled by the force of the Federal Government at least to rent his property to those whose presence on his property might be entirely unwelcome to him, would he not?

Mr. SPARKMAN. I would say, that he would be compelled to rent or to dispose of his property not necessarily in a way that he wanted to do it; in other words, it would be taking away from him the right to manage and freely to dispose of his own property.

Mr. ERVIN. Would not the Senator from Alabama agree with the Senator from North Carolina that the history of the world shows that the first thing a totalitarian government does is to deprive its people of the right to own private property?

Mr. SPARKMAN. The Senator is correct.

Mr. ERVIN. I ask the Senator from Alabama if he does not agree with the Senator from North Carolina that the difference between taking private property away from a man totally, and allowing him to retain bare legal title with the Federal Government directing its use, is a distinction without very much difference?

Mr. SPARKMAN. It certainly is. In fact, a denial of the use is interfering with a citizen's control over his own private property which the Federal Government, under the Constitution, declares shall not be violated.

Mr. ERVIN. I wish to thank the Senator from Alabama and the Senator from Delaware for permitting me to ask these questions.

Mr. SPARKMAN. I thank the Senator from North Carolina.

EXECUTIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. PROXMIRE in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

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

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. PASTORE, from the Joint Committee on Atomic Energy:

Glenn T. Seaborg, of California, to be the representative of the United States of America to the 10th session of the General Conference of the International Atomic Energy Agency; and

Verne B. Lewis, of Maryland, Samuel M. Nabrit, of Texas, James T. Ramey, of Illinois, and Henry DeWolf Smyth, of New Jersey, to be alternate representatives of the United States of America to the 10th session of the General Conference of the International Atomic Energy Agency.

By Mr. MONRONEY, from the Committee on Post Office and Civil Service:

Leo S. Packer, of New York, to be an Assistant Postmaster General; and

One hundred and thirty-four postmaster nominations.

By Mr. ROBERTSON, from the Committee on Banking and Currency:

Robert L. Rand, of California, to be a member of the Federal Home Loan Bank Board.

The PRESIDING OFFICER. If there be no further reports of committees, the nomination on the Executive Calendar will be stated.

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 the remainder of the term expiring June 22, 1968.

Mr. JACKSON. Mr. President, I am very pleased at the confirmation of the nomination of John A. Carver, Jr., of Idaho, to be a member of the Federal Power Commission.

I have known Mr. Carver well and favorably for many years. I have had special knowledge, as chairman of the Committee on Interior and Insular Affairs, during which time Mr. Carver served both as Assistant Secretary and Under Secretary of the Department of the Interior. I must say that in his many appearances before our committee, he has always been forthright and knowledgeable.

Many of us also knew Mr. Carver when he served as administrative assistant to the distinguished senior Senator from Idaho [Mr. CHURCH]. I know I speak for all the members of our committee, on both sides of the aisle, in wishing Mr. Carver well in his new assignment as a member of the Federal Power Commission.

Mr. MANSFIELD. Mr. President, I wish to join the distinguished chairman of the Committee on Interior and Insular Affairs in what he has just said about Mr. Carver.

While Mr. Carver is from Idaho, he was a student at the University of Montana Law School before he joined the staff of the Senator from Idaho [Mr. CHURCH].

Attending the law school at the University of Montana is indeed an honor because—and I say this with pardonable pride—it is the best law school west of Harvard.

JOHN CARVER WILL CONTINUE TO SERVE THE NATION WELL

Mr. CHURCH. Mr. President, few men in public life have engendered the respect and admiration enjoyed by John A. Carver, Jr., and it is with genuine conviction that I rise to support his nomination as a member of the Federal Power Commission.

Mr. Carver is one of my close and longstanding friends. For 4 years he served as my administrative assistant. Naturally, on the basis of this association, my support of his nomination could be anticipated. But what is more important than my personal feelings about John Carver is what others in both public and private life say and think about him.

At the time he joined me in Washington in 1957, John Carver had already established a reputation as a fine attorney. His special interest and talents in the field of natural resource management were recognized in 1961 when he was appointed by the late President Kennedy to the office of Assistant Secretary of Interior. The capable and intelligent leadership he demonstrated in that office led to his nomination, 4 years later, to Under Secretary of the Interior, the second highest position in the Interior Department. When that nomination was announced, the testimonial to John Carver's performance in office came from all parts of the country.

Again, you would expect public opinion in his home State of Idaho to be favorable, and it was. But his nomination was also acclaimed throughout the Western States. His candidacy for Under Secretary of Interior was applauded by many newspapers and was supported by men of all political persuasions who had observed John Carver's work in 4 years as Assistant Secretary of the Interior.

I have had business and civic leaders from other States approach me and preface their conversation by saying "although I'm a Republican, I think that John Carver is one of the ablest men ever to serve in the Department of Interior."

His nomination as Under Secretary was by unanimous vote of the Senate Interior and Insular Affairs Committee and, in further tribute to Mr. Carver, that vote was not taken in executive session, following the hearing, but rather, in his presence at the conclusion of the testimony.

I would point out that more recently, that same unanimous decision was reached by the Senate Commerce Committee last week in endorsement of his nomination to the FPC.

Members on both sides of the aisle in Congress have learned that, apart from his keen understanding and incisive method of cutting directly to the heart of any problem, John Carver is, without doubt, one of the most fairminded of public administrators.

Two weeks ago, during his visit to Idaho, President Johnson said:

One of the finest men in public life is your own John Carver, the Under Secretary of the Interior.

When I supported his nomination to the FPC before the Commerce Committee of this distinguished body last week, I said that John Carver had the rare distinction of listening thoroughly to every side of an issue before coming to any decision. I said then, and it bears repeating, that John Carver is the personification of the man who makes certain that his brain is in gear before his mouth is in motion. When he did speak, it was for the public interest tempered only by the desire to do equity to all persons affected by his decision.

Mr. President, this ability was well noted in Idaho. On September 5, 1966, the Twin Falls Times News, a paper which is often critical of administration policies, said of John Carver:

Whatever happens, Mr. Carver can be expected to serve with honor and distinction on the Federal Power Commission. He's a capable administrator, fair-minded official, and has the ability to get to the heart of any problem, however complex.

He will take to the Federal Power Commission all of the wisdom gathered in his years as a high official of the Interior Department, as well as his sound legal background and experience on Capitol Hill.

I support the confirmation of his nomination without reservation, knowing that by his selection to the Federal Power Commission, our country will continue to be well served.

Mr. President, I ask unanimous consent that a statement by my colleague, the Honorable LEN B. JORDAN, of Idaho, on behalf of the nomination of Mr. Carver, and also a statement by the distinguished junior Senator from Utah, the Honorable FRANK E. MOSS, in support of the nomination of Mr. Carver, be printed in the RECORD.

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

STATEMENT BY SENATOR JORDAN, OF IDAHO

I wish to convey my full and complete endorsement for the nomination of a distinguished fellow Idahoan, the Honorable John A. Carver, Jr., as a member of the Federal Power Commission. With broad experience in private law practice and in both the legislative and the executive branches of Government, Mr. Carver will make an exceptionally fine addition to the Commission.

It has been my privilege to know John Carver for many years dating back to the time shortly after the war in the late 1940's when he was assistant Attorney General of Idaho. He comes from a fine Idaho family, several members of which have served and some are now serving in important positions of public trust. I have watched his progress as a practicing attorney in the State of Idaho, as Administrative Assistant to Senator CHURCH, and as Assistant Secretary and more recently Under Secretary of the Department of the Interior.

In my opinion he is a man of great competence and high integrity, knowledgeable in the programs and problems which come under the purview of the Federal Power Commission. He is a man of incisive mind and major talents. He is an administrator of proven ability. He has earned the respect of many men of differing persuasions for his consistent fairness and sound judgment.

Mr. Carver has appeared before the Interior and Insular Affairs Committee many times and has shared the platform with me on several occasions in the West and in my own State. I have been privileged to work with him on numerous matters affecting Idaho and have always deeply appreciated his helpfulness and cooperation. As an Assistant Secretary and as Under Secretary, John Carver was a great asset to the Department of the Interior. His work there was of the highest quality. He did an outstanding job and will be execedingly difficult to replace.

John Carver has already rendered significant public service. He is thoroughly qualified both by this background and his ability for the new position of responsibility for which he has been nominated. I am sure he will contribute importantly to the effectiveness and soundness of the Commission's efforts. It is with a great deal of pleasure that I add my support and strongly urge his nomination be approved.

STATEMENT BY SENATOR MOSS

I urge the Senate to give speedy confirmation to the nomination of John A. Carver, Jr., of Idaho, as a member of the Federal Power Commission.

I have known Mr. Carver since he first came to the Capital as administrative assistant to the Senator from Idaho (Mr. CHURCH). Mr. Carver has since taken well-deserved steps up the ladder of success by devoting many long days and hard weeks to, first, his position with the Senator from Idaho, and then as an Assistant Secretary of the Interior. Mr. Carver's appointment as Under Secretary of the Interior was welcomed by me at the time.

I have worked closely with John Carver over the past few years while he has been in the two Interior Department posts. It is rare to find in government service a man with his qualifications and abilities. I support the confirmation of John Carver because he possesses a thorough awareness of the problems and responsibilties of the Federal Power Commission. I note that he was asked during his confirmation hearing, before the Senate Committee on Commerce, if he was "pro-consumer or pro-industry." In expressing the belief that each matter before the Commission shall be judged on its own, Mr. Carver replied that "I believe that I have a good record as a fair-minded administrator."

With this statement I heartily concur. John Carver has shown that he gives each problem a thorough examination and then he makes a judgment based on the facts and on the national interest. It is heartwarming to know that we will not lose this fine public servant from the top echelons of our Federal government.

John Carver's ability as a lawyer has never been questioned. His ability as an administrator makes those of us who are his close friends and associates proud that we know him and that we are able to call on him for fair and quick treatment of the problems which arise in our States.

I fully support the nomination of John A. Carver, Jr., to the Federal Power Commission.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified of the confirmation of this nomination.

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

LEGISLATIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate resumed the consideration of legislative business.

CIVIL RIGHTS ACT OF 1966

The Senate resumed the consideration of 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. EASTLAND. Mr. President, in recent years, behind the mask of civil rights, a power has arisen in this country greater than the people themselves, consisting of many and varied special interests united in an unholy alliance, the sole purpose of which being the advancement of selfish interests which are separate and distinct from that of the general public. This so-called civil rights movement has been led by professional mercenaries who have bartered their block votes in pivotal States to political underlings in return for special rights and the spoils of public plunder.

Where they have failed to obtain a total capitulation to their demands they have increasingly turned to the strategy of blackmailing entire cities and communities with the threat of mass mob violence. Now that it has served its purpose, they have repudiated their white liberal lackeys, they have torn off the peaceful mask of nonviolence and have exposed the greedy, ruthless, violent face of black power. But more ironic than the transition from nonviolence to violence has been shifting of the battleground from South to North. Now those who spawned and nurtured this movement as long as it was aimed at the South find themselves the victims of their own creation.

As I read the daily headlines announcing renewed rioting and violent racial conflict presently raging throughout the North and West, I am reminded of that passage from the book of Hosea:

They have sown the wind, and they shall reap the whirlwind.

Now that the day of retribution has come for the population of these riot-torn communities I would like to offer a few observations in the hope that it is not too late.

For years now your press, your politicians, your clergy, your business and labor leaders have sown the wind of racial turmoil throughout the South and you should not be surprised now that you are reaping the terrible whirlwind of violence. Those who fed and fanned the flames of lawlessness and disorder in the South now find themselves engulfed in an inferno of arson, looting, rioting, rape and murder. There has been more property destroyed in the United States during the revolutionary outbreaks of the past two summers than there was in Russia when the Communists took over. This is true of Czechoslovakia. It is true of Hungary. It is true of most of the states where Communists have come into control by revolutionary means.

For years now, with a collective hypocrisy heretofore unknown in this country, your newspapers have waged a campaign of journalistic savagery against the South unparalleled in the history of the free press. For decades now you have applauded and rewarded with high office those politicians who have exhibited the most irresponsible and restrained style of racism against southern people. Every unfortunate incident in my State has brought your TV crews, your politicians, your clergy, and even your sons and daughters swarming southward to grab a share of the cheap publicity, the easy political rewards and the financial contributions to be gained thereby.

During that period when my native Southland was enduring the agony of racial agitators, you should have remembered the immortal words of John Donne:

> Never send to know for whom the bell tolls; it tolls for thee.

For the racial skirmishes in the South were only a prelude to the tragic era which has now opened in the North.

Now our neighbors in Chicago, Cleveland, and countless other northern communities have seen the rabble-rousing agitators come in, provoke their people with unreasonable demands, turn neighbor against neighbor, race against race, class against class, until they have ignited racial bloodshed. But, when they have drained every dollar, every inch of newspaper space, every minute of national television time from these self-provoked disturbances, they fold their tents like Arabs in the night and move on to the scene of the next riot. They leave behind them a tearful trail of racial hatred, distrust, disillusionment, and despair. They leave the misused Negro and abused white people with the impossible task of rebuilding their shattered communities.

Throughout all these years the southern people have patiently endured your self-righteous, pious criticism and advice as to how we should handle our racial problems. Yet, throughout this period of internal unrest and racial disorder we have continued our uninterrupted progress toward building a better life with new opportunities and renewed hopes for all our people.

Throughout this period our pleas for understanding and our cries of warning fell on deaf ears. Time and time again I have come to this floor to name the long and growing list of hard core Communists who were infiltrating and increasingly directing the civil rights movement in this country. But facts such as these were never allowed to penetrate the news curtain which has been thrown up around the North.

What a strange paradox that so many of my northern friends who are now opposing this legislation are the same leaders who were so anxious to claim credit when the drastic and far-reaching Civil Rights Act of 1957 and 1960 were passed under President Eisenhower.

Pass this legislation so we can take the demonstrations off the streets we were told. But the demonstrations have continued and grown and have become violent.

How strange it is to hear the same voices that were raised in support of the Civil Rights Acts of 1960, 1964, and 1965, now raised in opposition to this legislation. Yes, we are now hearing new voices in these Chambers, the voices of millions of Americans who have heard enough South baiting oratory, who have had enough rioting, looting, arson, and violence.

What will it take to teach this Congress that legislation will not stop mob leaders. Mob leaders can only hold power in times of crisis and internal disorder. This has always been true and it will always remain true. To use an analogy of Winston Churchill:

> Those mob leaders ride to and fro on the backs of tigers and the tigers are getting hungry.

Those in the North who should have known better, but elected to turn their backs while the South was being crucified to appease the insatiable demands of mob leaders, cannot wash their hands of the bloodshed that now stains their own communities. Nor can they expect to be absolved of blame for their silent acquiescence in the tragic affair, or to escape the harsh judgment of history.

Yet the people of the South find no pleasure in your present state of agony and despair. We do not seek to repay in kind, the harsh treatment we have received at your hands. We can only extend our heartfelt sympathy and understanding. We can only hope that it is not too late for the people throughout this country to be shocked into their senses and reverse these dangerous trends which are carrying our country so recklessly toward the precipice of destruction.

We are now discussing a bill that strikes the final coup de grace to federalism.

By destroying the rights of private property, by undermining the jury system of our Federal and State courts, and by generally extending unlimited power to the Attorney General, we are being asked once again to renounce and repudiate those ideas, ideals, and institutions that have made this Nation great, and without which our country cannot long endure as we have known it.

I have seen the lights of individual freedom going out across this land with every extension of Federal power and I have seen the dark night of despotism slowly descending upon this Nation while individual freedom has been sacrified in the name of civil rights. I have seen the rights of society trampled by a lawless minority in the guise of civil disobedience.

It is not too late to return this country to constitutional government. We can take the first step by defeating this bill and by serving notice that this Congress will no longer be intimidated by the threats of mob leaders.

OPPOSITION TO CLOTURE AND OPEN HOUSING

Mr. BENNETT. Mr. President, I wish to add my voice in opposition to H.R. 14765 and, in particular, to title IV, the housing section of the bill.

To begin with, I want to express my opinion about the real reasons as to where the real responsibility for the failure of this legislation lies. Ever since the bill came over to the Senate, its supporters have been trying to load the responsibility for the final decision on one man, the minority leader. I am sure those who take this position fail to see that it is a tacit admission that the President no longer holds the reins of leadership over his own party—with its two-to-one majority.

MINORITY NOT TO BLAME

The shabby record of support by the liberal Democrats even of the quorum calls reveals their own reluctance to stand up and be counted on this bill. While they still give lipservice to civil rights, they apparently have no stomach for vigorous support of the housing section in the face of the obvious opposition of the majority of their constituents. Legislatively, then, in my opinion, the responsibility for failing to pass this legislation rests squarely with the majority party whose members would like to duck the issue in an election year. But even more fundamental than this, the ultimate responsibility for the defeat of this measure must rest with those Negro leaders who have been responsible for this summer's riots and who, by their demonstrated lawlessness, have aroused the concern of all responsible people of all races. In my opinion, the riots killed this bill and we will never be able to get back to a serious consideration of civil rights as long as they persist.

The minority leader has based his opposition to the bill and particularly its housing section on the sound ground of its unconstitutionality. Since I am not a lawyer, I cannot argue the details and the fine interpretations of this problem. However, I am content and proud to follow Senator DIRKSEN and the other fine leaders in this body and elsewhere who have seen in the bill a further step toward the sacrifice of the basic principles of the Constitution to a doubtful solution of a temporary problem, a solution which can only increase rather than diminish tension between the races.

RIOTS ARE RESPONSIBLE

Recent riots have focused public attention on what has been called the ghetto problem, and the word "ghetto" has been synonymous with slums and degradation. The real force which holds people in those circumstances is poverty, lack of ability or training for jobs whose income would provide more adequate housing, and the tragic weakening of the basic family unit. Only when people lift themselves out of these conditions and are able to build a standard of living which can include housing outside of the ghetto or above the public housing level does the question of open housing really become involved. It has been my observation that, without fanfare, individuals who reach this level are able to solve their own problem. Certainly it should not be necessary to limit or deny to any property owner his right to manage his own property and dispose of it as he sees fit. Nor do I believe it wise to put the whole force of the Federal Government

against such a property owner in order to provide a political issue.

TITLES I AND II

Title IV is not the only section of the bill which is of doubtful value. Titles I and II would impose new restrictions on the selection of juries, both in Federal and State courts. It requires that service on juries be limited to those who have registered to vote. Since many Negroes are not registered voters, this section is self-defeating and will not open wider opportunities for Negroes to serve on juries.

The doubtful constitutionality of title II which permits the Federal Government to override the rights which States have always enjoyed in setting up their own qualifications for juries is obvious on its face.

TITLE III

In title III we see a further evidence of the power of the Department of Justice to use the injunction as a force to shortcut or circumvent our basic American concept of the administration of juries. It seems ridiculous to me that those whose liberal philosophy vigorously supports the fight of organized labor against injunctions would turn to this same device in the field of personal relations.

Let me say again that I am not a lawyer and, therefore, not qualified to depend on my own opinion as to the bill's constitutionality or the lack of it. But when I vote against cloture, as I would vote against the bill if cloture fails, I shall do so to express my great doubt both as to the wisdom and the constitutionality of the legislation and I shall vote in the full knowledge that I am accurately representing the attitude and opinion of the majority of the people of the State I represent.

HUDSON RIVER BASIN COMPACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1556, H.R. 13508.

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

The LEGISLATIVE CLERK. A bill (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 the request of the Senator from Montana?

Mr. JAVITS. Mr. President, reserving the right to object——

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. No; the Senator has not objected.

Mr. JAVITS. I say, reserving the right to object—and I shall not object—I do that to point out that it was a unanimous report, and it would mean tying up the work of the Senate in order to bring up these points in the face of a unanimous report. I do not feel justified in doing that with respect to calling up the bill. Therefore, I do not oppose the request to take it up, but I shall have something to say about the bill.

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

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

Mr. JAVITS. Mr. President, this bill would authorize the Secretary of the Interior to participate in a conference negotiating an interstate compact for cooperation in the Hudson River basin between New York, New Jersey, and the Federal Government and would direct all Federal departments to notify the Secretary before beginning any new work in the area. As a matter of fact, they would have to be given 90 days' notice.

In my opinion, it is a meaningless bill, which is totally unnecessary, since both objectives readily can be accomplished without legislation and by administrative action.

The only reason why the bill is here is that a Member of the other body felt obliged to have his name on a bill during an election year, which is not a creditable way in which to enact legislation.

The fact is that New York State recently announced its intention to participate in such an interstate compact and has, in fact, already passed enabling legislation and established a high-level Hudson River Valley Commission as the nucleus of an interstate coordinating agency headed by Laurence Rockefeller.

Surely, the Secretary of the Interior does not require congressional consent to discuss Federal participation, since any compact which would be negotiated must still be approved by the Congress. So a directive urging participation in a conference on a compact would have no meaning. A directive on consultation with the Secretary carries with it no power. Therefore, such a procedure could easily be established within the Federal Government by informal agreement between the Secretary of the Interior and other Cabinet officials or by the Bureau of the Budget or the President. A law is unnecessary. In my judgment, there is the proof that no law is needed and that it is unnecessary.

Last year the Senator from New York [Mr. KENNEDY] and I introduced legislation which would have established a National Scenic Riverway in the Hudson Valley. Our proposal went a good deal further than H.R. 13508. It would have been meaningful, but, apparently, it had the opposition of the Interior Department and hence could not be passed.

For the reasons I have stated, a bill that means something, bipartisanly sponsored, has been bypassed for a relatively meaningless, strictly political bill. I believe this measure belabors the obvious, and that the previous bill was introduced for a good cause. There is no finer leader of conservation than Governor Rockefeller, who has the Hudson River so close to his heart and his ideals.

When the obvious is being belabored for the reasons I have stated, there is no point in opposing it.

If Congress desires to do what is obvious or what, indeed, any Cabinet official would do, anyway, under the circumstances, I suppose there is nothing that can be done that I know of to stop it. If I were to try to stop it, the danger would be that word might go out that I am against what is sought to be done. On the contrary, I am completely for it. So there should be no false impression that I am against what the bill seeks to do; let me say I am not opposing it. But the measure belabors the obvious, as I have said. It is unnecessary. It is only a political gimmick and is being passed for the benefit of a Congressman who wants to see his name used on a measure alleged to help the Hudson Valley.

I predict that a Hudson compact will be reached. New York State will be a leader in it. There will be a compact reached between New York and New Jersey, and the Federal Government will have an honored part in it, which will do everything any one of us wants to see accomplished, including the sponsors of a previous measure, my colleague from New York [Mr. KENNEDY] and I, as well as the Governors of New York and New Jersey.

Mr. President, I point out that the preponderance of the Hudson Valley is in New York State. Only a relatively small part of its affects New Jersey, and only an infinitesimal part affects other States.

For the reasons I have stated, I am not going to stand in the way of passage of the bill. I do not wish any false report to go out that I am against its objectives. I wish Congress to have a part in this move toward a Hudson Valley compact, but in fairness to the people of my State, the Governor, and the members of the New York delegation, I think it should be clear that the bill accomplishes nothing and belabors the obvious.

Mr. KENNEDY of New York. Mr. President, the Hudson River compact bill under consideration today is important to those who are committed to the conservation and intelligent development of the Hudson River. For it is the first step toward the adoption of an effective planning agency for this major waterway.

This legislation expresses the intent of Congress to encourage the beneficial uses of the waters of the Hudson River and the lands along its banks in a manner consistent with the need to conserve and rehabilitate the natural, scenic, historic, and recreational resources of this magnificant waterway.

This bill authorizes the Secretary of the Interior to enter into negotiations with New York State and New Jersey on a Hudson River compact that will insure local, State, and Federal cooperation in the wise development of this resource. This provision should speed the adoption of the compact by allowing the Federal Government to participate in the stages of negotiations between the two States. In this way, several unnecessary stages of negotiations can be eliminated.

This bill also protects the Hudson River Valley from undesirable projects until a compact is agreed upon by the interested parties. It requires every Federal

agency to obtain the opinion of the Secretary of the Interior on Federal projects that would affect the resources of the Hudson River Valley. In this manner the Secretary of the Interior can insure that Federal activities along the Hudson are in keeping with the congressional mandate expressed in this bill.

The need for a Hudson River compact becomes clear when we review the many changes that are occuring along its shores. The counties to the north along the Hudson—Rockland, Westchester, Orange, Putnam and Dutchess are experiencing the population growth that we have seen in northern New Jersey and Nassau County during the past decade.

This population growth brings with it additional demands on the Hudson and its environs. Additional transportation must be provided to carry these people to and from the metropolitan areas. New water sources must be developed to serve both homes and industry. New sewer systems must dispose of municipal and industrial waste. New recreation areas must be developed to serve this added population. And the river itself must carry the raw materials and finished products of the area's commerce.

We will meet these demands. But whether we meet them without destroying the character of the Hudson River Valley depends on the steps we take now. We can act to create the necessary joint planning tools or we can continue to move without thought for the future—without coordination.

The history of the Con Ed project at Cornwall illustrates the dangers that threaten the Hudson. On March 9, 1965, the Federal Power Commission, with the approval of the New York State government in Albany, licensed Consolidated Edison to construct a 2-million-kilowatt pumped hydroelectric power project on Storm King Mountain in the Hudson Highlands.

Because of a concern about the effects of this project on the unique beauty of this part of the Hudson River Valley, on fish life in the river and the implications of the procedure followed in licensing this project for the future of the Hudson, Congressman RICHARD OTTINGER introduced legislation in the House of Representatives to protect the special characteristics of this part of the Hudson River Valley by promoting effective and coordinated local, State, and Federal planning for the development of the middle Hudson.

At that time, Senator JAVITS joined me in cosponsoring a companion bill in the Senate. It had become clear that haphazard planning for the Hudson River Valley was no longer acceptable.

Our concern about this project was shared by others as well. On December 29, 1965, the U.S. Court of Appeals for the Second Circuit set aside the Federal Power Commission's licensing order for the Storm King project stating:

> The Commission should re-examine all questions on which we have found the record insufficient and on all related matters. The Commission's renewed proceedings must include as a basic concern the preservation of natural beauty and of natural historic shrines, keeping in mind that, in our affluent society, the cost of a project is only one of several factors. The record as it comes to us fails markedly to make out a case for the Storm King project on, among other matters, costs, public convenience and necessity, and absence of reasonable alternatives.

In response to legislation introduced by Congressman OTTINGER in the House and Senator JAVITS and myself in the Senate, the Department of the Interior initiated a survey of the planning needs for industrial, recreational, and conservation development along the Hudson. Governor Rockefeller also appointed a Hudson River Valley Commission to study needs for development planning and conservation.

Both of these studies have recommended the adoption of a Hudson River compact to govern planning and development of the Hudson River and related lands from its source to the Atlantic Ocean.

H.R. 13508 is designed to facilitate the adoption of an interstate compact between New Jersey, New York State and the Federal Government. And it will also protect the Hudson River Valley from projects that do not conserve the many values that are inherent in this magnificent waterway.

When I joined Senator WILLIAMS in cosponsoring S. 3075, I expressed some reservations about the restrictions that would be placed on new projects for the river. The bill as drawn would have placed a 3-year moritorium on all Federal projects having a significant effect on the river. I did not believe that a blanket moritorium was in the best interests of the communities along the Hudson.

The bill pased by the House of Representatives, H.R. 13508, and reported out by the Senate Interior and Insular Affairs Committee, resolves this problem by substituting for the 3-year moritorium a 90-day period during which the comments of the Secretary of the Interior must be obtained. This provision assures that every Federal agency will be aware of the purposes of this legislation and of the effect of their project on the Hudson River Valley.

There are those who do not feel that this legislation is needed. Governor Rockefeller has stated that the Hudson River legislation passed in the New York State Legislature this spring meets the need for coordinating planning and protecting the Hudson River Valley. But that legislation places both New Jersey and the Federal Government in an untenable position. Under the New York State legislation, both New Jersey and the Federal Government can be overruled by New York State's preponderance of votes on the governing commission.

Neither the Federal Government nor New Jersey will enter as unequal partners in a compact of this type. Equal participation, as is the case in the Delaware River Basin Commission and other river basin compacts is the only pattern that will be acceptable. This equal partnership does not mean that New Jersey or the Federal Government will interfere with New York State's affairs. It rather means that the three bodies can work together to develop the resources of the Hudson on those matters that require cooperation.

The intelligent development and conservation of the Hudson River and its valley can be accomplished with a Hudson River compact. We can eliminate pollution in the Hudson. We can meet our power needs without destroying marine life in the Hudson or the scenery along its banks. We can provide transportation along its banks without ruining residential and recreation areas. We can conserve those magnificent vistas, forests, and mountains that first attracted men to this area. But to do so we must plan and coordinate on a truly regional basis.

A Hudson River compact will facilitate this planning. Congressman OTTINGER'S Hudson River compact bill can speed the adoption of the compact. I urge my colleagues to act favorably on this measure.

The PRESIDING OFFICER. The bill is open to amendment.

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

The bill (H.R. 13508) was ordered to a third reading, read the third time, and passed.

Mr. HART. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement prepared by the distinguished Senator from New Jersey [Mr. WILLIAMS] on the passage of the Hudson Riverway bill.

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

STATEMENT BY SENATOR WILLIAMS OF NEW JERSEY

The bill passed by the Senate today holds up a stop sign to further despoliation of the Hudson River. It gives the three jurisdictions involved—Federal, State, and local—3 years in which to develop a compact for a long-range cleanup of the waters of the Hudson and the development of its banks.

While it does not have the iron-clad language which the Senator from New York, Mr. KENNEDY, Representative OTTINGER, and I originally introduced, it expresses the sense of Congress that no further pollution of the waters or intrusion on the banks of the Hudson will be tolerated. There are those of us who will be vigilant in seeing to it that the "sense of Congress" is not violated.

This, of course, is only a beginning. The real work will come in developing a workable compact and a workable program for the Hudson Riverway.

The problems are massive, from the incredible pollution in the Albany-Troy area to the now developing encroachment on the Jersey Palisades.

But in recent years our citizens have demonstrated that they are sickened by what has happened to the Hudson River and our other waters, and they are willing to pay the price to reverse the deterioration of the river.

The residents of New York State recently approved a referendum calling for the expenditure of $1 billion on cleaning up pollution in the waters of their State. New Jersey residents have made it abundantly clear, with petitions, letters, and protests, and by other means, that they are not satisfied with the measures being taken against pollution in their State; and they approved a $60 million bond issue to acquire just such scenic open spaces as border the Hudson River.

It is up to us to provide the leadership which will restore the banks and the waters of the Hudson River to something resembling the beauty and purity which once inspired Baedaker to call it "more beautiful than the Rhine."

Mr. MANSFIELD. Mr. President, the Hudson River legislation—H.R. 13508—just passed is a very strong, very badly needed measure if the States of New York and New Jersey are to break the deadlock that has prevented sound, effective action for this great, and greatly abused, American river.

Enabling legislation is the normal precursor of the formation of a Federal-interstate compact. In this case, this legislation expressing the strong interest of Congress is essential.

But this is more than just enabling legislation. It breaks new ground. As the House Interior Committee pointed out, this is the first such instrument to provide for comprehensive planning involving land-use as well as water resource development. This could open a great new era for our urban rivers.

The legislation also puts our Federal house in order. If the States and private interests have abused or neglected their trust, the numerous Federal agencies that exercise unbridled authority over the riverway constitute an equal danger. The legislation states simply and explicitly the sense of Congress that all Federal agencies shall consider the effect of their projects upon the resources of the riverway.

This is also the first compact legislation to set standards that require the preparation of a comprehensive plan for the land and water resources—and requires it as a condition of congressional approval. The legislation also calls for enforcement, without which any compact is ridiculously meaningless.

The bill is an effective measure that should spur vitally needed action to restore and develop the Hudson riverway and end pollution on our great Hudson River.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1592), explaining the purposes of the bill.

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

PURPOSE

The purpose of H.R. 13508—and a companion bill, S. 3075—is to encourage the States of the Hudson River Basin, with the assistance of the Secretary of the Interior acting on behalf of the United States, to enter into a compact relating principally to the natural, scenic, historic, and recreational resources of that basin, proper heed being given also to the basin's commercial, industrial, and other economic potentials. A further purpose of the bill is to require all Federal agencies having any projects under their jurisdiction, including projects which involve a loan or grant from the United States, which will affect the Hudson River and lands related to it to consult with the Secretary of the Interior concerning those plans and to require any Federal agency before which an application for a license comes (if the application was not pending and being actively pursued on July 1, 1966) to notify the Secretary thereof and, before taking final action, to give him 90 days to present his views on the matter.

BACKGROUND

The 300-mile Hudson River rises in upper New York State and flows almost due south from there. Its basin is made up principally of large portions of the States of New York and New Jersey but includes, also, small fractions of Vermont, Massachusetts, and Connecticut. The valley is rich in history and scenic beauty. It is also a resource of great economic importance.

It is clear that a comprehensive plan for preserving its scenic, historic, and recreational sites will depend, in large measure, on the cooperative efforts of the two States principally concerned, including their numerous political subdivisions, and of the United States. It is clear, also, that these will have to be weighed very carefully against the other resources of the area—the use of the river and its shores for transportation, for instance, and its hydroelectric potential—before any satisfactory overall plan can be worked out. No one State and no one Federal agency can be expected to meet the needs of the basin and its river as well as all the States and Federal agencies can if the will to do so collectively is present.

Interstate river basin compacts have already been called upon elsewhere in the United States to serve a multiplicity of purposes and to solve many pressing problems. Some are principally concerned with the allocation of a basin's available water supply between States, others with the control of pollution, still others with plans for flood prevention and control. The present is the first proposal of which the committee is aware that concerns itself primarily with the preservation and restoration of a river basin's natural, scenic, historic and recreational values.

H.R. 13508 spells out in some detail the matters to which, it is hoped, those negotiating the compact will pay particular attention. The list is not exclusive but the subjects to which it directs especial attention include "the need to encourage all beneficial uses of the lands and waters of the Hudson riverway," "the need to encourage and support local and State autonomy and initiative in planning and action," "the need to abate water pollution, protect clean water, and develop the water resources of the Hudson riverway," and the need to preserve and enhance its scenic beauty, its archeological and historic sites, and its natural resources. The bill leaves open for negotiation and for future decision by the Congress the question whether the compact, if one is successfully negotiated, shall be purely an interstate document to which the consent of the Congress is given or whether the United States shall also be a party to it.

While there may be other methods by which the objectives of H.R. 13508 could be achieved—by reciprocal legislation, for instance—a compact seems at present to offer the best chance of success. The committee therefore recommends enactment of this measure.

COST

The cost to the United States of participating in the negotiation of a compact will be quite small and will be met from ordinary appropriations for the departments concerned.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a 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, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

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, was read twice by its title and referred to the Committee on Finance.

INFLATION ON THE HOME FRONT

Mr. WILLIAMS of Delaware. Mr. President, the two most pressing problems confronting the administration and the American people today are the war in Vietnam and inflation on the domestic front. While they are two different problems they cannot be separated.

It is not now a question as to whether we should or should not be involved in an Asian war. Nearly a half million men are committed in that area, and as long as they remain they will and they must be supported.

It is, however, the problem of inflation on the home front that I wish to discuss here today.

It is not enough to excuse inflation on the basis of the mounting cost of the Vietnam war. Certainly these costs are a contributing factor, but the continuous expansion of domestic expenditures, both governmental and private, are equally responsible.

Today the cost of living is at an all-time high, and interest rates are at the highest level in the past 40 years; yet our Government is still operating in a deficit of around $1 billion per month. This true deficit may be camouflaged with the new style backdoor financing arrangements of this Great Society, but the deficit is still there and the spending results are the same.

In recent weeks in recognition of this mounting threat of inflation the Nation's leading business executives, administration officials, economists, and Members of the Senate have been recommending various remedies. Then last week President Johnson sent to the Congress his stopgap recommendations to combat the high-interest rates and the inflationary threat as evidenced by the recent rapid increase in the cost of living. To meet this threat the President outlined a five-step proposal:

First. Curtail Government spending by at least $3 billion annually.

Second. Increase taxes by suspending the 7-percent investment credit for 16 months—effective September 1, 1966, to January 1, 1968.

Third. Suspend the accelerated depreciation rates on all buildings and structures started during the period September 1, 1966, to January 1, 1968.

Fourth. Direct all agencies to suspend their new financing or sale of Government-guaranteed bonds for the remainder of this calendar year, or until after January 1, 1967.

Fifth. Request legislation to prevent the competition for deposit and share accounts from driving up interest rates.

I welcome the President's belated recognition of the serious threat of inflation and the dangerously high interest rates with which we are now confronted. His proposals certainly merit the prompt

and careful consideration of the Congress.

Personally, I am in agreement with and will support many of his recommendations, but at the same time I am calling attention to the fact that they represent but a partial solution to the real problem and do not begin to come to grips with the basic causes or the ultimate but painful remedies.

I shall first outline those proposals of the President's which I will support and then outline the additional steps which I think must be taken to deal effectively with this serious threat to our economic stability.

I strongly support his first proposals for a cutback on all nonessential Federal spending, but I want to see a demonstration of action as well as words. Let us be specific and outline where these cuts will be made.

His lecture to Congress about its failure to hold appropriations and authorizations under budgetary recommendations is well-timed and well-deserved. As one who has often felt quite lonely in opposing some of these increased appropriations I welcome his somewhat belated support, but I only wish the President would implement his excellent promises of economy with affirmative action.

I depart from my prepared text to congratulate the President upon vetoing a proposal yesterday which he thought was too expensive. I only hope he will keep that veto pen handy and veto whatever measures Congress may pass which he feels are too inflationary. That has not always been the case.

For instance, last Thursday, the same day the President lectured Congress for its extravagance, he called in the press with its television cameras and signed the Mass Transportation Act authorizing expenditures of $300 million, which was over three times the $95 million requested by his own budget bureau. During these ceremonies he boasted of this measure as evidence of the benevolence of this Great Society.

Then last Saturday, just 2 days after he sent his message to Congress, he signed the FNMA mortgage bill, which made available $4.76 billion in new Government mortgage purchase funds. This one bill, as passed by the Congress, provided over $1.5 billion above his own budget recommendations; again he boasted of this measure as a great achievement of the administration.

This contradiction between speeches and actions is hard to reconcile, and that is why some of us who have been fighting a losing battle against these ever-expanding expenditures are now asking for a specific breakdown as to where his promised $3 billion reduction will be found.

Mr. CARLSON. Mr. President, will the Senator yield at that point?

Mr. WILLIAMS of Delaware. I yield.

Mr. CARLSON. Mr. President, the distinguished Senator from Delaware is making an excellent statement on the President's proposal with respect to at least reducing some of the inflationary pressures.

I was interested in the first section of the speech, in which the Senator discussed the reduction of Federal expenditures. I should like to ask the distinguished Senator if it is true that on many occasions, the President has had the opportunity to reduce Federal expenditures as he did on the items that have just been mentioned; but, on the contrary, is it not true that this administration, during the past 2 years, has spent billions of dollars more than we have taken in, and therefore, cannot take much credit for a sound fiscal policy?

Mr. WILLIAMS of Delaware. That is correct. There is no question but that deficit spending is at the base of the problem we now face.

The people have been misled by the President's messages. For example, I quote from page 3 of his message to Congress last Thursday:

> The fiscal 1966 budget on a national income basis—the best measure of the economic impact of Federal activity—showed an overall surplus of about $1 billion. In the first half of calendar 1966, the annual rate of this surplus rose to $3 billion. Since January 1 of this year, we have taken in more money than we have spent.

That is a most misleading statement. We have no balanced budget—far from it; our current deficit is averaging over $500 million per month.

The simple answer to that statement is that in the first part of it, he is taking into consideration the overall collections of the Government on a cash basis, which include our collections on trust accounts, social security funds, and the like. These do not go into general revenue, and confusion should not be created by speaking of them as normal income.

The second part of the President's statement, boasting that we have taken in more money during the first half of this year than we have spent, is true only by virtue of these facts: The tax on the medicare program went into effect on January 1 of this year, and the expenditures started after July 1, which meant that we had 6 months' collections to build up a reserve.

In addition, the normal payment time for income taxes, for corporations and individuals, is March and April, which means that the first 6 months of any year are always heavy receipt months.

Without making allowance for those facts, he is creating the impression that we are living within our income. Nothing could be further from the truth. The fact of the matter is that during the past 5 years of the Kennedy-Johnson administration we have spent approximately $40 billion more than we have taken in, on the basis of a true method of accounting, and the Johnson administration is the greatest spender of them all.

In 1961 we had a $3,856 million deficit. In 1962 we had a $6,378 million deficit; in 1963, $6,266 million; and in 1964, $8,226 million. And while reading those deficits, in order to show further how the people have been fooled I should like to read what has been said by the President——

Mr. CARLSON. Will the Senator yield before he leaves that point?

Mr. WILLIAMS of Delaware. I yield.

Mr. CARLSON. I believe the Senator stated that the present administration has spent $40 billion more since it took over the operation of the Presidency in 1961, up to the present date, than has been taken in. I believe I am correct in saying that that would amount to $40,000 a minute more than they have taken in, or about $2.5 million per hour, for a 40-hour week.

Mr. WILLIAMS of Delaware. That is correct. For example, in 1966, the last fiscal year, much was said about the great achievement of reporting only a $2.3 billion deficit. That is not the true deficit. Last year we actually spent $10.2 billion more than we took in.

The difference arises in this way: We picked up an extra $2.8 billion through the acceleration of the corporate income tax payments. In late May 1966 an Executive order was issued requiring all corporations to send in their payroll withholding tax on a 2-week basis rather than a monthly basis, which brought an extra $1 billion payment in for the last fiscal year.

The seigniorage on the coins—that is, putting in copper and reducing the silver content of the coins—resulted in a profit of an extra $1 billion, which goes to general revenue.

The Government sold assets in the amount of $3.1 billion last year and put the proceeds in the general revenue fund as though it were normal income, which meant that, altogether we had $7.9 billion of nonrecurring income.

When we add to that the $3.2 billion acknowledged as a deficit we have a deficit of more than $10 billion. That is a deceitful method of reporting finances. It is that method which must be stopped.

The American people are entitled to the truth. The President has advocated on numerous occasions legislation to provide truth in packaging so that the housewife will know for what she is paying. The President has recommended legislation to provide truth in lending so that the borrower who is financing a car or a home will know what interest rate he will have to pay.

I say that what is needed as badly as those measures is a measure of truth in government so that the Government will tell the people the truth as to what it costs to run the Great Society.

The truth is that for the past 5 years we have been spending around $600 million a month more than is being taken in. We cannot continue down this deficit-spending road without ending in bankruptcy.

Already we are experiencing the ravages of inflation which result from these large deficits.

Mr. CARLSON. I apologize for breaking into the excellent speech of the Senator from Delaware. I shall refrain from entering into a further discussion or colloquy with him at this time. However, there are other points that I should like to discuss later.

No Member of the Senate is better qualified to discuss the fiscal problems of the Nation, with respect to receipts and expenditures, than the distingushed Senator from Delaware, who is the ranking member of the Committee on Fi-

nance. I appreciate his courtesy in yielding to me.

Mr. WILLIAMS of Delaware. I thank the Senator from Kansas for his comments.

A moment ago I was about to quote from another Presidential statement which gave a wrong impression to the American taxpayers. I go back to January 4, 1965, and quote President Johnson's state of the Union message:

> We will continue along the path toward a balanced budget in a balanced economy.

The fact is that in the fiscal year preceding that the Government had a $3.435 billion deficit; and in fiscal year 1966, which followed the year about which the President was commenting, the deficit was around $10 billion.

It is high time that the American people are told the truth; namely, that we have been living beyond our income, beyond that which we as taxpayers can afford. I continue to comment on the President's message of last week:

I will support the repeal of the 7-percent investment credit—but prospectively only and provided it is preceded by a bona fide reduction in expenditures. The effective date should be sometime after the date of enactment. The Finance Committee has always opposed retroactive tax increases. Likewise there should be no termination date on this suspension. Certainly at this point no one can predict the end of the war, and when Congress wants to restore this investment incentive it can take such action.

The President's third proposal, to suspend for 16 months the accelerated depreciation rates for certain types of construction, is unrealistic and would cause more confusion for both the Treasury and taxpayers than the result would warrant. In my opinion this proposal should be rejected. Companies do not build plants to get these tax credits. They are built to supply future orders, and some plant expansion is always essential.

The fourth recommendation, to curtail or suspend all new Government financing by the agencies until after the first of the year, solves nothing. It merely postpones the day of reckoning until after the November elections.

The fifth proposal, requesting legislation to control interest rates, is likewise unrealistic. It would be far better to recognize the cause of tight money and high interest and deal with a correction of these causes than merely to invoke legislation controls.

I support the President in his effort to deal with this problem of inflation as far as he has gone, but his recommendations are but a piecemeal approach to a master-sized problem. This is another example of too little too late.

There is a war going on in Vietnam, and both the administration and Congress should and must recognize that there is a serious threat of inflation on the domestic front. The tight money situation, unless handled promptly and effectively, could lead to serious economic consequences. None other than President Harry Truman recently issued a timely warning to the administration on the potential danger of its drifting monetary policies.

In my opinion the President should have faced up to the deterioration of our fiscal situation long ago, and I regret that even now he has only partially attacked the problem.

It was a tragic mistake to have cut taxes last year in the face of the constantly rising costs of the Vietnam war and a deficit of over $6 billion.

Instead of recognizing the true deficit, an attempt has been made to conceal the truth from the American people. The stability of the American dollar must be protected.

What this country needs most desperately today is leadership to meet these threats to our domestic economy.

That leadership should be coming from the White House, but it is apparent that it is not. Therefore, I am recommending that Congress itself take the necessary leadership, propose, and enact the painful but necessary remedies to stave off the financial collapse that may engulf us as a result of the inflationary policies of the Johnson administration. No longer can we afford to sit back.

This congressional action should be taken before this Congress adjourns. We cannot afford to procrastinate until after the November election. It is with these thoughts in mind that I am now outlining a program which I think deserves consideration as we seek a solution to our present economic problems. Our failure to act now may well mean a recession later.

Some of these suggestions may be referred to as not so important when considered alone, but when considered together they represent our unsound financial foundation.

The other proposals represent major changes, including a realistic reduction in Government spending, a program for incentive savings, and an across-the-board tax increase.

I shall first list my suggestions for congressional action and then in more detail outline why I feel each step is essential. We should:

First. Repeal the present 4¼-percent ceiling on interest that can be paid on Government bonds with maturities of over 5 years. The retention of this unrealistic ceiling has had the effect of monetizing our debt.

Second. Repeal the FNMA Participation Sales Act—Public Law 89-429. This is the proposal under which we sell our assets, a procedure which everyone now admits has boosted interest rates an extra one-half percent.

Third. A stringent program for reduced Government expenditures backed by both executive and congressional action.

Fourth. Enact a legislative directive which would force a reduction of at least 200,000 in Federal employment. This could be accomplished by attrition and without any suspensions merely by a policy of not hiring new replacements for normal resignations and retirements.

Fifth. Repeal outright, effective as of the date of enactment, the 7-percent investment credit with the understanding that this incentive will be reinstated at the termination of the war.

Sixth. Enact legislation creating a special type of bond to be designated as a retirement bond with 10-, 20-, and 30-year maturity, bearing interest at rates not less than 4½ percent and deferred on a formula similar to that now applicable to series E bonds. The sale of these bonds would have a dual effect—to promote savings and to siphon money from the spending stream of an overheated economy.

Seventh. Enact, effective January 1, 1967, a 5-percent across-the-board tax increase applicable to both individuals and corporations with the understanding that this increase will terminate at the end of the war.

I shall now discuss each of these seven recommendations in more detail.

First. Repeal the 4¼-percent ceiling on long-term U.S. Government bonds.

This arbitrary ceiling is unrealistic, and its retention has cost the taxpayers hundreds of millions of dollars in unnecessary interest charges. It has had the effect of forcing the Government to direct all its financing in short-term securities—less than 5 years—thereby monetizing the debt.

This monetizing of our national debt has a dangerous inflationary potential, and in addition it has had the result of forcing short-term interest rates substantially higher than would otherwise be necessary.

Money is a commodity, and its price is reflected in interest charges. When a shortage of money develops the price rises—interest rates advance; and when a concentration of financing is directed into one area the result is an artificial distortion of rates.

This legal ceiling of 4¼ percent on long-term Government financing is a farce and should have been repealed long ago. The directors of no well-managed American corporation would ever think of operating under any such restrictions.

Second. Repeal the FNMA Participation Act—Public Law No. 89-429.

Under this proposal our Government is liquidating its assets and spending the proceeds as normal revenue.

This proposal represents an unsound and an unnecessarily expensive method of financing the public debt. It is a deceitful method for concealing the true cost of Government. Its sole purpose is to conceal from the taxpayers both the true expenditures and the true size of our national obligations.

Furthermore, the sale of our assets through secondary market operations—with full Government guarantee—is costing the taxpayers an average of over one-half of 1 percent in extra interest charges annually. Even the Treasury Department has now somewhat belatedly recognized that the use of this backdoor method of financing has had the result of artificially inflating interest costs, and it is suspending further sales of assets under this program, at least for the remainder of this year.

There is only one sensible solution to correcting this unsound backdoor method of financing, and that is to repeal it.

In that connection, Mr. President, I call attention to the fact that in today's Wall Street Journal, on page 24, are advertised the securities of some of these Federal agencies. Two of these list Federal National Mortgage Association securities at an interest rate of 6.05 percent. These are Government-guaranteed bonds that have a maturity of 1969 and 1970. This is a 6.05-percent interest rate that we are paying on these Government-guaranteed obligations, representing at least one-half percent, if not more, above what would be necessary if we repealed this law and went back to the normal and proper method of financing the cost of operating the Government.

Even the President has belatedly recognized the evils of this method of financing.

Third. By congressional action direct the President to rescind previously approved expenditures for all construction and public works projects unless they are first certified as being essential to the national defense or that their suspension would otherwise jeopardize the public interest.

All nondefense projects should be held in abeyance until after the end of the war.

This congressional action should be patterned after the Executive order issued by President Truman following the outbreak of the Korean war.

Then Congress in the future should display greater caution in voting for these expenditures, and also the President when he feels that Congress is too extravagant should use his veto power.

Certainly, the U.S. Government has no moral right to ask American businessmen and the American housewife to forgo some of their planned expenditures unless it is willing to set the example.

Fourth. Reduce Federal employment by at least 200,000 below existing levels.

Notwithstanding the fact that there are shortages in the labor force we find that the U.S. Government is the greatest hoarder of manpower.

Even President Johnson admits that Government agencies are overstaffed.

On December 1, 1965, recognizing this condition, he held a press conference at his Texas ranch and announced a plan to reduce the number of Federal civilian employees by at least 25,000 during the remainder of fiscal year 1966. The announcement said that this reduction would be achieved not by firing employees but by attrition; that is, by not rehiring replacements for the normal retirements.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article appearing in the New York Times on December 2, 1965, entitled "President Backs a Cut in U.S. Jobs—Approves Plan To Retire 25,000."

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

PRESIDENT BACKS A CUT IN U.S. JOBS—APPROVES PLAN TO RETIRE 25,000—SPENDS QUIET DAY

AUSTIN, TEX., December 1.—President Johnson approved this afternoon a plan that could eliminate 25,000 Government jobs.

The plan, contained in a memorandum from the Budget Bureau and released here, instructs the heads of Government departments and agencies to reduce their employment by 1 to 1.25 per cent by the end of fiscal year 1966, which ends next June 30.

Joseph Laitin, assistant White House press secretary, said the plan did not mean that present employees would be dismissed. It is designed, he said, to take advantage of stepped-up retirements from Government jobs.

These retirements have been increasing because of a new law offering certain inducements, including larger pensions, to employes who retire before the first of the year.

"The vacancies thus created," the memorandum said, "present an opportunity to take new specific action to carry out the President's long-standing instructions to hold Federal employment at the minimum necessary to carry out Government operations effectively."

The President spent a quiet day at his ranch studying reports and preparing for a meeting tomorrow with Secretary of Agriculture Orville L. Freeman and Secretary of State Dean Rusk.

The main topic at the meeting is expected to be the world food situation and Mr. Johnson's forthcoming talk with President Mohammad Ayub Khan of Pakistan.

Mr. Rusk is expected to join Mr. Johnson and Defense Secretary Robert S. McNamara for a discussion of world problems this weekend or early next week. The White House announced yesterday that this meeting would be held tomorrow or Friday. However, officials explained today that administrative work at the Pentagon would keep Mr. McNamara in Washington longer than expected.

The President also spoke by telephone with his special assistant for national security affairs, Mr. McGeorge Bundy. Mr. Laitin, in response to a question, said that the subject of Mr. Bundy's future had not been discussed and that, to the best of his knowledge, the two men had never discussed it. Mr. Bundy has been offered a post as head of the Ford Foundation.

Mr. WILLIAMS of Delaware. What happened? Instead of reducing employees by 25,000 between December 1, 1965, and June 30, 1966, as promised, the administration has during this same 7-month period added 190,325 employees to the public payroll, and in July another 47,082 were added.

These 200,000 extra employees are costing the American taxpayers over $1 billion annually. We have no better authority as to their not being needed than President Johnson himself, who only last December said we then had 25,000 too many on the public payroll.

To correct this overstaffing of Federal agencies Congress should adopt legislation providing an embargo on future employment to fill vacancies created by retirements, etc., and requiring that the number gradually be reduced by at least 200,000.

It is important that these reductions in cost of Government be given first priority.

Fifth. Repeal the 7-percent investment credit effective on date of enactment.

There should be no expiration date fixed on this repeal since there can be no date fixed for the expiration of the Vietnam war. Besides, a short-time termination date would defeat the purpose and could precipitate a recession.

Under a 1-year suspension many companies would merely withhold their new construction and plant expansion until the expiration date of January 1, 1968. This would create a vacuum in construction and plant modernization in 1967 and a boom in 1968.

The tax credit should be repealed with the understanding that Congress could restore it after the end of the war.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. CARLSON. Mr. President, the distinguished Senator from Delaware is familiar with the writing and enactment of the legislation providing for the 7-percent investment credit, and I well remember his views which he expressed at the time this legislation was approved. I was pleased to note that although he said in the opening part of this statement that he favors its repeal, he combines its repeal with some limitations, one of which is that there must be a reduction in Federal expenditures if he would approve the repeal.

Mr. WILLIAMS of Delaware. The Senator is correct.

Mr. CARLSON. I am sure that the Senator from Delaware will remember that when we enacted this 7-percent investment credit, we had in mind, as I recall, that by giving capital investment more nearly what we would call an "even break" with capital investment in foreign countries, we would enable U.S. producers to compete on more equitable terms with foreign producers, thereby aiding our exports and imports and also the balance of payments. I am sure the Senator well remembers the hearings and the testimony on that point.

We all remember that following the World War, we financed the rebuilding and reconstruction of industry in many European countries; and, with their modern factories, they had an advantage over our manufacturers in competition in world markets.

It seems to me that before we act too hastily on the repeal of the 7-percent investment credit, the Committee on Finance and Congress should take a very serious look at the matter; because I think it is possible that suspending it or repealing it could cause some great problems in this country with respect to unemployment. It could cause a recession.

Personally, as of the present time I am opposed to repeal of the investment credit, and I sincerely hope that if any effort is made to suspend it, we may keep in mind its serious effect on the economy of this Nation.

The Senator from Delaware has well stated that if we suspend the investment credit at a certain date, it is only reasonable to assume that our industrial leaders—who are, after all, outstanding businessmen—will just delay operations and construction; and we will find ourselves in a situation in which we will have a bust-and-boom period, instead of attempting to keep an orderly flow in our Nation's economy.

Mr. WILLIAMS of Delaware. I thank the Senator.

The Senator is correct, that if this investment credit is suspended only temporarily, with a near-time effective date for reinstatement, it would deliberately create a valley or a vacuum in purchases

or expansion and would defeat the very purpose of what is sought to be achieved, and it could precipitate a recession.

This is particularly true if such action is accompanied by approving both suggestions which the administration is making—to suspend the 7-percent investment credit and to suspend the accelerated depreciation schedules. I think that if both are repealed and no other steps taken—such as I have outlined here today—the results could be worse than no action.

I am afraid it would lull the American people into a false sense of security, thinking that inflation was being controlled.

That is the reason I have rejected this proposed cancellation of the accelerated depreciation in my recommendations. Not only am I fearful of what it would do to our economy but when coupled with the repeal of the 7-percent investment credit but also it is unrealistic. Suppose the accelerated depreciation is suspended for a year and then reinstated, as the administration proposes; how would the depreciation be figured in the remaining life of the building? Would they be allowed to go back to the accelerated depreciation and only miss it 1 year? How would this depreciation be computed in later years?

I have spoken with men who are familiar with tax law, and they have said that the approval of this latter proposal would create a near state of confusion in computing tax liability.

For that reason I will not support the administration on this point of its recommendations.

As far as I am concerned, I will not support the administration on this point. I do not think it would achieve its objective.

It is true that I did oppose the 7-percent investment credit when it was first enacted. At that time I felt it would be better to provide for a more rapid depreciation allowance by changing the standard depreciation schedules so that everybody could understand it rather than have a new form of tax credit. I was overruled in the Committee on Finance, and the measure was enacted.

My position is that once it is enacted you cannot adopt an on again-off again tax program. Once Congress has enacted a program, if it is to be changed we must be careful of the effect on the economy.

In recent weeks the Secretary of the Treasury has been on both sides of this question. First, there was his rejection of any effort to repeal the investment tax credit a couple of weeks ago, and now there is his endorsement of its repeal. There is now pending before the Committee on Foreign Relations, of which the Senator from Kansas [Mr. CARLSON] is a member, three treaties proposing to extend this same 7 percent investment credit to American investments in foreign countries. When the administration recommended the enactment of the investment tax credit several years ago they said that they were recommending the credit in order to help the companies in this country in their competition abroad. Now we have the ridiculous situation of the Treasury Department going on record for the repeal of investment tax credit in this country while at the same time they endorse the enactment of bills which would extend the investment credit to American corporations operating in foreign countries. This is a complete reversal. I doubt if they can explain it, but they will be given the opportunity.

(At this point, Mr. DODD assumed the chair).

Mr. CARLSON. Mr. President, will the Senator yield further?

Mr. WILLIAMS of Delaware. I yield.

Mr. CARLSON. I am pleased that the Senator from Delaware mentioned the treaties pending before the Committee on Foreign Relations, in connection with which we have had some hearings. I am sure that nearly every member of the Committee on Foreign Relations has heard from representatives of the Treasury Department urging approval. The treaties contain a provision that we give industry in foreign countries a 7 percent tax credit, and at the same time we are going to take it away from our people. To me it does not make sense.

Mr. WILLIAMS of Delaware. I agree with the Senator. The treaties have this additional clause. If the Senate ratifies those treaties, as the Treasury Department and the administration are urging us to do, Congress could not repeal them even if we wanted to. They could only be changed at a later date in modifications of the treaties. This is most contradictory.

Mr. CARLSON. It seems to me, as we discuss investment credit, that if we suspend it, its effectiveness will be lost, I would say, for all time. If businessmen now are led to believe that they cannot rely on the permanence of this type of tax, Congress will never again be able to use the investment credit effectively because businessmen will have no confidence in it when it is repealed or reinstated.

As the Senator knows, we had testimony before our committee as to the permanence of this measure. Douglas Dillon, the Secretary of the Treasury, testifying before the Committee on Ways and Means in support of the credit, on May 3, 1961, stated:

> As stated in the President's message, the credit should become a useful and continuous part of our tax structure. While it would be subject to periodic review, it is not intended as a temporary measure.

I believe that if the investment credit is suspended, business and industry of this Nation will have every reason to doubt the sincerity of an administration and a government that passes a tax law and then reneges on it.

Secretary of the Treasury Fowler has testified on several occasions in regard to the continuance of it. I sustained him.

I think that the Senator from Delaware is entitled to much credit for the fine statement he has made and is making on our fiscal policies and the problems confronting this Nation.

Mr. WILLIAMS of Delaware. I thank the Senator. As the Senator knows, I support the repeal of the 7-percent investment credit, if we first have a bona fide reduction in expenditures. But the Senator made a valid point. The American businessmen have been misled. Perhaps they are beginning to understand that sometimes this administration does vacillate in its promises. It is like a yoyo, going back and forth.

There is a precedent, however; Congress and other administrations have provided incentives in a period when it wanted plant expansion. A few years ago we had a 5-year amortization program where the Treasury Department allowed companies to write off defense plants under a schedule of 5-year depreciation. Then when Congress and the administration felt that this incentive was no longer necessary we repealed it. So there is precedent, but the Senator still made a valid point.

The Senator speaks of the retroactivity of the administration's recommendations; that will have to be stricken as far as I am concerned.

The sixth proposal I am making is the enactment of legislative authority creating a new type of retirement bonds, maturity 10, 20, and 30 years with interest rates not less than 4½ percent and such deferred interest to be cumulative under a formula similar to the present series E bonds.

Based on statistics furnished by the Treasury Department these bonds with a par value of $100 upon maturity, at interest rates of a fraction over 4½ percent could be sold, as follows:

One hundred dollars maturity value terms: 10 years, $64; 20 years, $41; 30 years, $26.25.

At this point, Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Treasury Department, signed by Mr. Stanley S. Surrey, dated August 31, 1966, confirming the figures which I have just outlined.

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

TREASURY DEPARTMENT,
Washington, D.C., August 31, 1966.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: Pursuant to your telephone call, I am enclosing a table providing the information you requested respecting issuing prices for discount bonds at various interest rates and maturities.

Sincerely yours,
STANLEY S. SURREY.

Enclosure.

Prices of E-type bonds at selected rates and terms

[Prices a or maturity value of $100]

Rate	10 years	20 years	30 years
4.15 percent	$66.31	$43.98	$29.16
4.50 percent	64.08	41.06	26.31
5 percent	61.03	37.24	22.73

Mr. WILLIAMS of Delaware. Sales of this special type of bond could be limited to $3,000 maturity value per year per individual. They could be promoted as an opportunity for wage earners to lay aside a few dollars today in savings and thereby supplement their retirement income—pensions or social security.

They would also be attractive to young parents as a method of laying aside savings to provide for the college education of their children.

The sale of these R bonds would also have other very important salutary effects in combating inflation. Their sale would siphon money from the spending stream of an overheated economy and direct it into savings accounts. It would enable the Government to obtain long-term financing at more reasonable interest rates and proportionately reduce its needs to sell new bond issues in regular channels.

Furthermore and perhaps of equal importance, it would restablish and place much-needed emphasis in America upon a vanishing philosophy that there is merit in an individual's making plans to take care of his future needs.

Seventh. Congress should enact a flat across-the-board 5-percent tax increase to be effective January 1, 1967. Under this formula every taxpayer, corporate, and individual, would compute his taxes under the existing rate and then add 5 percent to the total. This 5-percent increase would be effective January 1, 1967, with the understanding it will remain in effect until the end of the Vietnam war.

I realize the program I have outlined here will be a shock to and no doubt will prove to be a hardship on a lot of people. It touches the pocketbook of every American citizen. But let us remember that there is a war going on and American boys in Vietnam and their families are also experiencing hardships. For far too long we have been living beyond our income and operating under a planned deficit, planned inflation policy. It is time we all tighten our belts and get down to the problem of winning this war, at the same time taking such action as will prevent our liberties and freedoms from being destroyed by the ravages of inflation at home.

In my opinion inflation is a real threat in America, and this inflation cannot be controlled by relying solely on monetary controls by the Federal Reserve Board.

The fact that interest rates in the past few weeks have been soaring to new peaks simultaneous with an accelerated rise in the cost of living proves that other remedies are long overdue.

The President's proposal of a temporary suspension of the 7-percent investment credit may be a step in the right direction but it is only the beginning of what must really be done.

The argument that we can take this one step now and then consider raising taxes after the November election is a cowardly approach and one undeserving of any public official worthy of holding public office.

Surely if the young men of America can risk their lives by facing the enemy in Vietnam in the noble effort of preserving the freedom of their country, we as public officials should display no less courage in discharging our own responsibilities to preserve the financial integrity of our Nation.

Sure, as taxpayers we are all going to be hurt through our pocketbooks by the policy I have outlined.

It is going to mean that each of us must forgo some luxury or some improvement in our home. We will have to curtail some pet project of the Great Society's, or perhaps reduce some Federal program affecting our State; but these are small prices to pay to check this threat of inflation.

The alternative is worse. To continue drifting down this inflationary road of deficit spending will inevitably lead to disaster and ultimately to price and wage controls. Then we would witness a drastic curtailment not only of the buying power of every American but also the loss of many of our freedoms as well.

Let us profit from the lessons of history and the experiences of other nations who, once having started down the road of planned deficit spending, waited too long to take these unpopular but necessary actions.

Let us act now, before it is too late.

I am asking the Legislative Counsel and the staff of the Joint Committee on Taxation to prepare the necessary amendments to carry out the above recommendations. These proposals will be submitted to the Finance Committee for its consideration along with the administration's proposals.

Mr. JAVITS and Mr. PROXMIRE addressed the Chair.

Mr. WILLIAMS of Delaware. I yield to the Senator from New York.

Mr. JAVITS. I have read the prepared speech of the Senator from Delaware. Unhappily, I was not in the Chamber to listen to it all. I think it was an excellent speech, quite in character with the Senator from Delaware, whom we all respect so much.

While I may not agree with all seven points, the fact is that here is, again, a willingness to face reality.

It is said that the President is not doing many of these things. As the Senator knows, I, too, am for an across-the-board tax increase. The Senator fixes his at 5 percent. I have suggested the possibility of 7 percent. The important thing is that we would be getting at it.

What I wish to ask the Senator is: Is he inclined to agree with me that those who may be counseling the President that it would be bad politics to advocate a tax increase now, perhaps are counseling him unwisely, because in an emergency of this kind, with concern over inflation, it seems to me that the people want some realism, some effective action taken, and the kind of decisiveness which they expect their President to have.

Therefore, it might be the path of political wisdom, as it were, to "come clean" with the people and tell them what needs to be done, in order to have a measurable effect on the inflationary sweep, and make it a reality with a tax increase—which is so long overdue.

Let me also say to the Senator from Delaware that I like very much—before he comments—his retirement bond idea. That could be an attractive proposition for many people. The E bonds, of course, are popular. The retirement bond idea might turn out to be popular, also, and induce the public to invest at a fair interest rate, considering present conditions.

Mr. WILLIAMS of Delaware. I thank the Senator from New York for his comments. While we may differ as to certain phases of the proposal, in general we both are seeking the same objective; namely, a greater degree of fiscal responsibility. What I am trying to emphasize is that we must act—that we must do something.

We are operating with a sizable deficit, and everyone knows it. We are averaging a deficit of at least $500 million per month. We know that. We also know that we are confronted with a war in Vietnam, the cost of which is mounting at a rapid rate. Therefore, I believe that the best politics would be for the President to go on television and tell the American people exactly what this war is costing, and stating to them that they as individuals are going to have to give up many of the luxuries they are now enjoying. We will have to postpone or curtail many of the Great Society programs. Let us all tighten our belts and go all out to win the war.

I believe that if the President would do that he would emerge as a great hero to the American people. The people of this country are desperately clamoring, hoping, and praying for leadership of that kind from a man who can forget the effects such a decision may have on an election.

My own opinion is that it would be the best politics the President could display if he went before the American people and laid the facts out for them and told them that regardless of what the election results might be this is what has to be done and this is what his administration is going to do. Lay the facts out before them. I think it would be the best political move that the President could make.

What is even more important it would be the best thing that could be done to preserve the strength of our country.

Mr. JAVITS. I thank the Senator. I am very glad that we agree on that fundamental point.

Mr. PROXMIRE. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, there are many parts of the interesting speech just made by the Senator from Delaware with which I emphatically agree. I believe that he had made a real contribution, for example, in the area of spending. This is not a vague, indefinite proposal for cutting the budget—the kind we generally hear of. This is a precise and specific cutback which the Senator from Delaware is urging; for instance, he suggests that the nondefense public works projects be held in abeyance until the end of the war. As I understand it, there are about $7 billion of such projects on an annual basis. This action alone would help greatly. The Senator from Delaware points out that this would be in keeping with what we did in World War II and in the Korean war. It would be something that would benefit not only the anti-inflation policy immediately but would also have a desirable effect in the financial area, helping bring a lower in-

terest rate for the Federal Government itself.

One of the advantages of fighting inflation by holding down public works spending is that the administration could move ahead whenever it appeared that the economy was slowing down too much, and people were being thrown out of work when the inflationary situation had tended to be allayed.

I would, however, tell the Senator from Delaware that while I agree with the Senator from Kansas [Mr. CARLSON] that repeal of investment credit, in my judgment, would be a very, very serious mistake, the spending proposal which the Senator from Delaware has made would go far toward slowing down the economy, in any event, and would go far toward preventing the kind of inflationary pressures we might otherwise suffer.

The difficulty with the investment credit suspension is that there is a clear, well-documented, and incontrovertible lag in its effect on prices.

Last February the Secretary of the Treasury was clear in his testimony before the Joint Economic Committee, and I am sure before the Finance Committee and the Ways and Means Committee, in arguing that it would be a year before the prime effect of the suspension of the investment tax credit would be felt.

By 1 year from now, we may be suffering a recession. Unemployment could be high. Advance indicators now suggest that this is a very real possibility. And the suspension of the credit to a day certain, January 1, 1968, could be disastrous.

Let us put ourselves in the position of any treasurer of a corporation, or a board of directors. Can we imagine making a major purchase 3 or 4 months before the investment tax credit would be restored?

Any corporation official who did this would be in real jeopardy.

At that point there would be, as the Senator has pointed out, a real vacuum. It is bound to be so. It is inescapable, because any treasurer of any corporation, under those circumstances, would have to, is he is going to hold onto his job, say, "Let us postpone it."

TWA suggests a good example. They purchased $400 million worth of aircraft on September 2. Unless the President's proposal is modified, they will lose $28 million in net profits. And they would have enjoyed that $28 million of additional profit if they had made their purchase on August 31.

Now suppose we follow the President's advice and suspend the credit until January 1, 1968, and in October 1967 a firm is contemplating purchasing $400 million worth of equipment. Obviously they would postpone the order until after the first of the year. Otherwise, they would be throwing away a large amount of assured net profit.

I wish to comment on one further point which the Senator has very well taken. Suspension of the accelerated depreciation would be an even more serious mistake, because plants take a long time to build. It is not a matter of weeks or months, but a matter of years. From the time of the order to the accomplishment of the work extends over a long period of time. The lag here would be even greater. The effect could come at a time of recession.

The major point I should like to make with regard to what the Senator from Delaware has said is that I hope the Senator from Delaware, who has been such a beacon of integrity and honesty in the Senate, and who has stood with such great ability in fighting for a fair and equitable tax system, would give further consideration to the question of investment credit.

Last February an identical proposal by the Senator from Tennessee [Mr. GORE] was rejected by a vote of 78 to 10 by the Senate. To suspend the credit would mean that 35 or so Senators would have to reverse their positions. I submit that last February there was a greater threat of inflation than today.

Mr. WILLIAMS of Delaware. I thank the Senator for his contribution to this discussion. The results of repealing the 7-percent investment tax credit have been outlined. I agree with the suggestion. I want to make it clear that I go along with repeal of the investment tax credit only if it is accompanied with the other steps as outlined. A repeal of the investment tax credit alone and no other action would achieve nothing. Any effect of its repeal could not possibly develop for 6 months or a year. If it were suspended with a temporary termination date a vacuum would be deliberately created which would have an adverse effect.

So, while I approve of the suspension of the investment tax credit as a part of the package, it is not the major part of the package. I think the major part of the package is a cut in Government spending. If we are not going to cut back on spending let us not talk about it all. If we are to keep on spending while suspending the investment tax credit it will result in revenues of $1.5 billion, a 5-percent increase in taxes another $4 to $5 billion.

If we just increase these taxes and keep on spending at the same rates the result would be even more inflationary.

While I would support the suspension of the investment tax credit I would first have to see a cutback in spending; otherwise, we will never balance the budget.

The second point of the program which I outlined was to create a special type of retirement bond, one which would encourage saving by young people for the education of their children. It would encourage saving by members of the labor force as a means of increasing their retirement pay. The sale of these bonds would siphon money out of the spending stream without the painful process of additional taxes. The approval of this plan would have a particicular beneficial effect for individuals as well as the Government.

I approve the suspension of the investment credit, because it has always been my position that any depreciation schedules written into our tax laws should be plain enough to be understood by everyone, whether he be a farmer in Wisconsin or Delaware, building a barn, or buying a tractor.

I suggested at the time that we use the double declining balance rates, or 2½ times the straight line rates; but I was in the minority, and the 7-percent investment credit was passed.

However, I do agree most wholeheartedly with the recommendation of the Senator from Kansas and the Senator from Wisconsin that the administration's recommendations for a suspension of the accelerated depreciation formula would no nothing but create confusion both for the Treasury Department and for the taxpayers. It would accomplish nothing either in the area of additional revenue—which would be negligible—or in combating inflation, and therefore this part of the President's proposal should be rejected in its entirety.

Mr. PROXMIRE. I would like to make one more comment. I am sure the Senator from Delaware will concede that the President's proposals do not go far enough particularly in the area of suspending public works spending. But we should recognize that there is an unemployment rate of 3.9 percent at the present time. There have been recent peacetime periods 1948 for instance when it has been even less. It is now approximately the same as it was in 1956 and 1957. So we are not now in a highly inflationary tight labor market situation.

Also, with the enormous increase in productivity of American industry and with a million and a half people coming into the labor force every year, I am concerned about what a tax increase might do to employment. We could suffer a serious recession.

We know how very hard it can be to bring back a depressed economy even with huge Government deficits. We had some experience with that in the 1930's. It took the all-out production of a world war to bring the depression and recession to an end, with all the awful consequences of that unemployment to the country. So I think we should be careful about suspending the investment credit, with the knowledge that it may be very hard to restore the Nation's growth and prosperity from a depression. I am also concerned about the impact that an increase in taxes could have, because once the economy slows down, it is very difficult to get it started again.

Mr. WILLIAMS of Delaware. I agree with the Senator. I regret that we are in a position where we have to recommend a tax increase at this time. I know hindsight is always better than foresight. Nevertheless the administration was warned, I joined the former chairman of the Finance Committee, Senator Byrd of Virginia, in 1965 in opposing the tax reduction at that time because we felt strongly that with a $6 or $8 billion certain deficit confronting us it was most unwise to cut taxes, only to restore them at some time when it was less opportune.

Early in February of this year the administration recommended partial restoration of the 1965 tax reductions. The Secretary consulted me concerning both their proposal to restore certain excise taxes and their proposal of a further acceleration of corporation tax payments.

I said I would support those recommendations last February. Our economy was booming; it was in an upward trend,

and I suggested that he should also take one further step. I suggested that the administration go further and propose a 5-percent tax increase across-the-board while the economy was in an upward movement. I thought our economy would support it then and that if we did not take such action we might be confronted with a situation where we would have to advocate a tax increase at a time when we had a receding economy.

Today we do have a receding economy. As the Senator knows, the stock markets are off about 20 percent, which is an indication that there is a slackening of the economy. Under these circumstances I regret the necessity of having to make this proposal today. I realize the significance of it, but I recognize the even greater danger of continuing this large deficit.

What I would regret even more would be to postpone taking some action to allow the present drifting policy to continue, and then next year or the year after to be faced with even more disastrous consequences. To me the most disastrous consequence of which we must beware in this country is a run on the American dollar and the devaluation of our currency. That could happen. It has happened in other countries heretofore, and it could happen here in the United States of America. When it does it will penalize every man in America who has any savings. It is our wage earners, our aged, our elderly, our retired people who are most severely penalized by inflation. They are the ones who did not benefit one iota from the tax reduction last year, because, while it is true they received a reduction in taxes, it is costing twice the amount of that reduction to pay for the increased cost of living when they go to the grocery stores.

They deserve better protection and consideration from this administration. Those who are living on fixed incomes—the retired—they are the forgotten people of this Great Society.

Those are the dangers that were pointed out by the chairman of the Finance Committee, the former senior Senator from Virginia, at the time we passed the tax cut last year and also in 1964. Those inflationary dangers have been building up. We have been living on tomorrow's income too long. The time has come when we must decide whether we, this generation, will continue living on our grandchildren, or whether we have the ambition and the guts to pay our own way.

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

Mr. WILLIAMS of Delaware. I yield to the Senator from Kansas.

Mr. CARLSON. Mr. President, I did not want this colloquy and discussion about the 7-percent investment tax credit to be concluded without mentioning the fact that there is a tendency, when we speak of the 7-percent investment tax credit, to think that it is only for the benefit of $100 million or $1 billion corporations.

The truth of the matter is that the benefits of this 7-percent investment credit extend even to the farms of this Nation. American farmers receive great benefit from the 7-percent investment credit when they purchase new machinery. Farm machinery has become a major item in the cost of agricultural production. It is not uncommon for a farmer to pay from $8,000 to $15,000 for one machine. Even modern dairy equipment involves substantial investments of money.

Every fall, farm machinery dealers go out and sell to the farmers large amounts of equipment. They take orders for delivery the following May, or whenever the farmer wishes to use the equipment the next spring. This year they have taken many such orders. I know personally of combines that have been sold since September 1; and on a $10,000 combine, the 7-percent investment credit is $700.

This tax credit is an item that gets right out to the people. I hope we give this matter serious consideration, before we repeal or suspend this credit, keeping in mind that it affects not just the great corporations in industries like air transportation, the railroads, and the utilities, but that it reaches out to the farmers of this country, and that individual farmers could be seriously hurt if we do not take them into account.

Mr. WILLIAMS of Delaware. Mr. President, we have discussed here not only the repeal of the investment credit, but a 5-percent tax increase for corporations as well as individuals, both to be preceded by a cut in spending.

One point which we must not forget is that while the corporations may be the medium through which these taxes are collected for the Federal Treasury, in every instance the tax is untimely paid by the consumer who buys the products, whether it be through higher prices for agricultural products or higher costs of the finished product of the manufacturer. The costs of the taxes levied against American industry are passed on. I recognize also that what I have suggested here today will, to a certain extent, be a hardship on every American's pocketbook.

But I think the time has come when everybody in America has to buckle down and recognize that we have a costly war on our hands. We cannot have both guns and butter. If we must draft, as we are, the American youth and send them over to Vietnam to fight to preserve our freedom, at the same time we as American citizens should be willing to put our dollars to work, tighten our belts, and put our pocketbooks on the line to finance the cost of this Government. No longer can we continue drifting down this road of deficit spending and inflation which we have been following for the last few years without eventually reaching disastrous consequences. I believe that the time for action is long overdue. I regret that the administration did not take the leadership in outlining a course of action but it did not. Therefore, Congress is left with no choice. I hope that this Congress will fill this leadership gap and take appropriate action to preserve the financial stability of this great country.

CIVIL RIGHTS ACT OF 1966

The Senate resumed the consideration of 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. MORSE. Mr. President, even as the Congress again considers legislation to enforce the 14th amendment, we are living in a society and in a time when the colored minority of our citizens continues to fall behind the white population in enjoyment of the material benefits of American life and participation in its social and intellectual community.

Unemployment remains high for colored jobseekers, though it is low for white. Income levels for Negro family units are falling behind income levels for white family units. As the affluent society grows, it is leaving behind the Negro element of our society. As the President told us in his message on this bill, although colored people make up some 12 percent of the population, they take home less than 7 percent of the total personal income of Americans. Their condition and position in American life has declined, not advanced, since World War II, when income levels of white and colored people were closer than they are today.

The enactment of civil rights legislation in an effort to correct these imbalances has gone forward only hesitantly and sporadically. The 1957 Civil Rights Act, which was hailed so loudly in some quarters, was not even a small scratch in the surface of what has been needed to enforce the promise of the 14th amendment. The 1960 act did little, if anything, more.

It was not until 1964 that Congress for the first time since the Emancipation Proclamation, tried to come to grips with the greatest social plague of American life—racial discrimination.

Two years ago, the Civil Rights Act passed by this Congress went to the basic factors in the denial of equal opportunity. Many of us who were most active in advocating it and securing its passage have been rather disappointed that much less has been done under it administratively than we believed—and were told—was going to be possible. The authority given the executive branch to initiate suits to desegregate schools and public facilities is now called inadequate. The pending bill enables him to bring these suits on his own finding, rather than upon complaint.

There is no reason why Congress should withhold this additional authority. I hope it will get on the books as quickly as possible.

Yet I cannot but express the view that the time is soon going to be upon us when there will be no further recourse to new legislation to accomplish equality of access to public facilities and opportunity for jobs, and there will be no

further room for excuses that the administrators lack the necessary tools. The legal powers of the U.S. Government are tremendous in this area. They are capable of rendering great changes in the pattern of discrimination and segregation if there is the will for leadership in the Justice Department and in the top echelons of the administration.

The sad fact is that the spark, the drive, has long since gone out of the civil rights leadership of the U.S. Government. The passage of the 1964 law is pointed to with pride, but precious little is being done with it to bring about the changes it was designed to accomplish.

We have, in 2 years, come to a point where the highest achievement of a young Negro male of talent and leadership qualities is to join the Army and be a professional soldier. There, we are told, is where he can go the furthest in the American system.

That is a tribute to our Armed Forces, but it is a crushing indictment of our civilian opportunities and the leadership that shapes those opportunities. Once again, we hear the excuse that Congress has failed to provide the legal tools. I am in favor of providing all the legal tools. But legislating against discrimination will no more correct it than the Supreme Court decisions against school segregation automatically abolished segregated schools. There is a machinery of administration that must translate court decisions and laws into reality, if the reality is to be changed at all.

The one remaining area of American life into which the colored citizen has not yet been provided with the protection of his constitutional rights is in the area of housing. Many experts believe that most of what is contained in the pending bill could be accomplished by executive order. That may be. But whether or not the administration follows the route of executive order does not relieve Congress of its responsibility to enact legislation to enforce the 14th amendment.

That is all this bill does in the field of housing. As a matter of fact, the pending bill does not do much more than cover the same area that the Oregon statute covers on this subject. Section 659.033 of the Oregon Revised Statutes provides:

> No person engaged in the business of selling real property shall, solely because of race, color, religion, or national origin of any person:
>
> (a) Refuse to sell, lease or rent any real property to a purchaser.
>
> (b) Expel a purchaser from any real property.
>
> (c) Make any distinction, discrimination or restriction against a purchaser in the price, terms, conditions or privileges relating to the sale, rental, lease or occupancy of real property or in the furnishing of any facilities or services in connection therewith.
>
> (d) Attempt to discourage the sale, rental or lease of any real property to a purchaser.

Title IV of H.R. 14765 is more detailed, but it does not cover any more ground. It carries a provision that where a State or local fair housing law is operative, the State or local agency will be given the first opportunity to act.

The pattern of discrimination in housing is a primary factor in the growing ghetto nature of the American city. It is perhaps ironic that Americans have come to accept so casually a word that once was applied with a great distaste and even horror to what we thought were the medieval practices of European cities, where people of one religious origin were herded into closely confined city areas. The Negro ghetto is becoming as accepted in the United States as the Jewish ghetto was once accepted in Europe.

If it takes a Federal statute to protect American cities from the appellation of ghetto, then we should have such a law. But it will also take a lot more than a law. We have a law against discrimination in employment. But the job bars do not appear to have fallen, and indeed, the activity of the Federal agencies empowered to act in such situations has been most notable for its absence.

For all the 21 years I have been in Congress, there has never been a Justice Department, there has never been an Attorney General, there has never been an administration of either party, that did not plead inaction on the civil rights front on the ground that Congress had not given it sufficient legislative authority to act. Here, in the area of housing, is one remaining area where this is still true. I believe that this Congress, this year, must act to correct that deficiency by writing this statute and by authorizing the Attorney General to initiate civil proceedings where there is what the bill calls a pattern of discrimination in housing.

Yet I think Congress and the country would make a great mistake to look to or count on this bill, even if enacted this year without change, as the one thing that will eradicate the ghetto from America or significantly change the life and future of the American of colored skin.

The colored people are not unique in being the lowest on the income scale, the last hired and the first fired, the ill-housed and poorly educated of American life. One after another wave of immigration from Europe has gone through the same process. The history of many of our eastern cities is the story of the passage of one national immigrant group after another through its central core, finally to disperse and spread out across the country and into the small towns and suburbs.

The colored people, however, have the great disadvantage of physical difference. It is the visual evidence of difference that has prevented their dispersal throughout the rest of the melting pot of our society.

Instead of becoming integrated, the evidence is that they are becoming more isolated. "Separate but equal" may be unconstitutional as a matter of law, but it is increasing as a matter of fact.

Much of our poverty program is now aimed at intensive upgrading of skills, background, and education to help youthful individuals escape from the vicious circle of ghetto life. Certainly we know that mere enforcement of equal right does not endow the man or woman with the skills needed to make and to take advantage of an equal opportunity. The right not to be discriminated against in employment will do nothing for the person who is not qualified to hold the job in the first place.

The right not to be discriminated against in purchasing a home will do nothing for the colored person whose income does not enable him to undertake a mortgage.

The eradication of race as a great divisive and dividing factor of American life requires more than either Congress or the administration has yet given it. Its solution would be a blessing to mankind of the sort we like to think we are qualified to preach to others even though we have not found it for ourselves. We are extending ourselves now all over the world, and apparently, especially in Asia, with the explanation that we are going to teach them how to live in prosperity and peace. We are preaching a national unity to people in Asia and Africa who are trying to build nations out of tribes and communities that have no sense of nationhood.

But as we take up the white man's burden thousands of miles away, the division of race in our own country grows. Our capacity to teach racial harmony and unity abroad is increasingly undermined by our failure to practice it at home.

We simply do not know how to reverse the tide of racial separateness in the United States.

Here is where the real challenge to American leadership lies. It is no original thought with me to point out that the world mission seen by the Founding Fathers for the American Nation was never one of going around the world laying hands on people and making them do as we say, rather than as we do. Our mission in the world was to provide an example. Our mission was to order our own system to permit the widest opportunity for individual citizens, so that emerging nations all over the world which then were emerging from monarchy, could see what could be done if their people so desired it.

That mission is the one we are failing today. Emerging nations of Africa and Asia have little to learn today from America in the most difficult of all social issues—how black and white races can progress together as part of one country.

The figures and statistics on housing, employment, education, and income tell us that we are sliding backward in this respect. The phrase "Negro ghetto" is becoming an accepted part of the language. The Congress quails at extending into housing the same standards of the 14th amendment that 2 years ago we extended into employment and education.

An administration and a Justice Department armed with a wide range of legal powers and a vast sum of money to devote to the problems of racial poverty have displayed little imagination and less leadership in making use of them.

If there is more Congress can do to enforce the 14th amendment, we must do it. If there is more Congress can do to enlarge and strengthen the war on poverty, we must do it. But I am no longer satisfied that more laws and more money are going to make a big difference

in the lives of millions of colored Americans. More than money and laws are needed.

I think we all know that if Congress adjourns this fall without taking final action on this bill, it will be at the top of our agenda in January. And it will remain at the top of the agenda just so long as it remains unenacted. As the people of colored skin become 15 percent and then 20 percent of the population, this issue of accessibility to housing will grow, not diminish.

But so will the issue of equal opportunity for Negroes in all areas grow and not diminish. I would hope that in the course of the next year, the appropriate committee of the Congress might exercise legislative oversight of existing civil right statutes, to determine what is being done under them, and what further action might be taken under them to attack the developing segregation of Negroes in special areas of big cities. This problem has outgrown the issue of civil rights legislation that for decades has been the business of the Judiciary Committees. It is an urban issue; it is a social issue. It is an economic and an educational issue.

It will prove to be the Achilles' heel of America unless we find the means of reversing it. It calls not for a piecemeal approach but for a review in all its aspects, if not by a preoccupied administration, then by Congress.

Mr. HRUSKA obtained the floor.

ORDER FOR RECOGNITION OF SENATOR DIRKSEN TOMORROW

Mr. HRUSKA. Mr. President, I ask unanimous consent that at the conclusion of the morning hour tomorrow, the junior Senator from Illinois be recognized for the purpose of making such remarks as he may see fit.

Mr. HART. Mr. President, reserving the right to object, the Senator from Nebraska has in mind the possibility of the junior Senator from Illinois speaking at the conclusion of the morning hour?

Mr. HRUSKA. Yes.

Mr. HART. Up to, if necessary, the hour of 3 o'clock?

Mr. HRUSKA. I do not know. The Senator would like to talk. He had originally been scheduled to talk this afternoon. Something came up which prevented that, and he has asked that unanimous consent be granted him to be recognized at the conclusion of morning business tomorrow, to make such remarks as he may care to make.

Mr. HART. It being understood that we are already under a unanimous-consent agreement that as of 3 o'clock the Senate will proceed to the consideration of the conference report on the minimum wage bill?

Mr. HRUSKA. Oh, yes; surely. He would be bound by that limitation; by all means.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska? The Chair hears none, and it is so ordered.

Mr. HRUSKA. Mr. President, I ask unanimous consent that I may yield to the Senator from Pennsylvania, without losing my right to the floor.

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

SOME REFLECTIONS ON THE PRESENT FILIBUSTER: A PLEA FOR CONGRESSIONAL REFORM

Mr. CLARK. Mr. President, I thank my friend, the Senator from Nebraska, for yielding.

Once again the Senate of the United States has demeaned itself in the eyes of the Nation and the world by indulging in that absurd and preposterous practice known as the filibuster.

Once again 100 grown men and women are going to let themselves be made an object of ridicule in the press and among the populace because of the inability of this body to act when confronted with the opposition of a small minority who would rather talk than vote. As the majority leader has recently said, the present filibuster is "a disgraceful exhibition of doing nothing" which "takes away from the dignity and decorum" of the Senate.

Let it be noted that, since we are to vote on a motion for cloture at 6 o'clock tomorrow afternoon, whether I speak or do not speak this afternoon has absolutely no bearing on how soon we can come to grips with the civil rights bill in general and with the motion to take up in particular.

What we are doing today and tomorrow is engaging in an effort to mark time until the hour of 6 o'clock tomorrow afternoon arrives. In no sense of the word could what I am saying this afternoon be construed as contributing to a filibuster.

I have often wondered what historians of the distant future will have to say about this quaint practice of ours. Surely they will marvel that a civilization which has been able to split the atom, and to reach for the moon, has been unable to work out a democratic parliamentary procedure for the upper branch of its national legislature which strikes a fair balance between full debate and majority rule, between deliberation and action.

Our problem is not that we lack the ingenuity to devise a solution. On the contrary, there are two resolutions presently on the Senate Calendar, Senate Resolution 8 and Senate Resolution 6, both of which would work a substantial improvement on the existing situation, while preserving more than ample time for full debate. What we lack is the will to solve the problem.

Both of these resolutions, as Senators will recall, were introduced on January 6, 1965, shortly after the convening of the first session of the present Congress. Senate Resolution 6, the Anderson-Morton resolution, provides for three-fifths cloture. Senate Resolution 8, the majority cloture resolution, was introduced by Senator PAUL DOUGLAS, with the minority whip, Senator KUCHEL, as his principal bipartisan cosponsor. Fifteen additional Senators, among them myself, joined as cosponsors.

Although I support the Douglas-Kuchel resolution, I would much prefer a procedure which does not lean over so far in the direction of extended debate. The comprehensive revision of the Senate rules which I introduced in the last Congress, and which was introduced again as Senate Resolution 103 in the present Congress, contains a provision for a motion for the previous question which would do away with the whole unwieldly cloture procedure. Under my proposal a majority of Senators present and voting could terminate debate. First, on any motion or amendment to a measure pending before the Senate after that motion or amendment has received 15 hours of consideration on not less than 3 calendar days; or, second, on the measure itself, together with any motions or amendments relating to it, after the measure plus all related motions and amendments has received consideration for 15 calendar days.

In other words, we could get to a vote on a measure, if a majority wanted a vote, within 15 days of the time when the matter was first brought before the Senate.

The real power of the filibuster lies not merely in its ability to prevent the enactment of progressive legislation which a majority of the Senate and a majority of the country favor. It lies in its ability to block action of all sorts, thus perpetuating the system of minority rule, of which it is the key part.

Can the Senate reform itself? Can the Senate adopt a rule requiring financial disclosure to prevent conflicts of interest? Can the Senate adopt a code of fair and democratic procedures which will allow a majority to act, after reasonable time for debate, when it is ready for action? Until the filibuster is abolished, I doubt it.

The problem, however, is not just rule XXII. Quite apart from filibustering itself, there are a variety of ways in which a single Senator can bring the entire legislative process to a grinding halt for 1, 2, 3, or 4 days if he has sufficient perspicacity and energy to do so.

Here are some of the measures which could be and have been resorted to:

First. Live quorums: One of the most annoying of these is the abuse of live quorum calls for harassment and delay. Even though no legislative business can be transacted, Senators who support the bill being filibustered must stay close to the Senate Chamber, ready to respond to the bell signal and make their token appearance on the floor. Nothing is accomplished, since after they answer to their names they are free to go until the next live quorum. Meanwhile, Senators who oppose the bill may go off and do as they please, leaving one or two of their number in the Senate to keep the filibuster going.

When, as in recent days, a quorum cannot be gathered—and I point out that there were 3 days last week when the Senate had to adjourn for lack of a quorum—the job of the filibusterer is made even easier, since the Senate is unable to do any further business and is forced to adjourn. The effect of calling for a live quorum under such circumstances is to put the U.S. Senate temporarily out of business.

In my judgment this practice can and should be prohibited. I am confident

that ways can be found to restrict the right to call for a live quorum so as to prevent its abuse, while permitting it to be used—perhaps restricting the right to call such a quorum to the majority and minority leaders when, in their judgment, a proper legislative purpose exists.

Second. Committee meetings during Senate sessions: Under the prevailing misconstruction of the Legislative Reorganization Act of 1946, a single Senator can prevent all of the standing committees and subcommittees of the Senate from meeting after the morning hour when the Senate is in session. This gives the filibusterers the power to tie up not only the floor of the Senate, but its committees as well.

So long as the Senate adheres to a normal daily schedule, coming in at noon, it is possible for the committees to continue their work. However, should the hour of meeting be moved up to 10 a.m., as is often done, the changes of finding a time for committees to meet with any hope of getting a quorum would diminish to the vanishing point.

Coming so late in the year—as does the current filibuster—the consequences of such an impasse could be disastrous for such essential domestic programs as the war on poverty and Federal aid to education, which are still in committee, unable to come to the calendar because it has been impossible to hold meetings because of the lack of a quorum in the Committee on Labor and Public Welfare.

While I share the desire of the leadership to bring the filibuster to a halt as rapidly as possible, I would hope that Senate sessions would not be scheduled in the morning hours, so that the committees can move ahead with their important work. Efforts to break a filibuster by exhaustion were abandoned in 1961, when they failed dismally, and are not likely to be reinstated by the present leadership.

Third. Committee procedure: Some committees presently have rules of procedure which are in accord with normal parliamentary practice. Others do not. In those committees which have failed to provide adequate democratic procedures, the will of the majority can be and often is thwarted with impunity.

The pending civil rights bill is a case in point.

I should, however, interpolate that the bill is not even pending. We are dealing with a motion to take up and a filibuster on a motion to take up. Unless and until we can provide that the bill shall become the pending business the filibuster will continue to be conducted, not against the civil rights bill, but against a mere preliminary motion.

This bill was not referred to the Committee on the Judiciary, because that committee has earned a well-deserved reputation as a graveyard of civil rights legislation. This is not because a majority of its members oppose civil rights; on the contrary, a majority of its members have endorsed the pending House-passed bill, with certain strengthening amendments, in an unofficial report which has been placed on the desks of all Senators. It owes its reputation, rather, to the fact that its distinguished chairman, a vigorous and able opponent to civil rights, has been consistently able to frustrate the desires of the majority of the members of his committee through the lack of any effective means for enforcing the majority will.

Although in theory committee chairmen are elected by the Senate, in practice, as everyone knows, the most senior member on the majority side automatically becomes the chairman. The result is that positions of power tend to fall to Senators who come from safe, one-party constituencies, whose views often tend to conflict with the majority sentiment in their own party and in the Nation at large.

The remedy is not to eliminate seniority, but rather to curb and regulate it, first by adopting a rule which would provide that chairmen shall be chosen by secret ballot of majority members of the committee at the beginning of each Congress; second, by providing that no Senator shall serve as a chairman after reaching the age of 70; and, third, by directing the majority party caucus to enforce party discipline on committee chairmen to the extent of refusing to endorse for chairman a Senator whose views on issues within the jurisdiction of the committee fail to harmonize generally with the positions taken in the party's national platform.

In addition to these reforms in the method of selecting committee chairmen, there is an urgent need for a Committee Bill of Rights to prevent a dissident minority from obstructing normal democratic processes within committees. This proposal, which I have been urging for several years, is contained among the recommendations of the Joint Committee on the Organization of the Congress. It would give a majority of the committee the right to call meetings, and to require a chairman to report legislation. Had it been in effect, it would not have been necessary to bypass the Judiciary Committee with the pending bill; the majority would have been able to hold thorough hearings, mark up the bill in an orderly fashion, and report it to the floor of the Senate, instead of having to make do with an unofficial report approved by a majority which could not overrule its chairman.

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

Mr. CLARK. I yield.

Mr. HART. I ask the Senator to yield for a comment which is not intended to undercut any of the suggestions that the Senator from Pennsylvania has made with respect to committee operations, but simply to emphasize one element.

Some of us are teased, after we have been in the Senate a little while, for having lost the drive to modify or eliminate the seniority system. I suspect that the Senator from Pennsylvania came to the Senate, as did I, convinced that the greatest problem with committee operation was the seniority system.

The Senator from Pennsylvania has given much thought to and has focused much public attention constructively on the whole range of problems that relate to Senate rules. He has never lost, I think, the conviction that the seniority system is undesirable, if not bad.

I must confess that over the years, brief though they have been, that I have been in the Senate, I now have convinced myself that the seniority system really would not be very much of a problem, if we could just adopt the suggestion that the Senator from Pennsylvania has made. Let us get a set of ground rules that reach into the committee rooms in the Senate, establish regular order—in effect, have a set of rules written by the Senate for each committee, uniform in its application. If we do that, it makes scarcely more than 7 cents' worth of difference who the chairman is.

The Senate is so wedded to the concept of seniority, that I think we tilt at windmills to fight a change in the seniority system. Much more likely will we have success in urging support for the position the Senator from Pennsylvania has staked out, which will give us chapter and verse of the procedures that shall be applicable inside the committee room. Given those rules, legislation can move in orderly fashion, an up and down vote can be obtained, and the performance of the Senate will be infinitely improved.

Unfortunately, what the Senator from Pennsylvania has contributed so much of his time and thought to is not the sort of business that sells newspapers or interrupts any television program with a bulletin. But, really, it has far greater reach in long term than much of the business that attracts the attention of the gallery—press and public—and is the meat and potatoes of the daily news bulletins out of Washington. Vastly more important is the subject matter that the Senator from Pennsylvania has again brought to our attention. I am very grateful that he has done so.

Mr. CLARK. I thank my friend, the Senator from Michigan, for his helpful comments, with which I agree in large in large part, but not entirely.

The basis of my disagreement is this: When the Senator from Michigan and I came to the Senate, within 2 years of each other—I in 1956 and he in 1958—we found a committee structure in which the chairmanships of practically all the committes on the Democratic side were held by estimable, able, and, indeed, lovable colleagues from a certain section of the country which was then known as a one-party section. It is not so much that any longer. To a large extent, they still hold these chairmanships; but, in a way, they are the more elderly as well as the more senior Members of the Senate. In due course, they will pass along, and the age that is thronging before and beneath them will be chairmen of some youth, some vigor still, who will hold those chairmanships in the liberal cause for at least as many years as the present chairmen hold them in the conservative cause.

While I, personally, would welcome that situation on a philosophical basis, I think that it is just as bad, from the point of view of the Senate as a whole, as is the present system.

Therefore, I feel that the present practically watertight seniority system in the Senate is bad for the country, because it tends to place in positions of responsibility individuals who are out of tune, more often than not, with the thinking and the spirit of their times.

I would like to see some of the procedures utilized in private business applied to the solution of this problem. I do not think we should be content with a system under which elderly men, be they conservatives or liberals, automatically accede to positions of great responsibility.

It is only to that extent that I differ with my friend, the Senator from Michigan.

I return now to my text. My fourth point is:

Filibusters on the motion to take up: Although all Senators are aware of it, most of the public is ignorant of the fact that the Senate rules allow not one but two filibusters on every bill—one on the motion to take up, and one on the bill itself. In the civil rights filibuster of 1964, the filibuster on the motion to take up ran on for 16 days before debate began on the bill itself.

I can think of no rational excuse for permitting the filibusterers to keep this second barrel on their shotgun. The Senate rules should be changed to provide that a motion to take up, made by the majority leader, is not subject to debate.

Fifth. Reading of the Journal: Perhaps the most ludicrous feature of the traditional filibuster, so far happily absent from the present proceedings, is the reading of the Senate Journal. Under the rules, any one Senator has the right to direct the clerk to read aloud the Senate Journal for the previous day during the morning hour, thus creating a filibuster by proxy.

Mr. President, will all deference and with the highest regard for our present able Journal clerks, I wish to point out that in the modern world the reading of the Journal contributes absolutely nothing to the education of Senators as to what went on the day before. It is an anachronism replaced years ago by the CONGRESSIONAL RECORD. The information that any Senator or anybody in the general public requires as to what has gone on during the preceding day is amply conveyed by the CONGRESSIONAL RECORD. To the extent that there may be technical exception to what I have just said, that could be remedied by changing the format of the CONGRESSIONAL RECORD. In my 10 years in the Senate, I have never known the Senate Journal to be read aloud except for purposes of obstruction and delay. Consequently, I have no hesitation in saying that the right to require the reading of the Senate Journal should be abolished, and that there should be substituted instead a procedure for correcting errors in the CONGRESSIONAL RECORD, which should take the place of the Journal, and which should be free of technical loopholes which would permit corrections in the Journal to be utilized as a device for a filibuster.

Sixth. Unlimited right to hold the floor: One of the colorful hallmarks of American political folklore is the marathon speech on the Senate floor. Like the marathon dance contests or marathon flagpole-sitting experts of a bygone era, they are primarily demonstrations of simple brute physical endurance rather than informative discussion which contributes to enlightened debate. No Senator needs more than 3 hours to expound his views on any particular piece of legislation.

When two Senators vie for a long record and one goes 23 hours and 50 minutes and the other goes 23 hours and 15 minutes, they may get headlines in the press all over the world the next day, but they contribute nothing to the decorum and dignity of the Senate and to the representation in the country.

Consequently, I advocate the adoption of a rule requiring Senators not managing a bill to yield the floor after holding it for 3 consecutive hours.

A few of these proposed reforms have been endorsed and recommended by the Joint Committee on the Organization of the Congress which recently filed its report. I hope those recommendations will be brought to the floor and passed promptly next year. The other reforms derive from a comprehensive revision of the Senate rules which I first introduced in 1964, and which has been introduced in the present Congress as Senate Resolution 103. As the filibuster progresses, and the deficiencies in the rules become increasingly obvious, I hope my colleagues will turn to this resolution and give its contents their favorable consideration shortly after we come back in January 1967.

What is at stake here is not just this civil rights bill. The matter is far larger than that. At bottom, what is at stake is the survival of our democratic form of government, and the strength and vitality of the Senate on which it largely rests.

I am proud to be a U.S. Senator. I love the Senate. I would not change this job willingly for any other job in the world. And because I am proud to be a Senator I grow weary and impatient with those who loudly profess to love the Senate, but who seem to love it better the less it does, and to love it best when it does absolutely nothing at all. They seem content to keep it hobbled, lumbering gracelessly and going nowhere, a fit subject for ridicule.

I believe that the Senate is capable of the kind of greatness which the modern age demands—a greatness of sure, swift, wise, and decisive action; a greatness which does not fail to give adequate opportunity for comprehensive, meaningful debate; a greatness of broad thinking and bold innovation on the frontiers of public policy.

But if the Senate is to be what I believe it can be, we must summon the will to put behind us the old ways, honored by time but rendered obsolete and unworkable by the needs of modern life. The means are at hand and reinvigorate this sapless legislative branch of government, to render it capable of prompt and effective action when, after reasonable debate, a majority is ready to act.

As I have said many times before, ours is the only representative body in the civilized world which cannot act when its majority is ready for action.

Will we seize the means while there is still time? I believe that we can; I know that we must; I pray that we shall. Next January will be D-day.

If we fail in that effort, we may well see the Senate crumble and decay as the Roman Senate did with the coming of the Caesars. The symptoms of that decay are manifest and sorely troubling.

I commend to Senators an examination of "A Study of History," by Arnold J. Toynbee. In that work he analyzes the causes of the growth and decay of civilizations, when a civilization reaches its peak and when it begins to decay. They will find that in that massive study the case is strongly made for the proposition that when the institutions, particularly the political institutions, of the particular civilization begin to fall apart, the civilization will soon disintegrate into a dictatorship, where bread and circuses are utilized to retain political power, where zeal for the public welfare declines, where there follows a widespread breakdown in the society and where the dictator rules the roost and the civilization is destroyed.

Never before in my 10 years as a Senator have I known the Senate to be forced to adjourn for lack of a quorum on three occasions in 1 week. Senators will not stay in Washington because the filibuster is droning on, and because of their obligations at home to their constituents, particularly in view of the forthcoming election. But my belief is that this sickness need not be fatal, that the trend toward degeneration of this great body can be reversed, and that the Senate of the United States can be restored to vital, active health.

All we need is the will to take the action so long overdue.

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

Mr. CLARK. I am happy to yield to my friend from Michigan.

Mr. HART. It is somewhat risky to pretend to have a crystal ball, and that is what we do when we rise and say that history will report a particular verdict.

Mr. CLARK. I wish to say to the Senator from Michigan that I hope I did not go quite that far. If I did, I should not have gone that far. I said history may record a particular verdict. I see many signs.

Mr. HART. No. I am making the statement, and acknowledging that there is no crystal ball on which to rely.

But I suggest, with great confidence, that whatever history shall report to have been the course of our institutions, any fair historian will report that if we survive and succeed, the Senator from Pennsylvania [Mr. CLARK] will have contributed importantly to it. If we fail, then any fair historian will report that it was not because the Senator from Pennsylvania had omitted to point out what was happening.

I hope that all of us will listen. I hope that in our lifetimes we will see achieved measures of reform which the Senator from Pennsylvania had described today, as he has over the years.

None of us will be able to claim that we were not put on notice.

Mr. CLARK. I thank my friend very much for his kind remarks. However, I do not mean to be cynical when I say that the fact that there are only four Senators in the Chamber at this moment clearly indicates that no one is listening, particularly when there are only two members of the press in the gallery. However, one can hope that even if they do not want to listen, perhaps they will read the CONGRESSIONAL RECORD that will be available tomorrow morning.

In conclusion, let me say that I have no ambition whatever to ape Cicero who made somewhat the same points in Rome at about the time Julius Caesar came to power. But Cicero did not win, either.

Let us hope that my friend from Michigan, and other Senators who have joined in this fight, will have much better luck.

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. HART. Mr. President, 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.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. HART and by unanimous consent, all committees of the Senate were authorized to meet until 12 o'clock noon tomorrow.

CIVIL RIGHTS ACT OF 1966

The Senate resumed the consideration of 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.

H.R. 14765 SHOULD NOT BE MADE SENATE'S PENDING BUSINESS

Mr. HRUSKA. Mr. President, the immediate issue before the Senate is the motion to make H.R. 14765, the pending business of this body.

I oppose this motion.

While there are other reasons of substance for such opposition, my remarks will be directed principally to title I, which has for its declared purpose the assurance of nondiscrimination in Federal jury selection and service.

Mr. President, no reasonable man can take exception to the section numbered 1862 found at page 3 of the bill which reads:

> No citizen shall be excluded from service as grand or petit juror in the district courts of the United States on account of race, color, religion, sex, national origin or economic status.

As far as it goes, this is an accurate statement of the law of the land on this point. Discrimination on any of the grounds enumerated is prohibited by present law—constitutional and statutory. There is a necessity for abiding by this law if this Nation is to be well- and self-governed.

There is a similarly urgent need regarding civil rights generally. Their possession, and the right and opportunity to exercise and enjoy them freely and equally, must be accorded to all citizens without discrimination.

If additional legislation is needed to gain this goal, it should be enacted.

Five times within the past 10 years, this Congress has taken such action; that is to say, in 1957, 1960, 1962, 1964, and 1965.

During all those years, this Senator has been a member of the Committee on the Judiciary and its Subcommittee on Constitutional Rights to which such measures are normally referred for processing. On each of these five occasions, this Senator supported the bills and cast his votes for them. I was active in the preliminary stages which led to the final formation of these bills.

But, Mr. President, the need for additional legislation does not mean that all legislative proposals bearing the label of civil rights are good, acceptable, and desirable. It does not mean that all bills introduced which bear this label should be approved, even if they have an attractive title, and even if their initial declaration of policy contains promise of the early arrival of the millennium. However well intentioned its authors may be to discharge their assignment well, difficulty can arise with any measure as soon as specific provisions and methods are spelled out to accomplish the declared objectives which are sought.

It is imperative, therefore, that each bill be considered beyond its title and beyond its declaration of policy. The exact provisions of the legislation must be explored in their entirety. Careful and thorough study must be accorded each provision if satisfactory results are to be obtained.

But as the testimony and evidence developed, relating to title I, it became clear that a great many unexpected problems existed.

It became apparent that substantial changes would be made in the composition of Federal juries. The mechanics of juror selection would be revolutionized in every one of the districts and divisions of all our Federal courts in every State in the Union, as well as in the District of Columbia, Puerto Rico, and the Panama Canal Zone.

The record now clearly establishes that additional careful consideration and study is necessary before the Senate takes action on this title.

CONSIDERATION OF TITLE I SHOULD BE DEFERRED

There are valid reasons for such postponement.

It is the intention of this Senator to submit at the proper time an amendment which will seek to delete all of title I with the exception of section 102. That section deals with a revision of jury fees, expenses, and mileage and is independent of the rest of the title. It could and should be enacted into law without further delay.

Briefly, the principal propositions which I advance to support such an amendment are these:

I. REFERENCE OF TITLE I TO JUDICIAL CONFERENCE IS NEEDED

Failure to refer this title to the Judicial Conference for its analysis and recommendations constitutes a serious breach of legislative policy and dictates postponement of any further action at this time.

The policy underlying such referral is not a matter of form, rote, courtesy, or comity between two independent and coequal branches of Government. It is a matter of substance and high importance. It goes to basic legislative procedure.

II. TITLE I IS TECHNICALLY DEFECTIVE, UNWORKABLE AND UNREALISTIC IN MANY RESPECTS

The substance of the title's provisions is undesirable. It is technically defective. It contains many unworkable and unrealistic provisions.

It would create greater problems than any existing problems of discrimination or lack of uniformity which it seeks to correct.

Experience has shown that many of these objections can be intelligently and effectively dealt with in cooperation with the Judicial Conference.

III. CONSTITUTIONAL CONSIDERATIONS

The changes sought in this title are in violation of two constitutional imperatives which the Congress cannot disregard: First, the jury in our Federal judicial system must represent a cross-section of the community; and second, to assure this, juror selectors must acquaint themselves with the identity and availability of potentially qualified persons within significant elements of that community, and must exercise a selective process and independent judgment which necessarily go beyond the restrictions which this title seeks to impose.

I. REFERRAL TO JUDICIAL CONFERENCE

The Judicial Conference, as such, was established by statute in 1948. Membership currently consists of the Chief Justice and Justices of the Supreme Court, the chief judges of the several circuit courts of appeal, and representatives of the members of the district courts. Its duties in general are to oversee, supervise, and administer the judicial system as are set out in the statute.

Since the establishment of the Judicial Conference, it has been the policy and practice of the Congress to refer all proposed legislation affecting the Federal courts to the Conference for its advice, suggestions, and recommendations.

This policy was initiated and has been followed for good, substantial reasons. The Conference, representing the Federal judiciary, is in a unique position to analyze the legal and administrative consequences of such legislation. The Council is composed of men who have devoted and dedicated their lives to the profession of the law and the administration of justice. They have an experience and expertise which should be utilized to the fullest possible extent in order to enable Congress to enact laws which will have only beneficial effects on the operation of the Federal judiciary.

In the past, one of the finest jobs done by the Judicial Conference pertained specifically to the operation of the jury system. This work was done primarily by its Committee on the Operation of the Jury System. Its work started with a report by the so-called Knox Committee in 1943. Upon the passage of the Civil Rights Act of 1957, which included amendment of the jury statutes, a 2-year study was undertaken by this committee. In September 1960 its report was published in the report of the Judicial Conference. It is entitled "Methods of Jury Selection and the Administration of the Jury System in the Federal Courts," and is printed in volume No. 26, Federal Rules Decisions, beginning at page 409.

It is important to emphasize that referring a legislative proposal to the Judicial Conference does not bind the Congress to any recommendations it makes. In fact, the Judicial Conference itself is occasionally not unanimous in its views on measures sent to it for consideration and study. However, through the years, this policy of referral to the Conference has aided in perfecting and improving the quality of legislation in the field.

Adherence to this policy would be particularly appropriate in the instant case. Even a cursory glance at the scope of title I and the extensive changes which it would work in the jury system would seem to point up the need to seek the views of those most expert in the field.

It should be noted that this policy of referring the bills pertaining to the judiciary system to the Judicial Conference is not unusual. All Members of this body are well aware that whenever any bill is introduced and referred to a committee, one of the very first steps in the processing of it is to refer the bill to the appropriate department or branch of Government to which it applies. This is done whenever the measure is of any substantial effect, and in fact, is considered a general practice.

And it is a practice of high value. Certainly as legislators we would want to know the views of those who administer the particular activity upon which we set out to legislate. There is one way to find out. That is to consult those who are in charge of that department, agency, or branch of Government which is involved.

There is still another way to indicate the pressing need to refer this title to the Judicial Conference. The distinguished chairman of the Senate Subcommittee on Constitutional Rights, which held extensive hearings on this bill, requested the 92 chief judges of the Federal district courts to make such comment on title I as they deemed appropriate. To date, 58 of them have replied to his request. In addition to being included in the hearing record, some of the letters were placed into the CONGRESSIONAL RECORD by the senior Senator from North Carolina on August 3, 1966. They are to be found starting on page 18034. Fifty-six of these replies contained substantive comments and raised objections. Many object strenuously to the added burdens that would be placed on them and their courts; many more see no need for such legislation and no benefits from its enactment. Others protested strongly that Congress should take no action until the Judicial Conference has examined the proposal.

Certainly the response to this request for comment is another very strong argument for Judicial Conference consideration. If those members of the bench who are in charge of the selection of jurors have that much immediate interest and do register comments such as those received, there should be no question about the matter of referral.

Still another persuasive reason is to be found in the testimony of 10 of the clerks of the district courts who appeared before the Constitutional Rights Subcommittee. They represented every circuit except the fourth. In addition to commenting on the unworkable and unrealistic provisions of the title before them at that time, each clerk stated that he would recommend that the bill not be passed until the Judicial Conference had considered it.

This is noteworthy, indeed. Each of these 10 clerks stated that the problems of title I far outweigh any existing problems of discrimination or lack of uniformity which the title seeks to correct. These 10 clerks have operated the jury selection machinery as it currently exists. Many of them have served for a long period of time and also had experience with the law as it existed prior to the changes adopted in 1957.

They are familiar with the problems of obtaining competent and well selected juries and they would be responsible for implementing the new method set out in title I. These gentlemen are considered knowledgeable and capable public officials. Each of them possesses considerable legal training and experience. They had been called to Washington on the occasion of their testimony before the subcommittee on July 27, on an errand pertaining to their office and only incidentally relating to the subject at hand. However, they did testify and their statements are very illuminating, indeed.

Before taking the serious action of very radically and fundamentally amending our present jury system, there should be an exhaustive, thoughtful, and competent processing to a point that the legislation will serve the overall administration of justice in the best possible manner.

This Senator, therefore, urges that the bill be referred to the Judicial Conference. The Judicial Conference Committee on the Operation of the Juror System has just recently been reconstituted by Chief Justice Warren. It is functioning and is ready to accept its assignment if we just have the wisdom to call on it. This Senator earnestly hopes we will do so.

II. TITLE I WOULD HAVE INJURIOUS IMPACT ON THE ADMINISTRATION OF JUSTICE

Title I, if enacted into law, would have an injurious impact on the administration of justice.

It contains many unrealistic and unworkable provisions.

It would downgrade and debase the quality and effectiveness of the jury.

Jury reform legislation should be considered on its own merits—as a highly vital and powerful component part of our system of administering justice and not as an adjunct of a social reform program.

These and the foregoing and other subjects are covered quite extensively in the testimony of the clerks of the courts and of the chief judges who did respond to the subcommittee's invitation to comment on the title. Allusion has already been made to them and their testimony.

One of the clerks who testified before our subcommittee was Richard C. Peck, clerk of the District of Nebraska. So that the value of his testimony might be better appreciated, a brief résumé of his background is in order. He has served as clerk of the U.S. District Court for the District of Nebraska since April 1, 1959. Prior to that he was chief assistant U.S. attorney for the District of Nebraska for 3 years. He also served as law clerk to the Honorable J. W. Woodrough, circuit judge of the U.S. Court of Appeals for the Eighth Circuit. In addition, he has been a practicing attorney as well as a county judge; and a county attorney for a period of 6 years. He is also the author of many legal articles. He is truly a man expert in all areas of the law and the workings of the legal system and a man whose counsel should be given a full and complete hearing.

Adding weight to the value of his testimony is the fact that the circumstances to which he alludes would generally prevail in all the districts but would be particularly applicable in over one-half of the judicial districts. The reason for this is that, in addition, to Nebraska, there are 25 no-division Federal judicial districts including Puerto Rico. Listed alphabetically they are: Alaska, Arizona, Colorado, Connecticut, Delaware, Hawaii, Idaho, Kansas, Maryland, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Oregon, Puerto Rico, Rhode Island, South Carolina, South Dakota, Utah, Vermont, and Wyoming.

Mr. President, I should like to read portions of Mr. Peck's statement and add my comments as I go along.

STATEMENT OF RICHARD C. PECK, CLERK, U.S. DISTRICT COURT, DISTRICT OF NEBRASKA, IN CONNECTION WITH SCHEDULED APPEARANCE BEFORE THE SUBCOMMITTEE ON JULY 27, 1966, AT HEARINGS ON S. 3296

To the Honorable Chairman and Members, Subcommittee on Constitutional Rights of the Committee on the Judiciary, U.S. Senate: the District of Nebraska encompasses an area of approximately 77,227 square miles with a population of approximately 1,430,000 people. 592,673 of them voted in the last general election. Of a total of 93 counties in the

district only 12 are required to have voter registration. There are 2,169 voting precincts in the state. From Omaha, the headquarters of the District and situated in the easternmost part of the state, the distance to Scottsbluff, a city near the western boundary, is 446 miles.

With these statistics in mind I am overwhelmed at the thought of the enormous increase in expenditure of funds, the staggering volume of clerical work, and the aggravating inconvenience to jurors which would of necessity be generated if the provisions of Title I of this bill, S. 3296, are implemented

Using the total vote cast at the last general election as a reference figure, at least 5,926 names would have to be gleaned biannually from the registration rolls of the 12 counties in Nebraska requiring voter registration and from the separate poll books of approximately 1,600 voting precincts existent in the remaining 81 counties which do not have registration and require only the signature of the voter on a poll book on the day of voting. Contrast this with our present annual need for jurors' names, which is something less than 1,000, and it becomes quite obvious that the cost of increasing my staff by the number of personnel necessary for such an undertaking, and the mileage and subsistence payments required for their travel to all of the points where these records would be available for copying would alone be something to behold.

To digress from the statement, while they were directed to S. 3296 rather than H.R. 14765, the observations contained are still generally valid. The House amended the requirement in the original administration bill which required 1 percent of the voters' names to be included on the original jury list by reducing the amount to one-half of 1 percent.

That would still require the ferreting out of nearly 3,000 names from the Nebraska voter registration rolls and the 1,600 poll books. It still is a figure substantially in excess of the number of jurors' names currently needed. I now return to Mr. Peck's statement:

Moreover, to complete the task in the short period of November 15 to December 31 would indeed require the application of magical administrative effort; and in Nebraska an added complication is the fact that by state law all poll books are sealed for six months immediately after the canvass of the votes is completed and they cannot be opened except upon order of a court having jurisdiction thereof.

I note that the bill contains provisions directing that a master wheel contain names from all counties in the District and that when drawn from that wheel jurors must appear before the clerk for execution of a qualification questionnaire. For a juror to travel to Omaha from Scottsbluff and return would require a minimum of two days time with attendance fees of $20 per day, plus subsistence at $16 per day, plus mileage at 10 cents per mile on a round trip of 446 miles, making the grand total of expense incurred for the questionnaire a minimum of $161.20! But if consideration of cost is not enough to discourage such a procedure, the discomfiture inflicted upon the prospective jurors should. What conscientious individual who is busily occupied in the daily affairs of making a living would appreciate the inconvenience and loss of time imposed upon him in the making of such a lengthy trip for the sole purpose of completing such a form?

Again, to depart from the text of the statement, it has been observed that the House has amended section 1865(a) of the title and aimed at two of the objections; namely, that where it would cause undue hardship to require those whose names are drawn from the master wheel to personally appear before the clerk to fill out his qualification form, the chief judge of the district with the concurrence of the judicial council of the circuit could allow the mailing of the qualification forms. All this amendment has done in many cases is to postpone the difficulties. It is my understanding that those who mail in their qualification forms may be required to fill out another one before the clerk if called for jury service. While the bill does not spell this out, commonsense would seem to dictate that there be some verification of literacy. Thus, they could still be required to travel all of the way to the site of the court and be disqualified at that point.

It has also been represented that the House amendment to section 1864(c) which allows the maintenance of a master jury wheel at each place the court sits will obviate much of the difficulty with the section. All this will do is compound the recordkeeping and administrative requirements on the clerks. In many "no division" States, the distances involved will still be in the hundreds of miles. To continue with the statement:

This bill also eliminates the provisions of present Section 1863 of Title 18 which permit the Court by order to exclude from service such groups of persons as doctors, nurses, pharmacists, clergymen, morticians, etc. It ought not be difficult for anyone to imagine the inconvenience and complications which would arise if the courts attempt to compel such groups of people to serve as jurors. The public interest simply compels their exclusion.

A casual reading of the bill is sufficient to reveal the tremendous volume of record keeping which this legislation would impose upon administrative machinery which in some districts is already burdened to the point of frustration. Consider the man hours and the record flow required to collect and list the thousands of names required for the master wheel, to list again the names drawn therefrom, to summons them in for execution of the questionnaire, to assist in the filling in of the information to be requested on the form, to voucher the payment of fees, to note the failures to appear, to note the grounds of disqualification, to make a listing of names inserted in the qualification wheel, to make a drawing from the qualification wheel, to list again the names so drawn, to summons them for duty, to keep the records for the detailed challenging procedure provided for, to keep track of those persons excused for up to 6 months time, to note the reasons for excuse or exclusion from service—there seems no end to the morass of records which this legislation would either compel or encourage to be accumulated and preserved.

It is apparent that Title I of S. 3296 seeks to assure nondiscrimination in selection of individuals for service on federal juries. But, certainly no one can deny that the law of the land already unmistakably forbids purposeful discrimination in the selection of persons for duty upon federal juries. We are not aware of any present lack of machinery to enforce that law or accomplish its purpose. It is even suggested that existing civil rights legislation probably subjects the clerk and the jury commissioner to liability in damages if they practice discrimination in the performance of their duties. Therefore, it would seem that the present machinery ought not to be tampered with unless some more cogent reason can be established which demonstrates a need for change.

Mr. Peck's statement makes several other telling points relating to the general effects of title I. I will return to them a little later. Without further burdening the RECORD with the statements of the other clerks and with the letters received from the Federal judges across the country—58 have replied to date, 56 opposing the adoption of title I and 2 favoring it with amendments—let me recite a few of the other major technical and drafting problems with the title, which make it completely unacceptable and point up the necessity for a thorough study and analysis of the entire title.

The statement of policy in the title points out that no citizen shall be excluded from jury service because of the class or group from which he comes and it also adds that all citizens have an obligation to serve as jurors when called. I have no problem with this for it is merely a recitation of what we accept. However, the House added a sentence which states that it is the policy of the United States that all persons have a right to a trial by a jury drawn from a cross section of the community. How this addition would be interpreted is somewhat vague.

The requirement that the jury wheel be emptied and refilled between November 15 and December 30 in each even-numbered year clearly was not given much thought. This refilling period will fall in what is normally considered the fall terms of the courts and at a time when the clerks will be busiest.

We also find in the bill the situation where an arm of the executive branch of the Government, the Attorney General participates with the Administrative Office of the U.S. Courts in drawing up the juror qualification forms.

This appears to be an intentional disregarding of the doctrine of separation of powers which clearly comprehends the judiciary controlling the administration of the jury system. The importance of this form cannot be overstated for this legislation provides that the completion of the form is the sole test of the potential juror's qualifications.

Some amendments were made, and there is a slight variation, but substantially that is the fact as to the jury qualification form. Basically, it remains the sole test by which the eligibility of a man to serve as a juror is determined. In fact, section 1866(a) removes inquiry into the question of literacy even by the court and apparently even if there is "objective" evidence bearing on the question—the drafters of this bill are in essence asking this body to go on record as having so little confidence in the honesty and integrity of the Federal judges that we will not allow them any latitude in using their judgment to determine whether a potential juror is in fact able "to read, write, speak and understand the English language."

The entire areas of challenging the composition of the jury as comprehended by section 1867 is beyond description and is capped by subsection

(d), in which it is impossible to determine whether the two provisions are simply redundant or contradictory.

Mr. President, I ask unanimous consent that the language of subsection (d), appearing at page 12 of the bill, be printed in the RECORD at this point.

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

(d) The procedures prescribed by this section shall be the exclusive means by which a person accused of a Federal crime or a party in a civil case may challenge any jury in his case on the ground that such jury was not selected in conformity with sections 1864, 1865, or 1866 of this title. Nothing in this section shall preclude any person or the United States from pursuing any other remedy, civil or criminal, which may be available for the vindication or enforcement of any law prohibiting discrimination on account of race, color, religion, sex, national origin, or economic status in the selection of persons for service on grand or petit juries.

Mr. HRUSKA. The provisions of the entire section not only fly in the face of existing procedures in Federal courts but also do violence to commonsense. The section allows the persons making the challenge to wait until after the jury is sworn and empaneled and the parties have completed their opening statements; in fact, he can wait until the moment when evidence is to be presented and then make his challenge. And in the hearing he need not show he is prejudiced but only that the procedures outlined in the bill were not followed. The challenge hearing is almost completely removed from the judge's hands, for he lacks discretion in either admitting "other evidence" or restricting the number of witnesses the complaining party can call. Both the testimony of the clerks before the subcommittee and the letters from the judges pointed up the threat to orderly operation of the Federal courts that this provision poses. It can be a vehicle for complete disruption of the operation of the court, and the court lacks the authority to stop it.

This litany could be continued almost indefinitely. The number of technical problems contained in this title is surely a strong argument for waiting until proper consideration can be given the provisions before its enactment is seriously entertained; but it is by no means the only argument.

Adoption would undo in a period of a few short weeks the work which has been underway for more years than I have been serving in this body to streamline and make more efficient the operations of the Federal courts so that the thrust of the courts' efforts can be directed toward administering justice rather than the ministerial duties of office administration. Clerk Peck in his testimony summed this up well:

The courts in this 20th century have the same need for simplification of procedure, streamlining of administrative machinery, and utilization of modern techniques as is required of any other activity. The ever-increasing load of work must be discharged, and I know of no other circumstance that can contribute more directly to paralysis in judicial administration than the temptation to become involved in excessive and useless record keeping. . . . Our experience convinces us that there is a need constantly to pursue a course of positive and imaginative action in the administration of the courts' record keeping processes. Time and personnel limitations and the necessity for efficiency compels the elimination of all record making which fails to accomplish a purpose commensurate with the effort expended in its creation. This proposed legislation defeats that goal and I find it difficult to be restrained in my opposition to it.

If we pass this bill, we will have added immeasurably to the burdens of our courts and will have accomplished little or nothing by way of improving the quality of justice. This summation is echoed in the letters from the judges from all sections of our Nation.

If we add these crushing burdens, we will have effectively cancelled out those judges which have been added to the bench over the last few years. Since I have been a member of this body, we have added 148 new Federal judges to the bench. We cannot continue to add judges to clear the dockets which have become cluttered and we cannot continue to add judges to replace those which we have taken from the work of the court by adding to their administrative duties. And this title threatens the courts with a deluge of meaningless paperwork and recordkeeping as well as a limitless number of quasi-judicial proceedings.

IV. CONSTITUTIONAL CONSIDERATIONS

Section 1866 of the bill entitled, "Qualifications for Jury Service," opens with the following language:

The jury commission shall determine solely on the basis of information provided on the juror qualification form or the return summons whether a person is qualified for or exempt from jury service: Provided, That such determination shall be made by the court if other objective evidence obtained by the jury commission indicates that a person is not qualified pursuant to subparagraphs (1), (3) or (4) of subsection (b) hereof * * *.

The subparagraph (b) just referred to reads as follows:

(b) In making such determination the jury commission or the court shall deem any person qualified to serve on grand and petit juries in the district court unless he—

(1) is not a citizen of the United States twenty-one years old who has resided for a period of one year within the judicial district;

(2) is unable to read, write, speak, and understand the English language;

(3) is incapable, by reason of mental or physical infirmity, to render efficient jury service; or

(4) has a charge pending against him for the commission of, or has been convicted in a State or Federal court of record of a crime punishable by imprisonment for more than one year and his civil rights have not been restored by pardon or amnesty.

Compliance with the four qualifications contained in section 1866(b) as the sole standard of a person to serve on a jury breaches the constitutional requirement that a jury must be truly representative of the community.

By limiting qualifications to these factors alone, there is such an enforced disregard of many characteristics and attributes held by the community's citizenry as to render impossible the achievement of a truly representative or cross section jury. For example, to be truly representative or truly a cross section, it is necessary to "produce a balanced, literate-intelligence spectrum" in the jury.

Those qualities in their varying shades and degrees as are inherent in each person of the community are necessarily a part of the cloth from which a cross section is taken.

By insisting on the four qualifications listed in section 1866(b) as the maximum and sole standard, proponents of title I are breaching vital and essential constitutional requirements.

This point was well stated in the opinion of Circuit Judge Brown in the Rabinowitz case—July 20, 1966, Fifth Circuit Court of Appeals, case No. 21256. He declared that despite the assumed purpose—that is, the purpose assumed by the court—of Congress to make the 1957 act the sole standard, "it is plain to me that this simply could not be." He then went on to say:

It is here that we see that the 1957 Act cannot be the sole standard. For it is now clear that there are two constitutional imperatives: (1) the jury must fairly represent a cross-section of the community; and (2) to assure this jury selectors must acquaint themselves with the identity and availability of potentially qualified persons within significant elements of that community.

As authority for his proposition as to the two constitutional imperatives, Judge Brown cited, among other cases, the following: *Smith* v. *Texas*, 311 U.S. at 132, 61 Supreme Court (1940); *Hill* v. *Texas*, 316 U.S. 400, 404 (1942); *Cassell* v. *Texas*, 339 U.S. 282, 289–90 (1950).

Pertinent language in the opinion in the case of Smith against Texas reads as follows:

It is petitioner's contention that his conviction was based on an indictment obtained in violation of the provision of the Fourteenth Amendment that "No State shall . . . deny to any person within its jurisdiction the equal protection of the laws' and the contention that equal protection was denied him rests on the charge that Negroes were, in 1938 and long prior thereto, intentionally and systematically excluded from grand jury service solely on account of their race and color that a conviction based upon an indictment returned by a jury so selected is a denial of equal protection is well settled, and is not challenged by the state, but both the trial court and the Texas Criminal Court of Appeals were of opinion that the evidence failed to support the charge of racial discrimination. For that reason the Appellate Court approved the trial court's action in denying petitioner's timely motion to quash the indictment. But the question decided rested upon a charge of denial of equal protection, a basic right protected by the Federal Constitution. And it is therefore our responsibility to appraise the evidence as it relates to this constitutional right.

It is part of the established tradition in the use of juries as instruments of public justice that the jury be a body truly representative of the community. For racial discrimination to result in the exclusion from jury service of otherwise qualified groups not only violates our Constitution and the laws enacted under it, but is at war with our basic concepts of a democratic society and a representative government. We must consider this record in the light of these important principles. The fact that the written words of a state's law hold out a

promise that no such discrimination will be practiced is not enough. The Fourteenth Amendment requires that equal protection to all must be given . . . not merely promised.

In *Glasser* v. *United States*, 315 U.S. 60, 85–86, Justice Murphy, in his opinion discussed the duty of selection of jurors under the statutes then applicable, in 1941. In part, he stated:

And, its exercise must always accord with the fact that the proper functioning of the jury system, and, indeed, our democracy itself, requires that the jury be a "body truly representative of the community," and not the organ of any special group or class. If that requirement is observed, the officials charged with choosing federal jurors may exercise some discretion to the end that competent jurors may be called. But they must not allow the desire for competent jurors to lead them into selections which do not comport with the concept of the jury as a cross-section of the community. Tendencies, no matter how slight, toward the selection of jurors by any method other than a process which will insure a trial by a representative group are undermining processes weakening the institution of jury trial, and should be sturdily resisted. That the motives influencing such tendencies may be of the best must not blind us to the dangers of allowing any encroachments whatsoever on this essential right. Steps innocently taken may lead to the irretrievable impairment of substantial liberties.

The case of *Thiel* v. *Southern Pacific Company* (1946) 328 U.S. 217 involved a situation where a jury list from which all persons who worked for a daily wage were excluded. It was declared illegal by the U.S. Supreme Court. In its opinion, the Court declared the rule that racial as well as other groups must be represented on a jury list so as to afford an impartial jury drawn from a cross-section of the community. A pertinent passage from the opinion (pp. 1184–1185) reads as follows:

The American tradition of trial by jury, considered in connection with either criminal or civil proceedings, necessarily contemplates an impartial jury drawn from a cross-section of the community. Smith v. Texas 311 U.S. 128, 130, 85 L ed. 84, 86, 61 S. Ct. 164; Glasser v. United States, 315 U.S. 60, 85, 86 L ed. 680, 707, 62 S. Ct. 457. This does not mean, of course, that every jury must contain representatives of all the economic, social, religious, racial, political and geographical groups of the community; frequently such complete representation would be impossible. But it does mean that prospective jurors shall be selected by court officials without systematic and intentional exclusion of any of these groups. Recognition must be given to the fact that those eligible for jury service are to be found in every stratum of society. Jury competence is an individual rather than a group of class matter. That fact lies at the very heart of the jury system. To disregard it is to open the door to class distinctions and discriminations which are abhorrent to the democratic ideals of trial by jury.

The choice of the means by which unlawful distinctions and discriminations are to be avoided rests largely in the sound discretion of the trial courts and their officers * * *. Id. at 220, 90 L. Ed. at 1184–5.

These cases hold, and they mean that those in charge of selecting names for the master wheel or box must be conscious of the entire community and all of its meaningful components.

These components are numerous and varied in virtually all parts of the United States. They would include elements such as race, nationality, religions, urban, rural, wage earners, highly skilled professional people, business executives, younger people, senior citizens, retired folks, those active in business or professions, wealthy, moderately wealthy, and those having only low income.

There is a clear constitutional requirement that whatever meaningful elements exist must be included by proper representation in the master wheel or box.

The component elements cannot be compressed into a few, general qualifications which will be applied as sole guides to eligibility. Qualification to serve as a juror simply cannot be restricted to an arbitrary and small number of attributes to the total and deliberate disregard of the many other attributes present in any given community.

Such disregard would be in direct violation of the imperative of a jury wheel or box consisting of a truly representative list of citizens.

The essence of the objection to the consciously sought blue ribbon jury is that it is not truly representative. Similar and equally persuasive objection lies powerfully against a limitation of the jury to marginal literates, or only to those who would barely pass the minimum reading and writing test.

This same theme was the subject of the opinion in *United States* v. *Henderson* (1962), 298 Federal 2d 522. Decided in the Seventh Circuit Court of Appeals.

One of the main contested issues in that case was whether the clerk and the jury commissioner may consider intelligence level as indicated by a formal eighth grade education as a factor in the selection of the names of persons to be placed in the box from which the names of jurors are publicly drawn.

MANNER OF SELECTION OF NAMES PLACED IN THE BOX

This case came up from the eastern district of Wisconsin which embraces the Metropolitan Milwaukee area. The clerk of the court and jury commissioner annually send a questionnaire to each of approximately 800 prospective jurors. Prospective jurors are required to answer the questionnaire in their own handwriting. It asks, among other things, the person's occupation, length of time of present employment or business, and ability to read, write, and understand English. It requires that the number of years of primary, high school, and college education be indicated by the circling of appropriate figures on the form.

The returned questionnaires are examined and separated into two groups as acceptable or unacceptable, if they can readily be perceived to be in one class or the other on their face. In determining whether to place the name of the person in the jury box, the decision is made on the basis of information disclosed by the questionnaire. Spelling, grammar, penmanship, failure to answer any questions, and the nature and length of employment are all considered. A person may be accepted if the nature and length of employment indicate responsibility, ability, and experience regardless of the amount of formal education. The questionnaire is the sole basis for estimating the intelligence of the prospective juror and significant consideration is given to the amount of formal education for the purpose of obtaining more intelligent jurors. In connection with the selection of persons with less than an eighth grade education, if relatively few names are needed to fill the box, the clerk and commissioner become more selective and are more likely to select those who have had more formal education.

DEFENDANT'S CONTENTIONS

The defendant was prosecuted for forging endorsement on a Government check. He argued that in the enactment of 28 U.S.C.A. 1861—the counterpart of which is found in H.R. 14765 in the section number 1866, and entitled "Qualifications for Jury Service"—Congress imposed a literacy standard which precludes inquiry into the intelligence of prospective jurors and that the use of the intelligence criteria here employed by the clerk and commissioner in the selection process destroys the uniformity intended by Congress, violates the statute, and results in an exclusion of an important segment of the community, precluded by the sixth amendment of the Federal Constitution. Hence, his conviction was void.

THE GOVERNMENT'S CONTENTIONS

The Government contended that in 1957 Congress removed the provisions requiring competency under State law from section 1861 as part of civil rights legislation designed to attain objectives not inconsistent with recognition that a reasonable level of intelligence is appropriate, if not a requisite, to the rendition of efficient service as a juror. And, that the goal of efficient service is an express objective of the statute is evidenced by its provision requiring rejection of persons incapable by reason of mental or physical infirmities of rendering efficient jury service. Hence, recognition that the statute envisions efficient service requires rejection of a conclusion that an intelligence level equated with mere literacy was intended to be imposed as a maximum standard to be employed by the clerk and the commissioner in the selection of persons pursuant to section 1864 whose names are placed in the box from which the jurors are drawn.

HOLDING OF THE CIRCUIT COURT

The court approved the method used in the instant case for the purpose of selecting jurors. It held that the policy contained in it was not arbitrary; that prospective jurors must be selected without use of irrational or self-imposed standards, but absolute cross section is not required; and that the defendant had no constitutional or statutory right that ignorance be represented in the jury box. Another significant point made in its opinion was that in view of the statutory requirements that the jury be capable of rendering efficient service, mere literacy is not maximum standard of intelligence to be employed in selecting prospective jurors.

The court, in the opinion delivered by Circuit Judge Castle, stated on this point

after setting out the contention of the Government as contained herein above stated:

(2) And this view of the statute not only is in accord with its express provisions but is in harmony with the observation in Brown v. Allen, 344 U.S. 443, 474, 73 S. Ct. 397, 416, 97 L. Ed. 469 that no due process infirmity invalidates a jury source which "reasonably reflects a cross-section of the population suitable in character and *intelligence* for that civic duty." (emphasis supplied). And as was pointed out in United States v. Dennis, 2 Cir., 183 F. 2d 201, 220, the theory that a jury must be a "cross-section" of the community "must be taken with some reserves" and the statute "presupposes some winnowing of those called." The "cross-section" contemplated is not an absolute. Frequently such complete representation would be impossible. Cf. Dow v. Carnegie-Illinois Steel Corporation, 3 Cir., 224 F. 2d 414, 423. But it does mean that prospective jurors shall be selected by court officials without the use of irrational or self-imposed standards.

(3) The record before us discloses that the criteria here employed by the clerk and the commissioner in selecting persons whose names were placed in the box are not in themselves unreasonable or violative of the letter or spirit of the statute. Their use did not constitute or result in arbitrary exclusion. Lack of a formal eighth grade education did serve to require closer scrutiny of the nature of the person's employment to ascertain if it indicated such responsibility, ability or experience as evidenced a similar degree of intelligence. And, it was only where relatively few names were needed that persons who had more formal education were likely to be preferred for selection. Sole reliance on a questionnaire is not the most ideal method for the selection of prospective jurors. But the criteria here employed in the selection were not only practical, under the circumstances, but did serve to confirm the required ability to read, write, speak and understand the English language and indicate the existence of an intelligence level which certainly is not unreasonable as a requirement for the selection of efficient jurors.

The facts here present no arbitrary exclusion of the nature condemned in Smith v. Texas, 311 U.S. 128, 61 S. Ct. 164, 85 L. Ed. 84; Thiel v. Southern Pacific Co., 328 U.S. 217, 66 S. Ct. 984, 90 L. Ed. 1181; and Ballard v. United States, 329 U.S. 187, 67 S. Ct. 261, 91 L. Ed. 181, cited and relied upon by the defendant. Nor do the criteria employed have the effect of excluding an important segment of the community here involved. The record shows that in such urban areas 82 percent of the adult population has at least an eighth grade education and 79 percent of male laborers meet this standard. And it is not contended, nor is there any evidence to indicate, that the criteria used were employed as a device or subterfuge to effect racial discrimination in the selection of prospective jurors or resulted in such discrimination—an exclusion expressly prohibited by 28 U.S.C.A. § 1863(c), and condemned in Smith v. Texas, supra.

(4) Defendant has no constitutional or statutory right that ignorance be represented in the jury box. We are of the opinion that the District Court did not err in its rulings rejecting the challenge to the array.

It should be noted that the United States against Henderson case was based upon the statute as it presently exists.

It should be further noted that the pending bill now before us will change that statute by providing that the jury commission is to determine whether a person is literate solely on the basis of the responses on the form which a juror fills out and which the jury commission receives. Only simple literacy would be required, it is stated by the proponents of the bill. If the jury commission has objective evidence of disqualification which contradicted the other qualifications as shown on the form, it may present the evidence to the court which would then make the final determination, it is stated.

It is to this point that argument is directed on the basis of constitutional grounds.

By seeking to restrict the use of some discretion in the selection of the names to go on the master wheel, there is breached the constitutional requirement that a jury must be a cross section of the community, and that a jury must be truly representative of the community.

TWO CONSTITUTIONAL IMPERATIVES

In his opinion in the Rabinowitz case, Circuit Judge Brown enumerated the "two constitutional imperatives" as follows:

First, the jury must fairly represent a cross section of the community; and, second, to assure this, jury selectors must acquaint themselves with the identity and availability of potentially qualified persons within significant elements of that community.

Judge Brown went on to say that this means Federal jury selectors must be conscious of the community and all of its significant components. These include not only racial groups, but other significant elements such as urban, rural, wage earners, highly educated professionals, low income, poverty areas, and the like. Having become conscious of the community, they must then establish—or at least follow—a system or procedure which will in the jury "universe" represent a fair cross section. Even more vital, they must take steps to seek out, find, and become acquainted with the identity and availability of potentially qualified persons within such elements, especially where the background or experience of the selectors would not give them ready personal access to this information.

During the process of compiling the list of names which will go on the jury wheel or into the jury box there is a continuing demand for selective judgments. This is readily understandable, in view of the requirements for a truly representative master wheel.

It is also clear, however, that at least two factors really aggravate this process considerably.

One factor is the relatively small number of names maintained in the jury box. The second factor is the rapid expansion in the number and size of metropolitan areas in an increasing number of instances within the judicial system.

The second factor named presents an added complication since almost invariably the metropolitan division is made up of 1 or perhaps 2 metropolitan counties plus 10 to more nonurban or rural counties.

When the "universe" from which the jury master wheel is to be filled numbers into hundreds of thousands and in some places over a million, it is obvious that there must be great selectivity. To begin with, there would have to be a survey of the geographical area to assure some balance between urban and nonurban sections of the division or the district. And within the metropolitan center there must be further geographical distribution to the extent, as is frequently so, that the areas of residence accurately reflect other significant distinctions such as race, economic status, education, type of employment, and the like.

Then, quite apart from geography, steps must be taken to assure that significant elements of the community inherent in a fair cross section are taken into account and even random use of sources of large numbers of names such as city directories, telephone directories, voter lists, tax lists, public utility customer lists, and so forth, does not eliminate the preliminary and constitutional condition precedent to their use. Jury selectors must first be satisfied that any such source—or a combination of them—will give a true, fair picture of the community.

Judge Brown in his opinion in Rabinowitz at another point stated:

Another significant factor essential to a fair cross-section is the educational background of the prospective jurors. The consciously sought blue ribbon jury is unacceptable for Federal courts. Equally so is one of marginal literates. In today's society of intense public education, a fair cross-section is not afforded unless the system pursued fairly produces a balanced literate-intelligence spectrum.

Then Judge Brown summarized this series of selected judgments by writing:

At every step, therefore, there is a continuing demand for selective judgments. While in making them it may be assumed that as to individuals chosen they are required nominally to have only the qualifications prescribed in the 1957 Act, the fact is otherwise. To those must be added all of the other measuring tests to assure the fair community cross-section. This means that whatever Congress might have thought it was doing, it did not, it could not, dispense with these additional judgmental standards by which out of hundreds of thousands, or occasionally a million or more names, the very very tiny group comprising the box is selected. Judge Bell is most certainly this much right: the selection of a jury box in which all would barely pass the minimum literacy—read-and-write—test would inescapably be constitutionally defective * * *.

It simply defies reason to think that intellectual attainments and formal educational experiences must be totally disregarded as we select these very important public servants (jurors). It is also to say that a system which undertakes to require that the only applicable test is the lowest common denominator runs head-on into the Constitution.

The basis of the majority opinion in Rabinowitz was that Federal qualifications as to jury selection "are objective and precise, requiring in their application no discretion on the part of the court clerk and the jury commissioner. Since Congress only conferred discretion on the clerk and the commissioner by implication from the State's statutes, their discretion ceased to exist when the State qualifications were entirely swept away."

On this point, Judge Brown was very emphatic. He stated:

But accepting this with all its intrinsic infirmities, I think the court's opinion is too doctrinaire. For despite the assumed purpose of Congress to make the 1957 Act the sole standard, it is plain to me that this simply could not be.

There is, first, the command of the Constitution which overrides all. It is true, of course, as the opinion points out, that with respect to federal juries, Congress can prescribe legislative standards more exacting than what the Constitution requires. So, too, may Federal Appellate Courts give voice to such standards in doubtful cases short of statutory violation through the exercise of supervisory power over the conduct of criminal justice. But neither Congress nor the Courts can disregard what the Constitution demands.

In addition to the constitutional defects contained in the title, a serious question of policy is also raised. It must enter into the deliberations on title I of H.R. 14765. We must weigh carefully the substantial effect which it will have on the very concept of jury trials as they have developed over the last thousand years. And it is imperative to point out at the outset that this is not a civil rights issue in the context that the other titles of this bill are drafted. In fact, the selection of jurors goes to the very heart of our system of justice. And if our system is to function properly the need for competent jurors is basic.

The Judicial Conference of the United States spelled out the ideal in the report of its committee on the operation of the jury system issued in 1960:

The jury holds in its collective hands the life, liberty, and the welfare of individual defendants in criminal cases and the interests of litigants in civil cases. The importance of improving the calibre of these judges of facts is therefore self-evident. At the same time, jurors must be representative of the community in which they live. Therefore, the Committee recommends that the sources from which they are selected should include all social and economic groups in the community and the jury list should represent as high a degree of morality, integrity, intelligence, and common sense as the jury commission can find in each social and economic group by the use of impartial methods of selection.

The substantive provisions of the proposed title I fly in the face of these recommendations. The Judicial Conference points out two major considerations in the selection of effective juries: First, that they be gleaned from sources made up of a representative cross section of the community; and second, they represent highest degree possible—consistent with (1)—of morality, integrity, intelligence, and commonsense. Title I would strike the second consideration and leave this most important criteria to chance. Adoption of title I would engraft on our judicial system a right to have ignorance represented in the jury box.

The qualifications for jury service set out in section 1866 would be acceptable if they were to represent the minimum requirements. Few would argue that no man should serve on a jury if he was not a citizen who had reached his majority, was unable to read, write, speak, and understand the English language or was incapacitated either physically or mentally or was a convicted felon. But it certainly flies in the face of common sense as well as our judicial traditions to accept these minimum requirements as all that are necessary or desirable for jury service. And possession of these minimum qualifications surely does not dictate that the possessor is entitled to the opportunity to serve on Federal juries.

To return to Clerk Peck's observations on this title, I quote:

One thought is important, I think, in considering the ultimate effect of this proposed legislation. The right to trial by jury does not mean the right to have ignorance, stupidity, mediocrity, or indecision predominate in the make-up of a jury. This bill, in its obsession to provide minute rules to prevent discrimination on account of race, color, etc., takes no account of the need of our judicial system to have serving upon its juries citizens, selected to be sure without discrimination, but who are also known to be honest, fair-minded of good reputation, and of sufficient capability to enable them to make decisions and thus render creditable jury service. I submit that a lesser standard cannot foster the integrity of the courts nor command reliance upon the operation of the adversary system of jurisprudence as we presently know it.

Inherent in this mature comment on the philosophical problems contained in title I is the underlying belief that qualified jurors can be found in every walk of life: but meeting certain minimum qualifications, with no other inquiry into the person's suitability, does not insure that the individual is capable of fulfilling the high responsibility which is the burden of each juror. The concept of a fair trial as evolved over the years in our Federal courts does not comprehend service by anyone so that any litigant be subjected to a verdict rendered by those who possess only the minimum requirements contained in this bill.

District Judge Edwin M. Stanley, in his reply to the subcommittee made a very cogent observation regarding the social theory which is apparently behind the drafting of title I:

Jury service may be and frequently is a valuable lesson in citizenship to a juror, or it may give him a sense of status or security or a sense of "belonging" to the community in which he resides. But, it is not the primary function of a jury to educate its members or to improve their social morale. Juries sit to try lawsuits, and the right to trial by jury extends to many broad areas of human controversy, some simple, some highly complex.

The verdicts of juries are not abstractions. They operate directly upon the liberty, fortunes, or the very lives of the litigants involved. The rights, the fortunes, the lives of litigants should not be determined by jury panels chosen indiscriminately from voter lists which is what S. 3296 contemplates.

In pointing up that the jury occupies a position in our system of justice which places it above social experimentation, the judge was recognizing a fact evident to all who have had any experience in litigation in the Federal courts. Federal jury trials are not only becoming more numerous but are also becoming more complex. The day of the single-issue lawsuits has to large extent passed. Jurors are now presented with multiple-issue cases and many are of an unbelievably complicated nature.

Since the jury's job is becoming more and more difficult, commonsense would seem to indicate that the thrust of the efforts of the Congress and the judiciary would be to upgrade the quality of the individual juror. If we adopt this proposal, we will be doing just the opposite. In its 1960 report at page 418, the Judicial Conference commented on this very point:

Although much has been done to improve the quality of jurors serving in the courts, and to increase the efficiency of the jury system, much remains to be done . . . In order to get better jurors the Committee recommends greater care in the compilation of the list of jurors whose names go into the jury wheel or box from which the trial jurors are drawn.

The provisions of this bill are the antithesis of this enlightened approach to the jury system.

What this title represents is another expedition into the field of killing mosquitoes with a sledge hammer. We are asked to fundamentally alter our jury system to cure what are at most isolated instances of racial discrimination in the composition of Federal juries. The Attorney General in his testimony before the subcommittee could document no pattern or even any number of isolated instances of racial discrimination in Federal court juries. Are we going to drastically reverse hundreds of years of experience in the operation of our courts to hedge against some vague possibility of discrimination? Not if this Senator can prevent it. Are we going to be stampeded into disregarding years of slow but steady upgrading of the quality of justice dispensed by our juries simply because a judicial reform provision is thoughtlessly appended to a civil rights bill? Not if this Senator can prevent it.

THE 1960 JUDICIAL CONFERENCE REPORT AND RECOMMENDATIONS

Earlier in the statement I indicated that I would expand on the contributions made by the 1960 Judicial Conference report. I would like to return to it at this point.

This report was released in September of 1960, 3 years after the 1957 Civil Rights Act was enacted. Its recommendations clearly repudiate the approach that would deny a search for and an effort to get the kind of juror who possesses intellectual preparation for deciding the increasingly complex problems referred to the jury for its decision.

The 1960 report declares affirmatively to the contrary. It is cited as 26 F.R.D. 409. The first two recommendations relating to jury selections read as follows:

I. In order that grand and petit jurors who serve in United States District Courts may be truly representative of the community, the sources from which they are selected should include all economic and social groups of the community. The jury list should represent as high a degree of intelligence, morality, integrity, and common sense as possible.

Mr. President, the bill, if enacted into law, would make impossible the representation on the jury list of those

attributes to a degree that would destroy the representative character of the jury.

Mr. President, the second recommendation of the 1960 report is this:

II. The choice of specific sources from which names of prospective jurors are selected must be entrusted to the clerk and jury commissioner, acting under the direction of the district judge, but should be controlled by the following considerations: (1) the sources should be coordinated to include all groups in the community; (2) economic and social status including race and color should be considered for the sole purpose of preventing discrimination or quota selection; . . .

Mr. President, 19 other recommendations were made, and I ask unanimous consent to have them printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

HOW THE 1960 JUDICIAL CONFERENCE REPORT WAS FORMULATED

Mr. HRUSKA. Mr. President, the Judicial Conference has a Committee on Operation of the Jury System. It really started out in 1941 under the chairmanship of Judge John C. Knox who presented there the original committee's final report to the Judicial Conference in 1943—the Conference was called the Conference of Senior Circuit Judges at that time.

However, the committee was retained by the Judicial Conference and has been functioning since then with a changing of personnel from time to time.

The third paragraph of the 1960 report of the Judicial Conference refers to the work of the committee in the following language:

Through the work of this Committee, legislation has been enacted to establish uniform qualifications for jurors in the federal courts, without discrimination as to sex or race, and from time to time to increase the compensation, subsistence and mileage allowance to jurors. Methods have been encouraged to insure that all economic and social groups of the community are represented and that those persons selected from the various groups should possess as high a degree of intelligence, morality, integrity, and common sense, as can be found; the practice or use of the questionnaire and personal interview method in the selection of jurors has been promoted, thereby eliminating prospective jurors who are either disqualified or unable to serve because of physical handicaps; the cost of the operation of the jury system has been reduced without impairing the work of the courts, and many other ideas have been promoted for improving the jury system and are now in use.

The introduction of the 1960 report called attention to the fact that many bills introduced in the Congress affecting the jury system, had been referred to the Judicial Conference for its views. In such cases, the bills were referred to the jury committee for study and report. The action of the Judicial Conference has been made known to Congress in such instances, and a member of the jury committee appears before the appropriate Judiciary Committee to give the reasons underlying its recommendations. Recommendations received for legislation from the various circuit conferences or from circuit or district judges, are handled in the same manner. The introduction then goes on to state:

Although much has been done to improve the quality of jurors serving in the Courts, and to increase the efficiency Court jury system, much remains to be done.

This 1960 report was the result of a determination in September 1957 by the Judicial Conference that this committee should make further study of the jury system in the Federal courts and should utilize the assistance of the Institute of Judicial Administration in this work.

The committee prepared a detailed questionnaire and distributed it to the clerks of each U.S. district court and also to all district judges and jury commissioners. The replies constitute a valuable and unique primary source of information upon methods and problems of administration of the jury system in the United States. They were studied and collated by the Institute of Judicial Administration, and the resulting compilation constituted a distinct contribution to the understanding of the complex problems involved in the operation of the jury system.

In addition thereto, the institute made special studies on various phases of the jury system. After these various primary sources of information had been studied, they were considered in detail by the committee, representatives of the institute, and the administrative office. A preliminary draft of the report was then sent to all Federal judges asking them for suggestions and criticism. After considering the replies, the 1960 report was prepared.

Mr. President, what a marked contrast with the treatment accorded the pending bill, and title I thereof.

There was no referral of the bill by either the other body or by the Senate Judiciary Committee.

The Attorney General was quoted as saying:

I can't wait.

And at another time:

We can't live with the present system. We need this legislation!

There was no time for reference to the Judicial Conference to study it, in the judgment of the Attorney General.

To further illustrate the shortcomings in the handling of title I, let us take a closer look at the studied conclusions in the 1960 report.

CONCLUSIONS OF "PARAMOUNT IMPORTANCE" CONTAINED IN 1960 REPORT

In its introduction, the 1960 Judicial Conference report stated, in its initial paragraph:

Trial by jury is one of the foundation stones of our system of jurisprudence. With the search for improvement in judicial administration have come attacks on the jury system and proposals for a curtailment of jury trials, the substitution of a system of compensation in motor vehicle accident cases and suggestions for broader use of arbitration. The Judicial Conference Committee on the Operation of the Jury System is of the opinion that trial by jury should be preserved and strengthened rather than eliminated or weakened. For years it has advocated improvements, many of which have been realized, but some remain unfulfilled. A short review of its work brings this out.

Then at page 419, the introduction to the report points up that "A few of these conclusions are of paramount importance." I agree with this observation and would like to read these conclusions so that Members of this body can contrast them with the provisions of title I.

The jury holds in its collective hands the life, the liberty and the welfare of individual defendants in criminal cases and the interests of litigants in civil cases. The importance of improving the calibre of these judges of the facts is therefore self-evident. At the same time, jurors must be representative of the community in which they live. Therefore, the Committee recommends that the sources from which they are selected should include all social and economic groups in the community and the jury list should represent as high a degree of morality, integrity, intelligence and common sense as the jury commission can find in each social and economic group by the use of impartial methods of selection.

To make the selection representative, all groups in the community should be included in the sources from which the list is chosen; women, now everywhere eligible in the United States district courts, should be used; volunteers for jury service should be refused, and economic and social status, including race and color, should not be considered, except to prevent discrimination. The freedom of choice is now much greater than formerly because the qualifications and exemptions of jurors prescribed by state law are no longer applicable in the federal courts.

In order to get better jurors, the Committee recommends greater care in the compilation of the list of jurors whose names go into the jury wheel or box from which trial jurors are chosen. To bring this about it recommends legislation putting the court in control of the selection of names, and providing that the commission, consisting of the jury commissioner and the clerk, should operate under the direction of the court, that questionnaires should be used to supply information as to the qualifications of jurors, that where feasible the questionnaires should be supplemented by personal interviews and finally that full-time jury commissioners may be appointed where needed, with the approval of the Judicial Conference.

Many other suggestions are discussed and a number are approved. The Committee submits this report to the Judicial Conference and to the Bench and Bar with a deep sense of the importance of the subject and a realization that improvements in the jury system as well as in other phases of judicial administration must be made if the jury system is to be retained as a vital part of the administration of justice in a modern world.

As I stated at the outset, I oppose the motion to make H.R. 14765 the pending business. I oppose it for several reasons: the substance of several titles of the legislation are either ill conceived, unconstitutional or inappropriate. I have attempted to point up some of the difficulties with title I. Title IV has what appears to be irremedial defects and much debate will be directed toward this question. But the immediate objection which I have is directed toward the total disregard of orderly procedures in the handling of this legislation and most particularly title I dealing with Federal jury selection.

The amended version of title I contained in H.R. 14765 is coming to the floor without one single day of hearings and only two short executive sessions in the

Constitutional Rights Subcommittee. That presents us with the same situation encountered on occasion in the past. We are in effect going to make the Senate a committee of the whole and will be required to attempt to write the bill on the floor of the Senate if this bill is made the pending business.

In the haste to get action on this title and apparently in the belief that by tying it to civil rights legislation, it is apt to be carried along by the tide of emotion rather than its merits, the Senate Judiciary Committee has been forced to depart from its long established and appropriate policy of referring all legislation affecting the Federal judiciary to the Judicial Conference for its recommendations and advice.

Very few bills considered by this body have been more intimately connected with the operation of our courts. Nearly all of the judges which we have heard from and all of the clerks who testified have stressed that this bill should be referred to the Judicial Conference. I similarly urge that this title should be excised from the bill and sent to the conference for consideration on its merits.

There are several valid reasons for following this course. As I earlier pointed out, the Judiciary Committee has followed this policy since the creation of the Judicial Conference not only out of respect for the autonomy of the judicial branch of the Government but also because its counsel is imperative if we are to evolve legislation which meets the judiciary's needs.

However, in regard to this title, the Attorney General has merely said that "I can't wait" for the Judicial Conference to study it. "We can't live with the present system. We need this legislation!" We are asked to trade orderly legislative processes for expediency. And we see members of this body seize upon this statement to justify their "Action now—not the delays of orderly practice" position. And this cavalier attitude refers to legislation which isn't basically a civil rights issue but rather which will materially affect the working of our federal judiciary, the cornerstone of our system of justice. It has been suggested that we should adopt this legislation and if it proves unworkable, we can always amend it. I would suggest that the only plausible course to follow and the only legitimate legislative practice requires that we do not tinker with the judicial system until we have made a conscientious effort to ascertain that the course we are following is not only workable but also represents good policy.

And it cannot be argued that to send the title to the conference will be to bury it. The Chief Justice of the Supreme Court has evidenced his concern over the workings of the title, for a few weeks ago Judge Kaufman of New York was appointed Chairman of the Conference Committee on the Operation of the Jury system, and even though traveling abroad, Chief Justice Warren appointed the other members of the committee. The committee has scheduled a meeting for this week and the full conference is scheduled to meet September 20. At these meetings, this title can be thoroughly and expertly considered. Surely, the entire structure of American jurisprudence, carefully constructed over nearly 200 years, will not collapse if this title is not enacted into law in the next few weeks. The reluctance of those supporting this title to allow closer scrutiny of its provisions leads one to suspect that even they believe it will not stand a careful examination by those expert in the workings and needs of the jury system. If this is the case, no stronger argument can be made for deferring any further action for the time being.

Mr. President, we cannot let this title pass the Senate by default. It flies in the face of the most recent recommendations of the Judicial Conference regarding jury selection and in the face of years of practical experience with juries. It needs thoughtful and careful consideration removed from the emotional area of civil rights legislation. Legislative responsibility dictates that we follow our established policy and seek the counsel of the Judicial Conference regarding any necessary reform of the jury system.

Until agreement is reached on this point and several other major defects in the bill are corrected, I shall continue to oppose the motion to make H.R. 14765 the pending business of this body.

In conclusion, the Federal jury system and its workings are a legitimate and desirable subject of legislative consideration and action.

In 1948 and 1957 the Congress amended the jury statutes. No further amendments have been enacted, since that time, notwithstanding the 1960 Judicial Conference report and the obvious necessity for an upward revision in jury fees, mileage, and expenses.

This Senator, as a member of the Committee on the Judiciary and as a Member of this body, will lend such cooperation as he can for constructive review on this subject.

It may be that there will be several substantial and important revisions which should be adopted.

But, Mr. President, such proposals for amendments should be processed pursuant to sound legislative practice.

They should be referred to the Judicial Conference for its study and such comment and report as it may choose to make. Representatives of that Conference should be given an opportunity to appear before our Committee on the Judiciary and give us the benefit of their views.

The American Bar Association, the American Law Institute, the Federal Bar Association, and such other professional societies as may be interested should be given similar opportunity. In the past they have given valuable assistance and wise counsel. We certainly would welcome their participation again.

There should be full hearings before our committee and on a bill which would have for its express purpose the improvement of our system of administration of justice. It should stand on its own merit and not be an adjunct of a many-titled civil rights bill.

These conditions have not been met in the handling of this title.

EXHIBIT 1

[The jury system in the Federal courts, Cite as 26 F.R.D. 409]

RECOMMENDATIONS

The following recommendations concerning the selection of jurors and operation of the jury system constitute the conclusions of the Committee:

I. In order that grand and petit jurors who serve in United States district courts may be truly representative of the community, the sources from which they are selected should include all economic and social groups of the community. The jury list should represent as high a degree of intelligence, morality, integrity, and common sense as possible.

II. The choice of specific sources from which names of prospective jurors are selected must be entrusted to the clerk and jury commissioner, acting under the direction of the district judge, but should be controlled by the following considerations: (1) the sources should be coordinated to include all groups in the community; (2) economic and social status including race and color should be considered for the sole purpose of preventing discrimination or quota selection; (3) women are now eligible by law for jury service in federal courts and they should be selected and called to serve without discrimination on account of sex; (4) political affiliation should be ignored; (5) generally speaking, unsolicited requests of persons who seek to have their names placed upon jury lists should be denied and unsolicited recommendations of names should not be recognized; and, (6) in determining the parts of the district from which jurors are to be drawn,[1] the courts should bear in mind the desirability of conserving the time of jurors and preventing exorbitant travel expense to the government.

III. The statutory requirement that federal courts must observe the qualifications and exemptions prescribed for jurors in the state courts has been abandoned, and jurors should now be called without regard to state qualifications.

IV. The previously recommended legislation for improving the method of jury selection is again endorsed. It provides: (1) final responsibility and choice of means of selecting jurors rest with the district judge; (2) the names of all prospective jurors must be chosen under the direction of the court by a jury commission, consisting of the clerk and a jury commissioner; (3) the per diem compensation of jury commissioners be increased to $10.00 per day, without limitation as to the number of days which can be served, plus travel and subsistence allowances; (4) in districts where the full time of the commissioner may be needed for the adequate performance of his duties, the court may, with the approval of the Judicial Conference, appoint a full-time salaried jury commissioner; (5) in selecting names, the jury commission may send out questionnaires, conduct personal interviews, and use other procedures to determine the fitness of those under consideration; (6) prospective jurors willfully failing to respond or falsely answering may be punished for contempt; (7) throughout the entire process of selection, the commission may avail itself of the facilities of the office of the clerk of the court and members of his staff, and (8) the jury commission must arrange for the drawing from the names of qualified persons, of the jurors who are to be summoned for the various terms of court, and at least one member of the commission must participate in the drawing.

[1] See 28 U.S.C.A. § 1865(a).

V. In order to determine whether persons under consideration for selection as jurors possess the required qualifications, it is recommended that, when practicable, the practice should be followed in every district of requiring each prospective juror to answer a questionnaire and, where conditions permit, to be personally interviewed, except that in the case of prospective jurors who appear to be clearly qualified or disqualified on the face of the questionnaire, personal interviews may be dispensed with. Where such practice is followed, no name should be placed in the jury box or wheel, or added to the jury lists, until the jury commission, from its investigation, is satisfied that the juror is qualified. An example of a questionnaire and form of letter enclosing it, prepared by the Committee, is included in the Report.

VI. An opportunity to apply in writing to be excused should be given before the juror appears for service. If the juror does not apply in advance, but is later excused on his own request after being summoned, the juror should not be paid, either per diem, mileage or subsistence, unless the excuse is one which he could not reasonably have been expected to present before he appeared. In the latter event, the matter of payments should be in the discretion of the judge.

VII. After jurors have been called for service, the district judge should pass upon excuses, and that duty should not be delegated to the clerk or any other person.

VIII. Exclusion from the jury panel or from jury service of classes or groups should be done only with due care and solely by a formal written order of the court.

IX. The mechanics of jury selection and the form and content of records in the office of the jury commission should be given constant and careful attention by the court and the jury commission to the end that clerical work may be at a minimum consistent with efficiency.

X. Waste in the time of the jurors and in government funds can be avoided. This can be accomplished in most multiple-judge courts by placing in the chief judge, or a judge designated by him, assisted by the jury commission, the responsibility for the administration of jury selection, and of the assignment of jurors. In metropolitan districts, jury pools can be used to advantage and will promote the juror's comfort as well as economy of operation.

XI. The present statute authorizing the court to order jurors to be summoned by registered or certified mail instead of by personal service of the summons is satisfactory and should be employed uniformly in all districts. The use of certified mail is recommended as being cheaper and equally satisfactory.

XII. The assignment to trial work of jurors reporting for service should be by lot from beginning to end. All jury pools or rotating systems of assigning jurors should operate by lot.

XIII. The accommodations of courthouses should be such that jurors are not required to wait in corridors and crowded anterooms to be called for service. If a jury pool system is used, suitable and comfortable waiting rooms should be provided. Adequate arrangements for the comfort of women jurors should be provided and no juror should be kept waiting in reserve beyond the time when it can be ascertained that he will not be needed for that day.

XIV. The use of talesmen for petit juries, as authorized by 28 U.S.C.A. § 1866(a) should be reduced to a minimum.

XV. No person should be required to serve as either a grand or petit juror oftener than once in two years. The law presently provides that a petit juror may be challenged if he has previously been called for service within a year.[2]

XVI. All jurors should be given accurate instruction regarding the nature of the duties they will be called upon to perform. To this end it is recommended that the district judge should make it a regular practice to deliver general and carefully prepared oral charges to the grand jury when it is impanelled, and to give all petit jurors instructions acquainting them with the general nature of their duties.

A handbook for petit jurors stating in simple and general terms the duties of petit jurors, originally drafted in 1942, has been recently revised. This is a useful device for acquainting petit jurors with their duties and has been approved by the Judicial Conference of the United States for use by the United States district courts. Its use is again recommended by the Committee.

XVII. The voir dire examination of trial jurors by the judge results in great savings of time and the character of the examination is thereby much improved. The Committee recommends that this practice be followed in all districts where the jury is selected in the presence of the judge.[3]

XVIII. The present federal practice, which permits the trial judge to instruct the jury orally, and to comment upon the evidence, is an outstanding and satisfactory feature of federal procedure and should be preserved.

XIX. The number of jurors necessary to dispose of pending cases may be somewhat reduced by full utilization, under the direction and with the encouragement of the court, of the provisions of existing law which permit the waiver by the parties of their right to jury trial in both civil and criminal cases, and of the provisions which permit the parties to stipulate for trial by juries of less than 12 persons or to accept verdicts of a majority of the jurors rather than unanimous verdicts, and by other techniques successfully used in some districts hereinafter described.

XX. Trial jurors should, in the discretion of the trial judge, be permitted to take notes for use in their deliberations regarding the evidence presented to them and to take these notes with them when they retire for their deliberations. When permitted to be taken, they should be treated as confidential between the juror making them and his fellow jurors.

XXI. The subsistence allowance of jurors who are required to remain overnight should be increased from $7.00 to $10.00 per day, and the daily interim travel allowance should be limited to what the juror would receive as subsistence allowance.

Mr. ERVIN. I ask the Senator from Nebraska if the veneration in which the right of trial by jury was held by the Founding Fathers is not illustrated by the Declaration of Independence which states as one of the reasons why the 13 Colonies severed their bonds with the mother country, England, the fact that colonists had been denied the right of trial by jury in many cases.

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[2] 28 U.S.C.A. § 1869.

[3] "Examination of Jurors. The court may permit the parties or their attorneys to conduct the examination of prospective jurors or may itself conduct the examination. In the latter event, the court shall permit the parties or their attorneys to supplement the examination by such further inquiry as it deems proper or shall itself submit to the prospective jurors such additional questions of the parties or their attorneys as it deems proper." Fed.R.Civ.P. 47(a), 28 U.S.C.A.. See also, Fed.R.Cr.P. 24(a), 18 U.S.C.A.

Mr. HRUSKA. That is true.

Mr. ERVIN. I ask the Senator if that high respect for the right of trial by jury is not further reflected in the following passages of the Constitution:

This provision of article III:

The trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

This provision of the fifth amendment:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of war or public danger;

This provision of the sixth amendment:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law.

And this provision of the seventh amendment:

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved,

I ask the Senator if those four constitutional provisions do not also constitute an illustration, in the strongest possible fashion, of the veneration in which the right of trial by jury was held by the Founding Fathers.

Mr. HRUSKA. That is also true. The provisions which the Senator from North Carolina has read are really a reflection by the drafters of their regard for centuries of development of the jury system. The administration of that jury system had been abused by the royalty of England in its administration. For that reason the writers of the Constitution wanted to put those provisions into our organic law. It was their intention to insure that such abuses could not happen to them under the self-governing status which they were acquiring by adoption of the Constitution.

Mr. ERVIN. I ask the Senator from Nebraska if he shares the conviction of the Senator from North Carolina that, of the several functions of Government, the obligation to administer justice is the most sacred of all.

Mr. HRUSKA. It is the guarantee of our freedoms and liberties. There cannot be any question about that, for without justice properly administered, we would have anarchy. It would be impossible to enjoy liberty and freedom without the guarantee of an equal measure of justice.

Mr. ERVIN. Does not the Senator from Nebraska agree with the Senator from North Carolina that it is just as essential to have as jurors in the courts, both grand jurors and petit jurors, persons of high character, persons of high intelligence, and persons of high integ-

rity, as it is to have judges possessing those qualities?

Mr. HRUSKA. Yes. In my remarks I have developed that point.

Mr. ERVIN. The Senator, in his opening remarks, emphasized the necessity of having jurors of high caliber. I ask the Senator if the Committee on the Operation of the Jury System of the Judicial Conference has not stated this to be the ideal for jurors in the courts of the United States:

> It is the sense of the committee that jurors who serve in the district courts of the United States should be drawn from every economic and social group in the community, without regard to race, color, or politics; and that those chosen to serve as jurors should possess as high a degree of intelligence, morality, integrity, and common sense as can be found by the persons charged with the duty of making the selections.

Mr. HRUSKA. Yes, that was one of the recommendations; and, of course, that same language and same import is to be found in some of the cases which have been decided by the courts.

Mr. ERVIN. I ask the Senator if the Committee of the Judicial Conference on the Operation of the Jury System in the Federal courts did not also go on record as saying:

> The jury list should represent as high a degree of intelligence, morality, integrity, and common sense as possible.

Mr. HRUSKA. That is correct.

Mr. ERVIN. I ask the Senator if title I of the bill does not provide that the names of the persons to go into the jury wheel shall be selected at random from registration lists of voters; and if selection "at random" is not selecting a juror, in the words of the dictionary, "without an aim or a purpose" to acquire as high a degree of intelligence, morality, and character as possible.

Mr. HRUSKA. That is true. It makes the voting list and the jury wheel the sole source of the persons who are selected for jury service, without any of that necessary selectivity which is an imperative required by the Constitution.

Mr. ERVIN. Is it not true that if title I were enacted, and a juror of the highest possible intelligence were obtained, it would be purely by accident?

Mr. HRUSKA. That is correct. The composition of any jury would be left to chance.

Mr. ERVIN. I ask the Senator whether, if title I were enacted, and a juror of the highest principles of morality were chosen, that would also be purely by accident.

Mr. HRUSKA. That is correct.

Mr. ERVIN. I further ask the Senator whether, if title I were enacted, and a juror of the highest possible integrity were chosen, it would be purely by accident.

Mr. HRUSKA. That is right.

Mr. ERVIN. Does the Senator from Nebraska not agree with the Senator from North Carolina in the sad conclusion that title I is drawn for the purpose of making it certain that the practice now existing in the Federal courts, which is directed toward getting jurors of the highest possible character, morality, intelligence, and commonsense, shall be frustrated?

Mr. HRUSKA. I would believe that this would be the result. While it is not its apparent or declared purpose, that would be the outcome if this measure were to become law and were applied pursuant to its provisions.

Mr. ERVIN. I know that the Senator from Nebraska is aware of the principle of law which declares that every sane man must be presumed to intend the natural consequences of his acts.

Mr. HRUSKA. The Senator is correct.

Mr. ERVIN. Would not the natural consequence of title I be that jurors of the highest possible intelligence, character, and morality would not necessarily be chosen to serve?

Mr. HRUSKA. That would tend to be the result.

Mr. ERVIN. I ask the Senator from Nebraska if title I does not provide that the jury commission cannot base its selection of names to go into the jury wheel upon anything except the answers of the jurors to the questionnaire.

Mr. HRUSKA. The Senator is correct. That is found in section 1866.

Mr. ERVIN. Does the Senator from Nebraska not agree with the Senator from North Carolina that that provision, regardless of whether it was designed for the purpose, would have the natural consequence of preventing jury officials from exercising their God-given faculties in the selection of jurors?

Mr. HRUSKA. The Senator is correct. That is inescapable under the provisions of this measure.

Mr. ERVIN. Does title I not provide that the judge cannot pass upon the qualifications of jurors as specified in the bill, other than upon "objective evidence obtained by the jury commission"?

Mr. HRUSKA. The Senator is correct, with the exception of subsection 2 of section 1866, and in that case not even objective evidence will be received, nor can it be considered to determine whether a prospective juror is unable to read, write, speak, and understand the English language. That is held sacrosanct and is to be determined solely by the juror qualification form.

Mr. ERVIN. The judge is absolutely forbidden by title I to have anything whatever to do with determining whether a person possesses that qualification—the ability to read and write.

Mr. HRUSKA. The Senator is correct.

Mr. ERVIN. With respect to other qualifications, is not the judge forbidden by the bill to receive any evidence or to consider any evidence in open court except evidence of an "objective" character obtained by the jury commissioner?

Mr. HRUSKA. The Senator is correct; and the information contained on the qualification form could be brief and very sketchy.

Mr. ERVIN. Does the Senator from Nebraska know of any present law under which a judge is forbidden to hear proof from any source whatever?

Mr. HRUSKA. I would search my memory in vain, I think, to recall any law of that kind.

Mr. ERVIN. Does the Senator from Nebraska not draw the deduction that the Senator from North Carolina does, that the natural consequences of title I of the bill, insofar as it relates to the responsibility of the judge, will be that the judge can no longer exercise his God-given faculties in passing upon the qualifications of jurors?

Mr. HRUSKA. That will be its effect. That will be its consequence with very limited exceptions.

Mr. ERVIN. I ask the Senator if title I is not a repudiation of the ideal toward which the Federal courts have been striving—to obtain jurors not only from all segments of society, but also jurors who are of high intelligence, morality, integrity, and commonsense.

Mr. HRUSKA. The Senator is correct. An anomaly is contained in the language of the bill to which I should like to invite the attention of the Senator from North Carolina.

It provides that any person shall be qualified to serve on juries in the district courts, with four exceptions, the second of which is that he is unable to read, write, speak, and understand the English language. I have found it a little difficult to understand why this requirement is included.

Why is it that he would be disqualified from serving on a jury if he is unable to read, write, speak, and understand the English language? Why can he not serve if he understands the Spanish language, the Indian language, or any other language? The underlying reason must be that he would not be able to understand what is going on in the courtroom.

I think one can envision that the method which is used to fill the master wheel will result in a number of functionally illiterate people being called. They will not be capable mentally, or by virtue of education, to understand what is going on in the courtroom, particularly in these days when the cases in Federal courts are becoming more complex and contain many issues of fact.

Functional illiteracy is something about which we talk about in this body when we discuss education. However, in the context of the pending bill it is not recognized, not even as a legitimate reason for keeping a man off a Federal jury charged with administering justice.

Mr. ERVIN. Does not the Senator from Nebraska know that during the hearings on this title, the Senator from North Carolina requested the Attorney General of the United States to consent to the deletion of title I from the bill and its referral to the judicial conference?

Mr. HRUSKA. I have been apprised of that.

Mr. ERVIN. Did not the Attorney General refuse to accede to that request of the Senator from North Carolina?

And did not the Attorney General of the United States travel by jet plane, according to the press, to Montreal, Canada, and speak to the American Bar Association, in which speech he said that

it was absolutely essential for him to have the bill passed at once?

Mr. HRUSKA. The Senator is correct. He said that he could not wait. He indicated that we must pass this legislation, and we must pass it now.

Mr. ERVIN. Does not the Senator from Nebraska agree with the Senator from North Carolina that a very high percentage of all litigation in the Federal courts is litigation in which the United States is a party?

Mr. HRUSKA. The Senator is correct.

Mr. ERVIN. Can the Senator from Nebraska enlighten the Senator from North Carolina as to why the chief legal officer of the United States wants to have a bill passed to make it certain that—instead of juries being composed of persons of high character, intelligence, and integrity—the best we could hope for would be juries of average ignorance?

Mr. HRUSKA. While I do not impugn the Attorney General's motives, that is what could result if the bill were to become law, in my judgment.

Mr. ERVIN. Is it not the practice now, in selecting persons for service on Federal juries, to select persons of high intelligence, good moral character, and a high sense of civic responsibility?

Mr. HRUSKA. The Senator is correct.

Mr. ERVIN. I ask the Senator from Nebraska if there is a single syllable in title I which undertakes to prescribe any qualifications for Federal jurors based upon character, except those provisions prohibiting service by persons charged with or convicted of a crime defined as a felony under Federal law.

Mr. HRUSKA. The Senator is correct, in addition, of course, to being 21 years of age and a resident of the district for a year, and so on.

Mr. ERVIN. I ask if under the bill a notorious keeper of a bawdy house would not have an absolute right to have her name placed in a jury wheel if her name were selected at random from the registration list.

Mr. HRUSKA. The Senator is correct. And except for the peremptory challenges that are available, she would serve on the jury.

Mr. ERVIN. And a person who had been convicted a hundred times to petty larceny, a misdemeanor, would have an absolute right, under the bill, to have his name placed in the jury box, if he were selected at random from the registration list.

Mr. HRUSKA. The Senator is correct.

Mr. ERVIN. Does not the Senator from Nebraska agree with the Senator from North Carolina that those provisions debase the jury system in the Federal courts?

Mr. HRUSKA. One of the propositions I dwelt on in my preceding remarks deals with the potential debasing of the quality of Federal juries.

Mr. ERVIN. I thank the Senator for yielding. I was desirous of asking these questions in order to highlight why title I of the bill is reprehensible.

I should like to ask the Senator one more question: Is it not well established, by a multitude of decisions of the Supreme Court of the United States and by a multitude of decisions of State courts, that if a man of a certain race is tried for a crime and men of his race have been systematically excluded from grand or petit juries, his conviction is unconstitutional and is to be set aside?

Mr. HRUSKA. The Senator is correct. There have been a number of cases which spell this out very clearly.

Mr. ERVIN. I might state that I wrote a decision to that effect, when I was a member of the Supreme Court of North Carolina, in the case of State versus Speller.

Because of these decisions, I should like to ask the Senator from Nebraska whether he agrees with the Senator from North Carolina that there is no necessity for passing the bill in order to avoid racial discrimination in the selection of juries.

Mr. HRUSKA. Yes, I fully agree with the Senator from North Carolina in that respect.

Letter after letter from the 58 judges of the several district courts to whom the Senator from North Carolina addressed a letter, followed by a second letter jointly signed by the Senator from Nebraska and the Senator from North Carolina, said, in effect:

> Why is it that we have such a bill? We see no necessity for it. We are getting along well. There is no complaint. We are getting good juries. We are getting proper administration of justice.

They cannot see why any such sweeping, revolutionary change in the mechanics of selecting juries should be proposed.

Mr. ERVIN. I should like to make a comment, without the Senator from Nebraska losing his right to the floor.

If title I is defeated—as I sincerely hope it will be—the bench and the bar and the litigants of America will owe a deep debt of gratitude to the distinguished Senator from Nebraska, who has been untiring in his efforts to discover and point out the defects in title I.

Mr. HRUSKA. I thank the Senator for his gracious remarks.

RECESS UNTIL 11 A.M. TOMORROW

Mr. HRUSKA. Mr. President, in accordance with the order previously entered, I move that the Senate stand in recess until 11 o'clock a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 26 minutes p.m.) the Senate recessed until tomorrow, Wednesday, September 14, 1966, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate September 13 (legislative day of September 7), 1966:

UNITED NATIONS

The following-named persons to be representatives of the United States of America to the 21st session of the General Assembly of the United Nations:

Arthur J. Goldberg, of Illinois.

James M. Nabrit, Jr., of the District of Columbia.

William C. Foster, of the District of Columbia.

CLIFFORD P. CASE, U.S. Senator from the State of New Jersey.

FRANK CHURCH, U.S. Senator from the State of Idaho.

The following-named persons to be alternate representatives of the United States of America to the 21st session of the General Assembly of the United Nations:

James Roosevelt, of California.

Mrs. Eugenie Anderson, of Minnesota.

Mrs. Patricia Roberts Harris, of the District of Columbia.

George L. Killion, of California.

Harding F. Bancroft, of New York.

U.S. ATTORNEY

John P. Hyland, of California, to be U.S. attorney for the eastern district of California for the term of 4 years, to fill a new position, to become effective September 18, 1966, created by Public Law 89-372 approved March 18, 1966.

U.S. MARSHAL

Wayne B. Colburn, of California, to be U.S. marshal for the southern district of California for the term of 4 years, to fill a new position, to become effective September 18, 1966, created by Public Law 89-372 approved March 18, 1966.

CONFIRMATION

Executive nomination confirmed by the Senate September 13 (legislative day of September 7), 1966:

FEDERAL POWER COMMISSION

John A. Carver, Jr., of Idaho, to be a member of the Federal Power Commission for the remainder of the term expiring June 22, 1968.

HOUSE OF REPRESENTATIVES

TUESDAY, SEPTEMBER 13, 1966

The House met at 12 o'clock, 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,
> HOUSE OF REPRESENTATIVES,
> *September 13, 1966.*
>
> I hereby designate the Honorable HALE BOGGS to act as Speaker pro tempore today.
>
> JOHN W. MCCORMACK.

PRAYER

Rev. Obie L. Harrup, senior pastor, First Assembly of God, Alexandria, Va., offered the following prayer:

Commit thy works unto the Lord, and thy thoughts shall be established.—Proverbs 16: 3.

We thank Thee, our Heavenly Father, that Thou didst raise up this Nation for an eternal purpose.

We need Thy help today as much as any time in our history. We pray that Thou will bless our President and these leaders of our Nation. Give them a wisdom that exceeds the academic. Help them to make wise and courageous decisions; decisions based upon truth and equity. Such decisions may not always be popular with the multitude, but above all we seek to please Thee.

We pray for a spiritual awakening throughout our Nation. It is still true that righteousness exalteth a nation, but sin is a reproach to any people.

For the answer to these requests we thank Thee through Jesus Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Jones, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On September 8, 1966:

H.R. 1822. An act for the relief of Won Loy Jung.

On September 9, 1966:

H.R. 2681. An act for the relief of Sidney S. Shapiro and Shirley Shapiro.

On September 10, 1966:

H.R. 1483. An act for the relief of the John V. Boland Construction Co.; and

H.R. 13703. An act to make technical amendments to titles 19 and 20 of the District of Columbia Code.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 420. An act to amend title 10, United States Code, to authorize the commissioning of male persons in the Regular Army in the Army Nurse Corps, the Army Medical Specialist Corps, the Regular Navy in the Nurse Corps and the Regular Air Force with a view to designation as Air Force nurses and medical specialists, and for other purposes; and

H.R. 11488. An act to authorize the grade of brigadier general in the Medical Service Corps of the Regular Army, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the concurrent resolution (S. Con. Res. 77) entitled "Concurrent resolution authorizing the printing of additional copies of hearings on supplemental foreign assistance for Vietnam for fiscal 1966."

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

SEPTEMBER 13, 1966.

The Honorable the SPEAKER,
House of Representatives.

SIR: I have the honor to transmit herewith a sealed envelope addressed to the Speaker of the House of Representatives from the President of the United States, received in the Clerk's office at 9 p.m. on September 12, 1966, and said to contain H.R. 6926, an act to strengthen the financial condition of the employees' life insurance fund created by the Federal Employees' Group Life Insurance Act of 1954, to provide certain adjustments in amounts of group life and group accidental death and dismemberment insurance under such act, and for other purposes, and a veto message thereon.

Respectfully yours,

RALPH R. ROBERTS,
Clerk, U.S. House of Representatives.

EMPLOYEES' LIFE INSURANCE FUND—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 495)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

For the second time in less than 8 weeks, I am forced to return a bill without my approval because it is inflationary.

The bill I am now returning—H.R. 6926—would increase life insurance coverage for Federal employees by over 30 percent—at an annual cost to the taxpayer of $90 million. If we were to extend equivalent increases in fringe benefits to all American workers, we would be fueling the fires of inflation by nearly $3 billion.

At a time when we are making every effort to reduce low priority Federal spending in other areas, this bill cannot be justified.

At a time when we are urging business and labor to exercise restraint, this bill would set a double standard for executive branch employees and Members of the Congress.

At a time when the Congress—at the request of the employee unions—has already added almost $300 million more than I requested to this year's cost of civilian pay, this bill cannot be supported.

In the past 10 years, the average Federal civilian salary rose by nearly 75 percent—from about $4,000 a year to about $7,000 a year. Since life insurance is geared to the annual salary, this means that insurance has also increased by 75 percent. Over the same period, the average pay of a factory worker increased 47 percent.

Since I have been President, there have been four successive civilian pay increases—and four insurance increases. The total cost of these increases has amounted to over $2 billion.

In addition, there have been very large increases in survivor benefits under the Federal employees' retirement system. This is equivalent to added insurance. In the case of a typical employee, the widow's survivorship annuity has risen by 94 percent since 1964.

These increased benefits must be protected. They must not be eroded by inflation.

I have already submitted to the Congress my recommendations on the Federal employee insurance program. My recommendations are fair and responsible. They would increase maximum coverage for employees in the upper grades from $20,000 to $30,000 and they would provide for an actuarially sound funding of the insurance program.

The House of Representatives initially approved my bill. The Senate Post Office and Civil Service Committee expanded the benefits of the bill beyond acceptable limits. Its action raised the annual cost of this program from the $12 million I had proposed to $90 million. It increased the maximum coverage—which would be applicable only to high level executive branch employees and Members of the Congress—from the $30,000 we had proposed to $42,000.

The Senate acted on this bill without the benefit of any debate. The House then accepted the Senate version with virtually no debate.

The bill goes far beyond my recommendations—and far beyond anything the American taxpayer should be asked to pay for at this time.

One point should be made clear. Government group life insurance was never intended to meet an employee's insurance needs entirely. It is—like other employee life insurance plans—meant only to supplement his private coverage.

Further, insurance for Government employees cannot be considered in isolation from other federally provided benefits. It must be regarded as a part of the total pay and fringe benefits an employee receives. Piecemeal increases in life insurance, without considering other benefits, will inevitably result in a compensation program that is unsound and inequitable.

We have worked long and hard to sustain 67 months—5½ years—of economic growth and stability. And every American has benefited. Yet this unparalleled prosperity has created new pressures on our economy. That is why, 4 days ago, I proposed a four-point program of immediate action for the Congress, the executive branch, and the American people.

One crucial aspect of this program is a substantial reduction in Federal spending. Many Members of Congress share my belief that our anti-inflationary efforts must include restraints on spending. The measure I veto today is totally inconsistent with our common goals.

I deeply regret that disapproval of this bill has the effect of deferring an increase in both agency and employee contributions. I would gladly approve a bill which enacted this provision, and provided for an increase in maximum insurance coverage up to level II of the Federal executive salary schedule—now $30,000. I also regret the delay in clarifying the application of Federal insurance law with respect to reemployed annuitants. I have directed the Attorney General to take every possible action to clarify this matter under existing law.

In returning this measure, I do so in the hope that Congress will adopt the insurance proposals I submitted earlier. Such a measure would be fiscally responsible. It would be consistent with the wage-price guideposts. I would be proud to sign it.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *September 12, 1966.*

The SPEAKER pro tempore. Without objection, the objections of the President will be spread at large upon the Journal.

There was no objection.

Mr. DANIELS. Mr. Speaker, I move that the bill and message be referred to

the Committee on Post Office and Civil Service and ordered to be printed.

The motion was agreed to.

HEALTH RESEARCH FACILITIES ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore. The Chair lays before the House a message from the President of the United States.

Mr. HALL. Mr. Speaker, in view of the message from the President, I believe the Members should be present. I make a point of order that a quorum is not present.

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

CALL OF THE HOUSE

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. 278]

Abernethy	Hagan, Ga.	Pool
Albert	Hagen, Calif.	Powell
Andrews,	Hanna	Pucinski
Glenn	Hansen, Idaho	Quie
Aspinall	Harvey, Ind.	Rees
Bandstra	Hathaway	Reinecke
Boland	Hébert	Resnick
Bolling	Helstoski	Rivers, Alaska
Burton, Utah	Hicks	Rodino
Callaway	Holifield	Rogers, Tex.
Celler	Holland	Roncalio
Cleveland	Huot	Roybal
Colmer	Jones, N.C.	St Germain
Conyers	Karth	St. Onge
Corman	Keith	Saylor
Craley	Keogh	Scott
Curtin	King, N.Y.	Senner
Davis, Ga.	Landrum	Sickles
Dent	McCulloch	Sisk
Dickinson	McMillan	Stephens
Diggs	McVicker	Stratton
Donohue	Macdonald	Teague, Tex.
Dorn	MacGregor	Todd
Duncan, Oreg.	Machen	Toll
Edmondson	Martin, Ala.	Tunney
Evans, Colo.	Martin, Mass.	Tupper
Fallon	Mathias	Tuten
Farbstein	May	Udall
Fascell	Michel	Van Deerlin
Fisher	Minish	Vigorito
Flynt	Morris	Walker, Miss.
Ford, Gerald R.	Morrison	Walker, N. Mex.
Ford,	Morton	Weltner
William D.	Murray	White, Idaho
Frelinghuysen	Nix	Widnall
Friedel	O'Konski	Willis
Gallagher	O'Neill, Mass.	Wolff
Garmatz	Pelly	Wright
Green, Oreg.	Philbin	Zablocki

The SPEAKER pro tempore. On this rollcall, 318 Members have answered to their names, a quorum.

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

HEALTH RESEARCH FACILITIES ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 496)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which, without objection, was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed with illustrations:

To the Congress of the United States:

The decade since 1956 has been one of unprecedented efforts in health research—and in future years, our commitment to this vital field will grow.

Success for our research efforts depends not only upon the dedication of thousands of professional researchers across the Nation, but upon the adequacy of the facilities available to them.

Realizing this, the Congress, through the Health Research Facilities Act, has provided since 1956 more than 1,330 matching grants totaling over $360 million for the construction or renovation of research space.

I believe this program is an impressive example of the commitment of our people to better health—and of our success in pursuit of that national goal.

It is with pride, therefore, that I submit for the information of the Congress, the 10th annual report of the Surgeon General summarizing our accomplishments under the Health Research Facilities Act, as amended.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *September 13, 1966.*

DESIGNATION OF 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

Mr. CLARK. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3625) 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 Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMER. Mr. Speaker, reserving the right to object, and I shall not object, for the purpose of the RECORD I should like to ask the gentleman if this is not the same bill as is presently before the Public Works Committee, the enactment of which is essential due to the fact that a dedication of this very important dam in Pennsylvania is scheduled to take place this weekend, and it is essential that the name of the dam be established in order to properly facilitate the dedication. Is that not correct?

Mr. CLARK. That is correct.

Mr. CRAMER. There is no expenditure of funds involved in this bill. Is that correct?

Mr. CLARK. None whatsoever.

Mr. CRAMER. This bill is identical, is it not, with that introduced by the gentleman from Pennsylvania [Mr. JOHNSON] on the House side?

Mr. CLARK. Yes, it is.

Mr. DAVIS of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Wisconsin.

Mr. DAVIS of Wisconsin. By what name is this project known at the present time? Under what name were the funds appropriated?

Mr. CRAMER. I yield to the gentleman from Pennsylvania [Mr. JOHNSON] who is the sponsor of similiar legislation, to answer the question.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, in response to the gentleman, the present name of the dam on the records of the Army Corps of Engineers is the Allegheny River Dam and Reservoir. Out of deference to the local Indians and the fact that the site is at Kinzua, which is the name of the settlement of the Cornplanter Tribe, we are changing the name of the dam to "Kinzua Dam" and the reservoir to "Allegheny Reservoir."

Mr. Speaker, this bill to designate the Allegheny River Dam and Reservoir the "Kinzua Dam and Allegheny Reservoir" is a companion bill to the one that I introduced and I want to take just a few minutes to comment about the naming of this project.

The entire project is on lands of the Cornplanter and Seneca Indians and where the historical village of Kinzua stood for many years. The name Kinzua comes from the Indian word "Kenque" which I have been told means "place of many fishes."

Ever since the project was first discussed back in 1937 and 1938, it has been referred to as the "Kinzua Dam" and I think it is only fitting and proper that it be called the Kinzua Dam as a token of recognition of our Indian citizens and their contribution.

This great project will not only provide flood control and streamflow control but also a vast recreational potential. There is an ever-increasing need for wholesome outdoor recreation facilities demanded by our rapidly increasing population and this project will meet this need.

I am very pleased that the Congress has gone on record to name this immensely valuable project the "Kinzua Dam and Allegheny Reservoir."

Mr. CRAMER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

So the bill was read a third time and passed.

A motion to reconsider was laid on the table.

NASA'S GEMINI 11 MISSION

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

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER. Mr. Speaker, NASA's Gemini 11 mission, our ninth manned mission of the Gemini series, is presently making its contribution to the success of the Gemini program, and the overall

manned space flight effort of placing a man on the moon in this decade. A few moments ago, Astronaut Gordon came back into the spacecraft after conducting our fifth series of extravehicular operations. Yesterday the Gemini 11 crew successfully accomplished the first rendezvous and docking in space within one revolution, by far the quickest of any rendezvous attempted to date. It is significant to note at this point in the mission that the Gemini 11 flight is following the planned schedule of events closer than any other Gemini flight to date. The next 2 days will see the accomplishment of still other milestones.

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1967

Mr. NATCHER. 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. 17636) 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; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 2 hours, the time to be equally divided and controlled by the gentleman from Wisconsin [Mr. DAVIS] and myself.

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

There was no objection.

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

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. 17636, with Mr. PRICE 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 unanimous-consent agreement, the gentleman from Kentucky [Mr. NATCHER] will be recognized for 1 hour, and the gentleman from Wisconsin [Mr. DAVIS] will be recognized for 1 hour. The Chair recognizes the gentleman from Kentucky.

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

Mr. Chairman, at this time we submit for your approval the annual District of Columbia appropriations bill for the fiscal year 1967.

It is an honor to serve on the Subcommittee on the District of Columbia Budget with the gentleman from Connecticut [Mr. GIAIMO], the gentleman from Wisconsin [Mr. DAVIS], the gentleman from Iowa [Mr. SMITH], the gentleman from Pennsylvania [Mr. MCDADE], and the gentleman from California [Mr. MCFALL]. All of these gentlemen are outstanding Members of the House and have rendered excellent service as members of this subcommittee.

We carefully considered budget estimates totaling $423,903,800 for fiscal year 1967, and we recommend to the House that the sum of $380,650,600 be approved. This is the largest amount ever recommended by the committee for the District of Columbia budget. The amount that we recommend for fiscal year 1967 is $15,299,214 more than the total amount approved for fiscal year 1966 and $43,253,200 below the 1967 estimates.

As you know, Mr. Chairman, the District of Columbia is financed out of five funds; a general fund, a highway fund, a water fund, a motor vehicle parking fund, and a sanitary sewage works fund.

Mr. Chairman, we recommend a Federal contribution of $49 million for the general fund; $2,146,000 for the water fund, and $1,248,000 for the sanitary sewage works fund. The maximum Federal payment authorized at this time is $50 million and the amount recommended is the largest amount ever recommended by this committee.

Hearings on the District of Columbia budget started on March 21 and continued until April 29. As a general rule, Mr. Chairman, hearings on the District of Columbia budget always begin before the month of March and when concluded the bill is presented to the full committee and then to the House for final approval. This year we started late and after concluding the hearings held up the bill for months in order to see if additional revenue would be approved, which would place this budget in balance. The members of our committee were disappointed when this budget was submitted to the Congress out of balance and as you know, Mr. Chairman, this is the third consecutive year that an unbalanced budget has been submitted for the District of Columbia. The budget for fiscal year 1967 was out of balance $23,021,000 in the general fund and $12,876,000 in the highway fund. This makes a total of $35,897,000. The budget was predicated on revenues to be generated through additional taxes, a formula Federal payment, and this year additional loan authorization for the highway fund, all of which require congressional action before they become effective.

The reduction in the budget of $43,253,200 was necessary in order that a balanced budget be submitted, and further in order to establish a small reserve of $2,680,000 which can be used to help cover the cost of classified pay increase legislation already enacted and wage board increases approved by the Commissioners. The entire bill, Mr. Chairman, as presented today is based on existing legislation that has previously been signed into law and does not anticipate any money in the bill now pending in the House and Senate for additional revenue. I would like to further point out that all new positions except for schoolteachers and a few special cases, were requested on a 9-month basis and our committee recommends same on this basis.

Our committee recommends loan authorizations totaling $23 million. In addition to the Federal contributions which I have just mentioned, our committee recommends a loan of $22,500,000 to the general fund for public building construction. The budget proposed a total of $25,725,000 composed of $17,200,000 for public works projects and $8,525,000 to finance the District's contribution to the rapid rail transit system. Our committee recommends a $500,000 loan appropriation for capital outlay projects financed through the water fund and this makes a total of $23 million for the fiscal year 1967.

We recommend, Mr. Chairman, the sum of $22,098,000 for general operating expenses. This is an increase of $1,625,728 over the amount appropriated for fiscal year 1966 and $610,000 less than the budget estimates.

For public safety we recommend the sum of $85,203,000. This is an increase of $5,290,000 over fiscal year 1966 and a reduction of $549,000 in the estimates.

We recommend an appropriation of $80,093,000 for the operation of the public school system during the next fiscal year. This is an increase of $4,635,400 over the current year and $2,516,000 less than the budget estimates.

For parks and recreation we recommend $11,990,000 which is an increase of $1,075,700 over fiscal year 1966 and $266,000 less than budget estimates.

Our committee recommends the sum of $89,314,000 for the Department of Health and Welfare for the fiscal year 1967. This is an increase of $3,579,700 over fiscal year 1966, and $1,235,000 less than budget estimates.

For highways and traffic we recommend the sum of $14,830,000 for fiscal year 1967 which is an increase of $745,100 over the current year. This amount is $152,000 less than the budget request.

We recommend a total of $23,762,000 for the operation of the Department of Sanitary Enginering and the Washington Aqueduct during the ensuing fiscal year. This is $1,011,000 more than was appropriated for fiscal year 1966 and $486,000 below the 1967 estimate.

Mr. Chairman, our committee recommends approval of the full amount of the budget estimates for the repayment of loans and interest on money borrowed from the Federal Treasury to finance certain public works construction projects. This amount is $6,077,600.

We recommend a total of $45,730,000 for capital outlay projects in the coming year. This is $28,914,200 less than the budget request.

This is $6,070,800 less than the amount approved for fiscal year 1966. This reduction of course was brought about as the direct result of insufficient funds.

Thirty-eight new capital outlay projects were requested public schools and we recommend that 23 be approved. Those recommended are set forth in the committee report We recommend that the new health center be approved for the Department of Public Health and that two of the requested seven projects for the Department of Corrections be approved. Further, Mr. Chairman, we recommend 10 of the 24 capital outlay projects requested for the Department of Public Welfare and that 5 of the 6 requested for the Department of Buildings and Grounds be approved. For the Department of Highways we recommend 8 of the 17 and further recommend that 13 of the 17 capital outlay projects for

the Department of Sanitary Engineering be approved. We recommend all three of the projects requested for the Washington Aqueduct.

All of the capital outlay requests are set forth on pages 20 to 23 of the committee report.

I have served as a member of the Subcommittee on the District of Columbia Budget for a period of 12 years and during this time have had an opoprtunity to work with a number of Commissioners on budget matters for the District of Columbia. I know that all of our Presidents have endeavored to select outstanding citizens to serve in the capacity of Commissioner and in accepting the recommendation of the Secretary of the Army and the Chief of the Corps of Engineers for the appointment of an Engineer Commissioner has carefully and earnestly attempted to select a good Engineer Commissioner. We have good Commissioners serving at this time and I, for one, do not believe that when their decisions are right and to the best interest of our Capital City they should be ignored.

Here in our Capital City we have law-enforcement problems similar to those in all of the large cities in this country. We have a good Police Department and now is the time that support from the people is essential. We still contend that adequate sentences should be meted out where the defendants are guilty, and especially in those cases where the offender has a long record of law violations. Coddling of criminals is certainly detrimental to good law enforcement. The Metropolitan Police Department requested $42,133,000 for fiscal year 1967 and we recommend the full amount. Our committee does not concur and is still of the opinion that the staffing of the tactical force with policemen on their day off is poor law enforcement. We approve the request for the tactical force at this time but still are definitely of the opinion that the vacancies, which number some 200, should be filled in the Police Department. Additional funds have been allowed for recruiting programs and incentives. The increases allowed will also provide for permanent financing of the planning and development unit now temporarily financed by a grant under the Law Enforcement Assistance Act for beginning a metropolitan area police computer network, a closed-circuit television system, 25 civilian positions to replace policemen on nonpolice duties, and 35 additional police cadet positions.

The Fire Department in the city of Washington has again regained its No. 1 position under the rating of the American Insurance Association. This is an honor well merited and for a number of years now our committee has made every effort to see that the needs of our Fire Department are fully met in order to have a good Department and one recognized as such throughout this country.

With a budget out of balance $35,897,000, certainly all of the requirements of our Education Department cannot be approved. Our pupil-teacher ratio has improved considerably in our school system during the past 5 years. There were 38 capital outlay requests presented for our public schools and we recommend approval of 23. More would have been approved if funds were available. We still contend that 42 percent of the schoolteachers of the District of Columbia should not be temporary teachers and that, notwithstanding that teachers are difficult to recruit, proper standards must be maintained.

We have in our Capital City an outstanding Director of the Department of Public Health. Dr. Grant is one of the able men in this field and I believe that every effort is being made by our Director and the members of his staff to give to our Capital City the best Department of Public Health possible. We recommend a total of $56,436,100 for public health activities, which is an increase of $5,025,631 over the 1966 allowance. We recommend approval of the mental health and retardation programs, which includes the Area C Community Health Center.

Mr. Chairman, again I want to call attention to the fact that our Capital City receives its full share of all Federal grants. Set forth on page 2 of our report are the agencies receiving Federal grants for the fiscal year 1967 and these grants will total $118,867,685. This amount is not incorporated in the budget figures for the fiscal year 1967. The committee will be interested to know that public schools will receive $15,088,882; public welfare $17,039,999; highways and traffic $72,071,379; and the Police Department $772,078.

The budget proposed a total of 32,170 permanent positions for our Capital City in 1967. This is an increase of 2,012 positions. Our committee recommends 31,314 which is an increase of 1,156. It is important that our Commissioners keep in mind that as of July 31, 1966 there are a great many vacancies in authorized positions throughout the District government. On July 31, 1966 they totaled 2,056. You hear very little about the vacancies but a whole lot about new positions which are deemed necessary.

We are now proceeding with our new Central Library and this building will be one of the milestones in our Capital City. It will be a beautiful building, constructed under plans and specifications of a great architect. Other cities throughout the United States are following this project carefully and only recently one of the large cities expressed its interest to the extent that representatives will come to our city to get a little better understanding of the type of building to be constructed.

With available funds we are able to recommend 2 of the 7 requests for capital outlay items for the Department of Corrections, 10 of 24 for the Department of Public Welfare, 5 of the 6 requested for the Department of Buildings and Grounds, 8 of the 17 for the Department of Highways and Traffic, 13 of the 17 requested for the Department of Sanitary Engineering, and the 3 requested for the Washington Aqueduct.

There is a place for both a freeway system and a rapid rail transit system in our Capital City. We have repeatedly made this statement over the years and the members of our committee not only believe this to be true but are willing to make any and all recommendations which will bring about a proper rapid rail transit system and an adequate freeway system for the District of Columbia. In order to meet the tremendous day-by-day growth of traffic, the highway program must be carried along with the present rapid rail transit system. The current status of the highway fund has precluded the appropriation of new funds in this bill for highway construction of any magnitude, but these previously appropriated District funds are available and the matching Federal funds will be released as soon as the system is designed and approved. The District has not moved ahead at the required rate to meet the deadline of 1972 imposed by the interstate highway legislation.

As of December 31, 1965, there was a balance available of $172,200,691 composed of $20,927,305 in District funds and $151,273,386 in Federal funds that will be released as soon as the projects are designed and approved. Planning decisions have been and still remain the key obstacles to progress. There are 13 elements in the freeway and parking system that require decisions before work can actually proceed. These projects are set out on page 430 of part II of the printed hearings along with a number of studies that have been made on each over the past 20 years.

For a period of 5 years now, our committee has attempted to go along on every request concerning our rapid rail transit system and our freeway system. Time after time when funds were appropriated for projects the plans were discarded and filed away. Millions of dollars have been invested and this money is money down the drain. If the people in our Capital City really understood what has transpired in our freeway system during the past 5 years they would be amazed.

From 1961 up to the present time we have pointed out in our hearings time after time the fact that millions of dollars has been expended for planning with no action to place the projects under construction. The same projects have been up for consideration year after year and by virtue of delay each of the projects now will cost hundreds of thousands of dollars more to finally complete and the overall amount will run into the millions. This was fully developed in the hearings before our committee this year. Time is passing and the pressure groups who have succeeded up to this time to halt our freeway program are jubilant. We are called upon to authorize the borrowing of $8,525,000 for the District's contribution for the construction of a rapid rail transit system for the fiscal year 1967 and at the same time have on hand $20,927,305 in District funds which have been available now for several years for use in continuing our freeway system. At the same time the Federal Government has authorized and appropriated the sum of $151,373,386 for use with the above figure on our freeway system. Now is the time to have a thorough understanding and an agreement as to the construction of our freeway system and the continuation of our rapid rail

transit system. A balanced transportation system is necessary and both freeways and rapid transit must go forward together.

We have reached an impasse insofar as our freeway system is concerned and now is the time to eliminate the roadblock which some believe was permanently fixed.

In our freeway program for fiscal year 1963 we were to spend $47.8 million and instead only $35.5 million was expended. For fiscal year 1964 the sum of $45.4 million was to be expended and only $25.4 million was expended. For fiscal year 1965 the sum of $69.5 million was to be expended and only $18.3 million was expended. For 1966 fiscal year the sum of $82.4 million was to be expended and during the first 6 months only $8.3 million was expended. As of December 31, 1965, our Capital City has fallen behind its orderly schedule of expenditures to the tune of $172,200,691.

We must keep in mind that here in our Capital City the decisionmaking machinery for our freeway system does not rest solely with our Commissioners. Each decision involves the participation of some half-dozen Federal agencies and freeway opponents within this group, and especially on the National Capital Planning Commission have used this out-of-date machinery to delay decisions and to make every effort to destroy our freeway system. Each month of inactivity simply means that millions of Federal dollars will be lost and our capacity to complete the system will decline. The opponents of the freeway system know full well that it is impossible to build major portions of this system until a firm decision is reached on the system as a whole.

After the program was stopped in June of 1963 the Arthur D. Little Co. was employed at a cost of $60,200 with a resulting report which simply stated in substance that the highway program should be brought to a complete halt. After some 7 weeks of huffing and puffing this company succeeded in bringing forth a mouse. The crux of this report was to the effect that the District should stop planning freeways in terms of a total freeway system and instead should commit itself only to the construction of one link in the system at a time. This is directly contradictory to all good freeway planning and we called before our committee Rex Whitton, the Director of the Bureau of Public Roads to find out what system was the best for our Capital City at this time. During the past several years our hearings will disclose the fact that no qualified engineer agrees with such a report.

From day to day we hear statements to the effect that our neighbors in Virginia and Maryland are to be considered from the standpoint of constructing an adequate rapid rail transit system and certainly this same argument can be applied to the construction of an adequate freeway system. One of our neighbor newspapers in an editorial stated, and I quote:

> We have often heard it said that the road to Hell is paved with good intentions. We wonder what, if anything, can be paved with the reports of highway and transportation consultants.

The 13 elements in the minimal freeway and parkway system for the District are as follows: Northeast Freeway, North-Central Freeway, Palisades Parkway, Three Sisters Bridge, the 14th Street Bridge, Potomac River Freeway, south leg, north leg west, north leg central, Northeast-North Central Freeway, north leg east, east leg, and the intermediate loop.

During the past 20 years, millions of dollars have been expended in making studies of the above sections of our freeway system. The Northeast Freeway is now under restudy notwithstanding the fact that from 1946 through 1966 eight studies have been made and thousands of dollars expended. From 1959 through 1966 five studies have been made on the North-Central Freeway which is again under restudy.

Thousands of dollars have been expended to make six studies from 1950 through 1965 on the Palisades Parkway which at the present time is again under restudy.

Eight studies have been made of the Three Sisters Bridge beginning in 1953 and extending through 1965. A planning decision is now pending on this project. This is one of the projects that we have appropriated money to complete but we are back again to a planning decision.

The 14th Street Bridge has received a number of studies and, pursuant to H.R. 11487, was approved for final design and for funding.

The Potomac River Freeway is again up for a planning decision. From 1950 through 1966 eight studies were made on this particular project and thousands of dollars have been expended and plans for all 13 of the elements in the existing system costing millions of dollars have now been filed away.

From 1952 through 1966 seven studies, costing thousands of dollars, were made of the south leg and here again we have a project that is up for a planning decision.

The north leg west has been studied seven times from 1950 through 1966 and we are still in the planning decision category.

We are still in the planning decision category for the north leg central notwithstanding the fact that from 1955 through 1966 seven studies were made at a cost of thousands of dollars.

Eight studies costing thousands of dollars have been made of the Northeast-North Central Freeway from 1946 through 1966 and again this project is marked in the category of being under restudy.

A planning decision has been pending for years on the north leg east notwithstanding the fact that six studies have been made of this project from 1950 through 1966.

We are now informed that a planning decision is pending on the east leg notwithstanding the fact that six studies have been made of this project from 1955 through 1966.

Instead of falling in the category of a planning decision pending, which of course, really means nothing from the standpoint of actually proceeding with the construction of our freeway system, we find that the intermediate loop is marked properly as being in the indefinite category notwithstanding the fact that we have had five studies from 1950 through 1965.

On pages 426, 427, and 428 of the hearings for fiscal year 1967, part II, may be found the agency planning, consultant studies, and currently active consultant studies together with the total cost which is some $8,229,623.

The total approximated study cost of over $8 million does not include 11 studies for which figures were not available to the committee. It is estimated that these costs would raise the figure to over $10 million spent since 1946. In considering our freeway system we must keep in mind that the Washington metropolitan region by estimate will increase to 3.4 million by 1980 and 5 million by the year 2000. The number of tourists visiting our Capital City will increase to 24 million by 1970 and 35 million by 1980. Still important and a fact that must be considered is that the number of Federal employees in the District of Columbia region is increasing at the rate of 4,000 to 5,000 a year. Automobile and truck registration in the Washington metropolitan area will increase to 960,000 by the year 1980. As one member of this committee I am convinced that the National Capital Planning Commission and the Policy Advisory Committee have not, up to this good day, made the necessary moves to place the freeway system in a position where it can go under construction. The Policy Advisory Committee statement which followed the Arthur D. Little Co. report is full of ambiguous language and really means very little.

Freeway opponents have succeeded up to this time in knocking down all of the main conclusions reached by transportation experts after 20 years of study costing millions of dollars and this premeditated foolishness must stop.

Our Capital City must not be embarrassed by further studies and further inaction and more wasted money in the completion of our freeway system. Meaningful decisions must be made now to remove the planning obstacles set up by opponents of our freeway system.

Our ability to complete our present freeway program on schedule was carefully examined during the hearings and on page 481 we find a statement made by Thomas F. Airis, the Director of the Department of Highways and Traffic, concerning this matter as follows:

> Now, sir, when I appeared before you last year, I stated that the obligation of funds at the required rate, as shown on the chart at that time, would be a difficult and demanding job. I also pointed out that a tremendous amount of construction would have to be undertaken concurrently during this period which would require extremely tight and coordinated scheduling to insure that the normal functions of the city can be maintained with only reasonable interruption during the construction period. I concluded that I was still confident that we could complete the program on schedule.
>
> I know that it is obvious to you from the chart that I have just shown you that we have not moved ahead at the required rate

and that the difficulties of completing the program on schedule have been further compounded. In all honesty, while the chance of completing our program on schedule still exists, it will be more difficult than had we secured our needed planning decisions during the past year. In order to complete the program within the required timetable, we must have an immediate breakthrough on all remaining planning decisions for the Interstate System for the District of Columbia. By this, I mean that we should be prepared to proceed with actual design of the remainder of our system no later than this summer. Any delay beyond this point will mean that we simply cannot complete the system on schedule.

Mr. Chairman, our committee approved $2 million last year to start the rapid rail transit system and today we favor the completion of this system. At the same time we are not in favor of permitting our highway system program to be destroyed. Until we have decisions upon which we can rely placing the highway program underway we are unable to recommend that the District government borrow $8,525,000 to continue the rapid rail transit system. We do not want to experience again what we did in 1963. This must not take place.

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

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

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding and I wish to commend him for his clear statement on a number of the issues that confront his committee with regard to the District of Columbia. I wonder how the District of Columbia—those entrusted with the administration of it, the Commissioners and others—how they would expect to finance a subway system in the District of Columbia if they cannot complete the freeway system?

I wonder if the gentleman could give us any estimate as to what this subway system would cost. I know that the gentleman from Kentucky is being belabored in the District of Columbia because of his insistence that the highway system be completed before some other venture is embarked upon here. I wonder how they expect to finance a subway system.

Mr. NATCHER. I want to thank my friend from Iowa for the question he has asked, and I want the Members to know that it is an important question that must be answered at this time.

The subway system as it is underway at the present time will have a route of almost 25 miles. The total estimated cost is $431 million of which the District will contribute $50 million, and it will be necessary to borrow every dime of it from the U.S. Treasury. Of the total, $100 million is payable from Federal funds and comes under the jurisdiction of the Interior Appropriations Subcommittee, chaired by my distinguished friend the gentleman from Indiana [Mr. DENTON]. The balance of $281 million will come from the issuance of bonds to be retired out of the fare box, and my friend from Iowa knows as well as I do that that will never take place. The $50 million to be borrowed must be repaid by the District of Columbia at the going rate of interest set by the Treasury Department. The $100 million will be borrowed, as the gentleman knows, by the Federal Government, and as far as the $281 million of bonds, they will be in the same position as the bonds for the stadium that my distinguished friend from Iowa has called to the attention of this House on many occasions.

In connection with the highway program there is over $20 million on hand—not funds that would revert to the Treasury—that have been appropriated over the past 4 or 5 years. In connection with the rapid transit system we were called upon to authorize borrowing a little over $8 million for the District's contribution to the cost of the 1967 construction program.

I think in all fairness to the House that those of us who believe that a rapid transit system should go along with the highway program ought to put it right on the table and let the Members see the total cost. There is compact legislation now pending in one of the other committees. The gentleman recalls that 3 years ago an authorization bill was brought out for a rapid transit system and it was recommitted. It received less than 90 votes. It provided for 87 miles at a cost of $778 million, and bonds to be issued with interest estimated to run over $1 billion.

That proposal was cut back to a 25-mile subway system, and it will probably cost more than estimated and the bonds will not be retired out of the fare box.

Some Member will stand in the well of this House and ask that the District of Columbia be permitted to borrow additional money, and the gentleman from Indiana or his successor 20 or 30 years from now from his subcommittee will be down here asking the same thing.

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

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

Mr. GROSS. I would like to commend the committee for setting forth, I believe for the first time, the Federal grants to the District of Columbia. I think the Members of the House ought to realize that $118 million—almost $119 million—is being ladled out in the District of Columbia in addition, as I understand, to the nearly $50 million this committee makes available.

Mr. NATCHER. The gentleman is exactly correct. This is the first time, to my knowledge, that we have placed such figures in a committee report.

In addition to the Federal payment that is approved by this House each year for the District of Columbia, $49 million this year, over $118 million in Federal grants will be available over and above the funds in the budget for 1967.

The gentleman from Iowa will also be interested to know that since our hearings were held, some $7 million in additional grants have been or will be received by the District of Columbia during the fiscal year.

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

Mr. NATCHER. I yield to the gentleman from the Commonwealth of Kentucky [Mr. CHELF].

Mr. CHELF. Mr. Chairman, I would like to say to the gentleman in the well that I want to congratulate and commend him, not only as the chairman of the Subcommittee on the District of Columbia, but his entire committee for bringing this bill to the floor. I appreciate his backing and defending the Washington Police Force and Fire Department. They are deserving of our confidence.

He is an old prosecutor, and I am an old prosecuting attorney. We can certainly sympathize with the police force of any town, most especially the one here in the Nation's Capital, who have to cope with such lenient judges and their light decisions.

It is the most demoralizing and discouraging thing under the sun for policemen—as the gentleman has said so ably and so well—to have to spend days and weeks and months getting the facts, the proof and evidence to convict some of these fellows, who have long records behind them, and then, once having obtained an indictment, a trial and a conviction on the evidence, the trial judge gives them, as the gentleman so aptly said, "a pat on the back." This is hard for a policeman to take. If this isn't stopped, law and order will develop into anarchy, bedlam, and total disregard for all law.

This is the trouble not only with the Nation's Capital today but the trouble throughout the entire length and breadth of our country. Being lenient with convicted defendants is encouraging riots and all manner of trouble. The gentleman understands full well this problem. I want to commend the gentleman and his committee for speaking out and encouraging our fine police force here. The good Lord knows they have had hell on earth to cope with conditions in this man's town. It has gotten so bad that Police Chief Layton is having serious trouble in recruiting young officers. I am informed that many young men refuse enlistment in Washington's police force because they honestly believe they are looked upon by some as a necessary facility rather than a protector and a defender of law-abiding citizens. These brave men risk their lives every time they patrol our streets and they are entitled to our wholehearted support and loyalty.

The gentleman and I are very close friends. We sit here many, many times together. He has told me on several occasions what a fine fire department and police force we have here.

It takes guts and raw courage to speak up, and the gentleman has plenty of both. He comes from the salt-of-the-earth people back in Kentucky.

I commend him also on his very fair viewpoint pertaining to the subway and our highways. Let us not let one of them get ahead of the other. Let us keep them together, as horses in a team, pulling together. We need both horses at the same time—therefore let us feed them equally and all will be well.

Mr. NATCHER. I thank my friend.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

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

Mr. SMITH of Virginia. Mr. Chairman, I would like to take the gentleman back to the discussion of the highway system, the rather tragic system.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. SMITH of Virginia. I sympathize with the gentleman's feelings about the futilities of his situation, because I have had a great deal of that since I have been here on the District Legislative Committee.

First, I would like to find out from the gentleman what his future intentions are about the rapid transit. Is that going to be laid aside until they start building some highways?

That subject has been under study for a great number of years. As the gentleman knows, we have hardly reached the culmination of that study in the form of legislation, and the thing has been authorized. The States have passed legislation. The Congress has now on the calendar for a rule for consideration a compact which has been recommended by the Judiciary Committee of the House. Do we stop these activities? Does the gentleman intend to hold this project up for something he is really not responsible for?

Mr. NATCHER. Mr. Chairman, I would like to say to my distinguished friend that I for one hope that before this bill is finally enacted we will be in a position to come back to the House and say, if we are given the opportunity, that we are now in a position to recommend that the appropriation portion of the $8,500,000 be borrowed and be made available for the District's contribution to the rapid transit system. Based on the amount allowed in the Interior appropriation bill the figure would be approximately $4 million.

Before this bill is finally enacted I hope that will take place.

The National Capital Planning Commission is scheduled to hold certain meetings this week.

As the distinguished gentleman from Virginia knows, and knows much better than I do, there are a great many people who have, all down through the years, tried to destroy the highway system in the District of Columbia to put the rapid transit system ahead.

We are not against rapid transit. For the gentleman's information, since we have seen in the newspapers references that the transportation agency will have to lay off engineers and so forth unless something is done, I would like to advise the House as to funds already available for the rapid transit system.

I hold in my hand a letter from the President of the Board of Commissioners, and also a letter signed by the acting Director of the National Capital Transportation Agency, requesting our committee to grant permission, as my distinguished friend from Wisconsin [Mr. DAVIS], and the other Members know, to reprogram nearly $2 million of funds appropriated for 1966.

Let me say to the gentleman, as a matter of record, we have no desire to stop the rapid transit system. This desire also does not apply to the Commissioners of the District of Columbia including the Engineer Commissioner. This desire also does not apply to the gentleman's committee, the Legislative Committee on the District of Columbia.

All we ask is that everything be put on top of the table as to what is involved, so we can take a good look at it. Then let us move both systems along. We hope that will happen in the very near future.

Mr. SMITH of Virginia. I thank the gentleman very much.

I do not want to take my seat without expressing to the gentleman my appreciation, and what should be the appreciation of the Nation, for the patient and often futile job he has undertaken in carrying on this bill. I know what is involved. I admire the gentleman for being willing to undertake this very thankless task.

I am not quarreling with the gentleman's position about this. My purpose in making the inquiry is to get the rather comforting assurance I get from the gentleman, that this does not mean this whole business is to be laid aside, after all the work that has been done on it.

I do hope something can be done, and I will cooperate in any way I can, toward bringing about a situation, so that before the bill is passed, in which something will be taken care of for rapid transit. As the gentleman says, let us move both systems of transportation along at the same time. We need both of them, and we are getting to need them more every day.

Mr. NATCHER. I thank my distinguished friend from Virginia.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I believe every member of this subcommittee strongly supports this bill, not because it is free from controversy, not because there is not adequate ground for controversy, but because of a recognition that this is the best possible solution we could find under some very difficult circumstances involving the fiscal affairs of the District of Columbia.

This is in truth a Natcher bill, not just because the bill bears his name or because the report is submitted under his name, but because this handiwork is in truth the product of great dedication and unlimited work on his part in order to provide a formula for handling this fiscal situation in the manner that it has been brought to you here today.

Because of our great appreciation of our chairman and our recognition of his solution of many harassing problems, we do find it easy fully to support the bill which he has brought here and the report that he has submitted to you. We are acting here today in this Committee, as sort of the fathers of the District of Columbia, and I suspect this too is rather appropriate, because as I see it one of the problems, and one of the real grave problems, of this Federal District has been, over the years, a rather meddlesome and not always benevolent paternalism.

This is in truth a kept city. We talk today in terms of $49 million, which you will see is the amount of the Federal contribution, or the actual appropriation of general Federal funds for the operation of this District of Columbia, but actually this is only a part of the story. I think it might be said that this is only a minor part of the story, for in addition to the Federal contribution of $49 million which, by the way, is the largest in the history of our country, there is included the authority to borrow $22.5 million. I was surprised to learn—and I suspect many of you were not aware—of the fact that when there are capital projects to be constructed here in the District of Columbia they do not do as you do back in your home communities and issue bonds for the purpose of constructing schools or highways or similar projects. They are simply authorized to go down and withdraw the money, that is, the Commissioners for the District of Columbia are authorized to go down and withdraw the money from the Federal Treasury, and then pay the going rate of interest back to the Federal Treasury. So there is technically no bonded indebtedness here in the District of Columbia. However, there is a borrowing authority, and an accumulation of borrowing direct from the Federal Treasury for which the District of Columbia government is held responsible.

So there is authority to go down and dip into the Federal Treasury for another $22.5 million. In addition to that, as the chairman of the subcommittee pointed out in response to a comment from the gentleman from Iowa, this bill and the appropriated funds here, are supplemented by $120 million, in round numbers, of Federal aid for the District of Columbia. So what we are talking about here today actually is not $49 million of Federal contributions, but we are talking about $49 million plus $22.5 million, plus $120 million, a total of $191.5 million, which is authorized to be withdrawn from the Federal Treasury.

Let me give you a couple of examples of this not-so-benevolent paternalism which has plagued the affairs here in the District of Columbia. A few years ago some people decided it would be nice if they had an unusual playground for the children of the District of Columbia. So there was created this unusual playground. They took the site, a site that had been previously acquired for the purpose of building a junior high school. This was to be a temporary thing.

But, Mr. Chairman, when the time came that the Commissioners for the District of Columbia decided, and gave their approval to, the construction of the junior high school on that particular site, some of the paternalists, at high levels of government, decided, "Well, some of these things for the youngsters to play with are now imbedded in concrete and we just do not have the heart to take that away from the children. So, you will have to go before the Natcher committee and get some money to buy a site on which this junior high school can be placed.

Well, Mr. Chairman, this bill does not contain any money for that site, any more than last year's bill contained any money for that site.

Mr. Chairman, there are funds contained herein for the planning that is necessary for this badly needed junior high school. But I believe this Committee has the responsibility to determine, really, whether or not this responsibility should be on the back of someone else to assure that there is a site for this badly needed junior high school, and at the expense of someone else, other than the taxpayers of the District of Columbia who were deprived of that previously acquired site.

Mr. Chairman, this serves to point up, I believe, some of the problems that exist here in connection with the school system in the District of Columbia.

Mr. Chairman, in the communities from which all of the Members of the Committee of the Whole House on the State of the Union come and from which I come, we have to accept the responsibility for the construction of our schools, the maintenance and the operation of them, and I suspect that there is not one of you here who does not come from a community that, finding itself confronted with the necessity of expanding school facilities, went out and bonded themselves for the necessary funds with which to construct them, these additional school facilities, and they have continued the responsibility for it. The people of those communities knew what their responsibility was, both for the expansion of the school system and for the money that it took with which to build those schools.

Well, Mr. Chairman, in the District of Columbia the members of the School Board, through some legislative quirk, are chosen by the judges, the judges themselves selected by people at higher levels, and who have no responsibility to the people whom they serve.

So, Mr. Chairman, there is no basic line of responsibility between the citizens of the District of Columbia and those charged with the decisionmaking of the operation of our schools.

I believe, Mr. Chairman, that here we find ourselves confronted with the problem that inadequate revenues are made available, that the people here are encouraged to come to this committee—and they are not only encouraged to come before us, but I believe maybe incited to come before us, incited is undoubtedly a more descriptive word—and they are not only furnished with inadequate and with faulty information as to the situation, but they do come en masse before this committee.

Mr. Chairman, I believe this, too, is a part of the meddlesome paternalism which plagues the affairs of this District.

Then, Mr. Chairman, I can give to the Members of the Committee of the Whole House on the State of the Union a second example of meddlesome paternalism which is going to come here to roost right in the seats of this Chamber before too many years have passed.

This second example of paternalism was the decision made by some people in high places here a few years ago that we ought to have a fancy new stadium so that people would have a place to go and watch athletic events here in the District of Columbia. This was back in the 85th Congress.

I have read enough of the proceedings at that time to know that you were all assured that this was a $7 million project. I think a fair interpretation of some of the remarks that were made at that time were that this was not going to cost the taxpayers of this country any money. So what has happened? We do not have a $7 million stadium, we have a $20 million stadium.

Who is going to pay the interest on the $20 million? Well, they dropped it right back onto the District of Columbia. The interest on that investment is included in this bill that is before you today.

If the decision had been left to the people of the District of Columbia, I submit that they would have said, "It would be nice, but I do not think we can afford it."

So people at higher levels said, "Well, it is so nice, we want you to have it and you can worry about paying the interest."

Who was to pay the principal, who was to pay the $20 million that no one was going to have to pay for? Well, I will be darned if I know because this authorizing legislation made no provision whatsoever as to the payment of this capital investment at the time that it comes due. I quote the Chairman of the Board of Commissioners of the District of Columbia when he said, "I see no ultimate prospect of the stadium paying its way."

This is some rather expensive paternalism for which certainly this committee was not responsible but for which we find ourselves including money for in this appropriation bill that is before you here today.

Mr. Chairman, I include at this point a newspaper article from the Washington Post of September 13, 1966:

GAO CRITICIZES CONSTRUCTION DETAILS—DISTRICT OF COLUMBIA STADIUM HAS HOT SEATS FOR 5,000

Washington's stadium has radiant seating in case the President wants to take in a football game.

This special facility has never been used and the General Accounting Office listed it yesterday as one of the reasons why the stadium cost so much to build.

Originally estimated at $9 million, the stadium eventually cost $19.7 million.

In a 95-page report submitted to Congress, GAO found that 234 changes made while construction was under way increased the cost by $2.9 million.

In addition, it discovered that the elaborate system of rearranging seats from the third base line during the baseball season to the 50-yard line during the football season and erecting a fill-in stand cost more than can be recovered from the sale of the extra tickets.

The GAO report blamed no one in particular, although it implied laxity on the part of the D.C. Armory Board, which built and now operates the money-losing stadium.

GAO said a lesson can be found for other government agencies. Construction contracts should never be let before plans are completed and reviewed by governmental regulatory agencies.

Among the problems, construction was under way before it was learned that the stadium would not meet the city building code.

GAO found no basis for an Armory Board contention that contracts had to be let early and construction rushed to assure that the stadium would be ready for the 1961 Redskins' football season.

The Redskins' contract at old Griffith Stadium was about to run out and the Redskins were about to sign another five-year contract unless they could move into the new stadium, according to the Armory Board.

GAO said Armory Board records and discussions with officials of the Redskins and the then owners of Griffith Stadium indicated that the Redskins could have leased the old stadium for the 1961 season, making the big rush unnecessary.

GAO also said that the expensive change orders should have been but were not evaluated by the city's chief building official, the director of the Department of Buildings and Grounds. Some of the cost estimates for the changes were based "on incorrect or unsupplied data which had resulted in significant increases," the report said.

The rush to finish construction also resulted in the use of a concrete drying material that in combination with imbedded aluminum conduits produced a chemical reaction causing serious cracks in the concrete.

The radiant hot water heating system was installed in one section of the lower deck stands after a conference with the Secret Service over presidential facilities in the stadium. GAO said it couldn't find out why the heating system was expanded from the presidential box to an area which seats 5,000 spectators.

The Armory Board bought 74 frankfurter warmer units and stands but they are still in storage, GAO said. The concessionaire told the Armory Board they didn't meet his needs because they only warmed hot dogs and didn't cook them.

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

Mr. DAVIS of Wisconsin. I yield to the gentleman.

Mr. GROSS. I thank the gentleman for yielding.

Mr. Chairman, I assume that this stadium was built on the ability of the District of Columbia, as the gentleman mentioned a few moments ago, to go to the U.S. Treasury and borrow the money. I put "borrow" in quotation marks.

Is that not true that was the way the money was obtained for building the stadium?

Mr. DAVIS of Wisconsin. No. My recollection and understanding is that the money actually, this capital investment, was made available at that time through the sale of bonds to the public guaranteed as to the payment of interest by our Government. And it is in fulfillment of that guarantee, because the stadium is not self-supporting, that you will notice an item of about $730,000 to pay the tab on the interest on this outstanding investment.

Mr. GROSS. Can you in the State of Wisconsin put up a stadium, or can one be built in the State of Iowa on the same basis? If not, why this paternalism in the District of Columbia for a purpose of this kind?

Mr. DAVIS of Wisconsin. We have a stadium up in Milwaukee, Wis., that has been standing vacant all summer. But it was not intended, at least the arrangements were made to have the principal repaid. For the most part, this has been quite self-sustaining.

Mr. GROSS. But the Government has not guaranteed the interest payments on that stadium, has it?

Mr. DAVIS of Wisconsin. It certainly has not.

Mr. GROSS. Nor to the University of Wisconsin or to the University of Iowa or on any other stadium that the gentleman can think of?

Mr. DAVIS of Wisconsin. That is correct.

There are a few more items that I would like to comment on. One of them my chairman has touched upon. That is the matter of crime prevention here in the District of Columbia.

I think we all feel somewhat ashamed to recognize that here in the Capital of this Nation, the capital of the world, that we have to tell the members of our families and we have to tell the people who work in our offices, that they dare not walk within the shadow of the Capitol alone after sundown.

I want to assure you that insofar as money will do it, as consideration will do it, that this committee has provided everything in the way of dollars to provide for more adequate law enforcement here within the District of Columbia. I think it is fair to say, too, that we have stood behind the police force of the District of Columbia 100 percent in their efforts to control lawlessness within this Federal District.

I think it is a fair comment that elements who are the greatest critics of the police force are those who have caused and are causing the greatest problem for these harassed men in their effort to perform the responsibility of safety here within this District.

The chairman mentioned this grievous problem of highway construction in the District. I would only second what he has said. The program has been marked with a great amount of vacillation, and we acted the only way that we knew how in this bill to encourage them to go on with an orderly highway program here within the District.

There is no money in this bill for the subway. I think this, too, is proper. The chairman indicated in his remarks that he hopes the situation will resolve itself so that the money could be included in this bill by the time the conference report comes before us. I do not think I quite share my chairman's enthusiasm. As I told you last year in connection with a supplemental request, I think there are still too many unanswered questions about the ultimate cost and the prospect of repayment of our capital investment in this subway for us to proceed at this time, and I do not think that this delay that might be occasioned here will be lost time at all. I think it will give us time to find out the answers to some of the questions that we need to know.

I support this bill and I support it wholeheartedly. For those of you who might be inclined to restore or increase funds, I must caution you that there just is not any place for the money to come from. And for those who might be inclined to cut it I would again caution you that actually the District of Columbia in some categories needs to have more money than is provided in this bill, but the money simply is not there.

And I would suggest if we could get a greater attitude of "stand on your own feetism," I think every member of this subcommittee would be willing to appropriate every dollar to meet the governmental needs of the District of Columbia that the people of this District are willing to assume the responsibility to provide.

Mr. NATCHER. Mr. Chairman, I yield 10 minutes to the gentleman from Connecticut [Mr. GIAIMO].

Mr. GIAIMO. Mr. Chairman, I rise in support of this appropriation, and would urge all Members of the House to support it and not to favor any suggested cuts which may come along. I hope that none do.

I should like to pay my respects to the members of the subcommittee who have done an outstanding job, and particularly to my chairman, the gentleman from Kentucky [Mr. NATCHER]. How he ever accomplished this job I will never know. I have been amazed by the effectiveness of his efforts all year in working on this legislation, especially when we consider the fact that we did have before us a budget which was out of balance and which literally meant that the income of the District of Columbia from all sources, from its own revenues and from Federal contributions and from the Treasury Loan Authority, were not sufficient to pay the estimated amount of expenditures.

When we consider that the budget was somewhere between $35 and $36 million out of balance, our chairman is to be commended especially for the manner in which he suggested to many of us where, in fact the necessary cuts, the cuts which had to be made, were to be made.

Let me point out some interesting statistics. In the total operating expenses, the running of the everyday affairs of the District of Columbia, where we recommended $328,843,000, we cut that by a total of $5.8 million, which showed care and concern for the real needs of the District. We tried to minimize the amount of the cuts. Most of the cuts were made, of course, in the capital outlay provisions and in the contribution to the rapid rail transit system.

We have heard some comments made about the District of Columbia Stadium. I do not believe any of us on the subcommittee is happy about it. We certainly talk about it year in and year out with a great deal of unhappiness and chagrin, but the fact is that the stadium is a fact. The citizens of cities demand stadia, and we are, whether we like it or not, going to have to meet the obligations which were made some time ago by other Members of previous Congresses. The interest is going to have to be paid, and ultimately the principal is going to have to be paid. So talk as much as we will about it, the stadium in the District of Columbia in fact is there, and we are going to have to meet the financial obligations.

We hear a great deal of talk about the problems of the educational system in the District. Certainly those of us on the committee know there are problems in the field of education. There are unique problems, perhaps, in the District of Columbia insofar as the education of its children is concerned. I believe this subcommittee has done very well, has done the best it possibly could under the circumstances as far as the educational system of the District of Columbia is concerned.

Let me point out, as the report shows, that the educational budget is $80,093,000. In addition to that, there is the capital outlay provision for the educational department. Of the amount requested for the capital outlay provision, we have given them $24.6 million, which is a substantial figure. In addition to that, if the Members will turn to page 2 of the report, to which the gentleman from Iowa made reference earlier, concerning the Federal grants which are made directly to the District of Columbia, we will find there are $15 million in the form of direct Federal grants to the District of Columbia for its educational system. This makes a total roughly of $120 million for the school system of the District of Columbia.

That is not a small sum, I submit. We have been very much concerned on the subcommittee with the capital outlays particularly for the public schools. Year in and year out I have heard testimony from the Commissioners and people in the educational department and from any number of people at our public hearings who are terribly concerned, as properly they should be, with the capital outlay problems of the District of Columbia and the fact that many of our school buildings need replacing.

We are trying to do the best we can.

Let me point out that the total amount of estimates was $32,934,000, and we have granted $24,600,000 of that for the educational outlay construction program. I believe this is an indication of the awareness of the committee and the Congress for the educational needs of the District of Columbia.

As far as the other agencies are concerned, reference has been made to them by our chairman, and the distinguished ranking minority Representative of the subcommittee. I will not go into them at this time.

I would like to make reference to the problem of Federal grants, which was referred to earlier. Federal grants to the District of Columbia are estimated in 1967 to be $118,867,000. This is a great deal of money and this is in addition to all the other moneys, which are represented in the budget. Actually, this money is not part of this budget. I also caution the Members that this is not unusual. This is not something unusual which the District of Columbia is getting. Many of the other cities and many of the towns of the United States are getting awards and grants such as this.

These are the various programs which this Congress has passed from year to year. They stretch from urban renewal programs to the poverty program, to the educational assistance program, to vocational rehabilitation, to welfare and all other national programs. This represents the District share of the Federal

programs designed for all the United States, for any of the problems of urban America which the Congress in its wisdom has decided, year in and year out, are necessary and have to be done.

So this is not something unusual, I say, which the District of Columbia is getting.

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

Mr. GIAIMO. I am delighted to yield to the gentleman from Iowa.

Mr. GROSS. Will the gentleman not agree that there are items listed—and these are not all of them—on page 2 of the report which do not go to other cities in the country?

Mr. GIAIMO. I say to the gentleman, there may possibly be some, but most of them are the regular programs of Federal payment and participation with all the cities and towns, such as the urban renewal program, the library program, the Office of Civil Defense, the juvenile court, the corrections, the recreational program, and the like. I do not say that every single one of them is, but most of them are.

Mr. GROSS. There is, for instance, a rather substantial appropriation here for a grant to the District Police Department. Are Federal grants made to the gentleman's police department in his home city in Connecticut?

Mr. GIAIMO. So far as I know, they are not.

Mr. GROSS. If the gentleman will yield further, I should like to ask another question, and this is based upon questions the gentleman asked in the hearings, to be found on page 94. I do not suppose the gentleman has a copy of the hearings before him as he stands in the well, but if I read the hearing record correctly, the gentleman fairly well established that the tax on a $30,000 home in the District of Columbia was $382, by comparison with far higher taxes in Boston and other cities in the country. Why is there such a low tax rate in the District of Columbia?

Mr. GIAIMO. I agree completely with the gentleman. If he will bear with me for a few moments, I will get to that point.

Mr. Chairman, to conclude this portion of my remarks let me say again I commend the members of the subcommittee, and particularly the chairman, for doing what I consider to be an outstanding job.

In my opinion, and of great concern to me, the question is, Where do we go from here?

I believe it is rather clear to all of us that this year's budget is not going to be greater than the budget for next year or the year after. I do not believe the budgets for the District of Columbia, or for any of our cities, are going to decrease with the coming years.

This leads me to want to point out the critical position in which we find ourselves at the present time. We find ourselves, as has been stated earlier, in a position where the Federal payment suggested in this bill is $49 million, and where the authorized Federal payment is $50 million.

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

Mr. NATCHER. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. GIAIMO. In other words, we are appropriating $49 million of the $50 million authorized. I submit to the Members, for their consideration, that in the coming years the Federal payment will have to be larger, not smaller.

We have been told, and properly so, that the District of Columbia also has an authorization to borrow money from the Federal Treasury. The District of Columbia has in fact borrowed money over the years from the Federal Treasury, which it subsequently must pay back. The authorized amount of money which the District can borrow from the Federal Treasury stands at $175 million. As I understand it, at the present time there is $46 million of that authorized amount available for borrowing, of which we are in this appropriation bill appropriating the amount of $22.5 million.

This leaves for future years an authorized borrowing authority amounting to $23.5 million. If we assume that next year we will allow the District to borrow at the same rate which we appropriated for them this year, it means we will totally consume the authorized borrowing power. So if we have gone right up to the ceiling on our authorization for Federal payment and our authorization for borrowing from the Treasury, this House should concern itself with the fact that most likely we are going to have suggested authorizing legislation in the coming year to increase the borrowing capacity of the District of Columbia, and perhaps most likely also the authorized Federal payment.

I submit we must all concern ourselves with this. I am not one of those who says that the District has to stand alone on its two feet. I think they must stand on their own two feet, but I do think also there is a very real Federal responsibility here because this is the Capital City of the Nation, and because it is the city about which all Americans are concerned and are interested in.

So I think there is going to have to be a better feeling of cooperation and a better working attitude on the part of the people in the District and the Federal Government. I am certain, for one, that we are going to have to increase in coming years the Federal payment, and also the borrowing capacity of the District. I am equally certain we will have to do something about revenues in the District which are to be raised by the people of the District of Columbia, and by their government. This, I submit, is where I concern myself with the problem raised by the gentleman from Iowa [Mr. GROSS]; namely, that something is going to have to be done about increasing the real estate taxes in the District of Columbia.

Now, this is not an easy thing to suggest. I suppose people will say it is easy for me, coming from Connecticut, perhaps, and not paying taxes in the District of Columbia, to suggest this. Perhaps one would hesitate to suggest it in one's own home town. Still, the fact of the matter is that it must be of concern to us in the District of Columbia to try to raise our tax revenue base so as to further increase the amount of income from the real property taxes of the District.

Also I submit that there are pending measures before the Congress at this present time, before this body, which would contribute toward increased revenues for the District of Columbia. I hope that action will be taken on some of these measures before this Congress ends.

All in all, Mr. Chairman, action of this type will increase the revenues of the District of Columbia and, in addition, when we consider that we will probably have to increase in coming years our Federal payment and our loan authorizations, increased real estate taxes will have to come in order to meet the ever-growing needs of the Distict of Columbia budget. We may not like it, but I am convinced that it is going to happen, and will have to happen if we are indeed going to be able to try to meet the pressing needs of this city.

Mr. DAVIS of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Wisconsin.

Mr. DAVIS of Wisconsin. I think in line with what the gentleman from Connecticut said, it should be pointed out to the Members of this Committee that the District Commissioners already have the authority to raise the real estate taxes, and no legislative authority needs to come from the Congress for that purpose.

Mr. GIAIMO. As I understand, the gentleman is correct. What I made reference to, as far as the Congress is concerned, are certain other revenue raising measures which as I understand it have passed the other body, and are pending before this body, and upon which action has not been taken.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NATCHER. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. GIAIMO. I think these revenue measures should be carefully studied and in my opinion many of them should be approved. This will contribute toward increased revenues which, together with increased real estate tax revenues and increased participation by the Federal Government through the increase in the Federal payment and loan authorizations, are going to meet the future needs of the District. I say this because, quite frankly, our subcommittee and our chairman, particularly, are being put in an extremely difficult position where the District looks to us to provide the necessary revenues and where our hands are tied because we have just so much money which by law we can appropriate in order to meet the obligations and the expenses of the District of Columbia.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, I would say to my friend, the gentleman from

Connecticut [Mr. GIAIMO], that I appreciate his statement. But, Mr. Chairman, I have been here a few years and I have heard the same thing over and over and over again—that next year we hope the Commissioners will raise property taxes in the District of Columbia.

Tax increases in the District of Columbia are few and far between.

As the gentleman from Connecticut well said in the hearings—and I am sure it is true over most of the rest of the country—the taxes on a $30,000 home in a suburb of his home city would be more nearly $1,000 than $382 as levied in the District of Columbia.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Of course I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I also want to add to that, that I specifically asked the question of the Commissioners, "Do you deny that you have authority to raise taxes on your own, if you want to?"

They said, "We do not deny that at all; we can do it."

To be perfectly fair, they did raise taxes more this year than they have been raised all over the United States. But the rate is not as high as the rate prevailing over the balance of the United States.

However, Mr. Chairman, I do not think I would be disputed by any member of the committee if I said that they could not raise the taxes if they wanted another school building. We would look at it very favorably as I understand the sentiment of the committee.

Mr. GROSS. I appreciate the statement of the gentleman from Iowa [Mr. SMITH] that taxes in the District could be raised this year, if they wanted to raise them, and now is the time to do it. Why place this burden upon the backs of all the taxpayers of this country when they are not carrying their fair and reasonable share of their own load in the District of Columbia?

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

Mr. GROSS. I yield to the gentleman from California.

Mr. McFALL. Mr. Chairman, in order that the RECORD may clearly show all of the points involved in the very important question that the gentleman from Iowa [Mr. GROSS] has raised, the District Commissioners have explained to us that they are faced with a competitive situation in the District of Columbia with reference to the surrounding areas. They have raised the taxes in the District of Columbia. They are competitive with the built-up areas across the river in Rosslyn and across the District line in Silver Spring, where taxes can be lower and where large commercial buildings can be constructed but which cannot be constructed in the District of Columbia.

Mr. Chairman, this is the thinking of the District Commissioners. I present it to the gentleman from Iowa [Mr. GROSS] so that the record might be clear.

Mr. GROSS. Well, that is a lovely sentiment on the part of the Commissioners of the District of Columbia, but permit me to say to the gentleman that there are adjoining and competing municipalities in the State of Iowa and I assume there are municipalities adjoining and competing with each other in the State of California. But neither in Iowa nor California can a raid be staged on the Federal Government for lack of proper tax levies. We are dealing now with the District of Columbia, and a property tax of $382 on a $30,000 piece of property, I say to the gentleman, cannot be justified when it is related to the millions of dollars that are being asked here today for support of the District of Columbia on the part of the Federal Government.

Mr. McFALL. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. Of course I yield further to the gentleman from California.

Mr. McFALL. Of course, Mr. Chairman, this is a matter of judgment. But this is a matter with which the Commissioners are faced. Whether they are right or whether the gentleman from Iowa is right, I am not in a position at this time to say. But this is the question which is involved.

Mr. GROSS. I am sure the gentleman knows that there will be no proper increase in taxes in the District of Columbia as long as the Nation's taxpayers provide the funds.

But I really arose to say something about the District of Columbia stadium and I call attention to the committee statement which says:

> It is difficult to justify the exclusive attitude of the Armory Board that results in the stadium being a money losing operation and also to understand why no effort is being made to provide financing to pay off the bonds when they mature in 1979.

I am no Johnny-Come-Lately to this stadium business. I can go back to 1957 when I opposed the construction of a stadium, being convinced then, as I am convinced now, that the taxpayers of all the country are eventually to be called upon to pay off the $20 million worth of bonds on this structure which is now a financial white elephant.

I would like to quote briefly from the RECORD of July 14, 1958, in the 2d session of the 85th Congress, when I questioned Representative Oren Harris, then, chairman of the District of Columbia Committee, and one of the chief promoters of the stadium.

At that time I said:

> I am still not convinced that this will not some day become a burden on the taxpayers of the country. Can the gentleman give us any assurance that the committee will not be back here in a matter of a few years asking for appropriations out of the federal Treasury to build or maintain this stadium?

Mr. Harris replied:

> I can give the gentleman the assurance from my own knowledge and from my own opinion on this program that this is a sound program, that it will not be necessary, not even in two or three years or ten or fifteen years or any time to be a burden on the taxpayers of the entire country.

Well, it is already a burden on the taxpayers of the entire country today because in this bill you are providing $767,000 for the payment of interest on the nearly $20 million of indebtedness.

This stadium started out to cost, as I believe the gentleman from Wisconsin said, $6 million or $7 million. This was the way the deal was sold to the House of Representatives. I did manage, after considerable fighting on the floor of the House, to see to it that the federally held land, upon which the stadium was erected, would be included in the bill to be paid for.

But it started out as a $6 million or $7 million proposition. Bids were taken and, incidentally, the bids were taken before the final planning was completed for this stadium. The contract was let and McCloskey & Co.—you know Matthew McCloskey, the fundraiser for the Democratic Party—got the contract on a bid of $14,200,000, the lowest of 10 bidders.

Only the other day the General Accounting Office released its report of an investigation of the stadium construction. It shows how McCloskey operated. There were 234 change orders, increasing the cost by about $3 million. Incidentally, McCloskey was paid a profit on the change orders.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield 2 more minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. I thank the gentleman for yielding.

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

Mr. GROSS. I yield to the gentleman from Connecticut.

Mr. GIAIMO. Can you tell me when all this took place, what year this was?

Mr. GROSS. What year what took place?

Mr. GIAIMO. What you are describing now about the construction of the stadium.

Mr. GROSS. The letting of the contract was in either 1960 or 1961.

Mr. GIAIMO. My best recollection is it was in 1960.

Certainly, the gentleman is not suggesting that the administration and the District of Columbia were doing things wrong in 1960, is he?

Mr. GROSS. Yes, I am suggesting just that; I am suggesting that Bobby Baker and his crowd were already at work at that time.

This whole stadium deal stinks to high Heaven and the gentleman knows it.

Mr. GIAIMO. I agree with the gentleman that the stadium is a white elephant, so to speak, and we are saddled with 700-and-some-odd thousand dollars for interest and the like.

Mr. GROSS. And with no assurance that anyone is going to pay for it except the taxpayers of the entire country.

Mr. GIAIMO. Exactly. The gentleman is eminently correct, and the members of the subcommittee are aware of this.

Mr. GROSS. What is the point, then?

Mr. GIAIMO. I am not aware of the fact that there was anything wrong insofar as the construction of the stadium is concerned.

Mr. GROSS. Of course, there was plenty wrong with it.

Mr. GIAIMO. I am surprised that the gentleman is making these charges relating to the period when President Eisenhower was President of the United States.

Mr. GROSS. What does that have to do with the scandal in this deal? Of course, Bobby Baker was not employed by the then President of the United States. At that time he was working for the then Senate Majority Leader, Lyndon Baines Johnson. Subsequently we had the cozy deal of $109,000 in premiums on McCloskey's performance bond. Do you remember that? And the payoff to an insurance broker by the name of Don Reynolds? A payoff to him of $35,000, with some $25,000 going through Bobby Baker into a presidential campaign fund? Lyndon Johnson's campaign fund? Does the gentleman remember that? Does he now expect the taxpayers of Iowa and elsewhere to pay the bill for those shenanigans?

Mr. McFALL. Will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. McFALL. If the contract was let in 1960, the gentleman well knows that the Eisenhower administration was in charge of letting the contract.

Mr. GROSS. I will give you the specific year from the GAO report.

Mr. McFALL. I believe it was in 1960.

Mr. GROSS. The bids were opened on June 10, 1960.

Mr. McFALL. The Eisenhower administration was in charge of letting the bids, as the gentleman well knows. Bobby Baker was not involved in letting the bids and the gentleman knows it.

Mr. GROSS. I do not think there was a Member of the House who could smell the odor at that time.

Mr. McFALL. Well, now, if there was an odor, it came from the gentleman's own party.

Mr. GROSS. What reason was there, then, for the 234 change orders? The 234 change orders came months after that, yes, many months after that, and the gentleman knows it.

Mr. McFALL. That is possible, yes, but the gentleman is talking about the letting of the bids and the big scandal of letting the bids on the stadium, and how it cost much more. Now, the gentleman's own administration was in charge of letting the bids.

Mr. GROSS. Oh, no, the gentleman's own administration was not in charge of letting the bids.

Mr. McFALL. Yes, the gentleman knows very well that the Eisenhower administration was in charge in 1960. Is that not correct?

Mr. GROSS. The Eisenhower administration was in power, yes. But is the gentleman now trying by innuendo to saddle the scandal of this deal—is he trying to load this on the backs of the Republicans?

This whole scandalous mess was dredged to the surface some 4 years later and everyone knows it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NATCHER. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Chairman, I want to commend the other members of the committee for the many, many days that they listened to testimony and deliberated on this bill to come out with a bill that could be supported by most everyone on the floor. I wish to also reemphasize something that is in the report on page 19, and that is that the committee rejected the idea of the Superintendent of Schools of placing a new Shaw Junior High School on the Bundy Recreation Area. If any of you have been out there, you know that immediately across the street from the Bundy School is a Montgomery School. Both of these are elementary schools. There is a small playground area nearby known as the Bundy Playground Area.

The Superintendent came in with the proposal that we build Shaw Junior High School on that playground area. There is less playground area there than is required by the guidelines for elementary schools in the District of Columbia, but he proposed to take this playground area away from these little schoolchildren to build the Shaw Junior High School.

The committee did put money in this bill for surveys and planning for a Shaw Junior High School but we specifically agreed that under no condition should the school be built on this Bundy playground area. It should be built upon other land in the area and perhaps partly on land acquired under urban renewal.

The other thing I want to mention concerns the financing of schools. As I said before, if the District of Columbia wants to increase the real estate tax to build more of these schools, I feel sure there would be very favorable consideration by the committee in a supplemental bill. They can make the decision as to how many of the schools they want to build. All they have to do is to have their meeting the next week, or the week after, and decide how much more they want to raise the real estate taxes, and that amount of money can promptly be appropriated for schools. It is therefore their decision how much they want appropriated for schools.

However, in the long run, I believe we have to recognize that although they do have the borrowing authority we have authorized from time to time, they have not borrowed nearly as much in the District for capital outlay as in most of the districts of the United States. In most places the people using the schools pay for the schools as they are being used. To overcome the building problems they have, I believe there needs to be a vastly larger program based upon the borrowing authority, with a limitation on the amount that can be repaid in any one year.

In other words, the amount of borrowing authority to be used would be determined by the amount that can be paid in any one year to amortize the debt, just as in any other school district of the United States. Next year I hope there will be more effort to develop a program with this kind of guideline, to determine how many of these schools should be built now.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield 8 minutes to the gentleman from Massachusetts [Mr. CONTE], a member of the committee.

Mr. CONTE. Mr. Chairman, I am going to speak about the District of Columbia Stadium, but not about the past, because there is nothing that can be done about that. I will speak about the future of the District of Columbia Stadium.

Although it is not domed, nor is it air conditioned as seems to be the current vogue for sports arenas in Texas, District of Columbia Stadium certainly ranks with some of the finest in the country. It should, considering what it has already cost the taxpayers.

Now we find that this magnificent arena, located in as good a spot as could be found in this city for accessibility and parking, in a city that is as enthusiastically sports minded as any in the world; we find this stadium is a money-losing proposition.

According to this report, we must allocate more than three-quarters of a million dollars to meet interest payments due on the bonds issued for construction of District of Columbia Stadium.

The report states that, under terms of the authorizing legislation for the construction of the stadium, the District of Columbia Commissioners had to borrow from the Treasury $340,800 to meet the interest payment due on December 1, 1965, and another $415,800 to meet the payment due on June 1, 1966. The total comes to $756,600 which, when we add the $10,417 of interest, comes to the $767,017 which the taxpayers must now fork over to cover these deficiencies.

The report courageously challenges the "exclusive attitude" of the Armory Board which is the cause of all the red ink. There is, however, no indication that the Congress intends to do anything about it. Apparently, we are going to let them get away with it. We are going to peel off three-quarters of a million dollars to back up the Armory Board's policies.

I would like to know more about this so-called "exclusive attitude" of the Armory Board. I should like to know why this Congress is content to allow these policies to persist when they are losing money, with the losses being passed on to the taxpayers at a time when we should be trying to chisel every nickel we can from the Federal budget.

District of Columbia Stadium should not stand idle on any given Sunday afternoon in the entire year. And, in my judgment, there is no reason why it should.

The Washington Senators, despite what promises to be another disappointing season, are well ahead of last year's attendance figures. The Washington Redskins, who also seem to have their problems, are nevertheless packing the house at every home game. But clearly, this is not enough.

The Armory Board should be encouraged not only to exploit every opportunity to bring athletic events to District of Columbia Stadium, but to go out and

actively solicit events; to promote District of Columbia Stadium the way P. T. Barnum might have promoted a white elephant.

Why, for example, can we not encourage and support the formation of an American Football League franchise for Washington, to play in District of Columbia Stadium on weekend dates when the Redskins are out of town?

We have in nearby Virginia a superb minor league football team which, according to all reports, have discovered the elusive secret of not only winning football games, but of crushing their opposition by fantastic scores. Why can we not encourage the Virginia Sailors to play their Saturday night games in District of Columbia Stadium instead of Wakefield High School over in northern Virginia? With appropriate publicity, I have no doubt this team could more than pay its way in District of Columbia Stadium.

I suppose there are a number of legal reasons why some of these things cannot be done. But, I respectfully submit, Mr. Chairman, that we are the lawmaking body for the District of Columbia. If laws need to be changed, let us change them.

It seems to me we have shrugged off the problems of the District of Columbia with a virtual blank check for too long. It is high time we either turned over the government of the city to its citizens, or took a little more serious attitude toward some of these problems in the Congress.

I have dwelled on the stadium situation, not because it is alone or because it is the only area where something might be done. On the contrary, I use it as a typical example of how we seem to understand that a problem exists and that we even shake a finger at the source of the problem, but do nothing to solve it. We do, in fact, make matters worse by subsidizing the very myopia which causes the problem.

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

Mr. CONTE. I am glad to yield to my good friend from Iowa.

Mr. GROSS. A solution might be found if there was a change in the contract at the stadium. It is my understanding that the head of the Redskins Football Team is one Bennett Williams, who is also the attorney for Bobby Baker. I understand the Bobby Baker trial has been postponed two or three times, and certainly he will not go to trial before the election this fall. It may be that the statute of limitations will outlaw the case before it goes to trial.

The gentleman might give some thought to who is having the "large say" with respect to what happens in connection with this stadium, one Mr. Williams.

Mr. CONTE. I agree with everything the gentleman from Iowa says, but I still cannot understand why Congress cannot change the laws, or change the ball game, or change the contract, or amend the contract so that the stadium does not remain idle on the days the Redskins are not playing. I agree that the Redskins have a monopoly at the present time. They will not let the American League in, where it could draw a big crowd when the Redskins were not playing. I understand even the concessions are a "racket" out there. I believe it is high time Congress changed this whole situation.

Mr. GROSS. I thoroughly agree with the gentleman, and commend him for his statement.

Mr. NATCHER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from North Carolina [Mr. WHITENER].

Mr. WHITENER. Mr. Chairman, I express to the gentleman from Kentucky [Mr. NATCHER] my appreciation for his having yielded this time. I commend him for his consistently fine work in District of Columbia appropriations matters. The entire subcommittee headed by the gentleman has been most thoughtful. They have always been considerate of many things I have discussed with them.

Naturally, I am a little bit apprehensive about the elimination of the $8,525,000 of the District contribution toward the construction of a rail rapid transit system, but from talking to the gentleman from time to time I understand the motivating factors which bring about the decision of his subcommittee.

Mr. Chairman, I would say that the chairman of the committee and I, together with other members of the Committee on Appropriations, and Members of Congress who are not members of the Committee on Appropriations, have on many occasions discussed the future of a rail rapid transit system in the District of Columbia. While I would not undertake to speak for those gentlemen, I know that there is not as much feeling against the development of a proper rapid transit system as some have interpreted the action of the Committee on Appropriations to be.

For some time I have tried to send out some storm warnings about the problems which are being created for the future of the rail rapid transit system. If many who profess to be for this system would leave well enough alone and let us go on with the development of a core system in the District of Columbia and then make whatever moves they might want to make thereafter, I think we might accomplish a very worthwhile purpose for this Nation's Capital. This is the leading capital city of any nation in the world. Yet this is the only capital of a major nation of any size that does not have an adequate rapid transit system. There is no place in the world that I know of that needs one more sorely than do we here in our Nation's Capital.

While I am not out hunting arguments with my colleagues, I think we need a National Stadium here in the District of Columbia. The District of Columbia Stadium is such a facility. I think the people of my area, and of every other area of the United States, have a reason to be interested in our Nation's Capital and a reason for wanting us to have those facilities in this Federal City which will reflect credit upon our Nation throughout the world.

The aim of making profits on stadiums, of course, is always a desirable goal. Still, we must remember that we have in most of our towns and at our colleges situations where a sizable sum of money has been put out by the local people for athletic fields where, if you read a balance sheet, you would find that it is not a profitmaking organization. We must have these types of facilities whether it be in a large city or a small one or at an educational institution. I hope that in our looking at the situation here in the Nation's Capital that we will always look upon it as the Nation's Capital, and not as a separate municipality apart from the Nation.

For that reason, Mr. Chairman, I urge the chairman of the Subcommittee on Appropriations to take a new look at the rail rapid transit system program. I know he will do it. I have a lot more confidence that they are going to do that than I have that some others who are muddying the water will cease to muddy the water.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. BROYHILL].

Mr. BROYHILL of Virginia. Mr. Chairman, I would also like to discuss the $8.5 million request that was deleted from the appropriation bill for the construction of the rapid transit system here in Washington. I know this has been discussed at great length here already today, and that some of this discussion took place while I was unavoidably absent from the floor. However, in view of the fact that so much concern has been expressed as to the deletion of these funds, and the charge has been made that this may cause some damage and delay in the construction of such a system, I think that we can, let us say, reassure the people who are involved in these programs that that was not the intention of the Committee on Appropriations.

Mr. Chairman, I can assure the chairman of the Subcommittee on Appropriations for the District of Columbia of the Committee on Appropriations that we in northern Virginia are working diligently toward a program to tie in the suburban areas with the mass transit system here in the Nation's Capital.

We are hopeful that this Congress will approve an interstate compact that will help to accelerate this tying in with the suburbs.

But, Mr. Chairman, I do also recognize, as does everyone else in the area, that we have a highway and a freeway construction program that has suffered from needless delay.

As it was stated in the report of the Subcommittee on Appropriations for the District of Columbia there are 13 elements to this highway and freeway system that have been delayed and that there were $172 million in unobligated funds as of December 1965. Largely, these delays have been caused as a result of the fact that some groups wanted to use the mass transit system or the subway system to scuttle some of the unpopular freeway and highway programs.

I support the chairman of the Appropriations Subcommittee in his efforts to prevent the subway system being used as a scuttling device for this much-needed highway and freeway construction program.

Mr. Chairman, all of us who have studied this problem realize that we must have a basic and balanced transportation system here in the Washington metropolitan area if we are going to make any headway toward alleviating this traffic congesting highway problem.

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

Mr. BROYHILL of Virginia. I yield to the gentleman from Kentucky.

Mr. NATCHER. Mr. Chairman, I would like to say to the distinguished gentleman from Virginia [Mr. BROYHILL] that I, personally, appreciate the position that the gentleman has taken all down through the years concerning a balanced transportation system for the District of Columbia.

Mr. Chairman, I know of the gentleman's interest not only in rapid transit, but also in the establishment and in the construction of a good freeway system.

Mr. Chairman, I wish to commend the gentleman upon the statements that he has made and is now making concerning this matter.

Mr. Chairman, the gentleman from Virginia [Mr. BROYHILL] has been fair and has been frank and I know of his interest in this problem. The gentleman has discussed this matter with me on more than one occasion, and as I have said to the gentleman during those discussions, and I say again, there are many who believe in a balanced system of transportation for our Capital City. We believe that there is a place for a rapid transit system and that there also is a place for a freeway system.

Mr. Chairman, I wish to salute the gentleman from Virginia [Mr. BROYHILL] for the position which he has taken down through the years on this particular matter.

Mr. BROYHILL of Virginia. Mr. Chairman, I thank the gentleman from Kentucky and it is my opinion that the remarks which have been made by the gentleman from Kentucky [Mr. NATCHER] should give additional assurance to everyone interested in a transportation system in the Washington area that there will not be any unnecessary or needless delay in the construction of such a system.

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

Mr. BROYHILL of Virginia. Of course I am happy to yield to the gentleman from North Carolina.

Mr. WHITENER. Mr. Chairman, I am sure the gentleman from Virginia [Mr. BROYHILL] will remember that last year, in the first session of this Congress, representatives of the District government came to the gentleman from Minnesota [Mr. NELSEN] and to me and to the chairman of the full Committee on the District of Columbia, and urged that immediate hearings and action upon a revenue bill be taken which would include money for the highway program.

Mr. Chairman, we made a special effort and had gotten a bill out and passed here in the House of Representatives. However, it has languished in the other body ever since. That is the last utterance of urgency which we have heard from the representatives of the District government and the administration downtown.

I think what the gentleman has said points out the attitude of our good friend, the gentleman from Kentucky [Mr. NATCHER], and the gentleman from Minnesota [Mr. NELSEN], the ranking minority member of the House Committee on the District of Columbia, the chairman of the House Committee on the District of Columbia and others, that we feel that there must be a balance to the transportation system and that highways are an essential part of it. We have prepared a bill trying to accomplish something in that area, as well as the rapid transit system. The gentleman from Virginia [Mr. BROYHILL] has been a yeoman worker in the same vineyard.

Mr. BROYHILL of Virginia. Mr. Chairman, I do not think there is any question but that the action taken by the Subcommittee on Appropriations for the District of Columbia in holding up these funds in order to prevent the subway system from being used as a scuttling device for the rest of the highway and freeway program is going to have its desired effect. In fact, I am hopeful we will see some results in the next few days.

Mr. DAVIS of Wisconsin. Mr. Chairman, I have no further requests for time.

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

The CHAIRMAN. There being no further requests for time, the Clerk will read.

Mr. NATCHER (during the reading of the bill). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open for amendment at any point.

The CHAIRMAN. Is there obection to the request of the gentleman from Kentucky?

There was no objection.

Mr. BOW. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio [Mr. Bow] is recognized for 5 minutes.

Mr. BOW. Mr. Chairman, the subcommittee on this bill has done an excellent piece of work. It is a fine bill. They have worked well together. I think both sides should be complimented for the hard work they have performed. I am sure they have done well by the District of Columbia.

Mr. Chairman, the President continues to be concerned about the budgets we have been passing. As you know, Mr. Chairman, and as my colleagues know, I have been concerned in every bill that we have here about the high budgets. I have offered on a number of occasions a 5-percent reduction overall on the budgets and that has been refused.

Mr. Chairman, I was particularly interested in what the President himself had to say in his message to the Congress on September 8, and I would like to just read part of it for the RECORD:

> I propose the following program of immediate action for the Congress and the American people:
>
> First. I am taking strong measures to reduce lower priority Federal expenditures.

I would suggest if he did say that he should notify the Congress what the priorities are. He should not just tell the executive branch of the Government but he should notify the Congress what these low priorities are so we can consider it in the appropriation bills and in the conferences that will come up.

He said further:

> Determination of the exact amount of reduction in that limited portion of the fiscal 1967 budget under direct Presidential control must await congressional action on the remaining appropriation bills. Our best present estimate is that a reduction of 10 percent—approximately $3 billion—will be required from that portion of the budget.

Here we have the President of the United States telling us that we should reduce these budgets by 10 percent. I have been sort of low on it. I have been at 5 percent. Perhaps if we would have had the 5 percent pass on the previous budgets, we would not need a 10-percent reduction now. But his suggestion now is 10 percent.

So, in support of the President, Mr. Chairman, I intend to offer again, as a motion to recommit, the 5-percent Bow limitation amendment on this bill and I would urge your support of it.

The amendment simply provides that the administration may expend in fiscal 1967 only 95 percent of what the President proposed to provide in the value of the items provided in this bill.

Therefore, Mr. Chairman, I would request the support of the President and support of my motion to recommit.

Mr. Chairman, I yield back the balance of my time.

Mr. NATCHER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Kentucky is recognized for 5 minutes.

Mr. NATCHER. Mr. Chairman, I do not like finding myself in disagreement with my distinguished friend from Ohio [Mr. Bow]. As you know, Mr. Chairman, the gentleman from Ohio [Mr. Bow] is the ranking minority member on the Committee on Appropriations and he is an able member and our good friend.

I do think this, in all fairness to the Members of the House, that we ought to keep in mind that the budget as submitted for the District of Columbia was submitted out of balance. Based on revenue estimates in July there was a deficit of $35,897,000. We took the budget, Mr. Chairman, and reduced it $43,253,200, a cut of 10 percent. Approximately 45 percent of the increases requested were in the mandatory category which had to be allowed. Due to the lack of revenues it was necessary to cut back all other requests to a minimum. The committee has created a reserve of $2,680,000 to cover the cost of classified pay wage board increases. The committee has reduced the bill, as I stated, 10 percent which is, Mr. Chairman, as far as we should go at this time. Also, Mr. Chairman, only a portion of this bill, $52,394,000, relates to Federal funds; the other funds are actually District funds derived from taxes and other revenue-raising measures.

So therefore, Mr. Chairman, and I say to the members of the committee, that

at the time when my distinguished friend from Ohio offers his motion to recommit the bill to cut the bill 5 percent more, it should be defeated.

I yield back the balance of my time.

Mr. FARNUM. Mr. Chairman, I move to strike the requisite number of words. If I could get the attention of the distinguished gentleman from Ohio [Mr. Bow], I would like to ask a question or two about his 5-percent amendment.

On previous occasions the gentleman has made a motion to cut the budget 5 percent across the board. I would like to ask the gentleman if it is not true that under the existing statutes the President of the United States already has the authority not to allocate funds appropriated by the Congress to the various agencies if it would be in the interest of the public not to do so? Is that not true?

Mr. BOW. Of course, the gentleman is correct about that.

Mr. FARNUM. Has the distinguished gentleman himself made any recommendations for specific cuts in items in the bill, either himself or through members of the committee who serve on this subcommittee, that would equal the 5 percent that he proposes to include in a blanket cut?

Mr. BOW. Apparently the gentleman does not understand the amendment. I supposed he did. The cut is not in the appropriation figure but is a cut of 5 percent on what the President proposed to spend in his budget. This means previously appropriated funds, and much of the funds that are spent in any fiscal year are previously appropriated funds. So the amendment simply goes to the funds, and it leaves it up to the President to apply the cuts in the areas that he feels should be made. It is not an attempt to eliminate the schools or expenses in other areas. That question would be left up to the Commissioners and the President to determine where best the cuts could be made. I do not think there is any agency of Government that cannot in some way find a method to reduce the proposed budget of the President by 5 percent.

The gentleman must understand that the proposal would not affect appropriations across the board but goes to the funds the President proposes to spend, whether previously appropriated or appropriated in this bill, and the determination would be left to the President.

Will the gentleman yield further?

Mr. FARNUM. I yield to the gentleman from Ohio.

Mr. BOW. The gentleman has suggested that the President has a right to not allocate funds. I have suggested at leadership meetings at the White House that some of these funds should be withheld, but it seems to me the responsibility to make the reduction is in the Congress, and then let the President put them in the area he thinks best.

Mr. FARNUM. I think the responsibility of the President is clear. There is no question that the statutes provide the President can cut expenditures. There is no question that the President has not only asked the agencies to be more efficient in their operations and to be economical in their use of public funds and the expenditure of those funds but he has insisted by directive they produce those economies.

But I say to the gentleman there is not vested in the Congress a responsibility to bring about a meat-ax approach, such as that recommended by the gentleman from Ohio, an approach which I term fiscal idiocy. I say each of us as Members of Congress should review these budgets very specifically and we should offer amendments to reduce the amounts of specific items if we think there are specific items that should be reduced.

I do not think the method that is being employed by the gentleman is the kind of method that should be employed as far as cutting the expenditures of the Federal Government is concerned. I look upon this as nothing more than something that is being used to try to confuse the issue and I must conclude is nothing more than political trickery.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

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

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. BOW. Mr. Chairman, I must say to the gentleman I do not believe he really understands this subject, particularly when he calls this political trickery. We have had gimmick budgets up here time and time again, and I have not heard the gentleman get on his feet yet and object to the gimmicks that have been in the budgets sent here by the executive branch. It seems to me if the gentleman is sincere in what he has been trying to say, the gentleman would have been attacking these budgets, every one of them, with the gimmicks that have been in all of them.

This is not trickery. This is an opportunity for the President to do what he says he wants done, to reduce the budgets passed by the Congress, but it gives to him an opportunity to apply these cuts.

It is his executive branch, it seems to me, that is setting up priorities. He ought to be setting up priorities here. The gentleman says he has legislative authority to do it. That is correct. But let me remind the gentleman that we have under the Constitution the power to make, to initiate the appropriations, and to handle them. This is one way it can be done.

I do not appreciate the gentleman's remark that this is political trickery.

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

Mr. GROSS. I yield to the gentleman, but first I would suggest that the gentleman not refer to an amendment of this simple nature as trickery. The gentleman from Ohio [Mr. Bow] does not engage in trickery.

Mr. FARNUM. Mr. Chairman, I would say I believe the amendment offered by the gentleman is an affront to the hard work of the committees who work on these appropriations, who spend long hard hours on them. The gentleman is a member. They do their best to try to sit through the requests for billions of dollars of appropriations and to come up with recommendations on the floor of this House, which they do.

If the gentleman does not believe I do understand what is going on, I do understand what is going on, and I will put my fiscal ability, as far as governmental financing is concerned, up against that of any Member on that side.

Mr. GROSS. I will only say to the gentleman, I do not know of any appropriation bill that comes before the House that is sacred; that cannot be altered by being reduced or increased.

Mr. NATCHER. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore, having resumed the chair, Mr. PRICE, 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. 17636, 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, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

Mr. NATCHER. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

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.

MOTION TO RECOMMIT OFFERED BY MR. BOW

Mr. BOW. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BOW. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Bow moves to recommit the bill to the Committee on Appropriations with instructions to that Committee to report it back forthwith with the following amendment: On page 15, immediately following line 18, insert a new section as follows:

"SEC. 16. Money appropriated in this Act shall be available for expenditure in the fiscal year ending June 30, 1967, only to the extent that expenditure thereof shall not result in total aggregate net expenditures of all items provided for herein beyond ninety-five percent of the total aggregate net expenditures estimated therefor in the budget for 1967 (H. Doc. 335)."

The SPEAKER per tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. BOW. 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 103, nays 217, not voting 112, as follows:

[Roll No. 279]

YEAS—103

Abbitt
Adair
Andrews, George W.
Arends
Ashbrook
Ashmore
Ayres
Bates
Battin
Bennett
Berry
Betts
Bolton
Bow
Bray
Broomfield
Brown, Clarence J., Jr.
Broyhill, N.C.
Buchanan
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Conable
Corbett
Cramer
Cunningham
Curtis
Dague
Davis, Wis.
de la Garza
Derwinski
Devine
Duncan, Tenn.
Edwards, Ala.
Erlenborn
Findley
Fino
Fountain
Gathings
Goodell
Gross
Grover
Gurney
Haley
Hall
Halleck
Harsha
Harvey, Mich.
Henderson
Hutchinson
Jonas
Jones, Mo.
Kornegay
Kunkel
Kupferman
Laird
Langen
Latta
Lennon
Lipscomb
McDade
McEwen
Martin, Nebr.
Michel
Minshall
Mize
Morton
O'Neal, Ga.
Pirnie
Poff
Pool
Quillen
Race
Randall
Reid, Ill.
Reifel
Robison
Rumsfeld
Satterfield
Schneebeli
Schweiker
Secrest
Selden
Shriver
Skubitz
Smith, Calif.
Smith, N.Y.
Springer
Stafford
Stanton
Taylor
Thomson, Wis.
Tuck
Utt
Watkins
Watson
Whalley
Williams
Wilson, Bob
Wyatt
Wydler

NAYS—217

Adams
Addabbo
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Ashley
Baring
Barrett
Beckworth
Belcher
Bell
Bingham
Blatnik
Boggs
Brademas
Brock
Brooks
Brown, Calif.
Broyhill, Va.
Burke
Burleson
Burton, Calif.
Byrne, Pa.
Cabell
Cahill
Callan
Cameron
Carey
Carter
Casey
Chelf
Clark
Clevenger
Cohelan
Collier
Conte
Cooley
Culver
Daddario
Daniels
Dawson
Delaney
Denton
Dingell
Doie
Dow
Dowdy
Downing
Dulski
Dwyer
Dyal
Edwards, Calif.
Edwards, La.
Ellsworth
Everett
Farnsley
Farnum
Feighan
Flood
Foley
Fraser
Frelinghuysen
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gettys
Giaimo
Gibbons
Gilligan
Gonzalez
Grabowski
Gray
Green, Pa.
Greigg
Grider
Griffiths
Gubser
Halpern
Hamilton
Hanley
Hansen, Iowa
Hansen, Wash.
Hardy
Harvey, Ind.
Hathaway
Hays
Hechler
Herlong
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Ichord
Irwin
Jacobs
Jarman
Jennings
Joelson
Jones, Ala.
Johnson, Calif.
Johnson, Okla.
Johnson, Pa.
Jones, Ala.
Karsten
Kastenmeier
Kee
Kelly
King, Calif.
King, Utah
Kirwan
Kluczynski
Krebs
Leggett
Long, La.
Long, Md.
Love
McCarthy
McClory
McDowell
McFall
McGrath
McVicker
Mackay
Mackie
Madden
Mahon
Mailliard
Marsh
Matsunaga
Matthews
Meeds
Mills
Mink
Moeller
Monagan
Moore
Moorhead
Morgan
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
O'Brien
O'Hara, Ill.
O'Hara, Mich.
Olsen, Mont.
Olson, Minn.
Ottinger
Passman
Patman
Patten
Pepper
Perkins
Pickle
Pike
Poage
Price
Pucinski
Redlin
Reid, N.Y.
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, S.C.
Rivers, Alaska
Roberts
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roudebush
Roush
Ryan
St. Onge
Scheuer
Schisler
Schmidhauser
Shipley
Sikes
Slack
Smith, Iowa
Smith, Va.
Staggers
Stalbaum
Steed
Stubblefield
Sullivan
Sweeney
Talcott
Teague, Calif.
Tenzer
Thomas
Thompson, N.J.
Thompson, Tex.
Trimble
Tunney
Ullman
Vanik
Vivian
Waggonner
Waldie
Watts
White, Tex.
Whitener
Whitten
Wright
Yates
Young
Younger

NOT VOTING—112

Abernethy
Albert
Anderson, Ill.
Andrews, Glenn
Aspinall
Bandstra
Boland
Bolling
Burton, Utah
Byrnes, Wis.
Callaway
Celler
Cleveland
Colmer
Conyers
Corman
Craley
Curtin
Davis, Ga.
Dent
Dickinson
Diggs
Donohue
Dorn
Duncan, Oreg.
Edmondson
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Fisher
Flynt
Fogarty
Ford, Gerald R.
Ford, William D.
Friedel
Gallagher
Garmatz
Gilbert
Green, Oreg.
Hagan, Ga.
Hagen, Calif.
Hanna
Hansen, Idaho
Hawkins
Hébert
Helstoski
Hicks
Holland
Huot
Jones, N.C.
Karth
Keith
Keogh
King, N.Y.
Landrum
McCulloch
McMillan
Macdonald
MacGregor
Machen
Martin, Ala.
Martin, Mass.
Mathias
May
Miller
Minish
Morris
Morrison
Morse
Murray
Nix
O'Konski
O'Neill, Mass.
Pelly
Philbin
Powell
Purcell
Quie
Rees
Reinecke
Resnick
Rodino
Rogers, Tex.
Roncalio
Roybal
St Germain
Saylor
Scott
Senner
Sickles
Sisk
Stephens
Stratton
Teague, Tex.
Todd
Toll
Tupper
Tuten
Udall
Van Deerlin
Vigorito
Walker, Miss.
Walker, N. Mex.
Weltner
White, Idaho
Widnall
Willis
Wilson, Charles H.
Wolff
Zablocki

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Cleveland.
Mr. Keogh with Mr. Curtin.
Mr. Albert with Mr. Gerald R. Ford.
Mr. Dent with Mr. Byrnes of Wisconsin.
Mr. Donohue with Mr. Martin of Massachusetts.
Mr. Philbin with Mr. Keith.
Mr. Boland with Mr. O'Konski.
Mr. Aspinall with Mr. MacGregor.
Mr. Macdonald with Mr. Morse.
Mr. O'Neill of Massachusetts with Mr. Mathias.
Mr. Wolff with Mr. McCulloch.
Mr. Zablocki with Mr. King of New York.
Mr. Gilbert with Mr. Glenn Andrews.
Mr. Garmatz with Mr. Reinecke.
Mr. Fallon with Mr. Quie.
Mr. Friedel with Mr. Pelly.
Mr. Farbstein with Mr. Callaway.
Mr. Fogarty with Mr. Anderson of Illinois.
Mr. Rodino with Mr. Burton of Utah.
Mr. Minish with Mrs. May.
Mr. Gallagher with Mr. Martin of Alabama.
Mr. Helstoski with Mr. Dickinson.
Mr. Miller with Mr. Walker of Mississippi.
Mr. White of Idaho with Mr. Saylor.
Mr. Charles H. Wilson with Mr. Murray.
Mr. Machen with Mr. Scott.
Mr. Sickles with Mr. Hagan of Georgia.
Mr. Sisk with Mr. Dorn.
Mr. Stratton with Mr. Tupper.
Mr. Celler with Mr. Widnall.
Mr. Duncan of Oregon with Mr. Diggs.
Mr. Evans of Colorado with Mr. Nix.
Mr. Hagen of California with Mr. Powell.
Mr. Resnick with Mr. Hanna.
Mr. Morris with Mr. Edmondson.
Mr. Evins of Tennessee with Mr. Craley.
Mr. Corman with Mr. Conyers.
Mr. Colmer with Mr. Huot.
Mr. Abernethy with Mr. Holland.
Mr. Hawkins with Mr. Hicks.
Mr. Roybal with Mr. Roncalio.
Mr. Rogers of Texas with Mr. St Germain.
Mr. Senner with Mr. Stephens.
Mr. Todd with Mr. Teague of Texas.
Mr. Weltner with Mr. Vigorito.
Mr. Morrison with Mr. Tuten.
Mr. Purcell with Mrs. Green of Oregon.
Mr. Fascell with Mr. Flynt.
Mr. Davis of Georgia with Mr. McMillan.
Mr. Rees with Mr. Willis.
Mr. Van Deerlin with Mr. Walker of New Mexico.
Mr. Udall with Mr. Jones of North Carolina.
Mr. Bandstra with Mr. Landrum.
Mr. Fisher with Mr. William D. Ford.

Mr. SHIPLEY and Mr. CONTE changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

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

Mr. NATCHER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 320, nays 3, answered "present" 1, not voting 108, as follows:

[Roll No. 280]

YEAS—320

Abbitt
Adair
Adams
Addabbo
Anderson, Tenn.
Andrews, George W.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Ashmore
Ayres
Baring
Barrett
Bates
Battin
Beckworth
Belcher
Bell
Bennett
Berry
Betts
Bingham
Blatnik
Boggs
Bolton
Brademas
Bray
Brock
Brooks
Broomfield
Brown, Calif.
Brown, Clarence J., Jr.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke
Burleson
Burton, Calif.
Byrne, Pa.
Cabell
Cahill
Callan
Cameron
Carey
Carter
Casey
Cederberg
Chamberlain
Chelf
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clevenger
Cohelan
Collier
Conable
Conte
Cooley
Corbett
Cramer
Culver
Cunningham
Curtis
Daddario
Dague
Daniels
Davis, Wis.
Dawson
de la Garza
Delaney
Denton
Derwinski
Devine
Dingell
Dole
Dow
Dowdy
Downing
Dulski
Duncan, Tenn.
Dwyer
Dyal
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Ellsworth
Erlenborn
Everett
Evins, Tenn.
Farnsley
Farnum
Feighan
Findley
Fino
Flood
Foley
Fountain
Fraser
Frelinghuysen
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gathings
Gettys
Giaimo
Gibbons
Gilligan
Gonzalez
Goodell
Grabowski
Gray
Green, Pa.
Greigg
Grider
Griffiths
Grover
Gubser
Gurney
Haley
Hall
Halleck
Halpern
Hamilton
Hanley
Hansen, Iowa
Hansen, Wash.
Hardy
Harsha
Harvey, Ind.
Harvey, Mich.
Hathaway
Hays
Hechler
Henderson
Herlong
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hutchinson

Ichord
Irwin
Jacobs
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Okla.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Mo.
Karsten
Kastenmeier
Kee
Kelly
King, Calif.
King, Utah
Kirwan
Kluczynski
Kornegay
Krebs
Kunkel
Kupferman
Laird
Langen
Latta
Leggett
Lennon
Lipscomb
Long, La.
Long, Md.
Love
McCarthy
McClory
McDade
McDowell
McEwen
McFall
McGrath
McVicker
Mackay
Mackie
Madden
Mahon
Mailliard
Marsh
Martin, Nebr.
Matsunaga
Matthews
Meeds
Michel
Miller
Mills
Mink
Minshall
Mize
Moeller
Monagan
Moore
Moorhead
Morgan
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
O'Brien
O'Hara, Ill.
O'Hara, Mich.
Olsen, Mont.
Olson, Minn.
O'Neal, Ga.
Ottinger
Patman
Patten
Pepper
Perkins
Pickle
Pike
Pirnie
Poage
Poff
Pool
Price
Pucinski
Purcell
Quillen
Race
Randall
Redlin
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, S.C.
Rivers, Alaska
Roberts
Robison
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roudebush
Roush
Rumsfeld
Ryan
Satterfield
St. Onge
Scheuer
Schisler
Schmidhauser
Schneebeli
Schweiker
Selden
Shipley
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Va.
Springer
Stafford
Staggers
Stalbaum
Stanton
Steed
Stubblefield
Sullivan
Sweeney
Talcott
Taylor
Teague, Calif.
Tenzer
Thomas
Thompson, N.J.
Thompson, Tex.
Thomson, Wis.
Trimble
Tuck
Tunney
Ullman
Utt
Vanik
Vivian
Waggonner
Waldie
Watkins
Watson
Watts
Whalley
White, Tex.
Whitener
Whitten
Williams
Wilson, Bob
Wright
Wyatt
Wydler
Yates
Young
Younger

NAYS—3

Bow
Gross
Secrest

ANSWERED "PRESENT"—1

Powell

NOT VOTING—108

Abernethy
Albert
Anderson, Ill.
Andrews, Glenn
Aspinall
Bandstra
Boland
Bolling
Burton, Utah
Byrnes, Wis.
Callaway
Celler
Cleveland
Colmer
Conyers
Corman
Craley
Curtin
Davis, Ga.
Dent
Dickinson
Diggs
Donohue
Dorn
Duncan, Oreg.
Edmondson
Evans, Colo.
Fallon
Farbstein
Fascell
Fisher
Flynt
Fogarty
Ford, Gerald R.
Ford, William D.
Friedel
Gallagher
Garmatz
Gilbert
Green, Oreg.
Hagan, Ga.
Hagen, Calif.
Hanna
Hansen, Idaho
Hawkins
Hébert
Helstoski
Hicks
Holland
Huot
Jones, N.C.
Karth
Keith
Keogh
King, N.Y.
Landrum
McCulloch
McMillan
Macdonald
MacGregor
Machen
Martin, Ala.
Martin, Mass.
Mathias
May
Minish
Morris
Morrison
Morse
Murray
Nix
O'Konski
O'Neill, Mass.
Passman
Pelly
Philbin
Quie
Rees
Reinecke
Resnick
Rodino
Roncalio
Roybal
St Germain
Saylor
Scott
Senner
Sickles
Sisk
Stephens
Stratton
Teague, Tex.
Todd
Toll
Tupper
Tuten
Udall
Van Deerlin
Vigorito
Walker, Miss.
Walker, N. Mex.
Weltner
White, Idaho
Widnall
Willis
Wilson, Charles H.
Wolff
Zablocki

So the bill was passed.

The Clerk announced the following pairs:

Mr. Albert with Mr. Gerald R. Ford.
Mr. Keogh with Mr. Widnall.
Mr. Hébert with Mr. King of New York.
Mr. O'Neill of Massachusetts with Mr. Morse.
Mr. Dent with Mr. MacGregor.
Mr. Sickles with Mr. Mathias.
Mr. Wolff with Mr. Dickinson.
Mr. Celler with Mr. McCulloch.
Mr. Farbstein with Mr. Callaway.
Mr. Philbin with Mr. Pelly.
Mr. Donohue with Mr. Quie.
Mr. Macdonald with Mr. Reinecke.
Mr. Boland with Mr. Martin of Massachusetts.
Mr. Aspinall with Mrs. May.
Mr. Senner with Mr. Cunningham.
Mr. Machen with Mr. Glenn Andrews.
Mr. Morris with Mr. Tupper.
Mr. Fascell with Mr. Saylor.
Mr. Garmatz with Mr. Byrnes of Wisconsin.
Mr. Fallon with Mr. Burton of Utah.
Mr. Friedel with Mr. Anderson of Illinois.
Mr. Rodino with Mr. Martin of Alabama.
Mr. Minish with Mr. O'Konski.
Mr. Gallagher with Mr. Cleveland.
Mr. Helstoski with Mr. Walker of Mississippi.
Mr. Morrison with Mr. Hansen of Idaho.
Mr. Resnick with Mr. Fisher.
Mr. Gilbert with Mrs. Green of Oregon.
Mr. Fogarty with Mr. Keith.
Mr. Edmondson with Mr. Murray.
Mr. Davis of Georgia with Mr. McMillan.
Mr. Stephens with Mr. Abernethy.
Mr. Hagan of Georgia with Mr. Colmer.
Mr. Landrum with Mr. Passman.
Mr. Bandstra with Mr. Teague of Texas.
Mr. Craley with Mr. Scott.
Mr. Nix with Mr. Evans of Colorado.
Mr. Hagen of California with Mr. Diggs.
Mr. Hawkins with Mr. Holland.
Mr. Hanna with Mr. Conyers.
Mr. Van Deerlin with Mr. Walker of New Mexico.
Mr. Vigorito with Mr. Willis.
Mr. Charles H. Wilson with Mr. Tuten.
Mr. Zablocki with Mr. Weltner.
Mr. Sisk with Mr. Huot.
Mr. Stratton with Mr. Roncalio.
Mr. St Germain with Mr. Todd.
Mr. Udall with Mr. White of Idaho.
Mr. Roybal with Mr. Hicks.
Mr. Corman with Mr. Jones of North Carolina.
Mr. Dorn with Mr. Karth.
Mr. Duncan of Oregon with Mr. Rees.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bill just passed.

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

There was no objection.

AUTHORIZING THE ESTABLISHMENT AND OPERATION OF SEA GRANT COLLEGES AND PROGRAMS

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 982 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 982

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. 16559) to amend the Marine Resources and Engineering Development Act of 1966 to authorize the establishment and operation of sea grant colleges and programs by initiating and supporting programs of education and research in the various fields relating to the development of marine resources, and for other purposes. 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 Merchant Marine and Fisheries, 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. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from California [Mr. SMITH] and, pending that, to myself such time as I may consume.

Mr. Speaker, House Resolution 982 provides an open rule with 1 hour of general debate for consideration of H.R. 16559, a bill to amend the Marine Resources and Engineering Development Act of 1966 to authorize the establishment and operation of sea-grant colleges and programs by initiating and supporting programs of education and research in the various fields relating to the development of marine resources, and for other purposes.

H.R. 16559 represents another major step in the comprehensive congressional study which began in February 1959, immediately following release of the initial report prepared by the Committee on Oceanography of the National Academy of Sciences, National Research Council, entitled "Oceanography 1960–70."

Great progress has been made in the marine sciences in recent years, but there is a great deal that needs to be done to implement the policy and objectives declared by the Congress in the Marine Research and Development Act of 1966. Until very recently there has been inadequate attention given to applied research and technology in the marine sciences and a consequent lack of trained personnel in the field of technicians and others below the graduate level in a number of important disciplines.

The purpose of H.R. 16559 is to provide for the establishment of a program of sea-grant colleges and education, training, and research in the fields of marine science, engineering, and related disciplines as a means of achieving the earliest possible institution of significant national activities related to the development of marine resources in and with relation to the total marine environment.

The term "marine environment" is defined in the bill to include the waters, the surface, and subsurface of the oceans

and the Great Lakes, and the resources thereof.

The terms "sea-grant college" and "sea-grant program" emphasize the purpose of establishing programs analogous to the land-grant college programs initiated under the Morrill Act of 1862, which have contributed so much to the development of agriculture in the United States during the past century.

Programs to carry out the purposes of the bill will be accomplished through contracts with, or grants to, "suitable public or private institutions of higher education, institutes, and laboratories" which are engaged in, or concerned with, activities in the various fields related to the development of marine resources.

Appropriations authorized for fiscal year 1967 are not to exceed the sum of $5 million and for 1968 not to exceed $10 million, provided, however, that amounts appropriated are to remain available until expended.

Mr. Speaker, I urge the adoption of House Resolution 982 in order that the bill H.R. 16559 may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as stated by the distinguished gentleman from Florida [Mr. PEPPER], House Resolution 982 does provide for an open rule with 1 hour of general debate for consideration of H.R. 16559, relating to sea-grant colleges.

The purpose of the bill is to set up and provide authorizations for a program of education, training, and research in the fields of marine science, engineering, and related fields.

Such programs are to be undertaken at colleges and universities, both public and private, which are engaged in such activities. Grants will be made available; the maximum Federal share of any program is two-thirds. The Committee on Merchant Marine and Fisheries envisions this program as similar to the land-grant colleges program, now over 100 years old.

The National Science Foundation will be the administering agency. It will make the grants, initiate and support research programs in the field, and educational programs at selected colleges and universities.

For fiscal 1967 $5 million is authorized, and for 1968 $10 million; sums appropriated are to remain available until used. No money is in the budget this year.

There are no minority views; the bill has administration support.

I know of no objection to the rule, Mr. Speaker.

Mr. PEPPER. 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 the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. LENNON. 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. 16559), to amend the Marine Resources and Engineering Development Act of 1966 to authorize the establishment and operation of sea-grant colleges and programs by initiating and supporting programs of education and research in the various fields relating to the development of marine resources, and for other purposes.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 16559, with Mr. DADDARIO 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 North Carolina [Mr. LENNON] will be recognized for 30 minutes, and the gentleman from Ohio [Mr. MOSHER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. LENNON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and ladies and gentlemen of the Committee, over the past 7 years the Committee on Merchant Marine and Fisheries has been actively reviewing the fields of the marine sciences to the end of developing an effective statutory basis for the development of a coordinated, comprehensive and long-range oceanographic program.

The efforts of our committee, Mr. Chairman, of the Senate Commerce Committee, and of the numerous Government agencies involved in the various aspects of the marine sciences, educational institutions, laboratories and private enterprise, came to fruition when the President, on June 17 of this year, signed into law the Marine Resources and Engineering Act of 1966, now known as Public Law 89-454.

This was indeed, and I believe it will be acknowledged by all, a great step forward. This landmark legislation is already beginning to be implemented.

During the comprehensive consideration of legislation needed for the advancement of a national oceanographic program we attempted to explore, and we did explore, all facets of the problems involved in the creation of such a program, with particular regard to our existing capabilities and deficiencies. It was readily apparent that as a nation we will have to step up the development of the resources of the marine environment, expand our knowledge in this field, and provide greater encouragement of private investment enterprise in exploration, technological development, and economic utilization of the vast, untapped marine resources. It was also readily apparent that to carry out such a program new skills would have to be developed and many more persons encouraged to enter the field of oceanography and marine resource development. New skills would be needed at all levels of technology, engineering and exploitation.

Such is the background of the bill we are now considering, Mr. Chairman, to be called the National Sea Grant College and Program Act of 1966.

This bill, as an amendment to the Marine Resources and Engineering Development Act of 1966, would authorize the establishment and operation of programs of education and research in the various fields relating to the development of marine resources. The bill provides that the National Science Foundation will be the administering agency. It will, first, initiate and support educational programs at eligible institutions called sea-grant colleges and other suitable institutions and laboratories; second, initiate and support applied research programs; and third, encourage and develop advisory programs with the object of disseminating useful information to industry and scientific communities and the general public.

Under this act programs can be developed throughout the country embracing the entire spectrum of skills for which there is now such a recognized accelerating need. Thus, suitable institutions in the Great Lakes area and in the interior of the country interested in various aspects of the marine sciences would be encouraged to develop their programs just as much as interested institutions, private laboratories, colleges, and universities in our coastal States.

This bill would authorize an appropriation not to exceed $5 million for the fiscal year 1967, and not to exceed $10 million for the fiscal year 1968. Thus, the bill in effect would inaugurate a pilot project.

Our subcommittee strongly believes in the need for and long-range promise of this type of approach. But the limiting provisions take into account the fact that under the Marine Resources and Engineering Development Act the Commission under that act is charged with the responsibility of making recommendations within the next 2 years concerning the future organization of our national oceanographic program.

As stated in the committee report:

> Until the Commission has had an opportunity to review and make recommendations with regard to the perpetuation of the sea-grant college program, the Council—

That is, the National Council headed by the Vice President of the United States, which Council constitutes your major Cabinet officers as well as other people high in the Federal Government—this Council—

> will have the responsibility of advising the National Science Foundation and providing policy guidance to the Foundation with respect thereto.

Mr. Chairman, it is expected that the timing provided for in this bill will allow Congress ample opportunity to evaluate the program and to make permanent provisions so that there will be no loss of continuity of activity "if it is found to be feasible."

Mr. Chairman, it should be noted that the grants made under this legislation will be on a matching-fund basis and are not to exceed 66⅔ percent of the cost of any particular project in any

given year to be borne by the Federal Government.

Mr. Chairman, in addition to assuring broad participation in the program, it is provided that participants in a single State shall not receive more than 20 percent of the total funds appropriated to the Foundation on an annual basis.

Mr. Chairman, this bill was unanimously reported from the Oceanography Subcommittee which held rather extensive hearings, in depth, on the subject matter, to the full Committee on Merchant Marine and Fisheries and then, in turn, was reported unanimously to the floor for your consideration by the full Committee on Merchant Marine and Fisheries.

Mr. Chairman, the programs to be carried out under the provisions of the proposed legislation, we believe will importantly implement the basic Marine Resources and Engineering Development Act.

Mr. Chairman, that constitutes, in general, the basic objectives and purposes of this legislation.

Mr. Chairman, I know that the distinguished author of this bill and sponsor of it, the gentleman from Florida [Mr. ROGERS], shall be happy to answer any questions that may be put to him with respect to the proposal that we bring today to the floor of the House.

Mr. Chairman, the gentleman from Virginia [Mr. DOWNING] has shown and demonstrated tremendous industry and interest in this proposal, as well as the gentleman from Ohio, the ranking member on the Oceanography Subcommittee of the Committee on Merchant Marine and Fisheries [Mr. MOSHER], as well as the other members of that subcommittee and the full committee.

Mr. Chairman, I might say for the interest of some of the Members who earlier today had indicated an interest in this legislation, that there is now pending in the other body legislation which follows this general line but which would establish the so-called sea-grant colleges and sea-grant programs in those participating universities and laboratories and other technical institutes which are presently engaged now in some aspect of our marine science program.

Mr. Chairman, the legislation now pending in the other body provides for a 3-year program, a program which calls for an authorization of $10 million for the first year, $15 million for the second year, and $20 million for the third year. After the third year there is provided an open-end authorization.

Mr. Chairman, the legislation—and I will say quite candidly to the Members of the Committee of the Whole House on the State of the Union—I conferred with the distinguished author of that bill, the Member of the other body from the State of Rhode Island, and he is holding his bill in abeyance from the consideration of the floor of the other body until we hopefully pass this pending legislation.

Now, Mr. Chairman, a question has been raised as to why we cut the program off at the end of 2 years. We, very frankly, tell you that we believe the practicalities of the situation, and in the public interest, and in the interest of Congress, if we bring this program back to the House of Representatives and to the respective legislative committees for their consideration, then we will have let us say, an oversight—be an oversight committee. We say, too, that inasmuch as the Commission created by the act that we passed this year and which was signed into law by the President in June, requires that Commission to make a study, in depth, and to recommend to the President and to the Congress the structural—yes, the governmental structural program of the oceanography program which you ladies and gentlemen know is proliferated among some 16 different agencies and departments of the Federal Government.

We do not say that from now on the National Science Foundation will handle this program. We only say to you, it is housed there for a period not exceeding 2 years. Then this House, acting through the legislative committee representing it, will make the final determination as to where this program will be administered from in the future.

Mr. Chairman, I yield back such time as I may not have consumed.

The CHAIRMAN. The gentleman from North Carolina has consumed 10 minutes.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. MOSHER].

Mr. MOSHER. Mr. Chairman, I want to join the gentleman from North Carolina [Mr. LENNON] in urging the favorable consideration of the bill, H.R. 16559. The evidence before our subcommittee was certainly conclusive that there is a crucial national need for skilled manpower trained in marine science and engineering. I think this bill provides the instrument for beginning to beef up our trained manpower in that field.

Mr. Chairman, I would like to point out that the support on this bill on the minority side of the subcommittee and on the minority side of the full committee was unanimous.

Mr. Chairman, the purpose of H.R. 16559 is to spur the development and the profitable exploitation of the marine resources of the United States. It would accomplish this by establishing a 2-year pilot program of sea-grant colleges and education, training, and research in the fields of marine science, engineering and related disciplines so as to insure the availability of necessary skilled manpower.

The program would be financed on a matching fund basis. Participants in the program must put up matching funds in the amount of one-third the total of any grant. However, no more than 20 percent of the total payments in any fiscal year shall go to participants in any single State. Appropriations authorized by this legislation for fiscal year 1967 are not to exceed $5 million and for fiscal year 1968 not to exceed $10 million. Amounts appropriated, however, are to remain available until expended.

This bill would amend the Marine Resources and Engineering Act of 1966 so as to provide a separate title II entitled "Sea Grant Colleges and Programs." Coincidental with the enactment of that act—Public Law 89-454—the Panel on Oceanography of the President's Science Advisory Committee completed its report entitled "Effective Use of the Sea." It noted, in part, that:

> Clearly, the United States lags behind other nations in the technology of fishing and aquiculture.

This same report further recommended that one of the four functions to be performed by the Government in achieving the goals of a national ocean program should be:

> 4. Initiate, support, and encourage programs of education, training, and research and provide technical services and facilities related to activities in pertinent sciences and technology.

H.R. 16559 is in keeping with this recommendation of the Science Advisory Committee composed of eminent men of learning from business and institutions of higher learning.

The oceans of the world hold forth the challenging promise of providing future generations of Americans with minerals, food, energy, and even fresh water.

To meet this challenge effectively, we will require capably trained personnel, since they are one of the essential keys to unlocking these untapped natural resources in the ocean depths.

Mr. Chairman, in conclusion I want to emphasize that the Great Lakes area is by definition fully eligible to participate in the programs authorized by this bill. H.R. 16559 offers a vehicle to attain this goal and for transforming into achievement this great promise. I therefore strongly urge that the House favorably consider the bill, H.R. 16559.

Mr. Chairman, I also ask unanimous consent that the gentleman from Washington [Mr. PELLY] be allowed to extend his remarks at this point in the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. PELLY. Mr. Chairman, I rise in support of H.R. 16559 to provide for the establishment of a program of sea-grant colleges analogous to the land-grant college program initiated under the Morrill Act of 1862 which has contributed so much to the development of agriculture in this country during the past century.

A great forward step was taken toward an effective long-range marine sciences program with the enactment last June of the so-called oceanography bill—the Marine Resources and Engineering Development Act of 1966.

Now comes this legislation to implement this policy and the objectives of that act by providing research and technology in the marine sciences and to fill the shortage of trained personnel in this field.

The National Science Foundation would administer this legislation at the outset or at least until it is transferred under governmental reorganization with other existing programs of marine sciences to a new agency, if this should occur.

Under this bill, the total amount of payments in any fiscal year by grant or contract cannot exceed 66⅔ percent of

the total cost. Nor could any portion of any payment be applied to the purchase or rental of facilities or vessels. Furthermore, no amount within any one State shall exceed 20 percent of the total.

A sea-grant college means any suitable public or private institution of higher education which, like the University of Washington in my own congressional district, has major programs devoted to increasing our Nation's utilization of the world's marine resources.

Funds authorized by this bill include $5 million for the fiscal year ending June 30, 1967, and $10 million for the fiscal year ending June 30, 1968.

Mr. Chairman, I strongly recommend that H.R. 16559 be favorably considered.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. LENNON].

Mr. LENNON. Mr. Chairman, I yield such time as he may consume to the distinguished author of the bill, the gentleman from Florida [Mr. ROGERS].

The CHAIRMAN. The gentleman from Florida is recognized.

Mr. ROGERS of Florida. Mr. Chairman, I thank the chairman of our subcommittee and wish to express to him and other members of the subcommittee and the full committee appreciation for the job that the committee has done in considering this legislation and considering it very thoroughly.

Mr. Chairman, I think this is an important piece of legislation because it would establish a program for sea-grant colleges and other educational systems in order to stimulate a greater national emphasis in the training of marine scientists, engineers, and technicians. Such a program is vitally needed if the United States is to keep pace with Russia's efforts not only to control the surface of the seas but the vast resources of the underseas as well.

This bill, H.R. 16559, would provide grants on a matching basis to institutions of higher education, junior colleges, technical institutes, laboratories, vocational schools, and similar educational organizations having capability for marine curriculums. This means that at least one-third of the cost of the educational or training programs will be borne by the recipient.

Why do we need this legislation? A primary reason is seen in the fact that the U.S.S.R., the first world power to put a satellite into orbit has already begun to accelerate its underseas exploration. A noted Soviet scientist recently wrote and I quote:

> The nation that first learns to live under the seas will control them and the nation that controls the seas will control the world.

In the light of the facts, the U.S.S.R. is quietly and silently, without the fanfare which signaled the Soviet's sputnik, beginning to master the earth's marine environment. The Soviets now have—and I wish you would note this—some 1,500 marine scientists supported by another 7,500 engineers and technicians working in oceanography and related underseas technology. By comparison the United States can claim some 700 marine scientists supported by approximately 2,500 technicians.

In short, Russia outnumbers us already 3 to 1 in terms of marine experts. Furthermore, the Soviets are expanding their ranks more rapidly than we are. Soviet marine technology efforts center in the state-controlled Institute of Oceanography, which has expanded over the past 15 years to five times its previous size.

Mr. Chairman, the United States has no reason to be complacent about the state of our marine exploration efforts. Russia is already reaping immense benefits from the seas. Fish, the cheapest source of protein for the world's rising population, are a prime target for Soviet trawlers. The U.S.S.R. has made a science out of fishing, and they have their oceanographers go out with their fishing fleets and give them instructions as to how and where to fish.

Since 1940 the Soviet catch has quadrupled. Soviet production plans for the period of 1965 to 1970 call for a 50-percent increase in Soviet fisheries. The United States, which is now having to import 62 percent of its fish products, has allowed its fisheries to decline to the point where they were 18 years ago. Six hundred million dollars a year is spent for importing fish into the United States, and some of those on the Ways and Means Committee who are concerned with the outflow of gold, I am sure, will be vitally interested in the fact that every other fish in the American fryingpan has to be imported, and we are pouring out gold to the extent of $600 million a year.

Fish represent only a portion of the sea's benefits. In 1960, 8 percent of the free world's oil supply came from sources beneath the ocean. Last year offshore drilling accounted for 16 percent of the free world's supply. The oil industry has already predicted that 40 percent of the free world's supply will come from offshore wells by 1975, just 9 years from now. Now, who will be the first nation to control these vast oil resources? The United States or the U.S.S.R.?

Oceanographers estimate that the sea holds millions of metric tons of untapped valuable minerals that we do not yet have the technique or the knowledge to extract. They are magnesium, bromine, boron, uranium, copper, manganese—and, incidentally, just found is a vast bed of manganese right off the shore of Florida and Georgia which is estimated to be 1,900 square miles of manganese anywhere from 3 to 4 feet in depth—and it is also estimated that in the vast areas of the sea there is to be found there an estimated 10 billion tons of gold and 500 million tons of silver.

These things are among the reasons this Nation should be the first to exploit the earth's last frontier under the seas.

Finally, in addition to peaceful exploitation of the marine environment, there is another pressing reason for the U.S. advance in marine technology. I refer to antisubmarine warfare. It has been reported that the Soviets now have developed a missile-launching system capable of being submerged in depressions or holes along the ocean bottom for future remote-controlled deployment. Soviet oceanographers have already made extensive maps of the floor of the Pacific, and now Soviet oceanographic research vessels are seen with increasing frequency near the Gulf of Mexico and the Atlantic and west coasts of the United States.

As envisaged in this legislation, the United States must embark on a concentrated course of total marine exploitation. Just as important as the seas surrounding this Nation's coastline are the interior waters and the Great Lakes. It it significant, too, I believe, that some of this Nation's most advanced research is being conducted in the universities of the inland States.

Mr. Chairman, the distinguished Senator from Rhode Island, Senator PELL, whose leadership in the Congress has made great contribution to the sea-grant college program being proposed, conducted the initial congressional hearings on this matter. As chairman of the Sea-Grant College Subcommittee, Senator PELL's hearings brought forth the fact that in royalties alone under Federal leases for mineral production covering the outer Continental Shelf, this Government received payments which came to $101 million in 1965. These mineral leases pertain primarily to sulfur, oil, and gas.

It is clear that the United States has only begun to utilize the resources which can be found in the waters within and at the edge of this Nation. The funds authorized in this legislation are meager when compared to the annual revenues already started to be gained from marine development.

However, I urge the Congress to approve this program to expand the ranks of our marine brainpower in order to develop the skills and technology necessary for marine exploration. Our returns will not only be financial, but this Nation will prosper with the development of the seas in this century under the sea-grant college programs just as America has prospered as a result of the land-grant college system established in the 19th century.

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

Mr. ROGERS of Florida. I am delighted to yield to the gentleman from Missouri.

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

I want to say that I have a keen awareness of the basic concept here—of the need for more marine development and research—but in the opinion of the gentleman from Florida who edited the bill, and also the distinguished gentleman who serves with me on the Armed Forces Committee and is handling the bill on the floor today, is this in the order of priority for institution at this particular time, so that we should commit this extra $15 million over the next 2 years, in spite of the President's message of last Thursday afternoon and the other actions that have been taken by the Congress and elsewhere today?

Mr. ROGERS of Florida. Yes. May I answer the gentleman this way: I believe this committee has considered this legislation and has taken this matter

into consideration in scaling down the program, but at least we get it started.

Let me say this. Here we are seeing our country making great progress in space. We have just seen a great demonstration of this within the last few hours. We have concentrated so much on space, and we have spent billions and billions and billions of dollars on space. We have neglected the sea where we have the greatest possibility of bringing economic benefit in return for research. We are only asking for $15 million in 2 years' time to try to get enough oceanographers and enough scientists and enough technicians so we can begin to do something to get some of the resources of the sea.

Already this Nation, from royalties alone, just from oil and gas from the Continental Shelf, is receiving annually $100 million. I do not know how much is being brought in from the moon shot, but I know what is going to come in from development of the seas. I believe if I were to say what we ought to be spending really in development of this program, it would be in the hundreds of millions of dollars, because we can get that and many more millions—hundreds of millions—in return for a modest investment. So I would say positively we should do this.

Mr. HALL. If the gentleman will yield further, the question was not as to the amount, but as to the timing in view of the President's message, in view of our present spiraling inflation, in view of the increased interest rates, and in view of the general recession that the President himself has recognized. That was the only question.

Mr. ROGERS of Florida. I understand. I can understand why the gentleman would ask this. But I would answer him with a very positive "yes" on this. Our timing is late. We have been studying this program. We have been trying to get enough consciousness in this country to know we need to do something about the development of the seas.

I am sure we are going to see the priority recognized finally.

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

Mr. ROGERS of Florida. I yield.

Mr. HALL. Again, I appreciate the gentleman's answer. I want to state that I am not arguing with the gentleman about this.

Mr. ROGERS of Florida. I appreciate that.

Mr. HALL. I am simply asking a question for information.

The gentleman, and certainly the chairman of the Subcommittee on Oceanography, is conscious, along with me, of the tremendous expenditure we are making on oceanography in the joint committee, in the Interservice Committee chaired by the Assistant Secretary of the Navy for Defense and Engineering. In fact, the Navy is contributing, I believe, 76 percent of that amount of funds.

The Armed Services Committee does keep jurisdiction over that portion of the Joint Committee on Oceanography, so to speak, which pertains to defense purposes, such as the automatic research off the Bahamas and the floor of the ocean and many other devices, some of which the gentleman mentioned.

Does the gentleman have an idea about the total amount of funds we are now spending, in millions of dollars, for the entire oceanography program under existing circumstances, before we establish the sea-grant colleges?

Mr. ROGERS of Florida. Yes; we do. We have gone into this figure. We know exactly what is being spent. Two hundred and seven million dollars is the amount approved this year for unclassified oceanographic programs.

I see that the chairman would like to have me yield at this point, and I yield to the gentleman from North Carolina.

Mr. LENNON. I believe the gentleman from Missouri would be interested in the testimony given before the subcommittee by the oceanographer from the Navy.

I wish it had been possible for all of the Members of the House to see the pictures, the photographs, taken of the recovery of the bomb with the nuclear warhead off the shores of Spain. Without the knowledge of the people in the Navy, in the oceanographic program, who were working with private enterprise and who ultimately recovered that weapon, this country would still be faced with a rather embarrassing situation.

Admiral Waters, in his testimony before the subcommittee, was as strong as or stronger than any other person who appeared in behalf of this legislation on this basis, I say to the gentleman from Missouri: that we have not nearly enough "chiefs" yet in the field of oceanography, but also we do not have enough "Indians."

When ESSA, down in the Department of Commerce, commissioned its vessel only about 3 weeks ago, we found that they had difficulty in getting on board a fully competent crew to man the various scientific instruments and things that they use in this field.

We believe this legislation will bring into the field of oceanography not the M.A.'s and Ph. D.'s, but people who have a basic knowledge of what we are trying to do in this marine science and technology world.

That is the "guts," frankly, I say to the gentleman from Missouri, of my strong feeling as to the need for this legislation.

I say to the gentleman that we met with representatives of the Bureau of the Budget on three occasions. We had their assurance that in their opinion this was a priority. That was 4 or 5 weeks ago. I recognize what the President said just last Thursday.

I say, this is an authorization. Let them make the determination whether or not they want to give this priority with respect to actual appropriations.

Mr. HALL. Mr. Chairman, if the gentleman will yield further, to continue this line of thought, I do appreciate the answer of the chairman, as well as of the gentleman in the well.

I realize the gentleman said that this is just during a pilot project for the next 2 years. Frankly, I appreciate the subcommittee's not carrying it too far beyond the next Congress, but still allowing for a little continuity.

How firmly are we wedded to the National Science Foundation for administration of this particular program? I realize that we can look at it again, but once it is established and ensconced, and once they develop the technicians—I am a little worried about first, jurisdiction in general; and, second, the Foundation administering this program, that might send a man like Stephen Smales to Moscow to raise the devil with American efforts to prevent rewarding aggression on the part of North Vietnam, with 2-year grants and complete travel expenses from southern California to Moscow and return.

Mr. ROGERS of Florida. May I point out to the gentleman from Missouri this is one of the reasons for the concern of the committee. We did not allow the National Science Foundation to direct this program even for the 2-year period without a policy committee having jurisdiction over the program. We have amended the act which was just passed setting up a National Council on Marine Resources and Engineering Development. In this bill we give the Council the policy direction. So that we have made the National Science Foundation just an administering body which is responsible to this Council. Also, as you will recall in the bill we passed before, and as I recall it the gentleman did support it, when we set up a National Council we had a Commission established to make a study of the oceanographic capability of this country. We said that the Commission is to report back to Congress on the type of organization we should have, and whether we should have a department or have two polarized departments and build around them, or whatever we might do from the standpoint of an organization.

For this reason we have kept the legislation to 2 years in order to keep it in tune and in alinement with the report of this Commission. We anticipate, therefore, that the Commission will also make recommendations as to where this program will be housed. This is simply a temporary measure under the policy direction of the Council, and is not left to the National Science Foundation, which I think will satisfy the gentleman in his concern.

Mr. HALL. Will the gentleman advise me as to his personal feeling, or that of the subcommittee, as to what might happen in the interim if the Joint Committee on the Organization of the Congress report is implemented by the omnibus bill in the interim?

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

Mr. MOSHER. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. HALL. Mr. Chairman, will the gentleman yield further for an explanation of that?

Mr. ROGERS of Florida. Yes.

May I say that the time element is going to be such that we have a 2-year period, and it will take almost this long for the Commission to make its report. It will be phased out within 18 months,

we anticipate, from the time it is appointed. That gives us a 2-year period, which would then give Congress sufficient time to enact legislation. This is what we anticipate. We do not intend just to leave it in the National Science Foundation, and I think that is the gentleman's concern.

Mr. HALL. No; it is even more than that, because the Joint Committee on the Organization of the Congress recommended that the Committee on Merchant Marine and Fisheries be disbanded and its jurisdiction be disseminated elsewhere.

Mr. ROGERS of Florida. No. There was some talk about that, but I believe if the gentleman will check they did not finally agree to that.

Mr. HALL. This is still in the pot in the joint committee, let me say to the gentleman.

Mr. ROGERS of Florida. I believe the recommendations have already been made.

Mr. HALL. Second, there is a question as to whether or not there should be armed services jurisdiction ultimately.

Finally, there is the question as to whether it should not remain exactly where it is, in the jurisdiction of the Congress over this new resources commission under the National Science Foundation. Again, I am simply seeking information and I have no specific recommendation. I am certainly not married to the Joint Committee on the Organization of the Congress recommendations, on which committee I have served for the past 2 years.

I thank the gentleman.

Mr. ROGERS of Florida. I thank the gentleman.

Mr. LENNON. Mr. Chairman, I ask unanimous consent that the gentlewoman from Oregon [Mrs. GREEN] may extend her remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mrs. GREEN of Oregon. Mr. Chairman it is extremely significant, I think, that we are taking up at this time the bill to establish and operate sea-grant colleges and programs.

This legislation will contribute significantly to the developing fields of oceanography, related marine sciences, engineering, and studies concerning the legal, economic, and medical aspects of the seas.

This bill comes at a time when the need for American excellence in these fields has been clearly demonstrated. It is at a time when we have just been shown woefully lacking in our knowledge concerning our own fishery resources off the west coast.

A large, efficient Russian fishing fleet is operating off the Oregon, Washington, and northern California coast. The Director of the Bureau of Commercial Fisheries has said he feels the Russians are reducing the perch and hake resources substantially below the maximum sustainable yield level. Yet, the fact is that we do not have enough accurate scientific data available to prove or disprove this assertion. The physical evidence of recent poor takes of perch and hake by American fishermen points positively to the theory of Russian overfish.

However, after a recent meeting with Russian fishery representatives in Moscow, State Department and Bureau of Commercial fisheries representatives were forced to conclude that the Russians knew as much, if not more, about west coast fish resources than the U.S. citizens. This is, indeed, a sad state of affairs. The Soviet experts feel a substantially greater tonnage can be taken from the perch and hake resources than do American experts. If the American guestimate is correct, this important resource will suffer grave damage. It may take years to repair that damage. But we simply did not have enough scientific information to document our case.

Important strides forward have been taken by the United States in recent years in the field of oceanography. The estimated 1966 budget in this field was $178.2 million. The President's budget calls for an increase to $219.9 million in 1967.

Basic research is required to support much-talked-about, long-range objectives of any scientific program. Much of the oceanographic research sponsored by the Federal Government in universities and institutions is of this nature. In fact, almost one-half of the 1966 oceanography budget went into research. Yet even with this huge investment in basic research, the United States has only about 1,000 qualified oceanographers.

The Soviet Union, a protein-hungry country, hopes to harvest 20 million tons of fish yearly from the oceans by 1970. Already, she has half again as many scientists working on this goal as does the United States.

The oceanographers' search for food has possibilities of becoming a crisis of major proportions. U.S. population will double by the turn of the century. More and more, it will be necessary to look beyond our present methods of food production to feed our own people and a hungry world.

Today, more than two-thirds of the people of the world suffer from protein-deficiency diseases. This problem could be alleviated through wider harvest and distribution of the resources of the sea. The significance of the relatively unexplored two-thirds of our planet is not limited to the area of food.

Dr. F. N. Spiess, head of the Marine Physical Laboratory of the University of California's Scripps Institution of Oceanography, was recently quoted in the New York Times as follows:

> Within 50 years, man will move onto and into the sea—occupying it and exploiting it as an integral part of his use of this planet for recreation, minerals, food, waste disposal, military and transportation operations and, as populations grow, for actual living space.

The search in 1964 for the ill-fated *Thresher* focused national attention on our technological limitations for penetrating and working in the ocean depths. Since then programs have been funded to begin correcting this deficiency.

I think, Mr. Chairman, that the $15 million asked for over a 2-year period for the national sea-grant college program is a vital step up the "down-ladder" into understanding of the ocean's depths.

Mr. MOSHER. Mr. Chairman, the gentleman from Missouri [Mr. HALL] was seeking some figures a few minutes ago. I believe $141.6 million is the total amount proposed by the President for this fiscal year for all of the 20 some Federal departments and independent agencies and bureaus involved in oceanography. Of that amount, about 50 percent is represented by the Navy's participation.

Of course, that this is a tremendous amount of money; and we are making the point that it is important that the Government personnel involved in this expenditure should be trained effectively. That is what we are aiming at in this legislation. The evidence before our subcommittee proved a crucial national need for more and better trained manpower in the marine sciences and engineering, so that our $141.6 million, or more in future years, will be even better invested.

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

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

Mr. GROSS. I would like to ask the gentleman if this is a brick and mortar bill? In other words, would this bill launch us in the business of building sea-grant colleges from scratch, or is it intended that the colleges be located in already existing institutions?

Mr. MOSHER. Mr. Chairman, the gentleman from Iowa has asked a very good question. This is intended to involve existing institutions; that is, there is no intention on the part of the committee that his bill will launch what the gentleman from Iowa calls a brick-and-mortar program of new institutions.

Mr. LENNON. Mr. Chairman, will my distinguished friend, the gentleman from Ohio [Mr. MOSHER], yield to me at this point?

Mr. MOSHER. I am glad to yield to the gentleman from North Carolina.

Mr. LENNON. Mr. Chairman, if the gentleman from Iowa will look on page 6, subsection (2), the gentleman will find the following language:

> No portion of any payment by the Foundation to any participant in any program to be carried out under this title shall be applied to the purchase or rental of any land or the rental, purchase, construction, preservation, or repair of any building, dock, or vessel.

Mr. Chairman, that language appears beginning at line 7 on page 6 and ending on line 11 of the same page.

Mr. GROSS. Mr. Chairman, I thank both gentlemen.

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

Mr. MOSHER. I am glad to yield to the gentleman from Virginia.

Mr. DOWNING. Mr. Chairman, I thank the gentleman from Ohio very much.

Mr. Chairman, as a member of the subcommittee which studied the subject of

the legislation for many weeks, I rise in support of this legislation.

Mr. Chairman, the timeliness of this program, I think, is an appropriate question that should be answered.

In the opinion of many of the experts, it is past time for this great country of ours to begin its exploration into the development and utilization of the resources of the ocean.

Mr. Chairman, many experts say that the great population explosion of the earth which is occurring now and which will be of critical proportions by the year 1975, or whatever the year is, they say that when it reaches its peak, then this great mass of humanity is going to have to look to the sea in order to survive.

So, Mr. Chairman, I feel it is imperative to begin now to study how we can utilize the sea and then to develop the needed resources which this great country needs, some of which we must import from other countries, such as manganese and other ones.

Mr. Chairman, already, investigations show that at the 1-mile depth we can retrieve manganese which lies on the ocean floor in chunks as large as the fist of a man's hand.

Then, too, there is copper at the 2-mile-depth level. Certainly, this is an ore needed by this country.

Then, Mr. Chairman, there are other exciting projects involving underwater engineering. All of these things add up to the fact that we ought to begin with our secondary schools, colleges, and other institutions to expand the study in this new field. It is a new exciting field of inner space and we should prepare for it now.

Mr. MOSHER. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. WYDLER].

Mr. MATSUNAGA. Mr. Chairman, will the distinguished gentleman from New York yield to me at this point?

Mr. WYDLER. Yes, I would be glad to yield to the gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Chairman, I rise in support of H.R. 16559, the National Sea-Grant College and Program Act of 1966 and to commend its author, the gentleman from Florida [Mr. ROGERS]. I am pleased to be a cosponsor.

Mr. Chairman, on June 17, 1966, the President signed into law the Marine Resources and Engineering Development Act of 1966. This act declares it to be the policy of the United States "to develop, encourage, and maintain a coordinated, comprehensive, and long-range national program in marine science for the benefit of mankind, to assist in protection of health and property, enhancement of commerce, transportation, and national security, rehabilitation of our commercial fisheries and increased utilization of these and other resources." The act of June 17, 1966, provides a legislative base, a legislative commitment of policy and purpose, and a statutory body to plan, evaluate, and coordinate such a program. In short, the Marine Resources Act stimulates the search for knowledge and the development of technology for greater use of the great living and inert resources of the seas.

But ocean science and technology, unless applied, can have little impact upon our economy. From my own experiences on the House Committee on Agriculture, I am well aware that the full exploitation of a resource such as the oceans requires men and women well educated in the sciences that lead to the understanding of this resource, and who are instructed in the technologies required to exploit it. I am also cognizant of the fact that the American farmer is the object of admiration in many parts of the world today because of the education, training and demonstration and practical research made possible by the land-grant colleges, which were created under the Morrill Acts of 1862 and 1890. Applying this logic to the exploitation of marine resources inevitably leads to the concept of the sea-grant colleges and to proposals that the Congress foster the creation of such institutions.

H.R. 16559, introduced by the gentleman from Florida [Mr. ROGERS] on July 26, 1966, is a firm and definite step to encourage and permit the application of the new ocean science and technology that we expect will be stimulated by the Marine Resources Act. It will supplement the latter. The two together will be able to do much more than they could separately.

The bill now being considered by this House would have Congress recognize for the Nation that marine resources, including animal and plant life of the seas and their mineral wealth, constitute a far-reaching and largely untapped asset of immense potential significance to the United States. It would recognize that our national interest requires us to develop the skilled manpower and facilities and equipment needed to use these resources. It would recognize that the cultivation of the seas and the recovery of marine resources can provide substantial benefits to the country.

In October 1965, some 400 scientists and community and military leaders from all over the country met on the island of Kauai in Hawaii in a notable conference called by Gov. John A. Burns to explore the field of oceanography and astronautics. The papers presented there support the promise of oceanography and its applications that underlie the purpose of H.R. 16559. With this firm base of reasons for exploiting the seas and their contents, the bill then proposes an innovation that I think ranks in importance with the establishment of the land-grant colleges. It would authorize the Federal Government to support sea-grant colleges in several distinct and important ways.

Briefly, H.R. 16559 would authorize the National Science Foundation to initiate and support programs for: First, education and training at sea-grant colleges in the marine sciences; and, second, research and development in the marine sciences which would result in the acquisition of knowledge of a direct and practical nature. In addition, the Foundation would be authorized to encourage and develop programs consisting of instruction, practical demonstrations, and publications in such sciences. All of these programs would be carried out by the National Science Foundation in consultation with the scientists and engineers active in fields related to the development of marine resources and with Government agencies interested in or affected by activities in such fields.

In the translation of theory to practice, the sea-grant colleges can become a vital, essential link in the chain that begins with exploration and scientific research, and ends with the delivery of food to the hungry and materials to the factories. The sea-grant colleges will educate and train the people and inculcate in them the vision and the enterprise to open and occupy and live upon the intellectual frontiers of science and technology and the physical frontiers of the oceans. The sea-grant colleges will help translate the discoveries and findings of our national oceanographic program into practice, techniques and equipment for the application of the marine sciences. And their success will, in turn, provide still further reason for the long-term Federal support of oceanography.

We of the Island State have long recognized that Hawaii's future lies with the sea. Our marine setting has led us to believe that marine science and technology may surpass the space effort as a great American endeavor. Hawaii has special advantages as a center of oceanographic research. First, it is at the center of the earth's largest ocean. Close at hand is nearly any sea condition that might be required for almost any investigation. Great ocean depths are within easy reach, and the same is true of the continenal terrace. A moderate climate, favorable sea conditions, the absence of violent storms, clean and uncontaminated sea water, and the profuse abundance of sea life all are assets of great value. The lore of the sea and the understanding of its ways is embedded deeply in our island culture. We are glad to join with our sister coastal States in creating and strengthening the institutions that will provide the trained men and women to open this new world.

All of these characteristics make Hawaii extremely well qualified to serve as an American field station in the sea.

In addition to these important natural attributes, Hawaii is also a growing center of intellectual eminence in this field. The University of Hawaii is rapidly developing into one of the world's great geophysical research centers. Its department of oceanography, created as a separate department just 2 years ago, has already assembled a fine staff and plans to enlarge it significantly. Professors in this department are conducting important research in both biological and physical oceanography.

Much of this research is being done in association with the Hawaii Institute of Geophysics and the Hawaii Institute of Marine Biology. The former provides physical facilities on campus and a research vessel berthed at Kewalo Basin in Honolulu. The latter organization operates a laboratory at Coconut Island, situated in Kaneohe Bay approximately 15 miles northeast of downtown Honolulu.

To supplement the capabilities of the university and the institutions associated with it, there are the oceanographers of the Bureau of Commercial Fisheries, which maintains an installation at Kewalo Basin, and the Oceanic Foundation, which has a new laboratory and aquarium in Honolulu.

Another truly unique characteristic of the University of Hawaii is its role as a meeting place of the East and the West. Here, we find conditions that are ideal for interchanges and interactions between our culture and that of the East. With proper support, this characteristic of the university could be combined with the institution's growing stature in the science and technology of oceanography to become a world center for marine research and, perhaps of even greater significance, for the application of that research and development.

Enactment of H.R. 16559 would provide the means to further strengthen and balance the educational and research programs of centers such as the University of Hawaii by giving attention to application as well as to teaching and research in the sciences of the oceans. And it is to such centers that we ought to look for trained personnel, and for demonstration and instruction in new methods and techniques for people now working the seas. This education, training, demonstration and instruction, and this research which will be oriented toward application, can be a vital part in our defense against the specter of world hunger that is beginning to become visible to us in the mists of the future. We still have some years of grace before it bursts upon us. And during these years we can, by establishing sea-grant colleges as proposed in H.R. 16559, seize an important opportunity to develop our use of the seas.

Mr. Chairman, I strongly urge a favorable vote for H.R. 16559.

Mr. WYDLER. Mr. Chairman, I rise in support of this bill and in support of the purpose of this legislation.

Mr. Chairman, I feel it is fairly evident to the Nation at large that the field of oceanography is one in which we will see in the next few years a great development, both in the private sector and in the sector of participation on the part of the Federal Government.

Unlike space which has just one customer, the Federal Government itself, the field of oceanography is something that is going to draw in the private sector of our economy to produce great wealth for all our people. It is important that the Government does what it can at this point to make this possible. The first thing that has to be done is the strengthening of our scientific manpower and our available supply of technicians so that they are available when our Nation is ready to move into this field of oceanography and into the full development of the riches under the sea.

I am particularly interested in this bill because I come from Long Island which is geographically the oceanography center of New York State. We are the outlet of New York State to the sea. I expect and I hope to see the Long Island area play a very important part in the development of oceanography in New York State and in the United States of America. I hope someday to see it the oceanography center of the world. I do not think that is hoping for too much because we have the potentials and the background to do that job.

Mr. Chairman, I would like to direct a question, if I might, to the author of the bill, because we have on Long Island a thought about using the provisions of this bill in a certain way and I just want to see if it would be possible under the provisions as drawn to do so.

Would it be possible under the bill, as it is being submitted to the House today, for a group of universities with oceanography programs to form some type of consortium whereby they could run a joint facility which could be utilized by all of them in developing scientists and technicians in this field?

Mr. ROGERS of Florida. I would think this would be very feasible with respect to accomplishing and developing greater knowledge in the field of oceanography in the most economical way. That is what we want to do. That is the purpose of the bill and the purpose of our trying to do something about this whole problem. So I think this would be very feasible. I think the policies would probably have to be gone over by the council, but I would envision that this would be the type of thing that would encourage it.

Mr. WYDLER. Mr. Chairman, I just want to make the suggestion, and I cannot let the opportunity pass, and urge those members of the conference committee, who are finally selected by the House to meet with the representatives of the other body, to insist very strongly on the provisions concerning the authorization in this bill.

We should not allow this bill to pass in the form being suggested by the other body to allow an open end as to the authorization provisions. I think such provisions for open end are very bad from the point of view of supervision by the Congress. We have it in the National Science Foundation today and I think it has been a mistake. I think it should have been changed long ago. But I do not think we should have any more of these open end authorization programs. We have seen that years go by and these programs are not reviewed and later we find ourselves making corrections that could have been made along the way if we had had these periodic reviews, such as we now have in the proposed House bill.

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

Mr. WYDLER. I yield to the gentleman.

Mr. LENNON. We anticipate that if the House passes this bill today that it will be passed exactly in the same form in the Senate. The gentleman in the House can be assured that as one conferee, I will not agree to any open end authorization.

Mr. WYDLER. I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

Mr. MOSHER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DON H. CLAUSEN].

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

Mr. DON H. CLAUSEN. I yield to the gentleman.

Mr. HATHAWAY. I thank the gentleman.

Mr. Chairman, I am pleased to rise in support of this legislation to authorize the establishment and operation of sea-grant colleges. This bill provides for the initiation and support of programs of education, training, and research in the marine sciences. This bill is of especial interest to Maine's maritime industry because it promises to develop one of Maine's greatest natural riches. As the world's population continues to grow, we will have to look increasingly to the sea for food and important raw materials.

Gainful utilization of marine resources can substantially benefit our Nation by providing greater economic opportunities, including expanded employment and trade, new sources of food, and new means for the utilization of the vast mineral deposits and other substances to be found in the marine environment. It is urgent that we turn our efforts to an intensified effort to explore and harvest the sea.

Passage of this measure will be a giant step forward in the utilization of our marine resources.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise to join with my colleagues in enthusiastic support of this legislation. I am particularly impressed with the very profound statement made by the principle author of the bill, Mr. ROGERS of Florida. Being one of the coauthors myself, I can only say that there is not one word in his statement that I do not agree with. I fully concur with his remarks and want to associate myself with them.

Certainly, those of us who do live in the coastal sections of the United States are reminded with each passing day of the increasing international pressures that are brought about by the presence of Russian fleets, the Japanese fleets, the Korean fleets and others, fishing in our waters.

I would remind everyone on the floor of the House today that the time is passing, and as a matter of fact, I believe it it almost too late for us to meet the commitment that we should be making in the vital field of oceanography.

Certainly, with the sea-grant colleges—and we have had some experience with the land-grant program—I would hope that this legislation will provide a major breakthrough towards meeting a parallel success we have enjoyed with the land-grant college program.

As the gentleman from Missouri and the gentleman from Iowa have both pointed out, very wisely I believe, it is a question of high priority and the fact that this legislation is designed to work through existing educational institutions, in my judgment, is one of the stronger points of the bill permitting the United States to develop the badly needed brainpower in the field of marine science and oceanography. It is long over-

due. As I said before, a program of this type is designed to meet the economic and educational competition of some of our major ideological adversaries throughout the world. On the question of return on investment, where could we have a similar potential return, when we know full well, based upon existing explorations, the vast resources of the sea are literally unlimited.

I think that the opportunities in potential enterprise developments also would be categorized as unlimited.

I firmly believe that one of the most important challenges facing this country today lies in our tapping the vast resources of the sea. In these days of rapidly advancing technology, we lack adequate information about our marine resources that give us an indication of how we may eventually utilize the treasures that await us in the world's oceans.

Lately, however, as more and more people recognize the resource potentials of the seas, we have begun to take the first steps toward developing these untapped resources. One day, we will have to rely on the fruits of our marine sciences for some of our basic needs. Fresh water, foods and minerals can all come from the sea. If we do not commit our intellectual resources now, it may be too late when we discover that we must use them.

With the massive population explosion will come the need for more and better food, water, and other resources that we know to be available from the sea. This need will not be temporary; instead, it will be continuing and growing for which solutions must be found. I feel certain that this legislation will lead to necessary solutions.

As an additional benefit, the program authorized by this bill may lead to new and exciting discoveries about the nature of the ocean and its products which will help to raise the standard and comfort of living throughout the world. We have begun the development of fish protein concentrate which is expected to improve nearly a billion diets throughout the world, but it is only the beginning. More important discoveries will undoubtedly come to us through further research.

I would like to compliment the committee for making a broad group of institutions eligible to be considered as sea-grant colleges. This is important to make sure that the best and most comprehensive research is conducted. A 2-year college with an excellent program in the marine sciences should not be considered ineligible for consideration under this act merely because it happens to be a 2-year college. With a broad definition of eligible institutions we can coordinate the best programs on this project and begin to expand our knowledge of this vital resource.

Early enactment of this legislation means early completion of the necessary studies. We made a beginning with the enactment of the Marine Resources and Engineering Development Act just 2 short months ago and we can continue on the same track with passage of the legislation before us today.

I am very pleased to see this new trend toward more emphasis on oceanographic studies. I have long been an advocate of this kind of legislation and I certainly hope we can look forward to a greater such emphasis in the near future. The benefits of these programs will pay great dividends to this Nation and to the other countries throughout the world.

Mr. Chairman, I ask that this legislation be passed, hopefully with the full support of every Member of this House.

Mr. MOSHER. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, I rise in support of the legislation and concur in many of the comments made in support of it. I congratulate the committee in voting this bill out. I had a couple of questions I wanted to ask relating to it. The interest that this Member from Florida has is partially generated by the fact—and I am sure my distinguished colleague, the gentleman from Florida [Mr. ROGERS], is familiar with the fact—that the board of regents has under consideration the establishment of a State institution to study oceanography. I am sure the gentleman is aware, though obviously I would not ask him to comment on a proposed location as opposed to another for obvious reasons, that one of the sites under consideration is the University of South Florida campus at its location in St. Petersburg, Fla., at the old maritime base. The prospects of developing in Florida an oceanographic study course and concentration through the State-university system is becoming a very great reality.

I would ask the gentleman, Is that not the gentleman's understanding that the State board of regents has taken the matter under consideration, and this legislation would be a tremendous help in that direction?

Mr. ROGERS of Florida. I commend the gentleman for his interest. I know he has been interested in this subject matter. But actually in Florida I think we are fortunate in that we have a number of universities where they have developed the program. The Florida Atlantic University has already developed now for the first time an undergraduate course in ocean engineering, the first in the free world, really, for undergraduate work. The University of Miami has its great Institute of Marine Science. There is the University of South Florida, Florida State University, and Nova University. I think we are fortunate in Florida to have our universities very much interested in this subject.

I agree that the board of regents is very much interested, and I hope will develop some adequate programs to support. I think this legislation will help all of our universities.

Mr. CRAMER. As I understand it, the bill as drafted provides specifically for contracts with and agreements with and grants to institutions of higher education, be they State supported or be they privately supported, and would specifically cover efforts, if they come into fruition, of the board of regents relating to State programs.

Mr. ROGERS of Florida. I presume as long as they do it through the regular institutions, the forums that we recognize in the bill, they certainly would be eligible.

Mr. CRAMER. I think this is a most worthwhile effort. We have not even scratched the surface as it relates to oceanography and as it relates to the treasures of the seas that someday will be available to humanity in the future.

An indication of the interest in oceanographic study being expressed by the State of Florida, particularly as it relates to the Bay Campus of the University of South Florida in St. Petersburg as a location for the State's center for advanced study in oceanography, are the following newspaper articles and editorial comments:

[From the St. Petersburg Independent, May 2, 1966]

OCEAN STUDY

The 10-year program for oceanography recommended to the Board of Regents by a committee representing all Florida state universities recognizes St. Petersburg's unique advantages as a center for study of the water around us. It calls for the development of the University of South Florida's Bay Campus at St. Petersburg's Bayboro Harbor as the major base for a large oceanographic research vessel, with attendant storage and laboratory facilities for use by all of the state universities.

This recommendation was expected, and is in keeping with the Regents' action last year in designating the Bay Campus as a Marine Science Center for the university system. Nevertheless, it is good to have the decision reaffirmed and incorporated in the state's long range planning. Together with the announcement last week that the University of South Florida will expand its general academic program here, it assures the Bay Campus of a firm and growing place in the state university system.

Intensive scientific study of the oceans is of fairly recent origin, but it is already being compared in importance to man's exploration of outer space. In the decades immediately ahead it should pay even greater dividends in practical benefits to mankind.

Under the 10-year plan proposed by the Florida Interinstitutional Committee on Oceanography, teaching and research programs may be established at all of the state universities, although the most advanced courses, those leading to Ph. D. degrees, will be reserved for Florida State University (FSU) in Tallahassee. In addition to the state effort, increasing federal support of oceanographic research is certain to be available to universities which develop active programs.

Florida, because of its geographical situation, will necessarily have a big role to play in the development of this new science. As to St. Petersburg, it is not unrealistic—nor too early—to suggest that we aspire to becoming the Cape Kennedy of America's exploration of "inner space."

[From the St. Petersburg Times, July 18, 1966]

OCEANOGRAPHY AT BAYBORO

While it's probably impossible for anyone around Tampa Bay to be entirely objective on the proposition, we believe that Chairman Chester H. Ferguson of the Board of Regents has powerful logic and good sense to back his proposal that the Bay Campus of the University of South Florida at Bayboro Harbor become the state's center for advanced study in oceanography.

One can sympathize with Florida State University's feeling of proprietorship in this subject. Since it is the only university now granting advanced degrees in oceanography,

FSU would like to be the main center of study in the field.

But, as is the case with so many advanced university courses in pre-chancellor days, it is mere happenstance that FSU has specialized in oceanography. From a geographic standpoint, Tallahassee is about the last place in Florida for such an institute to be located.

This is not merely because Tallahassee is inland; 20 miles isn't very far from the sea. But once you are in Apalachee Bay, south of Tallahassee, you are still 200 miles more distant than Tampa Bay from such important research areas as the Florida Keys, the Straits of Florida, the waters off Yucatan and throughout the Caribbean.

Beyond that, it is Mr. Ferguson's idea that there should be one highly advanced oceanographic facility for the use of all the state universities. Here Bayboro has a huge edge on Tallahassee, both as to air, highway or railroad. Nowhere, may it regretfully be said, is as hard to get to by any means as our state capital city.

Finally, there is the nature of the Tampa Bay metropolitan area to give it a further edge over Tallahassee.

Here is a very substantial complex of highly technological industry; four baccalaureate-degree colleges and two junior colleges—that of St. Petersburg Junior College being the state's oldest and having three campuses. In St. Petersburg and under construction in Tampa are two of Florida's newest and finest libraries. Here are good museums, theatres and fine concert halls.

All of these points are appropos. Ocean research is beginning to be recognized as one of the most challenging areas for exploitation by technological industry. Significantly, many of the companies most active in the exploration of space are also leaders in oceanographic research and development.

Experience has shown that corporations in these scientific and technical fields tend to cluster together, and that they demand wide educational and cultural facilities in the vicinity. Only thus can they attract the type of personnel they require.

One of the nation's outstanding oceanographic centers—as Florida's should be—located amid the other elements attractive to technological industry could be a magnet to bring economic advances of enormous value to the whole state. This is Mr. Ferguson's most unbeatable argument.

[From the St. Petersburg Independent, July 19, 1966]

WELCOME SUPPORT

With the backing of Chester Ferguson, chairman of the Board of Regents, St. Petersburg has a good chance to become the center of Florida's research in the developing science of oceanography.

The selection of a new "inner space" control center for Florida—which could well mean for the nation—has pretty well narrowed down to Florida State University (FSU) at Tallahassee, and the University of South Florida's Bay Campus at St. Petersburg's Bayboro Harbor.

No one in St. Petersburg should underestimate the importance of the decision to the future of this area. Exploration of the secrets of the oceans is certain to become as important, if not more so, in the next decade as exploration of space. In immediate and practical benefits to mankind it promises even more. What we are talking about is the establishment of a new center that could rival the space center at Cape Kennedy in size and scope.

FSU has tradition—a fairly young tradition, to be sure—going for it. It is the only state university now offering advanced studies leading to a doctorate in oceanography. St. Petersburg's Bay Campus, however, has geography and logic on its side in the ready access it offers to the tropical water of the Gulf and the South Atlantic, plus a deep water harbor.

Elsewhere on this page we reprint an editorial from the Tampa Tribune which well states the case for centralizing the state's still infant oceanography program at the Bay Campus. We welcome the Tribune's support, and hope it will signalize a joint effort by Hillsborough and Pinellas legislators to bring this about.

Choice of St. Petersburg to be the focal point of this program would be good for the whole Tampa Bay area. More to the point, we believe it would be the best decision for Florida, and for the country.

[From the Tampa Tribune, July 16, 1966]

AN IDEAL LAUNCHING POINT

Oceanography is an area of study with as much potential as the briny depths can provide. With scientists predicting more interest in "underwater space" than in outer space in the 1970s, it's no wonder Florida's major state universities are eager to dive in academically.

A proposal for a "coordinated" 10-year plan presented to the Board of Regents the other day would establish Florida State University at Tallahassee as the major oceanography center.

This proposal envisioned master's programs in oceanography at each of the major state universities "as the need requires," serving as feeders to doctorate studies at FSU, the University of Miami and other institutions.

But Regents Chairman Chester Ferguson argued against the dispersal of students specializing in this field once they've finished their basic undergraduate schooling. He maintained that one consolidated, system-wide center should be set up for master's and doctor's degrees.

And Ferguson had a logical site in mind: the Bay campus of the University of South Florida, in St. Petersburg. Located in Bayboro harbor, with a deep channel, the waterfront campus is ideally situated for marine expeditions into the Gulf.

The Regents chairman compared his image of an oceanography center to that of a college of law or a medical school. He said if each university sought to set up its own full-fledged program in oceanography, it would be "like having a teaching hospital at every university."

Vice Chairman Dr. Wayne McCall spoke out against a "shotgun" approach that would weaken the overall program throughout the university system. FSU's Academic Affairs Vice President, Karl Dittman, agreed that facilities should be concentrated "at one place," but it was obvious the place he had in mind was FSU.

Of all states, Florida is best endowed with the geographical proximity to deep water to pursue the quest for undersea treasures in all forms. Already, experiments along its shoreline in the Gulf Stream have produced unexpected discoveries—including an underwater phosphate vein and the bones of sea cows that lived up to 30 million years ago.

With more than 70 colleges now offering courses in oceanography (only two did prior to World War II), the surge to the sea as a new source of scientific knowledge and potential riches is gaining impetus.

A comprehensive, consolidated center for advanced oceanography studies at the St. Petersburg Bay campus of University of South Florida would benefit the whole state as an efficient, ready-made launching point for marine research.

We trust the entire Board of Regents will follow the consolidated approach suggested by Chairman Ferguson.

[From the St. Petersburg Times, July 15, 1966]

BAY CAMPUS PROPOSED AS OCEANOGRAPHY CENTER

(By Sam Mase, of the Times staff)

GAINESVILLE.—Chester H. Ferguson of Tampa, chairman of the Board of Regents, proposes that the University of South Florida's (USF) Bay Campus at Bayboro Harbor in St. Petersburg be developed as the state's higher education center for oceanography.

His plan, announced at the board's meeting here yesterday, was opposed by Florida State University (FSU) officials, who want the center at their institution.

The board considered a proposed 10-year plan for a coordinated program of oceanography. The plan would establish FSU as the state's major oceanography center. Bay Campus was designated in the proposal as the only deep-water port for the state university system.

"Existing facilities in Bayboro Harbor should be converted to provide maintenance shop facilities, warehouse space, laboratories for reduction of data and processing of samples and collections immediately on return," the proposed plan states.

FSU is the only state university which now grants graduate degrees in oceanography. The proposed plan states that other universities should be allowed to develop master's programs in oceanography "as the need requires."

The report further recommended that master's programs in oceanography at the other institutions serve as "feeders to the Ph.D. programs in oceanography at FSU, the University of Miami and other institutions throughout the nation."

Ferguson does not see it that way.

"The facility at St. Petersburg (Bay Campus) should be the chief base for advanced oceanography study in the state," he declared.

Ferguson believes Florida should have "strong oceanographic" courses at the various state universities, but insists there should be one consolidated center, complete with dormitories, where students from all universities can pursue advanced oceanography studies.

Ferguson takes the position that Florida cannot afford more than one major oceanography program because of cost of technical instrumentation and scarcity of qualified people to teach advanced ocean science courses.

Dr. Allan Tucker, who is in charge of academic affairs for the Regents staff, said there are only 438 (classic) oceanographers in the country.

Ferguson likened the proposed oceanography program to a college of law, engineering or medicine, which requires students to complete undergraduate studies before entering the professional schools.

He said students desiring to become specialists in oceanography should take the proper basic courses in undergraduate programs at the universities of their choice, then move to a central facility for graduate study.

Instead of having this graduate center at any university, Ferguson would like to see it established as a system-wide facility, which also would accommodate students from private institutions of higher learning.

For each university to attempt to have a full-fledged oceanography program would be "like having a teaching hospital at every university," according to Ferguson.

He said the state should have one oceanographic "hospital" equipped with the finest research equipment "with which to do our clinical work."

Ferguson favors the Bay Campus site for such a center because it has a deep-water port and is "in a centrally located area," which he said would be easily accessible to students, faculty members and research people throughout the state.

Dr. J. Broward Culpepper, chancellor of the state university system, told Ferguson it would be necessary to have laboratories for research in different areas of the state.

Ferguson agreed, but said those should be "supplementary centers" which would feed information to a central center such as he proposes.

The Board deferred action on the long-range oceanography program until its September meeting.

Mr. FOGARTY. Mr. Chairman, on this occasion of House passage of the sea-grant college bill, I wish to salute my colleague in the other body, Senator CLAIBORNE PELL, who introduced the first bill for a sea-grant college program in August of 1965.

Senator PELL noted that our own State of Rhode Island has a particular stake in developing the Nation's marine resources by virtue of the fact that 10 percent of Rhode Island's total area is covered by fresh or salt water.

The purpose of Senator PELL's bill and of Congressman ROGER's bill before us today is to stimulate a whole new era in special education in ocean science and technology. The field of oceanology will breed new industries, the scope of which we can only guess at today. New and better methods in sea farming will aid us considerably in meeting the protein shortage which threatens famine to our world. National security is also a vital element.

I am convinced the sea-grant program is a practical step toward speeding the exploitation of our country's marine resources. I am hopeful that the fishermen, scientists, and citizenry of the State and Nation may, through the provisions of the sea-grant program, become increasingly involved in and benefit from the enormous underwater riches that may lie just beneath the waves.

The program is of very special interest to me because one of its beneficiaries may be the University of Rhode Island, which is located in my district, and which already is an outstanding pioneer in the field of oceanology.

In closing, I would like to laud the energy and imagination of Senator PELL which, coupled with the vigorous and skilled legislative efforts of Congressman ROGERS, has brought this program from an academic concept to the very brink of being a law of the land. I share the optimism of Senator PELL and Congressman ROGERS that the differences between the Pell and Rogers bills may be speedily ironed out and that the President may shortly sign this vital program into law.

Mr. BATES. Mr. Chairman, when we recently enacted the Marine Resources and Engineering Development Act of 1966, the Congress took a major step in advancing the greatly needed long-range American program in marine science. Today we are considering an amendment to that act which will implement a vital segment of that program.

As soon as I learned of the proposal for the establishment and operation of sea-grant colleges by initiating and supporting programs of education and research in the various fields relating to the development of marine resources, I evidenced my support of this approach by introducing a bill to provide the necessary authorization. I feel that the Committee on Merchant Marine and Fisheries has ably adapted and perfected the language of this legislation in H.R. 16559, the National Sea Grant College and Program Act of 1966, as an amendment to the Marine Resources and Engineering Development Act.

I am happy, therefore, to record my support of the bill before us to establish a sea-grant college program similar to the land-grant college program which has been so successful for more than a century in helping to develop American agriculture. This bill provides an important means of promoting development of the wealth of marine resources which can bring much benefit to mankind.

Augmenting the marine science programs already underway in many of our public and private institutions of higher learning, this bill, as stated in the committee report, establishes "a program of sea-grant colleges and education, training, and research in the fields of marine science, engineering, and related disciplines." It supports what the Department of the Interior believes is greatly needed, that:

> More and more emphasis must be placed by the Federal Government, the States, educational institutions, industry, and other public and private organizations and individuals on improving the Nation's capability to obtain and use wisely our marine resources.

The Interior report also states:

> The concept of developing skilled personnel, such as engineers and technicians, to exploit our marine resources is sound.

When we consider that Russia, our chief competitor in both the exploration of outer space and in the harvesting of the resources of our ocean depths, reportedly has twice as many people as we do engaged in the marine sciences, I think the potential of the sea-grant college program becomes particularly significant. It means that we will be filling one of the most pressing needs of the American oceanographic program. While our scientists tell us that we are still ahead of the Russians in basic oceanographic research, we are behind in the important aspect of applied research.

The sea-grant college program can give us the needed ocean technicians and other scientific personnel to make this type of research possible. By providing added trained manpower, I feel it can help programs such as research in fishing techniques, marine conservation, pollution control, and desalination. In conjunction with the basic objectives of the Marine Resources and Engineering Development Act of 1966—Public Law 89–454—it can open the way for dissemination of useful information to those people who are working or interested in the marine sciences—fishermen as well as scientists.

The President's Science Advisory Committee's recent report on "Effective Use of the Sea" lends urgency to what I believe is an undisputed fact, that it is in our national interest for us to do everything possible to strengthen and expand our technologies and industries for gainful use of the almost boundless marine resources. Mr. Chairman, the National Sea-Grant College and Program Act of 1966 provides one of the tools toward that end for our scientists, biologists, underwater experts and engineers, and others. I hope that this legislation will be enacted.

Mr. FASCELL. Mr. Chairman, I am pleased to see the amount of interest which has already been shown in the idea behind the sea-grant college bill, as I have followed the debate and development of all legislation pertaining to oceanography with more than just a passing interest.

Early last year I cosponsored legislation which led to the enactment in June 1966 of a bill to establish a National Oceanographic Council—Public Law 89–454. This new Council will be responsible for establishing clearly defined objectives in the field of oceanography, grouping these objectives in a coherent program directed toward the practical utilization of the ocean's resources, and providing sustained high-level leadership, guidance, and coordination of this multiagency program. Establishment of the Council represents the first major step in the development of a strong national oceanographic program—a program which I consider to be essential, being closely related as it is to our Nation's security, welfare, and to the economic well-being of our own people and those throughout the world.

The sea-grant college bill before us today, a bill which I cosponsored in this session, will provide the trained manpower needed to carry out this oceanography program. It will allow us to begin the systematic program of research necessary to tap the endless resources of the sea, and to meet the challenge of feeding, clothing, and housing 8 billion people by the end of this century. The bill provides for support of educational and research programs in the marine sciences; for expansion and improvement of the means of communicating oceanography information; for the use of the submerged lands of the Outer Continental Shelf; and for the encouragement and development of regional "centers of excellence" in the various fields of marine science.

Our Nation would reap rewards of tremendous value by beginning now to actively pursue an aggressive program in oceanography. The time is ripe for engaging in full exploitation of the vast resources of the sea—a move which should have been initiated long ago. We are all aware of the phenomenal success of the land-grant colleges and associated experiment stations in providing for the agricultural arts and sciences a source

of continuing support in education, research, and diffusion of knowledge. The sea-grant college bill will do the same thing for the maritime arts and sciences. Its benefits will be realized by the entire Nation and, indeed, by the world, as it is becoming more obvious to all of us each day that we are dependent on the use and exploitation of the oceans for our very survival.

The sea-grant college bill would assure a continuing source of support for education, research, and dissemination of information in the ocean sciences and technology. It will promote the vitality and growth of our ocean efforts and the strength of our Nation at sea. The continuity of support which it would provide affords a better opportunity to look ahead, to plan effectively and to promote a truly national oceanographic program. We will be more capable of coping with the problems confronting industry, especially fishing and shipping.

The massive population explosion has clearly pointed to the need for additional sources of food, water, and other resources that we know to be available from the sea. This bill would provide the tools to make the ocean our ally in the world's common struggle against poverty, disease, and starvation.

I would like to add, Mr. Chairman, that I am joined in my commitment to the purposes of this bill by the administrators and faculty of an outstanding center of oceanographic research which is located in my district. The Institute of Marine Sciences of the University of Miami embraces both the marine laboratory which conducts research in marine science, and the Department of Marine Science which provides academic instruction. It is this combination of research and education which the sea-grant college bill wants to promote and sustain. I have talked with the institute's director and staff on many of these matters and have heard about the exciting opportunities and substantial benefits that lie before us. I am confident of the leading role and valuable contributions which Miami would provide in the field of oceanography, and of the additional invaluable contributions of other similarly outstanding institutions throughout the Nation.

Mr. Chairman, I strongly urge all my colleagues to support this vital legislation.

Mr. REINECKE. Mr. Chairman, as a member of the Subcommittee on Oceanography of the House Merchant Marine and Fisheries Committee I am pleased to support this bill to create sea-grant colleges. I am very much aware of the importance of the sea around us, and of the need for creative thinking about ways to more fully use this great natural resource for the benefit of this Nation, and of all mankind.

As an engineer myself, I am always most concerned with the problems of practical applications of new knowledge and new discoveries. The land-grant college concept, first sponsored in 1862 by Republican Senator Justin Morrill, of Vermont, was a creative way to bring to a growing nation the facilities for practical education. It was a means of bringing knowledge to the men who were building our country. And this concept placed the power of the people through their National Government squarely behind the idea of promoting practical education, as well as productive research, at the local and community level.

The U.S. Government operates oceanographic programs from 18 or 20 Federal agencies. And many universities, laboratories, and industries supplement these with research efforts of their own. But, it seems to me, that there is still a need for the application of our new knowledge of the sea. There still is a need for exploring the commercial, engineering, medical, legal, mineral, biological, and food producing aspects of the ocean. There is a need for further study in the matters of harbor engineering and construction. There is a need for us to realize that the sea around us, which constitutes almost 71 percent of our world's surface, may hold as much potential, and as many rich surprises, as does outer space.

I heartily endorse the idea of the sea-grant college. The emphasis of this bill and of this idea is to work with existing educational institutions to make full use of the research facilities already involved in the exploration of the sea. This also brings to bear on ocean problems the combined talents and experience of the scholars from many disciplines within a university. It also uses existing organizations of proven capability.

In my own southern California great steps have been taken to integrate the efforts of local government, industry, and the colleges and universities into a common thrust into the mysteries of the ocean depths. The port of Long Beach, the University of Southern California, the California State college system, the famed Scripps Institute of Oceanography, the Los Angeles Harbor Commission, and my own alma mater, the California Institute of Techology, are all involved in various efforts to further our understanding of the ocean and to exploit its riches for the welfare of all human beings.

With these resources at hand, I can certainly see why a sea-grant college should be located in the Greater Los Angeles area.

I am glad to see that the intent of this bill is to solve a real problem without building a large Federal bureaucracy. This bill will put ocean development in the States, where the work is actually going on, and where it belongs. This sea-grant concept will involve the American people directly instead of leaving ocean development to a group of Federal researchers removed from the laboratories of practical application.

The urgency of this matter is best illustrated when we compare our progress in ocean development with that of the Soviet Union in recent years. While the United States has maintained a lead in basic scientific research, it has been generally realized that the Soviets have emphasized the applications of research, rather than basic investigations. In certain phases of applied research the United States maintains a lead. The field of oceanographic instruments is one in which this Nation is ahead. Also, the use of computers applied in assemblage of marine scientific data is an American achievement, though now under study in the Soviet Union today.

Russia claims some 1,500 oceanographers backed up by 7,500 men and women working full time in the field. The status of sea scientists is being upgraded, and the field is being made more appealing to young people. It should be mentioned that the Soviet Institute of Oceanography has been expanded five times from its original size in the past 15 years.

By contrast, it has been estimated that the United States has aproximately 700 oceanographers with some 2,000 to 2,500 full-time technicians supporting them. We are increasing our ranks by approximately 10 percent a year. The Soviets may actually be increasing by 15 percent per year.

The United States can also claim a lead in deep-sea mining, drilling, and deep sea research vehicles. However, the Soviets are moving up fast in developing vehicles of their own.

The Russians have declared a technological and commercial war on us—on and under the high seas. In shipping and in fishing, their intent is quite clear. They wish to become masters of the ocean. They have been successful in fisheries because they have applied to the fishing operations the tools learned in marine research. With this success, they are encouraging more oceanographic efforts.

In the United States today there is an emerging awareness on the part of the public, the academic world, the Congress, and the industrial community that the oceans represent a vast untapped resource. This emerging awareness is created by an enthusiastic community of scientists and ocean technologists eager to move into a concentrated campaign to promote full utilization of the sea around us.

This Nation stands at the threshold of man's final conquest of his environment. Man in the ocean, or man on the high seas, is as important to our Nation's future as man in space, or man on the moon. The sea-grant college is a giant step toward seeing that the first place in ocean technology stays in American hands.

Mr. WOLFF. Mr. Chairman, I strongly support the establishment of a program of sea-grant colleges devoted to increasing our Nation's development of the world's maritime resources through education, research, and public service. This legislation amends that which created the Marine Resources and Engineering Development Act of 1966 which passed earlier this year.

The importance of research in the field of oceanography cannot be over emphasized, and the United States must not take second place in this effort. In recognition of the importance of oceanography to the future of our people I established a task force to look into possibili-

ties for utilizing existing industrial skills and resources for oceanographic research in the Long Island area. A seminar was held in the 3d Congressional District on August 24 to further explore these possibilities, and included Federal officials from the Office of Naval Research, the Office of Science and Technology, and the Naval Oceanographic Center. A highlight of the delegation's visit to Long Island was a helicopter tour of the area and a stop at Sands Point, former site of the Naval Training Devices Center. There, representatives of industry, education, labor, and political groups were presented with a unified program for area oceanographic research and development.

The sea holds tremendous riches for those with the energy and imagination to develop it. All mankind could benefit from a widened knowledge of the sea and the utilization of the resources it contains. I am glad to see that the Congress and the executive branch have taken active leadership in this vital field.

Mr. KEITH. Mr. Chairman, the sea-grant college bill now before the House squarely meets some of the major weaknesses in our national oceanographic program. I strongly urge that my colleagues approve this bill, for it can and will help put new life into our oceanographic efforts, which have too long been neglected.

Only this year I toured the Soviet Union and Poland with the purpose of evaluating their progress in oceanography and marine science in general for the Merchant Marine and Fisheries Committee. I feel compelled to warn my colleagues once again that the Soviets clearly are putting high priority on the ocean sciences.

The Soviets have, for instance, two or perhaps three times as many people working in these areas as we do. Moreover, each of their ocean scientists has more technicians to back him up than do ours. We have about 1,000 professional-level oceanographers and perhaps 2,000 ocean technicians, while the comparable Soviet figures are 1,500 and about 7,000.

One result of this concentration of manpower has been that the Soviets are leading us in the applied areas of oceanography. They are very effective at translating basic research into technology. Although most experts agree that we are still ahead in basic research, we learned in Moscow that the Soviets are putting new efforts into this area. They are upgrading the Institute of Oceanology, their basic research institute, so we most probably will be seeing new competition in this area.

Moreover, in the Soviet Union, advanced technology is applied to fisheries far more than it is in this country. The Soviets fish on large factory ships spread over much of the world's oceans. Some of their techniques that we learned about included explosions to bring the fish briefly to the surface and fish elevators to help spawning fish to go upstream over dams. They appear to have done a great deal with fish farming and other modern techniques. All these are areas to which I do not believe we have been giving adequate attention.

The sea-grant college could meet much of this problem because its emphasis is on practical education and applied research. One of our major problems in fishing has been that the ordinary fishermen are not familiar with the new techniques available. This is perhaps the major reason that we have fallen to fifth place among fishing nations of the world and the Soviet Union's catch has increased 250 percent in the past 10 years while ours has declined.

In fishing, oceanography, and merchant marine as well, the Soviet Union presents a great challenge to this country. We must begin to answer this challenge before it is too late. In my view, the sea-grant college represents one such answer—a major one—and I want to again urge the adoption of this bill.

Mr. FUQUA. Mr. Chairman, I rise in support of H.R. 16559 to provide for the establishment of a program of sea-grant colleges. I want to commend my colleague, the gentleman from Florida [Mr. ROGERS], for his leadership on behalf of this fine piece of legislation.

This Nation has an abundance of wealth in marine life, and the enactment of this bill will provide a means of achieving the utmost utilization in marine science, engineering and other related fields.

I am particularly pleased that this legislation will be administered by the National Science Foundation, which has done an outstanding job in other related fields of scientific endeavor.

We in Florida are particularly proud of the accomplishments that our universities are making in the field of marine development and oceanography.

Mr. Chairman, this will be a means whereby our Florida colleges and universities can utilize more effectively the talent and facilities currently available in these institutions.

I urge the House to favorably act on this bill.

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

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

H.R. 16559

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Marine Resources and Engineering Development Act of 1966 is amended by adding at the end thereof the following new title:

"TITLE II—SEA GRANT COLLEGES AND PROGRAMS

"Short title

"SEC. 201. This title may be cited as the 'National Sea Grant College and Program Act of 1966'.

"Declaration of purpose

"SEC. 202. The Congress hereby finds and declares—

"(a) that marine resources, including animal and vegetable life and mineral wealth, constitute a far-reaching and largely untapped asset of immense potential significance to the United States; and

"(b) that it is in the national interest of the United States to develop the skilled manpower, including scientists, engineers, and technicians, and the facilities and equipment necessary for the exploitation of these resources; and

"(c) that aquaculture, as with agriculture on land, and the gainful use of marine resources can substantially benefit the United States, and ultimately the people of the world, by providing greater economic opportunities, including expanded employment and commerce; the enjoyment and use of our marine resources; new sources of food; and new means for the development of marine resources; and

"(d) that Federal support toward the establishment, development, and operation of programs by sea grant colleges and Federal support of other sea grant programs designed to achieve the gainful use of marine resources, offer the best means of promoting programs toward the goals set forth in clauses (a), (b), and (c), and should be undertaken by the Federal Government; and

"(e) that in view of the importance of achieving the earliest possible institution of significant national activities related to the development of marine resources, it is the purpose of this Act to provide for the establishment of a program of sea grant colleges and education, training, and research in the fields of marine science, engineering, and related disciplines.

"Grants and contracts for sea grant colleges and programs

"SEC. 203. (a) The provisions of this title shall be administered by the National Science Foundation (hereafter in this title referred to as the 'Foundation').

"(b)(1) For the purpose of carrying out this title, there is authorized to be appropriated to the Foundation for the fiscal year ending June 30, 1967, not to exceed the sum of $5,000,000, and for the fiscal year ending June 30, 1968, not to exceed the sum of $10,000,000.

"(2) Amounts appropriated under this title are authorized to remain available until expended.

"Marine resources

"SEC. 204. (a) In carrying out the provisions of this title the Foundation shall (1) consult with those experts engaged in pursuits in the various fields related to the development of marine resources and with all departments and agencies of the Federal Government interested in, or affected by, activities in any such fields, and (2) seek advice and counsel from the National Council on Marine Resources and Engineering Development as provided by section 205 of this title.

"(b) The Foundation shall exercise its authority under this title by—

"(1) initiating and supporting programs at sea grant colleges and other suitable institutes and laboratories for the education of participants in the various fields relating to the development of marine resources;

"(2) initiating and supporting necessary research programs in the various fields relating to the development of marine resources, with preference given to research aimed at practices, techniques, and design of equipment applicable to the development of marine resources; and

"(3) encouraging and developing programs consisting of instruction, practical demonstrations, publications, and otherwise, by sea grant colleges and other suitable institutes and laboratories through marine advisory programs with the object of imparting useful information to persons currently employed or interested in the various fields related to the development of marine resources, the scientific community, and the general public.

"(c) Programs to carry out the purposes of this title shall be accomplished through contracts with, or grants to, suitable public or private institutions of higher education, institutes, and laboratories which are engaged in, or concerned with, activities in the

various fields related to the development of marine resources, for the establishment and operation by them of such programs.

"(d)(1) The total amount of payments in any fiscal year under any grant to or contract with any participant in any program to be carried out by such participant under this title shall not exceed 66⅔ per centum of the total cost of such program. For purposes of computing the amount of the total cost of any such program furnished by any participant in any fiscal year, the Foundation shall include in such computation an amount equal to the reasonable value of any buildings, facilities, equipment, supplies, or services provided by such participant with respect to such program (but not the cost or value of land or of Federal contributions).

"(2) No portion of any payment by the Foundation to any participant in any program to be carried out under this title shall be applied to the purchase or rental of any land or the rental, purchase, construction, preservation, or repair of any building, dock, or vessel.

"(3) The total amount of payments in any fiscal year by the Foundation to participants within any State shall not exceed 20 per centum of the total amount appropriated to the Foundation for the purposes of this title for such fiscal year.

"(e) In allocating funds appropriated in any fiscal year for the purposes of this title the Foundation shall endeavor to achieve maximum participation by sea grant colleges and other suitable institutes and laboratories throughout the United States, consistent with the purposes of this title.

"(f) In carrying out its functions under this title, the Foundation shall attempt to support programs in such a manner as to supplement and not duplicate or overlap any existing and related Government activities.

"(g) Except as otherwise provided in this Act, the Foundation shall, in carrying out its functions under this title, have the same powers and authority it has under the National Science Foundation Act of 1950 to carry out its functions under that Act.

"(h) The head of each department, agency, or instrumentality of the Federal Government is authorized, upon request of the Foundation, to make available to the Foundation, from time to time, on a reimbursable basis, such personnel, services, and facilities as may be necessary to assist the Foundation in carrying out its functions under this title.

"(i) For the purposes of this title—

"(1) the term 'development of marine resources' means scientific endeavors relating to the marine environment, including, but not limited to, the fields oriented toward the development, conservation, or economic utilization of the physical, chemical, geological, and biological resources of the marine environment; the fields of marine commerce and marine engineering; the fields relating to exploration or research in, the recovery of natural resources from, and the transmission of energy in, the marine environment; the fields of oceanography and oceanology; and the fields with respect to the study of the economic, legal, medical, or sociological problems arising out of the management, use, development, recovery, and control of the natural resources of the marine environment;

"(2) the term 'marine environment' means the oceans; the Continental Shelf of the United States; the Great Lakes; the seabed and subsoil of the submarine areas adjacent to the coasts of the United States to the depth of two hundred meters, or beyond that limit, to where the depths of the superjacent waters admit of the exploitation of the natural resources of the area; the seabed and subsoil of similar submarine areas adjacent to the coasts of islands which comprise United States territory; and the natural resources thereof;

"(3) the term 'sea grant college' means any suitable public or private institution of higher education supported pursuant to the purposes of this title which has major programs devoted to increasing our Nation's utilization of the world's marine resources; and

"(4) the term 'sea grant program' means (A) any activities of education or research related to the development of marine resources supported by the Foundation by contracts with or grants to institutions of higher education either initiating, or developing existing, programs in fields related to the purposes of this title, (B) any activities of education or research related to the development of marine resources supported by the Foundation by contracts with or grants to suitable institutes and laboratories, and (C) any programs of advisory services oriented toward imparting information in fields related to the development of marine resources supported by the Foundation by contracts with or grants to suitable institutes and laboratories.

"Advisory functions

"SEC. 205. The National Council on Marine Resources and Engineering Development established by section 3 of title I of this Act shall, as the President may request—

"(1) advise the Foundation with respect to the policies, procedures, and operations of the Foundation in carrying out its functions under this title;

"(2) provide policy guidance to the Foundation with respect to contracts or grants in support of programs conducted pursuant to this title, and make such recommendations thereon to the Foundation as may be appropriate."

SEC. 2. (a) The Marine Resources and Engineering Development Act of 1966 is amended by striking out the first section and inserting in lieu thereof the following:

"TITLE I—MARINE RESOURCES AND ENGINEERING DEVELOPMENT

"Short title

"SECTION 1. This title may be cited as the 'Marine Resources and Engineering Development Act of 1966'."

(b) Such Act is further amended by striking out "this Act" the first place it appears in section 4(a), and also each place it appears in sections 5(a), 8, and 9, and inserting in lieu thereof in each place "this title".

Mr. LENNON (interrupting the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open for amendment at any point.

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

There was no objection.

Mr. LENNON. Mr. Chairman, I move to strike the requisite number of words. The gentleman from Alabama wanted to be recognized at this point to offer an amendment. Is that true?

Mr. EDWARDS of Alabama. Yes, I have one amendment I wish to offer.

AMENDMENT OFFERED BY MR. EDWARDS OF ALABAMA

Mr. EDWARDS of Alabama. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDWARDS of Alabama: On page 6, line 14, strike "20 per centum" and insert "15 per centum."

Mr. EDWARDS of Alabama. Mr. Chairman, I support this legislation. I would say to the Committee that this amendment is very simple. The purpose of it is to carry out better, I believe, the intention of the committee which is expressed in the report, where it says this legislation should be administered broadly and without specific geographical limitations. It follows the land grant college arrangement pretty closely. It is not designed to build up any great oceanographic complexes, but it is designed to spread throughout the country the training of those individuals who want to go into this field. I believe, by reducing the 20-percent to 15 percent, we will better assure a greater participation by more institutions.

If I may say this, I do not assume that the Federal Government is going to try to locate big complexes, but I believe we can help them by this amendment.

Mr. LENNON. Mr. Chairman, will the gentleman yield at that point?

Mr. EDWARDS of Alabama. I am happy to yield to the gentleman from North Carolina.

Mr. LENNON. Mr. Chairman, I believe the language used with respect to section 204(b)(2) makes it crystal clear that we are not setting out on the objective of building with this program. This is an educational process.

I want to say to the distinguished member of the committee who has been so active and helpful to all of us, after conferring on this side we agree with the position that the gentleman is taking. We are happy to accept his amendment.

Mr. EDWARDS of Alabama. I thank the gentleman very much.

Mr. Chairman, I urge adoption of this amendment.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, is my understanding correct that the intent of the gentleman's amendment is simply to minimize any accumulation of funding in given areas so as to expand the study of oceanography over a broader area?

Mr. EDWARDS of Alabama. That is true. In theory, under the way the bill is written, five participants could acquire all of the money in their programs. By reducing the 20 percent to 15 percent we would assure a little broader aspect. I am not suggesting that the program is going to be run in such a way that only five participants would be involved, or five States, but this assures a little broader aspect.

Mr. DON H. CLAUSEN. Mr. Chairman, I wonder if the gentleman will yield further, so I could direct a question to the author of the bill or the chairman of the committee?

Mr. EDWARDS of Alabama. I yield to the gentleman.

Mr. DON H. CLAUSEN. Is it possible to insure that this program will be conducted with the broadest possible distribution throughout the country so we can take advantage of the various species and various oceans bordering the United States?

Mr. LENNON. I will say to the gentleman that perhaps we have not had the time to make the legislative history

we should have on that subject matter, but it was the thinking of the committee in both the hearings and in writing the report, and counsel has called to my attention the language found in the last paragraph on page 2 of the report, from which I quote:

> It is the intent of this legislation that it be administered broadly and without specific geographic limitations. It is recognized that institutional capability is not confined within specific geographical limitations.

I am glad the gentleman raised that point so we can include in the legislative history in the CONGRESSIONAL RECORD the language found in the report. Certainly it was our feeling that the whole country, wherever it could, should participate in this program. Just as the gentleman from Virginia earlier said in his remarks, it is so essential to our ultimate welfare.

Mr. DON H. CLAUSEN. This would also include maximum participation on the part of institutions in this field?

Mr. LENNON. Exactly. That is the reason we use throughout "institutions" because across the country so many of these institutions have been established which are comparable to community colleges, yet they are concerned in many instances with marine sciences.

We wanted them to participate.

Mr. DON H. CLAUSEN. This would not be confined purely to universities. It would include State colleges or junior colleges which might be interested in the field?

Mr. LENNON. That is exactly why we used the word "institutes."

Mr. DON H. CLAUSEN. I thank the gentleman for providing legislative history. I believe the gentleman's amendment seems to coincide with that broad purpose, and I endorse the amendment.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, along with my friend, the gentleman from Missouri [Mr. HALL], I am not enthusiastic about some of the operations of the National Science Foundation.

I hope that the Committee, after passage of this bill, will constitute itself as a good oversight committee with respect to operations in connection with this subject matter.

I hope, too, that the Committee will bear in mind the demands upon this Government, especially the fiscal demands and not attempt to blossom out in the immediate future with a much more expanded program. Programs of this kind have a habit of expanding all too rapidly.

I trust that the Committee—those Members who are here today and who will be here in the next session—will constitute itself a real oversight committee in both respects.

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. EDWARDS].

The 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. DADDARIO, 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. 16559), to amend the Marine Resources and Engineering Development Act of 1966 to authorize the establishment and operation of sea grant colleges and programs by initiating and supporting programs of education and research in the various fields relating to the development of marine resources, and for other purposes, pursuant to House Resolution 982, he reported the bill back to the House with an amendment adopted by 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 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

Mr. LENNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject matter of the bill just passed.

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

There was no objection.

THE DIFFICULT AND DEDICATED WORK OF THE HONORABLE ARTHUR SYLVESTER

Mr. JOELSON. 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 Jersey?

There was no objection.

Mr. JOELSON. Mr. Speaker, for several years now, there has been a running discourse on whether or not the American public is being kept adequately informed about the military posture of the United States. More specifically, and quite recently, that question has been posed in connection with reports of activities relating to fighting in Vietnam.

I am concerned about this controversy. For if recent public opinion polls are to be believed, there are far too many Americans that have been sold on the notion that they are not getting a complete and accurate accounting.

As is inevitably the case, personalities become associated with controversy, whether or not the issues be real or coined. In this particular instance the personality is that of the Honorable Arthur Sylvester, Assistant Secretary of Defense for Public Affairs.

Mr. Sylvester has been criticized by both sides; those who say not enough is being disclosed, and others who say too much has been revealed. Now, let us consider the basic question: Is the American public being kept adequately informed about military affairs, and specifically, our activities in Vietnam?

At stake is not the matter of the personal discomfiture of one citizen discussed in the news, but perhaps the lives of hundreds of thousands of men. The course we have, as a nation, charted in the troubled waters of international relations imposes certain restraints upon us at home. I believe that thinking citizens would say: "Safeguard our sons and husbands, our Nation. Do not tell the enemy anything that will be of aid to him."

What we want Mr. Sylvester to do may be simply put: determine what is so harmful that it cannot be said at all; what may be harmful and may only be said in part; that which must be said, whether it be harmful or not; and what is not harmful at all and may be said in full and complete detail.

This is the delicate job Mr. Sylvester is asked to perform. He must make these daily decisions, and he cannot hide behind the investiture of wartime censorship, or take the opposite extreme of full disclosure.

The daily conduct of business requires that Mr. Sylvester, and members of his staff, be in contact with the press, with members of the defense industry, with many other groups and individuals, each seeking to attain his own objectives. In dealing with them, Mr. Sylvester and the members of his staff must consider those honest objectives in the light of the interests of the individual, or company, or news medium, and the public.

All too frequently his decisions are challenged, questioned, and even berated publicly. So one must ask the question now, as I raised it earlier, what caliber of man is this? What qualified him to face—and make—such decisions? Why has he remained so long in a position that has subjected him to invective from all sides?

Mr. Sylvester, I find, spent a most productive lifetime as a newsman before his appointment in 1961.

He served for a number of years as city editor of the Newark News, in which capacity he developed a reputation for handling his staff of experienced reporters with a firm hand, while providing at the same time sure guidance for the fledglings.

As a reporter in this perennial arena of combat—Washington, D.C.—he earned a reputation for being a "tough one," a man knowledgeable of his subject, who went after a story with dogged, and usually successful, determination.

In this crucible was forged a man dedicated to the principle of digging for every detail; but one who also learned the necessity of exercising editorial responsibility—a factor which tempered his dispatches on critical subjects.

He earned an enviable reputation among those most qualified to judge him, his contemporaries.

And it was this very reputation, coupled with his wide and practical experience, that led to his appointment.

He went about his job, from the outset, with the view of getting the defense news "moving;" but also accepted without reservation the responsibility placed upon him of exercising those daily judgments mentioned earlier.

Mr. Sylvester has appeared before the Congress; before industrial and professional groups; and in these cases his demeanor and candor have marked him as one dedicated—as too few are these days—to his country and to the principle of doing his best under all circumstances.

Newsmen assigned to Vietnam find it easy to get around. There have been many television and newspaper accounts filed from there that have not shown the United States in the most favorable possible light. This should be evidence enough that Mr. Sylvester's job is not to cover things up, but rather to see to it that as much news as possible gets to the American public.

Those who know him intimately have both admiration and respect for the job he is doing. As I understand it, there are few who could equal his performance.

Finally, to other would-be critics of Mr. Sylvester, I urge you to desist from railing at this most competent and dedicated man.

I am not asking the press to abandon its right to query.

I am not asking sanctuary for a public official.

I am not asking an abandonment of our right to know.

I am asking that we all consider the need to protect security in the best interests of the Nation.

THE NEED FOR ENACTING LEGISLATION TO REDUCE INFLATIONARY PRESSURES ON THE ECONOMY

Mr. JACOBS. 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. JACOBS. Mr. Speaker, we are faced today with the need for enacting legislation to reduce inflationary pressures now being exerted on our economy. To that end, I heartily endorse the proposals President Johnson has laid before us.

These are proposals aimed at maintaining the stable and unprecedented prosperity enjoyed by American citizens for the past 5½ years.

These proposals were not hastily made. As the President himself said:

> I have been watching the economy carefully. I have consulted frequently and at great length with the wisest and most experienced advisers available to the President—with the responsible officials in my Administration, with Members of the Congress, with leaders of business and labor and with economists from our universities.

Among the proposals before us is the request to suspend temporarily the 7-percent investment tax credit. In recent years, I have viewed with great satisfaction the sharp rise of business investment in plant and equipment. This rise has created more jobs for our labor force. It has been a major force in the swift rise of our productivity, which in turn has been a major factor in keeping our unit costs of production stable. Now, however, our capital markets are jammed with requests for funds to finance investment. As a result, interest rates go higher and higher. Meanwhile, our defense of freedom in Vietnam is throwing burdens upon the economy that cannot and should not be evaded. I say to you, then, that the time has come to moderate demand where it can be moderated.

Our high employment, high profit economy will still provide abundant incentive for continued economic growth in our capacity sufficient to produce the goods we need, for modernizing facilities, and hence for maintaining a strong international competitive position.

We all can see that the investment tax credit has more than demonstrated its ability to keep our productive wheels rolling. I cannot emphasize too strongly that we will need the stimulus of the investment credit in future years and that we are asked only to suspend it for a cooling off period.

Just as suspension of the investment credit is needed to cool off our economy, there is also need of slowing down the rate at which businesses can recoup their capital through accelerated depreciation of their outlays on business structures. Commercial and industrial construction has grown by no less than the phenomenal amount of 27 percent more in the past 12 months than in the year before. I recommend, therefore, that to assure that safe speed limits are applied to all forms of investment, we act promptly to suspend the incentive of accelerated depreciation.

The President is not asking the Congress to shoulder the burden of economic restraint alone. He has urged the Federal Reserve Board, and the Nation's banks, to act to lower interest rates and ease the inequitable burden of tight money. He has asked the business community to do its part by basing demands for credit on genuine needs, not on speculation of future scarcity or higher cost. Labor, too, has been asked to join the team by avoiding wage demands that would raise the average level of costs and prices in the economy. Now, I ask you to join me in giving the President wholehearted support of the legislative proposals before us today.

INFLATION, TAXES, AND THE ECONOMY

Mr. COHELAN. 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. COHELAN. Mr. Speaker, the prosperity which this country knows today is unparalleled in our history. Production, jobs, and income are at record levels.

During the last 5½ years, profits have doubled, total output has grown by one-third, 8 million new jobs have been created, unemployment has dropped from 7 percent to 3.9 percent and personal income has increased by 39 percent.

Many, indeed most, of these gains have been made possible by the tax actions of this same 5½-year period, actions which have included a reduction in personal and corporate income taxes, faster tax writeoffs for capital improvements and a tax credit for investment in new plant and equipment.

Our problem today is far different from the one we faced in 1961, of high unemployment and idle productive power. If anything, we may have been too successful in moving from too little to too much. Excessive demands on our economy, caused primarily by a tremendous surge of tax-credit-inspired business investment coupled with defense spending, have resulted in rising prices and high interest rates.

Consumer prices are now moving up at a rate of some 3 percent a year. This is a record of price stability which almost any other industrialized nation would view with pride. But its effect has been to erode purchasing power and to inflict a particularly cruel burden on those living on fixed incomes.

Our booming economy and the war in Vietnam have generated a staggering demand for borrowed funds. The inevitable result of this demand, when combined with the restraining actions taken by the Federal Reserve Board, has been a rapid increase in the price of money. But tight money, while putting a squeeze on homebuilding and small businessmen, has not cooled the boom in business investment and commercial building. Business investment, as a matter of fact, is at an alltime high and still rising. Department of Commerce figures reveal that investment rose by $4 billion in the second quarter of this year, as against a rise of $2.6 billion in the first quarter.

To put it in another perspective, since 1961 consumer spending has increased by 37 percent; personal income by 39 percent; and industrial production by 44 percent. But business spending for plant and equipment has increased by 73 percent.

Cast in this light, the President's call last Thursday for a temporary 16-month suspension of the 7-percent investment credit and accelerated depreciation schedule is both reasonable and necessary. The President is to be commended for taking this action to secure a balanced economy, and the legislation now before the House Committee on Ways and Means should be enacted promptly.

This legislation will not immediately, or necessarily by itself, lead to a reduction of high interest rates or the reappearance of mortgage money. But it will ease the present excessive rate of expansion and demand. It will dampen the costly fires of inflation.

Mr. Speaker, prompt consideration also should be given, by both Congress and the administration, to additional fiscal tools to combat inflation. The

reliance on interest rates—a monetary tool—over the last several months, has been insufficient. Without appropriate fiscal adjustments to effect a proper "mix" of savings, spending, and investment, the high interest rates have, in some cases, been damaging. They are, at best, a limited instrument.

Consideration should be given to temporarily restoring the reduction in corporate income taxes enacted by Congress in 1963. This action lowered the overall corporate tax rate from 52 to 48 percent and lowered the rate on the first $25,000 of taxable income from 30 to 22 percent.

As the distinguished columnist, Joseph Kraft, pointed out recently, a higher corporate tax rate could begin to bite as soon as Congress acted. It would hit the biggest gainers from the recent prosperity, and the largest source of increased demand.

Consideration should be given as well to enacting emergency, standby tax authority which the President could use for a limited period of time either to spur or hold back economic growth. The Joint Economic Committee pointed out earlier this year that such standby authority could come into effect whenever Congress passes, and the President signs, a joint resolution bringing it into operation. Such action, hopefully, would be accompanied by a revision of the Federal revenue structure which would broaden its base, improve its fairness, and contribute more effectively to steady and sustained economic growth.

I want to make it very clear, Mr. Speaker, that I will support whatever actions are necessary to promote a healthy, growing economy without the cancer of inflation. But I want to make it equally clear that I will oppose efforts to delay or cut back such essential domestic programs as education, housing, revitalization of our cities, or the war on poverty. Reductions in these areas would be false economies indeed. The very fact that Negro unemployment has increased at the same time that our economy is booming, with an overall unemployment at its lowest mark in 6 years, is only one indication that we have a big job to do at home and that we have no time at all to lose in doing it.

If our healthy and growing economy does not provide us with the means to finance our essential efforts both at home and abroad, then I feel confident that the American people will support a reasonable and an appropriate tax increase. For the question is not whether we can afford both guns and butter; it is how.

This country's first and foremost line of defense is its own people. They cannot and must not be neglected, shortchanged or relegated to second place. The doors of economic and social opportunity are not yet fully open to all Americans. We must move quickly to see that they are. We must provide the programs that will make it possible.

A WATCHDOG IN DECLINE

Mr. HALL. Mr. Speaker, I ask unanimous consent to extend my 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 Missouri?

There was no objection.

Mr. HALL. Mr. Speaker, in the current issue of Columbia Journalism Review there appears an article by Robert O. Blanchard entitled "A Watchdog in Decline." Mr. Blanchard is acting chairman of the department of journalism, public relations and broadcasting, at American University in Washington, D.C.

He says, among other things, that despite its widely acknowledged achievements, the Foreign Operations and Government Information Subcommittee is now all but defunct. While praising the committee for its vigor during the Eisenhower administration, the article notes that its energies have been "more discreetly applied," during the 5 years of Democrat administration which followed.

Noting this change of heart on the part of a once crusading committee, Mr. Blanchard says:

> The second five years of the subcommittee has been the down-curve. It's decline, however, has been more subtle than its rise.

The writer suggests that in searching for a new watchdog, "political realism must prevail," and he recommends looking for "other young, able Congressmen who are looking for their place in the sun."

I suggest a much more effective solution would be to follow the recommendations of a special Republican task force which strongly recommended that the control of the Committee on Government Operations, always be placed in the hands and control of the minority party. There will always be eyebrows raised when the investigator and the accused are members of the same family.

The praise accorded the recent passage of the freedom of information bill looms less deserving when one reads the article which I commend to my colleagues and the press.

[From the Columbia Journalism Review, summer 1966]

A WATCHDOG IN DECLINE

(This year's enactment of a Federal Public Records Law may have seemed a triumph for freedom of information. But it comes at a time of decay in the information crusade and its chief Congressional adjunct, the Moss Committee.)

(By Robert O. Blanchard)

For ten years, the Special Subcommittee on Government Information and its successor, the Foreign Operations and Government Information Subcommittee, have functioned as a major Congressional weapon to unstop the barriers to the flow of information to the public from the federal bureaucracy. Despite its widely acknowledged achievements, the Moss Committee—as it has been known in the press—is now all but defunct.

Its decline has gone almost unreported. Neither the freedom of information (FoI) reports of the major journalism associations nor the journalism trade press has noted its downward slide in effectiveness over the last five years.

The successes of the Moss Committee in the 1950's might account for this inattention. Representative JOHN E. MOSS, Democrat of California, and his staff, with generous research assistance and publicity from formation restrictions were documented in journalism groups and associations, played havoc with the Eisenhower Administration's information policies. During its first five years (1955–1960), hundreds of cases of inseventeen volumes of hearing transcripts and fourteen volumes of reports and committee prints. Less tangible, but no less impressive, successes were scored by the subcommittee in injecting the FoI issue into political campaigns and in "educating" the bureaucracy. The Moss Committee reached its peak in 1960. The second five years of the subcommittee has been the down-curve. Its decline, however, has been more subtle than its rise.

The most recent mention of the Moss Committee in newspapers has been in connection with the Federal Public Records Law enacted this year. Even this is fruit from the subcommittee's more active days. The basic draft of the bill (S. 1160), which the Moss Committee and the Government Operations Committee reported out this spring, was drawn up in 1960 by the late Professor Jacob Scher, subcommittee counsel. The major differences between the Scher draft and the present law originated in the Senate in 1964.

S. 1160 is only the second major piece of legislation to be reported out by the Moss Committee in a decade. The Moss Committee's specialty has not been legislation. It has been a watchdog, and its role has been to check the "efficiency and economy" of federal operations under its jurisdiction and, if necessary, recommend corrective legislation.

During its ten years, the subcommittee has used a variety of weapons to challenge withholding of information. One of the most important and successful has been the telephone. Most of the time—especially after the Moss Committee gained its reputation—a telephone call from a subcommittee staff member to an agency information officer or an official accused of withholding information could bring about a reversal.

If the call did not work, the next step was usually a letter from Moss to the agency head asking by what statutory authority information was withheld. The next step was publicizing the contents of the letter (assuming an unsatisfactory response from the agency).

The next moves took more subcommittee time and resources. Criteria were established by Moss and the staff to choose cases worth the expenditure of resources. One important criterion was whether the subcommittee had a solid, documented case. Another was whether it was a clear case, which could easily be dramatized by the press.

Some cases were used in speeches by Moss or staff members. Many were included in the periodic subcommittee reports, which were distributed widely and publicized. Others were used to document the need for corrective legislation. Some carefully chosen cases grew into open issues between Moss and a department head. The final step could be a full-scale investigatory hearing.

This "pick and shovel work," as Moss has called it was possible because the Moss Committee could depend on wide press co-operation. This assurance was one of the subcommittee's strongest weapons, one that other committees of Congress did not normally have.

The Moss Committee enjoyed institutionalized support from the beginning through the FoI chairmen or representatives in the American Society of Newspaper Editors, Sigma Delta Chi, Associated Press Managing Editors, the American Newspaper Publishers Association, National Editorial Association (now the National Newspaper Association),

and other groups; and its relations with selected Washington reporters—contacts effectively developed and maintained by former newsmen on the staff—also helped.

The Moss Committee-press organization coordination was frequent. In the last pages of a Moss Committee report Representative Clare Hoffman of Michigan, the minority member, charged that subcommittee reports could be read in the newspapers before the reports were completed. Regarding a report to be issued as of August 11, 1958, he said:

"I was interested but not surprised to read all about the contents of this report, complete with quotations, in the wire service messages of early afternoon on August 6, and in full news stories in the Washington *Star* and in the Washington *Post* on August 7."

Other examples can be found in Moss Committee correspondence. When James S. Pope, then of the Louisville *Courier-Journal*, received a copy of one of the subcommittee's unpublished reports in 1960, he wrote to Scher:

"I am sending a copy of this letter to Russ Wiggins [of *The Washington Post*] in the hope that he may have a chance to discuss with you and Sam [Archibald, subcommittee staff director] the best way to have a really good story about the report made available to newspapers upon publication. Some of us, of course, could just pick up the fine job that Russ always gets done on things like this for the *Post*, but I'd like for the A.P. and U.P. to have responsible coverage too. Maybe you could collaborate with the *Post* in a digest that could be made available to A.P. for the Sunday Newsfeature service."

Cooperation was a two-way affair. At times, the Moss Committee staff wrote the press organizations' freedom-of-information annual reports—which were in turn widely reproduced in the press in terms laudatory of the Moss Committee.

In 1962, the APME sent an FoI questionnaire to all Congressional candidates. It had been prepared by the Moss Committee staff, which sent copies of suggested answers to the questions to all Democratic candidates—apparently with the knowledge and approval of the APME—obviously leaving the Republican candidates at a disadvantage.

Coordination between the staff and FoI leaders was augmented through a list of 888 names and addresses. The list included members of all known FoI committees—on the national, state, and local level—major editors and publishers, journalism schools and their faculties, and members of the working press. Through this network, Moss Committee press releases, committee prints, reports, and transcripts were distributed nationally.

To measure the Moss Committee's decline as a watchdog, one may point to the quality and quantity of hearings—the major source of all other subcommittee publications.

From November 7, 1955, to April 23, 1959, the subcommittee held seventeen hearings, many of them vigorously critical of the Eisenhower Administration's security and information policies. These hearings received generally vigorous coverage by the press, with editorial page follow-ups.

After John F. Kennedy became President, there were no hearings until 1963. After breaking this four-year silence, the Moss Committee conducted seven hearings connected with information issues.

Significantly, however, these hearings were not part of the "availability of information" series started during the Eisenhower Administration. The first five Kennedy Administration hearings were labeled "government information plans and policies." Moss was no longer attacking barriers but seeking "guidelines which can and should be imposed on information during periods of crises."

The quality and quantity of subcommittee reports is another measure of decline. During the Eisenhower Administration the subcommittee published fourteen reports and committee prints dealing with aspects of government withholding. Another report, published after Kennedy's election, dealt with the last six months of Eisenhower.

In an equal period of time since the administration has been Democratic, the subcommittee has published only six such reports or prints on a variety of subjects. Few of these—perhaps two—could be classified as similar in quality to publications during the Eisenhower Administration.

What has brought about this qualitative and quantitative change? The reaction of many reporters has been to attribute it to "politics as usual," since Moss is a Democrat, There is a fraction of truth to this explanation. However, the whole story is more complex.

The election of Kennedy, which brought about an administration and Congress under the control of one party, reduced executive-legislative conflict. Moreover, Kennedy significantly changed the issues. Some of this change was due to the success of the Moss Committee in injecting information-access issues into the 1960 campaign. The subcommittee set the stage for and dramatized the Eisenhower Administration's handling of the United States Information Agency prestige-poll controversy. The issue of "executive privilege" (a broadly cited authority for withholding information by high- and low-level officials in the Eisenhower Administration) was also dramatized by the committee. The 1960 Democratic platform contained a freedom-of-information plank, which Moss and the committee staff had initiated.

When Kennedy entered the White House, the Moss Committee staff and Kennedy staff jointly prepared a letter, which Moss "sent" to Kennedy, inquiring about the President's policy on "executive privilege." In responding (in a letter prepared by both staffs), Kennedy said he would limit the use of this unwritten power to himself, contrasted with Eisenhower's delegation of that alleged authority. For this commitment to freedom of information Kennedy was hailed by the Moss Committee and the press. Both, however, probably were aware that it was easy for Kennedy to cast away the forms of the previous administration's information policies for more positive, centralized methods.

Later, during the two Cuban crises, the press and the Moss Committee were to see the other side of this policy. On one hand, Kennedy took a positive attitude: information would be made freely available, yes. On the other hand, under certain circumstances, the timing of the release or the form and context of the information was a matter of of administrative discretion. This "news management" was not unique; previous administrations had practiced it. But it was more dramatic. Eisenhower's information policy had been predominantly restrictive—and less manipulative.

The reaction of the FoI movement to the Kennedy (and Johnson) style—this positive, gate-keeping theory of information flow—was confusion. Just as a possible conflict between Kennedy and the Moss Committee was in the making, in the form of a report on the missile crisis hearings, Kennedy was assassinated.

Another variable affecting the Moss Committee in the early 1960's was the career of JOHN E. MOSS. While chairman of his subcommittee, Moss rose swiftly into the House leadership to the position of deputy Whip. He is now within eventual striking distance of the House Speakership. One does not, as a party leader, unduly, unnecessarily, or willingly embarrass or challenge party leadership when it is in the White House. This new side of Moss has generally been overlooked.

It is perhaps most significant that the FoI movement appears to have lost its steam—at least as evidenced in its relations with the Moss Committee in the past ten years.

The ASNE leadership in the 1950's used an effective ideological and legal weapon—the late Harold L. Cross's *The People's Right to Know*. The book was employed against withholding of information at all levels of government. Cross supplemented his work with legal advice to the Moss Committee. This research, and a well-organized FoI movement, played a significant role in the establishment and direction of the Moss Committee. During its first two years, the Moss Committee acted primarily as a forum for the dramatization of Cross's research and the backlog of other hitherto-ignored FoI cases.

Cross died in 1959, but Scher, another journalism educator-lawyer (both men taught journalism law, Cross at Columbia and Scher at Northwestern), was already an able legal consultant to the Moss Committee. Scher's point of view was as zealous as Cross's.

When Scher died in 1961, other forces were already at work within the FoI movement to lessen its effectiveness. The warhorses—Pope and V. M. (Red) Newton, for instance—retired. One of the most active ASNE leaders had been J. Russell Wiggins. His strategic location in Washington, his position as editor of *The Washington Post*, and his anti-Eisenhower administration politics, made him one of FoI's most effective spokesmen in the 1950's. He has been less active in the 1960's.

The second generation of FoI leaders is at the helm of an old ship on uncharted seas. Its relations with the Moss Committee in this Congress show it. They have lacked independent research resources to check the legal distinctions in FoI legislation and other matters of information policy. They have followed, not led, the Moss Committee staff, forgetting that the subcommittee was largely a creature of conditions the FoI movement helped create. They have long depended on the Moss Committee for legal advice and research, in effect giving the subcommittee *carte blanche*.

Thus the current "freedom of information" act, the Federal Public Records Law, is full of holes. In its original draft, done by Scher in 1960, the measure had three categories of information exempt from disclosure. The final version of this legislation contains nine categories of exemptions—most of them inserted after executive agency pressure. The passage of this bill alone could hardly be termed a victory for freedom of information. If the legislation is to have any of the beneficial effects predicted by the FoI groups, its administration will have to be actively and intelligently watched by these groups with the aid of a Congressional watchdog.

Two broad courses of action seem to be open to those who want to re-establish an effective Congressional check on federal withholding of information and "news management":

1. Retool the FoI movement. There is a wealth of ideology and many platitudes, but little substance, left from the movement's wave of the 1950's. There should be a reassessment of methods, problems, and goals as defined and identified by research on the new conditions of the 1960's.

2. Reconstruct the FoI movement relations with Congress. Congress undoubtedly is still the best recourse to fight administration withholding, as Cross pointed out in 1952.

With Moss now in a leadership position, he is perhaps limited in his time and desire to be an FoI spokesman. The FoI movement can do one, or both, of two things:

Convince Moss that it is in his and the nation's interest to use his subcommittee's resources and his leadership position in the House to review aggressive surveillance of government information withholding *and*

management. He could be presented with suggested plans of action, perhaps relating to information about Viet Nam.

Look for other young, able Congressmen who are looking—as Moss was in 1955—for their place in the sun (or at least something to write home about). In searching for a new watchdog, political realism must prevail. No member of Congress should be asked to crusade for an issue which will bring him no political return.

The Moss Committee—like any other political body—lives or dies in a political environment. One of the elements of this environment is the FoI movement. The FoI groups—represented largely by the press—can help determine the life or death of the subcommittee as they have known it. They can do this most effectively by acting realistically within the democratic process as interest groups in support of a principle that is in the public interest as well as their own.

CONGRESSMAN BROCK ASKS DISCLOSURE OF METRO BUSING BILL

Mr. BROCK. 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 Tennessee?

There was no objection.

Mr. BROCK. Mr. Speaker, I understand that the 1967 education bill already has been drafted by the administration and submitted to the Secretary of Health, Education, and Welfare. It apparently is destined to become "must" legislation for the 90th Congress. The real test of new experiments in education, however, will come on this year's pending housing bill, when the House of Representatives will consider the metropolitan development section. It will be through the proposed metro title of the bill that Congress will be asked next year to endorse a multibillion-dollar program designed to achieve "racial balance" in education in virtually every metropolitan area of the country. Thus, if the House of Representatives approves the proposed metro title of the bill now, the administration will have won its biggest test and the scene will be set for forced school busing next year.

For these reasons it is imperative this draft bill be revealed before Congress is tricked into voting for a supposedly innocent metro title of the housing bill.

In terms of radical departure from the traditional Federal role, the school busing scheme will make the open-housing section of the House-passed 1966 civil rights bill look like tiddlywinks. Using metro as the statutory foundation, the Johnson administration apparently intends to ask for:

First. Metropolitan areawide rezoning of school attendance areas, without regard to existing State or county lines, to compel racial balance in public schools;

Second. Busing of suburban schoolchildren into city schools, and busing of city pupils to suburban schools at Federal insistence and expense. Failure to comply with compulsory racial balance will result in massive penalties in a vast array of existing Federal-aid programs included in the pending metro section of the housing bill.

Third. Complete obliteration of present school district boundary lines, with free transfers between school districts.

Fourth. Federal subsidies to underwrite the cost of rewriting history books so as to recast the history of racial and religious minorities.

I insist the Johnson administration make public the existence of this legislation as well as its plans to achieve school busing under the metro title of the pending housing bill. It would be better for the White House and the Office of Education to have the honesty to make public their intentions, along with their motives; but if they refuse I intend to fight to remove the veil of secrecy from this radical plan which would destroy local responsibility for our Nation's educational system.

Mr. Speaker, I include an article entitled "Education Bombshell" in the September 9 Washington Post by Robert Novak and Rowland Evans at this point in the RECORD:

[From the Washington Post, Sept. 9, 1966]

INSIDE REPORT: EDUCATION BOMBSHELL

(By Rowland Evans and Robert Novak)

In the highest reaches of the Department of Health, Education and Welfare, planners have secretly put together an education bill for 1967 that would be certain to whip the white backlash into a frenzy.

The bill recommended by a policy planning task force quietly at work for the last several months would make a radical departure in Government policy by supplying extra Federal funds to school districts that achieve an integrated racial balance. Put another way, school districts that do not achieve that balance would be penalized.

This would escalate the Federal Government's attack on de jure (legal) segregation in the South to an assault on de facto (neighborhood) segregation in the North. In fact, the task force recommends that the Johnson Administration actively promote such politically explosive integration devices as school busing and pupil exchanges between the white suburbs and the black inner city.

Whether the White House will finally put its stamp of approval on this combustible package and send it to Congress next year is a matter of considerable doubt. Nevertheless, the fact that Federal officials who have the most to do with education would seriously consider such a plan is a matter of major interest.

For, quite apart from adding to the backlash, their plans run counter to modern, sophisticated thinking on how to solve the education problem in the Negro ghettos. With Negro school population as high as 90 per cent in some cities, civil rights leaders conceded that racial balance may not be an attainable goal and that Federal funds would be far better spent making all-Negro schools the very best in teachers and equipment.

But even that is in some doubt. The basic problem in ghetto schools may be the methods of education and, most important, the quality of the student's home life.

But no such subtleties are discussed in the program of the task force, which has now gone to the desk of Education Commissioner Harold Howe and may soon be drafted into a legislative bill. It calls for the "Equal Education Opportunity Act of 1967" to provide extra funds for school districts willing to take steps to achieve racial balances.

Specifically, Howe's planners talk of encouraging district-wide rezoning, site selection designed to produce integrated schools, school busing, pupil exchanges between the suburbs and the inner city and even new kinds of curricula designed to aid racial integration. The task force recommends that these integration grants start at $175 million in the next fiscal year and climb to $375 million four years later.

Even more interesting is a confidential suggestion by the task force that school grants be made a part of the metropolitan planning section of President Johnson's "demonstration cities" bill now pending in Congress.

This section would provide a 20 per cent boost in many varieties of Federal grants—highways and airports, for example—for cities that set up a metro planning agency meeting Federal specifications. The education task force suggests that school grants could be added to this list by a simple amendment next year.

This leads to the possibility that if a school district did not conform to Federal standards on racial balance, the metropolitan area could lose not only the extra school grants but the 20 per cent extra money for all other varieties.

Moreover, the allocation of the extra school money for the integrated districts would be made not by the state Departments of Education but by the Commissioner of Education in Washington. And Howe has left no doubt about how he feels on this score.

In sharp contrast to his predecessor as Commissioner, Francis Keppel, Howe has shown no hesitancy to involve Uncle Sam directly in the sensitive problem of de facto segregation.

CONGRESSMAN HORTON URGES BIGGER AND BROADER FEDERAL SUPPORT FOR WATER-POLLUTION CONTROL

Mr. HORTON. 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. HORTON. Mr. Speaker, recently, I introduced a measure which provides for 70 percent Federal grant participation in research projects undertaken to reduce industrial pollution of our waterways. I want today to praise the House Public Works Committee for its prompt and responsible action in reporting this measure as part of its omnibus antipollution measure, H.R. 16076.

While there is no question that industry is responsible for much of the water pollution problem we are faced with, it is also a fact that the research and vast financial outlays required to eliminate industrial pollution cannot be provided by industry alone. Further, there is serious doubt, as evidenced by recent hearings of the Committee on Science and Astronautics, that the technological tools needed to solve this problem are sufficiently developed. Thus, it is doubly important that we provide adequate aid for the research which is needed to develop these methods and equipment, and to bring the solutions within our reach.

Earlier this session, I introduced H.R. 17170 providing for recognition awards to industries and municipalities which

demonstrate excellence in pollution abatement. The research grant program provides further means of helping firms which show initiative in eliminating pollution. I am particularly pleased that the committee has approved the 70 percent Federal participation formula for research grants. Both in H.R. 17576, my bill paralleling this provision, and in H.R. 17369, which I introduced recently, I have supported high percentages of Federal participation in pollution control research and works projects.

Just as industry cannot bear all of the burden of developing solutions to the contamination of our waters, cities and towns are under as much or more financial stress, with demands on their tax dollars from myriad municipal responsibilities. Thus, the Federal role must be enhanced if we are to implement effective clean water programs and facilities.

In H.R. 17369, I provided for 70-percent Federal participation in sewage treatment construction projects undertaken by municipalities, while both the Senate and the House Public Works Committees have kept this participation below 50 percent. Like the research grant program the committee has just reported at the 70-percent level, the treatment works grant program bears close watching to see if the participation provided is adequate incentive for the prompt improvement of this Nation's pollution prevention facilities.

Mr. Speaker, I again want to commend the committee on its foresight in reporting so promptly this urgently needed program for research in the area of industrial pollution. We are fortunate in having on this committee, men who are dedicated to the task of cleansing our waterways, men like Congressman ROBERT E. JONES, with whom I am proud to serve as the ranking minority member of his Government Operations Subcommittee on Natural Resources and Power.

BUSING OF STUDENTS TO CREATE RACIAL BALANCE

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, I have been deeply disturbed that despite the mandate of Congress against granting or withholding of Federal funds for the purpose of facilitating the busing of students to accomplish de facto integration or racial balance, Commissioner of Education Howe is apparently determined to use the full power of his Office to force the busing of students and also to threaten neighborhood schools by this method and by promoting school desegregation through the single school campus concept. The school commune is on its way unless Congress stops it.

As the author of the amendment to title IV of the 1964 Civil Rights Act involving the school desegregation, I can attest that it is the intent of Congress that no funds under that title or under the 1964 Civil Rights Act should be spent for the purpose of creating racial balance or for the busing of students.

Pursuant to my amendment on the floor of the House in 1964, "desegregation" was defined, as now appears in title 42, United States Code, Subchapter IV, Public Education, section 2000c(b), as follows:

> "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

To further emphasize this intent of Congress, section 2000c-6 provides for action by the Attorney General in desegregation cases and states that—

> Nothing herein shall empower any official or court of the United States to issue any order seeking 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.

This latter provision was written into this title by my amendment in the Judiciary Committee.

The debate on the House floor and the report on the bill clearly shows that Congress intended that no power of the Federal Government and no funds administered by the Federal Government could or should be used for the purpose of busing students.

Despite this mandate, I have been informed that the Hartford, Conn., School Board, acting in an area where there has not been any deliberate segregation, has proposed a grant of $130,840 to combat de facto segregation and that it is making a request for this sum as part of a program which involves the busing of 300 students to suburban areas.

There are a number of other grants that have been brought to my attention that could easily involve the same misuse of Federal funds, including the following: Los Angeles, $109,103; New York City, $199,951; Oakland, Calif., $30,000; California State Department of Education, $153,901; New York State Department of Education, $85,400.

In order to prevent this misuse of funds and to inform the Commissioner of the clear intent of Congress, I directed a letter to Mr. Harold Howe II, Commissioner of Education, which follows these remarks asking for a full report on these matters. The House should be fully advised as to how Federal funds are being spent for this purpose contrary to law.

This letter was addressed to Mr. Howe on August 23, 1966, and as of this date, I have had no reply nor have I had a call from Mr. Howe concerning my protest. I am therefore making my correspondence a matter of record, as well as an article which appeared in the September 5, 1966, issue of the U.S. News & World Report entitled, "Is Federal Aid Helping To End Neighborhood Schools?" This is being done for the information of the Congress and the judiciary and the Appropriations Committee that have oversight functions relating to the civil rights bill and the spending of funds.

I am also inserting an article by Rowland Evans and Robert Novak entitled "Education Bombshell," which substantiates the fact that legislation will soon be proposed to use the "demonstration cities" bill, should it become law, to force the busing of students and to accomplish racial balance. This proposal suggests that the full power of the Federal Government would be used to enforce the expedition of racial balance within metropolitan school areas in order to combat de facto segregation.

Also disturbing is the fact that Federal funds are being withheld by the Department of Education under title V of the 1964 Civil Rights Act in order to accomplish "racial balance" although it is obvious that the definition of "desegregation" under title IV was intended to apply equally to title V grants and loans.

The material requested follows:

[From U.S. News & World Report, Sept. 5, 1966]

IS FEDERAL AID HELPING TO END NEIGHBORHOOD SCHOOLS?

Government purse strings are being opened to Northern classrooms to push integration—That's the latest charge in Congress, where issue is raised about the legality of educational grants designed to discourage "racial imbalance" in schools.

Federal programs to help "desegregate" schools in Northern cities have run into a challenge in Congress.

The challenge came on August 23 from Representative WILLIAM C. CRAMER (Rep.), of Florida.

Representative CRAMER charged that the U.S. Office of Education "appears to be violating" the 1964 Civil Rights Act by granting more than $730,000 of federal funds "to implement experiments attacking *de facto* segregation or racial imbalance" in Northern schools.

Mr. CRAMER wrote the U.S. Commissioner of Education, Harold Howe II, asking "under what authority" his office is making such grants and told the House, "I intend to pursue this matter."

Mr. Howe, on August 25, denied Mr. CRAMER's charge and said "a full, responsive reply to the Congressman's inquiry is being prepared."

The issue raised in this dispute is one that could decide the fate of the system of "neighborhood schools" that is used in the North. That issue:

Is there any legal authority for federal action to break up the kind of "segregation" found in the North?

This so-called *de facto* segregation is not caused by the exclusion of Negroes from white schools. It results from housing patterns, with Negroes concentrated in neighborhoods that are nearly all-Negro, and with children attending schools in their neighborhoods.

The Supreme Court has never held that this is unconstitutional.

Congress has tried to exclude *de facto* segregation as a target of its civil-rights legislation.

LEGAL QUICKSAND

Mr. Howe complained recently that in trying to attack the Northern style of "segregation," federal officials run into "quicksands of legal interpretation." He said: "We can't do anything; we can only suggest and stimulate local school districts."

Many federal officials, however, have come out with "suggestions"—and federal "stimulation" is being given to a variety of local actions.

Much of the "stimulation" to local action has come in the form of federal money. Some of this money has come from funds appropriated for aid for education—not from the civil-rights funds cited by Representative CRAMER.

East Orange, N.J., for example, has received $162,000 of federal aid-to-education money for planning an "educational plaza" which would serve to bring together school facilities now scattered widely around the city.

The East Orange idea is to "phase out all neighborhood schools" and replace them with a central complex that would provide "a common educational experience for children and youth from all sections of the city—rich and poor, Negro and white."

East Orange officials are hoping for additional federal funds in carrying out this plan.

OTHER CITIES, OTHER METHODS

Similar ideas for central "educational parks" or "plazas" are being discussed in several cities.

Mt. Vernon, N.Y., is counting on federal assistance to establish a model "children's acedemy"—using the newest educational methods—located on the fringes of white and Negro neighborhoods to attract children of both races.

This idea is in line with a recent Howe suggestion that "we will have to reappraise where the boundary lines of neighborhoods should be drawn when we speak of 'the neighborhood school.'"

Mr. Howe also suggested that the nation needs to take a "close look" at the whole system of neighborhood schools in the light of its frequent effect of separating Negroes from whites in the schoolroom.

Another Howe suggestion is that white suburbs should share the racial problems of city schools. One of his ideas is that city school districts might combine with suburban districts.

This idea has been under consideration in Atlanta, Ga., where school authorities talk of creating a Metropolitan Educational Authority that would include the predominantly white suburbs along with the heavily Negro city.

WHAT VOTERS THINK

One problem that Atlanta has encountered is that many suburban residents do not relish the idea of unification with the city.

Last May, voters of suburban Sandy Springs turned down by a vote of more than 2 to 1 a proposed annexation with Atlanta. One reason given by a Sandy Springs leader was fear "the Federal Government might compel busing of students" because "we don't have enough Negroes in our community."

Norman F. Lent, a State senator from a suburb of New York City, was quoted by "The Wall Street Journal" recently as predicting that "the time is coming when the City of New York will attempt to exchange students on a forced basis with its suburbs."

To this, according to "The Journal," Mayor John L. Messina of suburban Port Chester replied: "Never."

Commissioner Howe warned educators in a recent speech that they must be prepared to risk "enraging suburban taxpayers" to carry out the task of desegregating Northern schools.

Busing of city Negroes to suburban schools already is being tried on a small scale in several cities.

One of the federal grants attacked by Representative CRAMER gives $130,000 to a Hartford, Conn., experiment in which 266 pupils from heavily Negro schools in the city are to be bused into white suburbs.

This grant was made under Title IV of the 1964 Civil Rights Act, which authorizes federal aid for dealing with problems of "desegregation."

The federal money is not used to finance the actual busing of Hartford pupils. Instead, it goes for the pay and training of special teachers and consultants, and for "evaluation" of the results of the experiment.

Mr. Howe describes this as helping "school personnel to deal effectively with special educational problems occasioned by desegregation, which is in the authorizing language of Title IV." He insists:

"No Title IV funds are being used for transporting pupils or overcoming racial imbalance."

A DEFINITION OF DESEGREGATION

Mr. CRAMER's position is that the Hartford grant is "part and parcel" of a program based on busing and thus "encourages what the Congress specifically forbade." He told the House:

"In passing the 1964 Civil Rights Act, this body adopted my amendment to the definition of 'desegregation' which says that 'desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance'."

In the light of this definition, Mr. CRAMER said:

"It becomes crystal clear that the award of federal funds to any school board for the purpose of implementing programs aimed at overcoming *de facto* segregation or racial imbalance is absolutely improper. . . .

"Grants are being made to Northern school boards, including Hartford, Conn., where there has not been any deliberate segregation of students in the public schools. The only logical conclusion is that the grants are being made to overcome *de facto* segregation or racial imbalance."

SPENDING IN OTHER CITIES

In addition to the Hartford grant, officials of the U.S. Office of Education list these other grants that have been made under the Civil Rights Act for "desegregation" purposes to school systems that are outside the South:

Los Angeles, $109,103 to train personnel in problems of desegregation.

New York City, $199,951 for training personnel with one aim described as: "to develop skills in the area of civil liberties and civil rights."

Oakland, Calif., $30,000 for "advisory specialists in solving the problems of racially and ethnically mixed schools."

California State department of education, $153,901 "for a Statewide advisory service for local school districts to assist them in dealing with problems incident to desegregation."

New York State department of education, $85,400 "to establish a model State program for desegregation" and $8,600 for a teacher institute "on individualizing instruction for classroom integration in two schools of New York City.

Syracuse, N.Y., $12,604 for planning a school-desegregation program.

Together with the Hartford project, these grants add up to the $730,000 figure cited by Mr. CRAMER.

Whatever the outcome of the Cramer challenge to such spending, the role of the Federal Government in the war on *de facto* segregation seems sure to grow.

Studies of Northern schools are being made by the U.S. Civil Rights Commission and the Office of Education. Bills are pending in Congress to authorize specifically the use of federal aid against racial imbalance.

Schools of the South have been under federal pressure ever since the Supreme Court outlawed separate schools for Negroes in 1954. Now the pressure is shifting to the North, as well.

AUGUST 23, 1966.

Mr. HAROLD HOWE II,
Commissioner of Education,
Washington, D.C.

DEAR MR. HOWE: I have been informed that the Department of Education has granted or is in the process of granting over $730,000 under Title IV of the 1964 Civil Rights Act to implement programs aimed at overcoming de facto segregation or racial imbalance.

Although it is my understanding that the Federal government is not authorizing these grants for the purpose of financing the actual busing of students to public schools in order to overcome racial imbalance, the grants in some areas are being awarded as part and parcel of local proposals which are based in the first instance on the busing students. The definition of "desegregation" which was adopted by the Congress in the 1964 Civil Rights Act makes it clear that grants in aid of desegregation are to be awarded only to schools where desegregation comes about as a normal incident of the integration of public schools and not as part of an effort to achieve racial balance. The result is that the Office of Education appears to be violating both the letter and the spirit of Title IV of the 1964 Civil Rights Act which specifically prohibits the granting of Federal funds for the purpose of promoting the assignment of students to overcome racial imbalance.

In view of the clear intent of Congress in enacting Title IV, and specifically in light of its definition of "desegregation", I am herewith requesting to know under what authority your Office is acting in making these grants to northern school boards, where there has been no deliberate segregation, for the purpose of overcoming defacto segregation or racial imbalance.

I am specifically requesting information on the proposal made by the Hartford, Connecticut School Board where there has been no deliberate segregation and which I understand has requested $130,840 to attack defacto segregation and which is making its request for this sum as part of a program which involves the busing of 300 students to suburban areas.

Sincerely,

WILLIAM C. CRAMER,
Member of Congress.

[From the Washington (D.C.) Post, Sept. 9, 1966]

EDUCATION BOMBSHELL

(By Rowland Evans and Robert Novak)

In the highest reaches of the Department of Health, Education and Welfare, planners have secretly put together an education bill for 1967 that would be certain to whip the white backlash into a frenzy.

The bill recommended by a policy planning task force quietly at work for the last several months would make a radical departure in Government policy by supplying extra Federal funds to school districts that achieve an integrated racial balance. Put another way, school districts that do not achieve that balance would be penalized.

This would escalate the Federal Government's attack on de jure (legal) segregation in the South to an assault on de facto (neighborhood) segregation in the North. In fact, the task force recommends that the Johnson Administration actively promote such politically explosive integration devices as school "busing" and pupil exchanges between the white suburbs and the black inner city.

Whether the White House will finally put its stamp of approval on this combustible package and send it to Congress next year is a matter of considerable doubt. Nevertheless, the fact that Federal officials who have the most to do with education would seriously consider such a plan as a matter of major interest.

For, quite apart from adding to the backlash, their plans run counter to modern, sophisticated thinking on how to solve the education problem in the Negro ghettos. With Negro school population as high as 90 per cent in some cities, civil rights leaders conceded that racial balance may not be an

attainable goal and that Federal funds would be far better spent making all Negro schools the very best in teachers and equipment.

But even that is in some doubt. The basic problem in ghetto schools may be the methods of education and, most important, the quality of the student's home life.

But no such subtleties are discussed in the program of the task force, which has now gone to the desk of Education Commissioner Harold Howe and may soon be drafted into a legislative bill. It calls for the "Equal Education Opportunity Act of 1967" to provide extra funds for school districts willing to take steps to achieve racial balances.

Specifically, Howe's planners talk of encouraging district-wide rezoning, site selection designed to produce integrated schools, school busing, pupil exchanges between the suburbs and the inner city and even new kinds of curricula designed to aid racial integration. The task force recommends that these integration grants start at $175 million in the next fiscal year and climb to $375 million four years later.

Even more interesting is a confidential suggestion by the task force that school grants be made a part of the metropolitan planning section of President Johnson's "demonstration cities" bill now pending in Congress.

This section would provide a 20 per cent boost in many varieties of Federal grants—highways and airports, for example—for cities that set up a metro planning agency meeting Federal specifications. The education task force suggests that school grants could be added to this list by a simple amendment next year.

This leads to the possibility that if a school district did not conform to Federal standards on racial balance, the metropolitan area could lose not only the extra school grants but the 20 per cent extra money for all other varieties.

Moreover, the allocation of the extra school money for the integrated districts would be made not by the State Departments of Education but by the Commissioner of Education in Washington. And Howe has left no doubt about how he feels on this score.

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UNITED STATES-CANADIAN AUTOMOTIVE AGREEMENT

Mr. STALBAUM. 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 Wisconsin?

There was no objection.

Mr. STALBAUM. Mr. Speaker, since the United States-Canadian Automotive Agreement was implemented last December, the little band of gloomy prophets who opposed its ratification has watched foreboding become fact.

In a letter to our colleagues on August 30, 1965, Representatives BRADEMAS, MCCLORY, STUBBLEFIELD, and I listed our objections to passage of the authorizing legislation. Our opposition can be summed up in one terse sentence:

> The United States will give away part of its market in automotive products to Canada and get nothing in return.

The accuracy of this prognosis is confirmed by statistics collected by the Automotive Manufacturers Association and the U.S. Commerce Department's Business and Defense Supply Agency. Judging from the January–March figures, total imports of Canadian auto parts in 1966 will be three times greater than in 1965.

Another alarming comparison indicates that the value of Canadian passenger cars imported by the United States in the first 6 months of 1966 already exceeds twice the value of these vehicles imported in all of 1965.

These trends forecast a 30-percent decline in our favorable trade balance with Canada in new vehicles and parts by the end of the year—a slump which is cause for concern in itself but which is also one more heavy straw on our precarious balance-of-payments account.

This altruistic benevolence lavished on our northern neighbor has had another distressing—and costly—repercussion. The Automotive Products Trade Act has already been certified as the "primary factor" in the elimination of 600 jobs held by American workers, and many more American jobs and paychecks will be casualties of the administration's generosity to the Canadian labor market. Ultimately, this generosity may cost American taxpayers millions of dollars in unemployment compensation payments.

Opportunities to say "I told you so" are rare; this one is too tempting to resist. However, my remarks have a higher purpose. I hope they will provoke an immediate review of the automotive agreement that will lead to renegotiation of its liberal concessions to Canadian prosperity. Shoring up the Canadian economy and sweetening our diplomatic relations with Canada are admirable objectives, but the administration apparently must be reminded that its primary obligation is to American workers, American industry, and the American economy.

A BILL TO STRENGTHEN THE REGULATORY AND SUPERVISORY AUTHORITY OF FEDERAL AGENCIES OVER INSURED BANKS AND INSURED SAVINGS AND LOAN ASSOCIATIONS

Mr. PEPPER. Mr. Speaker, I ask unanimous consent to revise and extend my 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 Florida?

There was no objection.

Mr. PEPPER. Mr. Speaker, today I have introduced the following bill, the text of which is included, followed by a summary and section-by-section analysis:

H.R. 17703

A bill to strengthen the regulatory and supervisory authority of Federal agencies over insured banks and insured savings and loans associations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Financial Institutions Supervisory Act of 1966".

TITLE I—PROVISIONS RELATING TO THE FEDERAL HOME LOAN BANK BOARD AND THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

SEC. 101. Subsection (d) of section 5 of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(d)) is hereby amended to read as follows:

"(d)(1) The Board shall have power to enforce this section and rules and regulations made hereunder. In the enforcement of any provision of this section or rules and regulations made hereunder, or any other law or regulation, or in any other action, suit, or proceeding to which it is a party or in which it is interested, and in the administration of conservatorships and receiverships, the Board is authorized to act in its own name and through its own attorneys. The Board shall be subject to suit by any Federal savings and loan association or director or officer thereof or other aggrieved person with respect to any matter under this section or any other applicable law, or rules or regulations thereunder, in the United States district court for the judicial district in which the home office of the association is located in or which such aggrieved person resides or in the United States District Court for the District of Columbia, and the Board may be served with process in the manner prescribed by the Federal Rules of Civil Procedure.

"(2)(A) If by formal resolution the Board determines that an association is violating or within the past two years has violated any law or regulation, it may issue and serve upon the association a notice of charges in respect thereof. The notice shall contain a statement of the facts and actions which constitute the alleged violation or violations of law or regulations and shall fix a time and place at which a hearing will be held to determine whether an order to cease and desist therefrom should issue against the association. Such hearing shall be fixed for a date not earlier than thirty days nor later than sixty days after service of the notice, provided, however, that the Board shall fix an earlier date and may fix a later date at the request of the association. Unless the association shall appear at the hearing by a duly authorized representative, it shall be deemed to have consented to the issuance of the cease and desist order. In the event of such consent, or if upon the record made at any such hearing the Board shall find that any violation specified in the notice of charges has been established, the Board may issue and serve upon the association an order to cease and desist from any such violation. Such order may, by provisions which may be prohibitory or mandatory or a combination thereof, require the association and its directors, officers, employees, and agents to cease and desist from the same, and, further, to take affirmative action to correct the conditions resulting from any such violation.

"(B)(1) Any hearing provided for in this subsection (d) shall be held in the Federal judicial district or in the territory in which the home office of the association is located, unless the party afforded the hearing consents to another place, and shall be conducted by one or more independent hearing examiners in accordance with the provisions of the Administrative Procedure Act; but such hearing shall be private and the record of such hearing shall be sealed, unless a public hearing is requested by the party afforded the hearing. The hearing shall be conducted with reasonable expedition, and within ninety days after the Board has notified the parties that the case has been submitted to it for final decision. The Board shall render its decision in writing on the record made at the hearing (which decision shall include findings of fact upon which it is predicated) and shall issue and cause to be served upon each party to the proceeding an order or orders consistent with the provisions of this subsection (d). Unless a petition for court review is timely filed and thereafter until such record as may then exist in the proceeding has been filed with the court, the Board may at any time, upon reasonable no-

tice to affected persons, modify any such order in a manner consistent with the hearing record so as to make it less onerous or terminate or set aside the order. However, when a petition has been filed with an appropriate court and when such record has been filed with the court, the Board may modify, terminate, or set aside any such order only with permission of the court.

"(2) In the course of or in connection with any proceeding under this subsection (d), the Board or any member thereof or a designated representative of the Board, including any person designated to conduct any hearing under this subsection (d), shall have power to administer oaths and affirmations, to take or cause to be taken depositions, and to issue, revoke, quash or modify subpenas and subpenas duces tecum; and the Board is empowered to make rules and regulations with respect to any such proceedings consistent with the provisions of the Administrative Procedure Act and this Act. The attendance of witnesses and the production of documents provided for in this paragraph may be required from any place in the State or territory at the designated place where such proceeding is being conducted or from any place in any other State or territory at any designated place within such other State or territory, respectively. Any party to proceedings under this subsection (d) may apply to the United States district court for the District of Columbia or the United States district court for the judicial district or the United States court in any territory in which such proceeding is being conducted or where the witness resides or carries on business, for enforcement of a subpena or subpena duces tecum issued pursuant to this paragraph, and such courts shall have jurisdiction to order and require compliance with the terms of such subpenas and subpenas duces tecum. Witnesses subpenaed under this paragraph shall be paid the same fees and mileage that are paid witnesses in the United States district courts. All expenses of the Board or of the Federal Savings and Loan Insurance Corporation in connection with this subsection (d) shall be considered as nonadministrative expenses. Any service required or authorized to be made by the Board under this subsection (d) may be made by registered mail or by personal service, as the Board may by regulation or otherwise provide.

"(C) A cease and desist order shall become effective at the expiration of thirty days after service of such order upon the association concerned (except in the case of a cease and desist order issued upon consent, which shall become effective at the time specified therein), and shall remain effective and enforceable, except to such extent as it is stayed, modified, terminated, or set aside by action of the Board or by a reviewing court.

"(D) In the case of a failure to obey a cease and desist order, as to which a petition for review has not been filed in the proper United States district court, the Board may apply to the United States district court, or the United States court of any territory, within the jurisdiction of which the home office of the association is located, for an injunction to enforce such order, and such courts shall have jurisdiction to entertain such application and, if the court shall determine that there has been such a violation of a law or regulation as forms the basis for the cease and desist order and that there has been such a failure to obey, it may issue such injunction.

"(E) Within thirty days after the date a cease and desist order is served upon it, an association or any aggrieved person may file a petition for review of such order in the United States district court, or the United States court of any territory, within the jurisdiction of which the home office of such association is located, or in the United States District Court for the District of Columbia. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Board, and thereupon the Board shall file in the court the record in the proceeding, as provided in section 2112 of title 28 of the United States Code. Upon the filing of such petition, such court shall have jurisdiction to determine and adjudicate the issues of law and fact presented thereby and shall have jurisdiction to enter a judgment determining the validity of or enjoining, suspending, setting aside or enforcing, in whole or in part, the order issued by the Board. In any such action, the court shall consider the record in the proceeding before the Board, may take evidence, and may conduct a trial of the facts and law in the case de novo if in its opinion the circumstances of the case warrant such action. Appeals from any action of such court in such proceedings shall lie as in other matters subject to its jurisdiction.

"(F) The filing of a petition for review under subparagraph (E) of this paragraph shall not of itself stay or suspend the effectiveness of a cease and desist order which is the subject of the petition for review, but the court in its discretion may restrain or suspend, in whole or in part, the operation of the order pending its determination of the matters in petition.

"(G) Where a petitioning association or an aggrieved person applies for an interlocutory injunction suspending or restraining the enforcement, operation, or execution of, or setting aside, in whole or in part, any action by the Board following service upon the association of a notice of charges of violation of a law or regulation, the court shall exercise jurisdiction over such an application and, in cases where irreparable damage would otherwise ensue to the petitioner, shall order a temporary stay or suspension, in whole or in part, of further action of the Board upon the charges pending the decision on the application for such interlocutory injunction, in which case such order of the court shall contain a specific finding that such irreparable damage would result to the petitioner and specifying the nature of such damage. The hearing of such an application for an interlocutory injunction shall be given preference and expedited and the application shall be heard at the earliest practicable date after notice to the Board by the court of hearing on the application.

"(H) Any court having jurisdiction of any proceeding instituted under this subsection (d) by an association or a director or officer thereof or other aggrieved person may allow to any such party such reasonable expenses and attorneys' fees as it deems just and proper; and such expenses and fees shall be paid by the association or from its assets.

"(I)(1) In any proceeding properly brought before it under this subsection (d), a court shall have power to hear and determine all questions of law or fact that may be at issue between the parties in the proceeding without being bound by any conclusions of law or fact previously made by the Board.

"(2) Any action or proceeding authorized under this subsection (d) may be brought by an association or other aggrieved person without exhausting any alternative administrative procedures or remedies that may be available to such association or person.

"(3) If the home office of an association is not located within a judicial district of the United States, any action or proceeding authorized under this subsection (d) to which such association is a party or affecting such association may be filed in the United States district court for the District of Columbia, and such court shall have jurisdiction as if such office were located within the district of such court. Service on such association in any such action or proceeding may be made by registered mail.

"(J)(1) The term 'cease and desist order' includes a cease and desist order that has been affirmed or modified under any provision of this subsection (d).

"(2) The terms 'cease and desist order which has become final' and 'order which has become final' mean a cease and desist order and an order, respectively, with respect to which the time allowed for filing petition for review has expired without the filing of such petition, or if such a petition has been filed, with respect to all subsequent rights of any party to appellate review of or writs of certiorari in any related proceedings have terminated.

"(3) The term 'cease and desist order' shall not include any order that has the effect of limiting the rate of dividends or interest payable on savings or loans handled by an association, of appointing or removing any officer, director, employee, agent, or attorney of an association, of assuming any managerial function of an officer or director of an association, or of assuming any prerogative of shareholders or stockholders of an association.

"(4) The term 'territory' includes the Commonwealth of Puerto Rico, and any possession of the United States or any place subject to the jurisdiction of the United States.

"(3)(A) Except as otherwise provided in this paragraph (3), the grounds for appointment of a conservator or receiver for an association shall be one or more of the following: (i) insolvency in that the assets of the association are less than its obligations to its creditors and others, including its members; (ii) willful and substantial dissipation of assets or earnings due to a violation or violations of law or regulations; (iii) willful and substantial violation of a cease and desist order which has become final; and (iv) concealment of books, papers, records, or assets of the association, or refusal to submit books, papers, records, or affairs of the association for inspection to any examiner or lawful agent of the Board. The Board shall have exclusive power and jurisdiction to appoint a conservator or receiver upon court order as hereinafter provided.

"(B) Appointment of a conservator or receiver upon any one or more of the grounds set forth in this paragraph (3) shall be made by the Board upon the order of the United States district court for the district in which the home office of the association involved is located.

"(C) In the event such court shall find that one or more of the grounds set forth in this paragraph (3) for the appointment of a conservator or receiver exists and that an emergency exists which involves a substantial and continuing dissipation of assets, or in the event such court finds that the management of the association involved is unable to exercise validly effective control of the association, the court may order the Board to appoint a conservator or receiver ex parte and without notice to the association affected by the order. However, in the event of such appointment the association may, within thirty days after such appointment petition the court that issued such an order for an order rescinding such appointment and the court shall upon the merits either dismiss such action and affirm the appointment or order the Board to terminate such appointment.

"(D) In any proceeding brought by the Board for the appointment of a conservator or receiver, the court shall grant such request only if in the opinion of the court the issuance of a cease and desist order under subsection (d) would not afford the Board an effective method of protecting the interests of the public or of the savings account holders of the association or the interests of the Federal Savings and Loan Insurance Corporation.

"(E) Proceedings under this paragraph (3) shall be given precedence over other cases

pending in any such court, and shall in every way be expedited.

"(F) In addition to the foregoing provisions, the Board may, without any requirement of notice, hearing, or other action, appoint a conservator or receiver for an association in the event that the association, by resolution of its board of directors or of its members, consents to such appointment.

"(G)(1) A conservator shall have all the powers of the members, the directors, and the officers of the association and shall be authorized to operate the association in its own name or to conserve its assets in the manner and to the extent authorized by the Board. The Board shall appoint only the Federal Savings and Loan Insurance Corporation as receiver for an association, and said Corporation shall have power to buy at its own sale as receiver, subject to approval by the Board.

"(2) The appointment of a receiver under any provision of this subsection (d) shall constitute a default within the meaning of Title IV of the National Housing Act.

"(3) The Board may, without any requirement of notice, hearing or other action, petition the appointing court to replace a conservator with another conservator or with a receiver, but any such replacement, or a succession of such replacements, shall not affect any right which the association may have for review of the original appointment, except that any removal resulting from such review shall be removal of the conservator or receiver in office at the time of removal.

"(H) The Board shall have power to make rules and regulations for the reorganization, consolidation, merger, liquidation and dissolution of associations and for associations in conservatorship and receivership and for the conduct of conservatorships and receiverships; and the Board may, by regulation or otherwise, provide for the exercise of functions by members, directors, or officers of an association during conservatorship and receivership.

"(I) Whenever a conservator or receiver appointed by the Board in the manner provided in this paragraph (3) demands possession of the property, business, and assets of any association, or of any part thereof, any director, officer, employee, or agent of such association who refuses to comply with the demand shall upon conviction for such refusal be subject to a fine of not more than $1,000 or imprisonment for not more than one year, or both.

"(4) The members, directors, officers and attorneys of the association in office at the time of initiation of any proceedings under this subsection (d) are expressly authorized to contest any such proceedings, and shall be reimbursed for reasonable expenses and attorneys' fees by the association or from its assets, and the Board in any such proceeding before it or its delegates shall allow and order paid any such reasonable expenses and attorneys' fees.

"(5)(A) Except with written consent of the Board, no person shall serve as a director, officer, or employee of an association or as an officer or employee of the Federal Home Loan Bank Board who has been finally convicted within five years preceding the proposed commencement of such service, or who is hereafter finally convicted, of a felony involving dishonesty or breach of trust.

"(B) For each conviction of willful violation of the prohibition in this paragraph (5), the person involved shall be subject to a fine of not more than $100 for each day the prohibition is violated or imprisonment for not more than ten days for each day the prohibition is violated, or both such fine and imprisonment."

SEC. 102. Section 407 of the National Housing Act (12 U.S.C. 1730) is hereby amended by inserting "(a)" before the word "Any" at the beginning of said section and by adding the following new paragraphs at the end of said section:

"(b)(1) Before beginning any proceeding to terminate insurance under the provisions of subsection (a) of this section, however, if by formal resolution the Corporation determines that any insured institution or any institution any of the accounts of which are insured is violating or within the past two years has violated any law or regulation, it may issue and serve upon the institution a notice of charges in respect thereof. The notice shall contain a statement of the facts and actions which constitute the alleged violation or violations of law or regulations and shall fix a time and place at which a hearing will be held to determine whether an order to cease and desist therefrom should issue against the institution. Such hearing shall be fixed for a date not earlier than thirty days nor later than sixty days after service of the notice, provided, however, that the Corporation shall fix an earlier date and may fix a later date at the request of the institution. Unless the institution shall appear at the hearing by a duly authorized representative, it shall be deemed to have consented to the issuance of the cease and desist order. In the event of such consent, or if upon the record made at any such hearing the Corporation shall find that any violation specified in the notice of charges has been established, the Corporation may issue and serve upon the institution an order to cease and desist from any such violation. Such order may, by provisions which may be prohibitory or mandatory or a combination thereof, require the institution and its directors, officers, employees, and agents to cease and desist from the same, and, further, to take affirmative action to correct the conditions resulting from any such violation.

"(2) Any hearing provided for in this subsection (b) shall be held in the Federal judicial district or in the territory in which the home office of the insured institution is located, unless the party afforded the hearing consents to another place, and shall be conducted by one or more independent hearing examiners in accordance with the provisions of the Administrative Procedure Act; but such hearing shall be private and the record of such hearing shall be sealed, unless a public hearing is requested by the party afforded the hearing. The hearing shall be conducted with reasonable expedition, and within ninety days after the Corporation has notified the parties that the case has been submitted to it for final decision, the Corporation shall render its decision in writing on the record made at the hearing (which decision shall include findings of fact upon which it is predicated) and shall issue and cause to be served upon each party to the proceeding an order or orders consistent with the provisions of this subsection (b). Unless a petition for court review is timely filed and thereafter until such record as may then exist in the proceeding has been filed with the court, the Corporation may at any time, upon reasonable notice to affected persons, modify any such order in a manner consistent with the hearing record so as to make it less onerous or terminate or set aside the order. However, when a petition has been filed with an appropriate court and when such record has been filed with the court, the Corporation may modify, terminate, or set aside any such order only with permission of the court.

"(3) In the course of or in connection with any proceeding under this subsection (b), the Corporation or a designated representative of the Corporation, including any person designated to conduct any hearing under this subsection (b), shall have power to administer oaths and affirmations, to take or cause to be taken depositions, and to issue, revoke, quash or modify subpenas and subpenas duces tecum; and the Corporation is empowered to make rules and regulations with respect to any such proceedings consistent with the provisions of the Administrative Procedure Act and this Act. The attendance of witnesses and the production of documents provided for in this paragraph may be required from any place in the State or territory at the designated place where such proceeding is being conducted or from any place in any other State or territory at any designated place within such other State or territory, respectively. Any party to proceedings under this subsection (b) may apply to the United States district court for the District of Columbia or the United States district court for the judicial district or the United States court in any territory in which such proceeding is being conducted or where the witness resides or carries on business, for enforcement of a subpena or subpena duces tecum issued pursuant to this paragraph, and such courts shall have jurisdiction to order and require compliance with the terms of such subpenas and subpenas duces tecum. Witnesses subpenaed under this paragraph shall be paid the same fees and mileage that are paid witnesses in the United States district courts. All expenses of the Corporation in connection with this subsection (b) shall be considered as nonadministrative expenses. Any service required or authorized to be made by the Corporation under this subsection (b) may be made by registered mail or by personal service, as the Corporation may by regulation or otherwise provide. Copies of any notice or order served by the Corporation upon any institution or any director or officer thereof, pursuant to the provisions of this section, shall also be sent to the appropriate State supervisory authority.

"(4) A cease and desist order shall become effective at the expiration of thirty days after service of such order upon the institution concerned (except in the case of a cease and desist order issued upon consent, which shall become effective at the time specified therein), and shall remain effective and enforceable, except to such extent as it is stayed, modified, terminated, or set aside by action of the Corporation or by a reviewing court.

"(5) In the case of a failure to obey a cease and desist order, as to which a petition for review has not been filed in the proper United States district court, the Corporation may apply to the United States district court, or the United States court of any territory, within the jurisdiction of which the home office of the institution is located, for an injunction to enforce such order, and such courts shall have jurisdiction to entertain such application and, if the court shall determine that there has been such a violation of a law or regulation as forms the basis for the cease and desist order and that there has been such a failure to obey, it may issue such injunction.

"(6) Within thirty days after the date a cease and desist order is served upon it, an institution or any aggrieved person may file a petition for review of such order in the United States district court, or the United States court of any territory, within the jurisdiction of which the home office of such association is located or in the United States District Court of the District of Columbia. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Corporation and to the appropriate State supervisory authority, and thereupon the Corporation shall file in the court the record in the proceeding, as provided in section 2112 of title 28 of the United States Code. Upon the filing of such petition, such court shall have jurisdiction to determine and adjudicate the issues of law and fact presented thereby and shall have jurisdiction to enter a judgment determining the validity of or enjoining, suspending, setting aside or enforcing, in whole or in part, the order issued by the Corporation. In any such

action, the court shall consider the record in the proceeding before the Corporation, may take evidence, and may conduct a trial of the facts and law in the case de novo if in its opinion the circumstances of the case warrant such action. Appeals from any action of such court in such proceedings shall lie as in other matters subject to its jurisdiction.

"(7) The filing of a petition for review under paragraph (6) of this subsection (b) shall not of itself stay or suspend the effectiveness of a cease and desist order which is the subject of the petition for review, but the court in its discretion may restrain or suspend, in whole or in part, the operation of the order pending its determination of the matters in petition.

"(8) Where a petitioning institution or aggrieved person applies for an interlocutory injunction suspending or restraining the enforcement, operation, or execution of, or setting aside, in whole or in part, any action by the Corporation following service upon the institution of a notice of charges of violation of a law or regulation, the court shall exercise jurisdiction over such an application and, in cases where irreparable damage would otherwise ensue to the petitioner, shall order a temporary stay or suspension, in whole or in part, of further action of the Corporation upon the charges pending the decision on the application for such interlocutory injunction, in which case such order of the court shall contain a specific finding that such irreparable damage would result to the petitioner and specifying the nature of such damage. The hearing of such an application for an interlocutory injunction shall be given preference and expedited and the application shall be heard at the earliest practicable date after notice to the Corporation and the appropriate State supervisory authority of hearing on the application.

"(9) Any court having jurisdiction of any proceeding instituted under this subsection (b) by an institution or a director or officer thereof or other aggrieved person may allow to any such party such reasonable expenses and attorneys' fees at it deems just and proper; and such expenses and fees shall be paid by the institution or from its assets.

"(10) In any proceeding properly brought before it under this subsection (b), a court shall have power to hear and determine all questions of law or fact that may be at issue between the parties in the proceeding without being bound by any conclusions of law or fact previously made by the Corporation.

"(11) Any action or proceeding authorized under this subsection (b) may be brought by an institution or other aggrieved person without exhausting any alternative administrative procedures or remedies that may be available to such institution or person.

"(12) If the home office of an institution is not located within a judicial district of the United States, any action or proceeding authorized under this subsection (b) to which such institution is a party or affecting such institution may be filed in the United States district court for the District of Columbia, and such court shall have jurisdiction as if such office were located within the district of such court. Service on such institution in any such action or proceeding may be made by registered mail.

"(13) In connection with any action under this section involving an insured State-chartered institution or any director, officer, employee, agent or attorney thereof, the Corporation shall provide the appropriate State supervisory authority with notice of the Corporation's intent to institute such action and the grounds therefor. Unless within such time as the Corporation deems appropriate in the light of the circumstances of the case (which time must be specified in the notice prescribed in the preceding sentence) satisfactory corrective action is effectuated by action of the State supervisory authority, the Corporation may within thirty days thereafter file a complaint with the United States district court for the judicial district in which the home office of the institution involved is located, stating the action the Corporation wishes to take against the institution and the grounds therefor, noting that in the Corporation's opinion satisfactory corrective action that has not been effectuated by the State supervisory authority after due notice given to such authority by the Corporation, and praying for appropriate relief. The institution involved and the State supervisory authority shall be joined as necessary parties. In any such action, the court shall consider the facts, shall take evidence, shall conduct a trial of the facts and the law in the case de novo, and shall have jurisdiction to issue and enforce appropriate orders, which may include orders to either the Corporation or the State supervisory authority or both to proceed with appropriate remedial actions or to refrain from action on the basis of the case presented.

"(14) The members, directors, officers, and attorneys of the institution in office at the time of initiation of any proceedings under subsections (a) or (b) of this section are expressly authorized to contest any such proceedings, and shall be reimbursed for reasonable expenses and attorneys' fees by the institution or from its assets, and the Corporation in any such proceeding before it or its delegates shall allow and order paid any such reasonable expenses and attorneys' fees.

"(15) Except with written consent of the Corporation, no person shall serve as a director, officer or employee of an institution or as an officer or employee of the Corporation who has been finally convicted within five years preceding the proposed commencement of such service, or who is hereafter finally convicted, of a felony involving dishonesty or breach of trust.

"(16) For each conviction of willful violation of the prohibition in paragraph (15) above, the person involved shall be subject to a fine of not more than $100 for each day the prohibition is violated or imprisonment for not more than ten days for each day the prohibition is violated, or both such fine and imprisonment.

"(c)(1) The term 'cease and desist order' includes a cease and desist order that has been affirmed or modified under any provision of subsection (b) of this section.

"(2) The terms 'cease and desist order which has become final' and 'order which has become final' mean a cease and desist order and an order, respectively, with respect to which the time allowed for filing petition for review has expired without the filing of such petition, or if such a petition has been filed, with respect to all subsequent rights of any party to appellate review of or writs of certiorari in any related proceedings have terminated.

"(3) The term 'cease and desist order' shall not include any order that has the effect of limiting the rate of dividends or interest payable on savings or loans handled by an institution, of appointing or removing any officer, director, employee, agent, or attorney of an institution, of assuming any managerial function of an officer or director of an institution, or of assuming any prerogative of shareholders or stockholders of an institution.

"(4) The term 'territory' includes the Commonwealth of Puerto Rico, and any possession of the United States or any place subject to the jurisdiction of the United States."

TITLE II—PROVISIONS RELATING TO THE FEDERAL DEPOSIT INSURANCE CORPORATION, THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM, AND THE COMPTROLLER OF THE CURRENCY

SEC. 201. Paragraph (6) of subsection (j) of section 7 of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)(6)) is repealed and section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813) is amended by adding the following new subsection (q):

"(q) The term 'appropriate Federal banking agency' shall mean (a) the Comptroller of the Currency in the case of a national banking association or a District bank, (b) the Board of Governors of the Federal Reserve System in the case of a State member insured bank (except a District bank), and (c) the Federal Deposit Insurance Corporation in the case of a State nonmember insured bank (except a District bank)."

SEC. 202. Section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) is amended by redesignating subsections (b), (c), and (d) thereof as (o), (p), and (q) and by adding after subsection (a) thereof the following new subsections (b) through (n), inclusive:

"(b) If by formal resolution the appropriate Federal banking agency determines that any insured bank or bank which has insured deposits is violating or within the past two years had violated any law or regulation, the agency may issue and serve upon the bank a notice of charges in respect thereof. The notice shall contain a statement of the facts and actions which constitute the alleged violation or violations of law or regulations and shall fix a time and place at which a hearing will be held to determine whether an order to cease and desist therefrom should issue against the bank. Such hearing shall be fixed for a date not earlier than thirty days nor later than sixty days after service of the notice: *Provided, however,* That the agency shall fix an earlier date and may fix a later date at the request of the bank. Unless the bank shall appear at the hearing by a duly authorized representative, it shall be deemed to have consented to the issuance of the cease and desist order. In the event of such consent, or if upon the record made at any such hearing the agency shall find that any violation specified in the notice of charges has been established, the agency may issue and serve upon the bank an order to cease and desist from any such violation. Such order may, by provisions which may be prohibitory or mandatory or a combination thereof, require the bank and its directors, officers, employees, and agents to cease and desist from the same, and, futher, to take affirmative action to correct the conditions resulting from any such violation.

"(c)(1) Any hearing provided for in this section shall be held in the Federal judicial district or in the territory in which the home office of the bank is located, unless the party afforded the hearing consents to another place, and shall be conducted by one or more independent hearing examiners in accordance with the provisions of the Administrative Procedure Act; but such hearing shall be private and the record of such hearing shall be sealed, unless a public hearing is requested by the party afforded the hearing. The hearing shall be conducted with reasonable expedition, and within ninety days after the agency has notified the parties that the case has been submitted to it for final decision, the agency shall render its decision in writing on the record made at the hearing (which decision shall include findings of fact upon which it is predicated) and shall issue and cause to be served upon each party to the proceeding an order or orders consistent with the provisions of this section. Unless a petition for court review is timely filed and thereafter until such record as may then exist in the proceeding has been filed with the court, the agency may at any time, upon reasonable notice to affected persons, modify any such order in a manner consistent with the hearing record so as to make it less onerous or terminate or set aside the order. However, when a petition has been filed with an appropriate court and when such record has been filed with

the court, the agency may modify, terminate, or set aside any such order only with permission of the court.

"(2) In the course of or in connection with any proceeding under this section, the agency or any member thereof or a designated representative of the agency, including any person designated to conduct any hearing under this section, shall have power to administer oaths and affirmations, to take or cause to be taken depositions, and to issue, revoke, quash or modify subpenas and subpenas duces tecum; and the agency is empowered to make rules and regulations with respect to any such proceedings consistent with the provisions of the Administrative Procedure Act and this Act. The attendance of witnesses and the production of documents provided for in this subsection may be required from any place in the State or territory at the designated place where such proceeding is being conducted or from any place in any other State or territory at any designated place within such other State or territory, respectively. Any party to proceedings under this section may apply to the United States district court for the District of Columbia or the United States district court for the judicial district or the United States court in any territory in which such proceeding is being conducted or where the witness resides or carries on business, for enforcement of a subpena or subpena duces tecum issued pursuant to this subsection, and such courts shall have jurisdiction to order and require compliance with the terms of such subpenas and subpenas duces tecum. Witnesses subpenaed under this section shall be paid the same fees and mileage that are paid witnesses in the United States district courts. All expenses of the agency in connection with this section shall be considered as nonadministrative expenses. Any service required or authorized to be made by the agency under this section may be made by registered mail or by personal service, as the agency may by regulation or otherwise provide.

"(d) A cease and desist order shall become effective at the expiration of thirty days after service of such order upon the bank concerned (except in the case of a cease and desist order issued upon consent, which shall become effective at the time specified therein), and shall remain effective and enforceable, except to such extent as it is stayed, modified, terminated or set aside by action of the agency or by a reviewing court.

"(e)(1) In the case of a failure to obey a cease and desist order, as to which a petition for review has not been filed in the proper United States district court, the agency may apply to the United States district court or the United States court of any territory, within the jurisdiction of which the home office of the bank is located, for an injunction to enforce such order, and such courts shall have jurisdiction to entertain such application and, if the court shall determine that there has been such a violation of a law or regulation as forms the basis for the cease and desist order and that there has been such a failure to obey, it may issue such injunction.

"(e)(2) Within thirty days after the date a cease and desist order is served upon it, a bank or any aggrieved person may file a petition for review of such order in the United States district court, or the United States court of any territory, within the jurisdiction of which the home office of such bank is located, or in the United States district court for the District of Columbia. A copy of such petition shall be forthwith transmitted by the clerk of the court to the agency, and thereupon the agency shall file in the court the record in the proceeding, as provided in section 2112 of title 28 of the United States Code. Upon the filing of such petition, such court shall have jurisdiction to determine and adjudicate the issues of law and fact presented thereby and shall have jurisdiction to enter a judgment determining the validity of or enjoining, suspending, setting aside or enforcing, in whole or in part, the order issued by the agency. In any such action, the court shall consider the record in the proceeding before the agency, may take evidence, and may conduct a trial of the facts and law in the case de novo if in its opinion the circumstances of the case warrant such action. Appeals from any action of such court in such proceedings shall lie as in other matters subject to its jurisdiction.

"(3) The filing of a petition for review under this subsection (e) shall not of itself stay or suspend the effectiveness of a cease and desist order which is the subject of the petition for review, but the court in its discretion may restrain or suspend, in whole or in part, the operation of the order pending its determination of the matters in petition.

"(f) Where a petitioning bank or an aggrieved person applies for an interlocutory injunction suspending or restraining the enforcement, operation, or execution of, or setting aside, in whole or in part, any action by the agency following service upon the bank of a notice of charges of violation of a law or regulation, the court shall exercise jurisdiction over such an application and, in cases where irreparable damage would otherwise ensue to the petitioner, shall order a temporary stay or suspension, in whole or in part, of further action of the agency upon the charges pending the decision on the application for such interlocutory injunction, in which case such order of the court shall contain a specific finding that such irreparable damage would result to the petitioner and specifying the nature of such damage. The hearing of such an application for an interlocutory injunction shall be given preference and expedited and the application shall be heard at the earliest practicable date after notice to the agency by the court of hearing on the application.

"(g) Any court having jurisdiction of any proceeding instituted under this section by a bank or a director or officer thereof or other aggrieved person may allow to any such party such reasonable expenses and attorneys' fees as it deems just and proper; and such expenses and fees shall be paid by the bank or from its assets.

"(h)(1) In any proceeding properly brought before it under this section, a court shall have power to hear and determine all questions of law or fact that may be at issue between the parties in the proceeding without being bound by any conclusions of law or fact previously made by the agency.

"(2) Any action or proceeding authorized under this section may be brought by a bank or other aggrieved person without exhausting any alternative administrative procedures or remedies that may be available to such bank or person.

"(3) If the home office of a bank is not located within a judicial district of the United States, any action or proceeding authorized under this section to which such bank is a party or affecting such bank may be filed in the United States district court for the District of Columbia, and such court shall have jurisdiction as if such office were located within the district of such court. Service on such bank in any such action or proceeding may be made by registered mail.

"(i) In connection with any action under this section involving a State member insured bank (except a District bank) or a State nonmember insured bank (except a District bank) or any director, officer, employee, agent or attorney thereof, the agency shall provide the appropriate State supervisory authority with notice of the agency's intent to institute such action and the grounds therefor. Unless within such time as the agency deems appropriate in the light of the circumstances of the case (which time must be specified in the notice prescribed in the preceding sentence) satisfactory corrective action is effectuated by action of the State supervisory authority, the agency may within thirty days thereafter file a complaint with the United States district court for the judicial district in which the home office of the bank involved is located, stating the action the agency wishes to take against the bank and the grounds therefor, noting that in the agency's opinion satisfactory corrective action has not been effectuated by the State supervisory authority after due notice given to such authority by the agency, and praying for appropriate relief. The bank involved and the State supervisory authority shall be joined as necessary parties. In any such action, the court shall consider the facts, shall take evidence, shall conduct a trial of the facts and the law in the case de novo, and shall have jurisdiction to issue and enforce appropriate orders, which may include orders to either the agency or the State supervisory authority or both to proceed with appropriate remedial actions or to refrain from action on the basis of the case presented.

"(j) The members, directors, officers, and attorneys of the institution in office at the time of initiation of any proceedings under this section are expressly authorized to contest any such proceedings, and shall be reimbursed for reasonable expenses and attorneys' fees by the bank or from its assets, and the agency in any such proceeding before it or its delegate shall allow and order paid any such reasonable expenses and attorneys' fees.

"(k)(1) Except with written consent of the agency, no person shall serve as a director, officer or employee of a bank or as an officer or employee of any agency who has been finally convicted within five years preceding the proposed commencement of such service, or who is hereafter finally convicted, of a felony involving dishonesty or breach of trust.

"(k)(2) For each conviction of willful violation of the prohibition in subsection (k) of this section, the person involved shall be subject to a fine of not more than $100 for each day the prohibition is violated or imprisonment for not more than ten days for each day the prohibition is violated, or both such fine and imprisonment.

"(l) Section 19 of the Federal Deposit Insurance Act (12 U.S.C. 1829) is hereby repealed.

"(m) Any provision of law to the contrary notwithstanding, no conservator or receiver shall be appointed for any national banking association or District bank or any member bank or any nonmember insured bank unless in the opinion of the agency the issuance of a cease and desist order under this section would not afford the agency an effective method of protecting the interests of the public or of depositors of the bank or of the agency.

"(n)(1) The term 'cease and desist order' includes a cease and desist order that has been affirmed or modified under any provision of this section.

"(2) The terms 'cease and desist order which has become final' and 'order which has become final' mean a cease and desist order and an order, respectively, with respect to which the time allowed for filing petition for review has expired without the filing of such petition, or if such a petition has been filed, with respect to all subsequent rights of any party to appellate review of or writs of certiorari in any related proceedings have terminated.

"(3) The term 'cease and desist order' shall not include any order that has the effect of limiting the rate of interest payable on deposits or loans handled by a bank, of appointing or removing any officer, director, employee, agent or attorney of a bank, of

assuming any managerial function of an officer or director of a bank, or of assuming any prerogative of stockholders of a bank."

SUMMARY OF SUBSTITUTE BILL FOR S. 3158, FINANCIAL INSTITUTIONS SUPERVISORY ACT OF 1966

General Statement. Basically the substitute bill would grant the Federal Home Loan Bank Board cease and desist order power over both Federal and State-chartered savings and loan associations having accounts insured by FSLIC and would grant the appropriate Federal banking regulatory agency parallel powers over banks.

Cease and Desist Orders. Grounds for a cease and desist order would be violation of a law or regulation. A hearing under the Administrative Procedure Act would follow issuance of a notice by the Federal Home Loan Bank Board or Federal banking agency charging such a violation. A cease and desist order takes effect 30 days after its service (earlier only by consent).

Interlocutory Court Action. The institution or an aggrieved person may apply to a Federal district court after service of a notice of charges for an interlocutory injunction, which the court may issue upon a showing that irreparable damage would otherwise befall the petitioner.

Court Review of Cease and Desist Orders. Within 30 days after service of a cease and desist order, the institution or an aggrieved person may petition a Federal court for review of the order. The Board files the hearing record in court.

Court Procedures. The court may determine both facts and law. It is to consider the record, may take evidence and try the facts and law de novo if circumstances warrant. The court is not bound by previous conclusions of fact or law by the Board. The court may stay the cease and desist order when a petition for review is filed. It may allow the parties reasonable expenses and attorneys' fees payable from institution assets. The parties need not exhaust administrative remedies before petitioning for court review.

Exclusions from Cease and Desist Orders. Cease and desist orders cannot cover rate control on savings or loans, appointment or removal of personnel, assumption of managerial functions, or assumption of prerogatives of stockholders or shareholders.

Control of Personnel. The bill contains no provisions allowing the Federal agencies to suspend or remove officers, directors or other personnel of institutions. However, it does bar service in institutions to a person convicted within the past 5 years of felonious dishonesty or breach of trust, except with consent of the Federal agency.

Federal Associations—Conservators and Receivers. As to Federal associations only, grounds for conservatorship or receivership are insolvency, dissipation of assets, violation of a cease and desist order, and concealment of records or assets. The Board may appoint a conservator or receiver on order of the Federal district court. The court may allow appointment ex parte and without notice in an emergency, but the institution may petition the court within 30 days to rescind the appointment. The court is to allow appointment only if a cease and desist order would not protect the public, savers and FSLIC or FDIC. The Board may appoint a conservator or receiver without court action and without notice or hearing if the institution's board of directors consents. Appointment of a receiver triggers a default under the National Housing Act. The Board may petition the court to replace a conservator or receiver without notice or hearing. The Board may allow institution personnel to function during conservatorship or receivership.

Incumbent Personnel May Protest Proceedings. Institution members, directors and officers may contest any proceedings under subsection (d) (cease and desist or conservator or receiver proceedings) at institutional expense, to be allowed by the Board.

FSLIC Insured Institutions—State Authorities. As to institutions insured by FSLIC (Federal and State-chartered), present insurance termination proceedings are maintained. Before starting such proceedings, FSLIC is to invoke cease and desist order proceedings for violation of a law or regulation. As to any section 407 action (insurance termination or cease and desist proceedings) FSLIC is to notify the appropriate State supervisory authority and name a period within which the authority may cause corrective action to be taken. If no such action is taken, a Federal district court is to decide the case and order appropriate action or inaction.

Banks—Federal Agencies. As to banks, the Comptroller of the Currency acts with respect to national banks and D.C. banks, the Federal Reserve Board acts with respect to member banks of the Federal Reserve System (except D.C. banks), and FDIC acts with respect to State banks not members of the Federal Reserve System but insured by FDIC (except D.C. banks). Each is the "appropriate Federal banking agency" as to banks within its respective jurisdiction.

Banks—State Authorities. State supervisory authorities over banks have parallel powers to those granted to State supervisory authorities over savings and loan associations. These apply to insurance termination and cease and desist order proceedings. If the State authority doesn't act to the Federal agency's satisfaction within a specified time, a Federal district court is to handle the case and issue appropriate orders.

Conclusion. This substitute bill is designed to grant cease and desist order power to Federal regulatory agencies in the bulk of the financial institution field while still affording adequate and timely Federal court review to aggrieved persons. It also recognizes the coequal sovereignty of Federal and State authorities in our dual banking and savings and loan systems by referring unsettled controversies to the judiciary for settlement.

SECTION-BY-SECTION ANALYSIS, H.R. 17703

Short title—Financial Institutions Supervisory Act of 1966.

Title I—Savings and loan association provisions.

Sec. 101—Revises section 5(d) of Home Owner's Loan Act of 1933 as follows:

(d)(1). Grants Federal Home Loan Bank Board enforcement power in its name and through its attorneys. Makes Board subject to suit by Federal association or other aggrieved person in Federal district court. Provides for process to be served on Board as in Federal Rules of Civil Procedure.

(d)(2)(A). Authorizes Board to issue notice of charges in a cease and desist order proceeding against a Federal association if by formal resolution the Board determines the association is violating or has violated within the past 2 years a law or regulation. Notice of charges states facts and fixes hearing date 30 to 60 days after service. The date shall be set earlier and may be later at association's request. An association not appearing at the hearing is deemed to consent to a cease and desist order. In that event or if on hearing the Board finds a violation, it may serve a cease and desist order. The order may be prohibitory or mandatory, or both and may require taking affirmative action to correct the violation.

(d)(2)(B)(1). Hearing is held in jurisdiction where home office of association is located, unless party otherwise consents.

Hearing is to be conducted by independent examiner or examiners under Administrative Procedure Act. Hearing is private and record is sealed unless party otherwise requests. Hearing is to be reasonably expedited. Within 90 days after Board notifies parties that it has the case for decision, it is to render a written decision, including findings of fact, on the hearing record, and serve an order on each party. The Board may modify the order to make it less onerous or may terminate it or set it aside unless a petition for court review is timely filed and the record of the proceeding is filed in court. Once a petition and record are filed in court, the Board can change the order only with court permission.

(d)(2)(B)(2). The Board and its representatives are authorized to give oaths, take depositions, issue and change subpenas and subpenas duces tecum. The Board may issue rules and regulations for the hearing. Witnesses and documents may be required at a designated place within each State or territory. Any party may apply to a Federal district court to enforce subpenas and subpenas duces tecum. Witnesses are paid fees and mileage as in Federal district courts. Expenses of the Board and FSLIC under subsection (d) are nonadministrative. Service by the Board may be by registered mail or personal service.

(d)(2)(C). A cease and desist order takes effect 30 days after service (one issued by consent takes effect as specified in the order). It remains effective until changed by the Board or a court.

(d)(2)(D). The Board may apply to a Federal district court to enforce an order the association fails to obey.

(d)(2)(E). Within 30 days after service of a cease and desist order, an association or aggrieved person may petition for review by a Federal district court. The Board is to file the hearing record in court on notice from the court. The court is given jurisdiction to determine both facts and law and enter appropriate judgment with regard to the cease and desist order. The court is to consider the hearing record, may take evidence and may conduct a de novo trial as to facts and law if circumstances so warrant. Appeals from court lie as in other cases.

(d)(2)(F). Filing a petition in court does not stay a cease and desist order, but the court may grant a stay in its discretion.

(d)(2)(G). An association or aggrieved person may apply to a Federal district court for an interlocutory injunction as to Board action after service on the association of a notice of cease and desist charges, if irreparable damage would otherwise ensue to the petitioner. The court may temporarily stay further Board action if the court order finds irreparable damage would occur otherwise and states the nature of the damage. Hearing of such an application is to be expedited.

(d)(2)(H). A court may allow an association or aggrieved person reasonable expenses and attorneys' fees payable from association assets.

(d)(2)(I)(1). A court may determine all questions of law or fact at issue without being bound by previous Board conclusions of fact or law.

(d)(2)(I)(2). An association or aggrieved person may bring administrative or court action without exhausting alternative administrative remedies.

(d)(2)(I)(3). An association not having its home office within a Federal judicial district may file suit in the District of Columbia Federal court.

(d)(2)(J)(1). Defines "cease and desist order" to include an order affirmed or modified under this subsection (d).

(d)(2)(J)(2). Defines "cease and desist order which has become final" and "order which has become final" as one where no petition for review has been timely filed or, if filed, where all rights to appellate review have terminated.

(d)(2)(J)(3). Defines "cease and desist order" as excluding rate control on savings

or loans, appointment or removal of personnel of associations, assumption of an officer or directors' managerial function, or assumption of a shareholder's or stockholder's prerogative.

(d)(2)(J)(4). Defines "territory" to include Puerto Rico, any U.S. possession and any place subject to U.S. jurisdiction.

(d)(3)(A). Specifies grounds for appointing conservator or receiver as (i) insolvency, (ii) willful and substantial dissipation of assets or earnings due to violation of law or regulation, (iii) willful and substantial violation of a cease and desist order, and (iv) concealment of records or assets. The Board has exclusive power to appoint a conservator or receiver on court order.

(d)(3)(B). Appointment of a conservator or receiver is to be made by the Board on order of the Federal district court in the jurisdiction where the association's home office is located.

(d)(3)(C). The court may allow the Board to appoint a receiver ex parte and without notice if (i) an emergency substantial and continuing dissipation of assets exists or (ii) the management cannot exercise validly effective control of the association. The association may then petition the court within 30 days for rescission of the appointment. The court may affirm the appointment or order the Board to terminate it.

(d)(3)(D). The court will allow the Board to appoint a conservator or receiver only if in the court's opinion a cease and desist order would not effectively protect the public, savers and FSLIC.

(d)(3)(E). Court proceedings regarding conservators and receivers are to be expedited.

(d)(3)(F). The Board may appoint a conservator or receiver without notice or hearing if the board of directors of an association consents by resolution.

(d)(3)(G)(1). A conservator has the powers of members, directors and officers of the association, and may operate the association in its name and conserve assets as authorized by the Board. FSLIC shall be named as receiver. FSLIC may buy assets at its own sale as receiver, with Board approval.

(d)(3)(G)(2). Appointment of a receiver constitutes a default under title IV of the National Housing Act.

(d)(3)(G)(3). The Board may petition the court to replace a conservator or receiver without notice or hearing. This will not prejudice the association's right to review of the appointment.

(d)(3)(H). The Board is given power to make rules and regulations for reorganization, consolidation, merger, liquidation and dissolution of associations; also for associations in conservatorship or receivership; and for conduct of conservators and receivers. The Board may provide for association members, officers and directors to exercise functions during conservatorship or receivership.

(d)(3)(I). Refusal to surrender property, business and assets to a conservator or receiver is punishable by fine up to $1,000 or imprisonment up to 1 year or both.

(d)(4). Members, directors and officers of an association in office at the time any proceedings are begun under subsection (d) may contest them at association expense for reasonable expenses and attorneys' fees, which the Board is to allow.

(d)(5)(A). Except with Board consent, no one may serve as director, officer or employee of a Federal association or as officer or employee of the Federal Home Loan Bank Board who within the preceding 5 years has incurred a final conviction for felonious dishonesty or breach of trust.

(d)(5)(B). On conviction of willful violation, the offender is subject to up to $100 fine per day of offense or up to 10 days imprisonment per day of offense or both.

Section 102. Amends section 407 of the National Housing Act by preserving the present provisions in the statute for termination of insurance as subsection (a) and adding the following new subsections (b) and (c):

(b)(1). Before starting insurance termination proceedings, if FSLIC by formal resolution determines an institution with accounts insured by FSLIC is violating or has within 2 years violated a law or regulation, FSLIC may serve a cease and desist notice of charges. The notice is to state the facts and fix a time and place for hearing.

The time will be from 30 to 60 days after service of the notice (but shall be earlier and may be later if the institution requests). Nonappearance at the hearing is deemed consent to the cease and desist order. Upon such consent or after finding in the hearing a violation as charged, FSLIC may issue a cease and desist order. The order may contain prohibitory or mandatory provisions or both and may require affirmative corrective action.

(b)(2). The hearing is to be held in the judicial district of the institution's home office unless the institution otherwise consents. The hearing is to be conducted by an independent examiner or examiners under the Administrative Procedure Act. The hearing is to be private and the record sealed unless the institution requests a public hearing. The hearing shall be reasonably expedited, with FSLIC's written decision to be made within 90 days after it notifies the institution of submission of the case to FSLIC. The decision is to include findings of fact. A cease and desist order shall be served by FSLIC on each party to the hearing. FSLIC may make the order less onerous or terminate it or set it aside if no petition for court review is timely filed and until the hearing record is filed in court. Thereafter FSLIC can change the order only with court permission.

(b)(3). FSLIC and its designated representatives may administer oaths, take depositions, issue and change subpenas and subpenas duces tecum, and make rules and regulations for cease and desist order proceedings. Witnesses and documents may be required at a designated place in each State or territory. Any party may request court enforcement of subpenas or subpenas duces tecum. Witnesses receive the same fees and mileage as Federal district court witnesses. FSLIC expenses under subsection (b) are nonadministrative expenses. Service by FSLIC may be by registered mail or personal service. Copies of any notice or order issued by FSLIC under section 407 are to be sent to appropriate State supervisory authorities.

(b)(4). A cease and desist order is effective 30 days after service (a consent order is effective when specified). An order remains effective until changed by FSLIC or a reviewing court.

(b)(5). If no petition for court review is filed, FSLIC may seek court enforcement of an order an institution fails to obey.

(b)(6). Within 30 days after a cease and desist order is served, an institution or aggrieved person may petition for review by the Federal district court in the jurisdiction where its home office is located or in the District of Columbia. The court is to send a copy of the petition to FSLIC and the appropriate State supervisory authority. FSLIC will file the hearing record in court. The court is to determine issues of law and fact and enter judgment upholding or setting aside the order. The court is to consider the hearing record and may take evidence, and try the facts and law de novo if circumstances so warrant. Appeals lie as in other court matters.

(b)(7). Filing a petition for review will not stay the cease-and-desist order, but the court may do so.

(b)(8). An institution or aggrieved person may apply to court for an interlocutory injunction against FSLIC action after service of notice of cease and desist order charges if irreparable damage to the petitioner would otherwise ensue. The court may issue a temporary stay upon specific finding that irreparable damage would otherwise ensue. Hearing of the application by the court is to be expedited.

(b)(9). The court may allow parties to actions under subsection (b) reasonable expenses and attorneys' fees payable from institution assets.

(b)(10). In any action under subsection (b) the court has power to determine questions of law and fact without being bound by previous conclusions of law or fact made by FSLIC.

(b)(11). Petitioners need not exhaust alternative administrative remedies before proceeding under subsection (b).

(b)(12). Institutions with home offices outside a Federal judicial district may sue in the Federal district court in the District of Columbia. Service may be by registered mail.

(b)(13). In any action under section 407 involving a State-chartered institution, FSLIC is to notify the appropriate State supervisory authority of its intent to take action and the grounds for action. Unless satisfactory corrective action is taken under State auspices within an appropriate time specified by FSLIC, it may within 30 days take the case to the Federal district court in the jurisdiction where the institution's home office is located. The complaint will state the action FSLIC wants to take against the institution, the grounds therefor, the State authority's failure to accomplish satisfactory corrective action, and will pray for appropriate relief. The institution and the State authority are necessary parties to the suit. The court is to consider the facts, take evidence, try facts and law de novo, and issue appropriate orders, which may include instructions to FSLIC and State authorities to take or withhold further action.

(b)(14). Incumbent personnel of an institution may contest proceedings for insurance termination or cease and desist orders at the institution's expense for reasonable expenses and attorneys' fees.

(b)(15). Except with FSLIC's written consent, no one may serve on the staff of an institution or FSLIC who has within 5 years been convicted or is hereafter convicted of felonious dishonesty or breach of trust.

(b)(16). For conviction of willful violation of prohibition against such service, the offender is subject to a fine up to $100 a day for each day of offense or imprisonment up to 10 days for each day of offense or both.

(c)(1). Defines "cease and desist order" to include one affirmed or modified.

(c)(2). Defines "cease and desist order which has become final" and "order which has become final" to mean one where no petition for review has been timely filed or if filed, where appellate rights have terminated.

(c)(3). Defines "cease and desist order" to exclude one limiting dividend or interest rates on savings or loans in institutions, appointment or removal of institution personnel, assumption of any managerial function of officers or directors of institutions, or assumption of any prerogative of institution shareholders or stockholders.

(c)(4). Defines "territory" to include Puerto Rico, any U.S. possession or any place under U.S. jurisdiction.

TITLE II—BANK PROVISIONS

Section 201. Transfers the definition of respective jurisdiction of the Comptroller of the Currency (national and D.C. banks), the Federal Reserve Board (State member insured banks other than D.C. banks), and FDIC (State nonmember insured banks other than D.C. banks) from section 7 of the

Federal Deposit Insurance Act (which deals only with reporting change of control of insured banks) to section 3 of that Act (which applies to the entire Act).

Section 202. Amends section 8 of the Federal Deposit Insurance Act (dealing with termination of insurance) by inserting new subsections (b) through (n) after (a) as follows:

(Note that all existing provisions of section 8, now contained in subsections (a) through (d) are retained. These deal with (a) insurance termination proceedings, (b) termination of Federal Reserve membership upon insurance termination, receivership for national banks upon insurance termination, and termination of insurance upon ceasing Federal Reserve membership, (c) insurance termination of banks receiving no deposits other than trust funds, and (d) insurance termination of bank whose liabilities are assumed by another insured bank.)

(b) The agency may issue a cease and desist notice of charges if by formal resolution it determines an insured bank has violated within 2 years or is violating any law or regulation. The notice is to state the facts and fix a time and place for hearing. The hearing will begin from 30 to 60 days after the notice of charges is served. It shall begin earlier and may begin later by bank request. The bank's nonappearance at the hearing is deemed consent to the cease and desist order. On such consent or on finding a violation at the hearing, the agency may serve a cease and desist order on the bank. The order may be prohibitory or mandatory or both and may require affirmative corrective action.

(c)(1) The hearing is to be held in the Federal judicial district in which the bank's home office is located, unless the party consents otherwise. It is to be held by an independent examiner or examiners under the Administrative Procedure Act. The hearing is private and the record sealed unless the party requests a public hearing. The hearing will be reasonably expedited. Within 90 days after the agency notifies the bank that the case has been submitted to it, the agency is to render a written decision containing findings of fact and serve a cease and desist order upon each party. Unless and until a petition and the hearing record is filed in court, the agency may modify the order to be less onerous or may terminate it or set it aside. Thereafter it may do so only with court permission.

(c)(2) The agency or its designated representatives may administer oaths, take depositions and issue and change subpenas and subpenas duces tecum. The agency may make rules and regulations for the hearing. Witnesses and documents may be required at any place in each respective State or territory. Any party may ask a Federal district court to enforce a subpena or subpena duces tecum. Witnesses are paid Federal district court fees and mileage. Agency expenses under this section 8 are nonadministrative expenses. Service may be by registered mail or personal service.

(d) A cease and desist order takes effect 30 days after service (except a consent order takes effect when specified). An order remains in effect until changed by the agency or a reviewing court.

(e)(1) If no petition for court review has been filed, the agency may apply to a Federal district court to enforce the cease and desist order if the bank fails to obey the order.

(e)(2) Within 30 days after a cease and desist order is served, a bank or aggrieved person may petition for review in the Federal district court in the jurisdiction where the bank's home office is located or in the District of Columbia. Upon receipt of a copy of the petition from the court, the agency is to file the hearing record in court. The court is to determine the issues of law and fact and enter judgment upholding or setting aside the order, in whole or in part. The court is to consider the hearing record and may take evidence and conduct a trial of facts and law de novo if circumstances so warrant. Appeals lie as in other court matters.

(e)(3) Filing a petition in court will not stay the cease and desist order, but the court may do so.

(f) A bank or aggrieved person may apply for an interlocutory injunction after service of notice of cease and desist charges, where irreparable damage would otherwise ensue to the petitioner. The court may order a temporary stay of further agency action on the charges and shall include a specific finding of irreparable damage. Hearing of the application is to be expedited.

(g) A court may allow any party to proceedings under this section 8 reasonable expenses and attorneys' fees payable from bank assets.

(h)(1) Under this section 8, a court may determine questions of law or fact without being bound by previous agency conclusions of law or fact.

(h)(2) A bank or aggrieved person may bring any proceeding under this section 8 without exhausting alternative administrative remedies.

(h)(3) A bank having a home office outside a U.S. judicial district may file action in the Federal district court for the District of Columbia. Service may be by registered mail.

(i) In action under this section 8 involving a State insured bank (except a D.C. bank), the agency is to notify the State supervisory authority of its intended action and grounds therefor. Unless the State authority brings about satisfactory corrective action within an appropriate time the agency fixes, the agency may within 30 days file a complaint in the Federal district court in the jurisdiction where the bank's home office is located. The complaint is to state the action the agency wants to take against the bank and the grounds therefor and is to note that in the agency's opinion the State authority has not accomplished satisfactory corrective action. The complaint is to pray for appropriate relief. The bank and the State authority are necessary parties. The court is to consider facts, take evidence, conduct a trial de novo of facts and law and may issue appropriate orders. These may include orders to the agency or the State authority or both to proceed with or refrain from further action.

(j) Incumbent bank personnel may contest any proceeding under this section 8 and the agency is to allow them reasonable expenses and attorneys' fees payable from bank assets.

(k)(1) Except with written consent of the agency, no one may serve on the staff of a bank or agency who within 5 years received a final conviction or who is hereafter finally convicted of felonious dishonesty or breach of trust.

(k)(2) Upon conviction of willful violation of the prohibition in paragraph (k)(1) above, the offender is subject to a fine up to $100 for each day of offense or imprisonment up to 10 days for each day of offense or both.

(l) Repeals section 19 of Federal Deposit Insurance Act dealing with same matters as subsection (k) above.

(m) No conservator or receiver of an insured bank is to be appointed unless in the agency's opinion a cease and desist order would not effectively protect the public, depositors, or the agency.

(n)(1) Defines "cease and desist order" to include an affirmed or modified order.

(n)(2) Defines "cease and desist order which has become final" and "order which has become final" to mean one as to which no petition for review has been timely filed or, if filed, all rights of appellate review have terminated.

(n)(3) Defines "cease and desist order" to exclude control of interest rate on bank deposits or loans, appointment or removal of bank personnel, assumption of a bank officer's or director's managerial function, or assumption of a bank stockholder's prerogative.

WHY TOLERATE THE EXCESSES OF UNIONS?

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] 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. ASHBROOK. Mr. Speaker, I call to the attention of the persons who read the CONGRESSIONAL RECORD, and especially the Members of Congress, an editorial in the August 26, 1966, issue of Life magazine. It is well past the time when the Congress should seriously ask, "Why tolerate the excesses of unions?" Life magazine is to be commended for laying the facts on the line. For those who have missed this issue, and for Mr. Meany, I ask that this editorial be included in the RECORD.

Again, I must point out the double-standard policy of the unions—a policy which comes to the Congress and demands controls over all segments of our social and economic life, but yells "hands off" when strike settling legislation is mentioned. This is typical of the way unions believe collective bargaining should operate.

The editorial follows:

WHY TOLERATE THE EXCESSES OF UNIONS?

No sooner was the air-line settlement announced, and even before the vote on it, than Congress abandoned its reluctant consideration of special legislation to stop the strike—the legislation that George Meany had told them "you'll regret for the rest of your lives." The settlement took Congress off the hook. But even if the strike is over, the national problem it raised is very far from solved.

The President kept talking about that "third party at the bargaining table"—the public interest in a quick settlement on noninflationary terms. By the end, the President, supposedly representing this public interest, was in effect alone at the table with the machinists' spokesman, P. L. Siemiller, who could not even vouch for his membership ("the men decide"). The third offer made under presidential authority was neither quick nor noninflationary. But by then the President needed peace at any price. He was forced to surrender, having exhausted the influence of his office, to 35,400 men out on strike.

That's no way to run an economy; nor is it the worst recent example of labor's power to hurt the public while defying its officials. The transit strike that all but strangled New York last winter was even starker evidence that the more muscular the union's tactics, the more it wins. That strike was illegal to begin with; Mike Quill tore up court injunctions on TV; the state legislature retroactively amnestied the strikers; and the courts quashed $100 million in damage suits against the union. Public outrage was such that the President inserted into his State of the Union message a last-minute promise to ask for emergency strike

legislation. But he hasn't done so because union labor, along with its power to disrupt the economy, has a basilisk—and probably overrated—power to scare politicians like rabbits in an election year.

George Meany said during the air-line strike that it only upset "the people who write editorials," about whom "I don't give a damn." Yet public concern about strikes is a little deeper than that. According to Gallup, 40 percent think labor should be more strictly regulated, as against 36 percent who don't. So Walter Reuther is probably right that "organized labor is in deep trouble."

The brutality of the strike weapon is only half the reason for this trouble. A maritime strike, for example, affects not only the convenience and pocketbooks of travelers and shippers, but the whole nation's foreign policy, balance of payments and value of the dollar. The latter are also affected by wage increases forced by labor's power without a strike.

Why do we put up with it and what is to be done? We put up with it because even though Secretary Wirtz keeps declaring that collective bargaining is "on trial" or "at stake," neither he nor anyone else has described a happier practical alternative. Collective bargaining has been our national policy for 30 years. What can and should be done is to refine and reform the laws that govern it.

The problem is twofold. First to abate the strike menace; second, to get labor contribution to inflation under control. To forestall the most damaging strikes, changes in the Taft-Hartley law were recommended by the President's Advisory Committee on Labor-Management Policy as far back as 1962. They would give the President more authority to intervene in disputes threatening the national health or safety, including the ultimate power to recommend actual settlements. In cases involving transportation, he has these powers now and they failed to prevent the air-line strike. Thus even this strengthening of Taft-Hartley would not eliminate the necessity of an appeal to Congress for special resort either to compulsory arbitration, which labor abhors, or to government seizure of the industry, which management doesn't like.

Yet neither of these ultimate sanctions should be written permanently into an anti-strike law. If one is, it becomes a determining factor in any negotiation whose failure it is supposed to rescue. Presidential intervention always tends to undermine the bargaining process, but when it is essential the rules for it should be as flexible as possible. That is why the Slichter law in Massachusetts is regarded as a model. It gives the governor a wide choice of alternative emergency procedures which the President also needs. As Professor Lester of Princeton says, "Government intervention . . . is an art."

As for the problem of restraining inflationary wage demands, that too resists too-rigid solutions. The President's "guideposts" policy for productivity increases worked better before it was reduced to the formula that now lies in smithereens.

There have been hopeful steps toward more rational wage agreements in several industries, such as the steel industry's round-the-calendar negotiating system, scuttled by the Abel regime but worthy of revival. Wage costs would probably become stabler if changed from an hourly to a salary basis. But refinements of this kind are no substitute for the discipline of market forces, and the government should do everything it can to let these work. If the rank and file of labor is now more strike-happy than usual, it is because the government let inflation get a running start through lax fiscal policy, and because of its overpreoccupation with "full employment," now better described as a very tight labor supply.

Labor would also be less strike-happy if its bargaining power were less monopolistic. Any certified union is a legalized monopoly; but the AFL–CIO lobby wants even more of this kind of power. Its chief legislative demands are the repeal of Taft-Hartley's Section 14(b), which would extend the union shop, and the relaxation of the ruling against secondary boycotts. Congress has done well to duck the pressure behind these demands. It would do better to consider how the antitrust laws can be made to apply to more union restraints of trade.

The U.S. labor movement is not the place to look for good legislative ideas. With some exceptions, established unions are a bureaucracy whose ideas are rooted in the Great Depression. With some exceptions, they are more hindrance than help to equal job opportunity for Negroes, and they have done little to organize the lowest-paid wage earners, such as farm labor.

The collective bargaining system is basically fair. Congress should not try to change it radically beyond giving the President more leeway to handle emergency strikes, and giving unions less monopoly power instead of more. Their power runs particularly contrary to the public interest when it obstructs progress through automation. We shall need more of that progress, not only to free up the inflationary labor market, but to surmount the impending strain on all our resources.

PROFESSIONAL AND HIGH SCHOOL FOOTBALL

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. GERALD R. FORD] 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. GERALD R. FORD. Mr. Speaker, the exciting sport of professional football is rapidly approaching a crossroads which may shape its future for years to come. And whether we in the Congress appreciate the fact or not, millions of fans across the country may hold us responsible for the outcome.

I refer to the recently announced plan of the clubs of the National Football League and the American Football League to combine their operations into an expanded nationwide league. Whether this plan succeeds or fails is the issue which will govern the future of pro football.

And it has now become clear that the plan is in immediate jeopardy unless we pass appropriate legislation—at this session of Congress.

At the same time, a problem of similar urgency has developed with respect to high school football. I am certain my colleagues join with me in expressing appreciation for the great value of high school athletics in building good health, good sportsmanship, and good citizenship. Scholastic authorities across the country are expressing concern that support for high school athletics may be undermined if professional football games are televised on Friday nights, the traditional night for high school football.

Accordingly, Mr. Speaker, I am today introducing legislation which will help to meet both of the problems, in professional football and in high school football. I would like to explain the background and the necessity for this bill.

In the past, as a new professional sports league has become established alongside an older league, a clear pattern has often set in. The strong teams in both leagues became stronger, and the weak teams in both leagues became weaker; eventually the strong teams in the two leagues combined in a new organization. But the weak teams—and their fans and their communities—were left out in the cold.

The first signs of a pattern of deterioration were just beginning to appear in professional football before the new plan was announced. In recent years the weaker teams in both leagues had substantially withdrawn from the market for new players because of chaotic bidding for untested rookies, with offers of more than half a million dollars. There were widespread predictions that several franchises in both leagues faced eventual dissolution or transfer.

But the leaders of the National and the American Football Leagues have acted most responsibly and creatively to forestall this development and, instead, to expand and improve their sport. Their plan for a combined league provides for continuing all 24 teams in their present locations, averting the losses to hometown fans and to local economies which otherwise might occur.

Moreover, the plan calls for expanding the total number of teams to 26 by 1968 and probably to 28 teams later—bringing pro football to additional cities and regions of the country where it is eagerly awaited. And the plan includes many provisions which would give the weaker teams in both existing leagues a better opportunity to rebuild and to make a run for the championship. They would have a better chance to attract new playing talent. They would share equally in the large television revenue. They would benefit from exciting new contests through interleague play.

Topping all this would be the proposed world championship game between the champions of the American and National Leagues. Many commentators have described this as the premier sports event of our times.

In summary, professional football has evolved a plan to improve competition on the field, to assure more and better football games for millions of fans across the country. And the fans have responded to these plans with great enthusiasm and anticipation.

There is one major problem, and this is where the Congress comes in. There is no doubt that the operation of professional football is beclouded by confusion and uncertainty under our antitrust laws. Statutes designed for conventional business operations are simply inappropriate for professional team sports, where teams must get together in leagues and develop coordinated practices in the interest of better sport in the league as a whole. If I may interpret the court decisions rather freely, they seem to appreciate this; but they insist it is up to Congress, not the courts, to spell out

the rules that are appropriate for professional team sports.

Congress has been trying to do this for many years, but it is a difficult and complex task. The Senate last year passed an excellent and comprehensive bill—S. 950—which would clarify antitrust rules in some detail for all professional sports. It is most unfortunate that this bill has been dormant in the House. Now we no longer have the time to consider carefully a bill of such far-reaching scope.

But there is one thing we can do this year, and one thing I believe we must do. We can yet enact a bill which would simply permit professional football to proceed with the plan for an expanded league, leaving larger issues for later consideration. In the absence of such legislation, the football plan might well founder because of the uncertainty as to the application of the antitrust laws.

In fact, press reports over the weekend made it clear that legislative clearance is required to avoid the prospect of endless litigation. It is not enough for you or me, as Members of Congress, to conclude that the plan is desirable and proper and should be put into effect. In the present climate of antitrust uncertainty, the mere prospect of a prolonged period of legal challenge and expensive litigation could understandably deter responsible officials from proceeding with substantial long-range commitments, some of which need to be made right now.

I believe the public wants to see the championship game this January, wants to see interleague play in the next exhibition season, wants to see existing franchises preserved and new ones added, and wants the more balanced and exciting competition which the new plan can provide. So I am introducing today a bill which would permit the plan to take effect.

At the same time, my bill would foster high school sports as well as professional football. It would restrict the network televising of professional football on Friday nights and Saturdays, which is high school football time across the country.

I am informed that pro football games are scheduled on Friday nights only in exceptional circumstances, and that the televising of any such games is already severely limited. But I am certain we can all agree that high school athletic authorities should be given additional assurance—the same protection, incidentally, which has already been provided for years to our colleges.

Mr. Speaker, I recognize that our agenda will be crowded in the remaining days of this session; but I also know the Congress can act quickly on a measure that clearly will benefit many millions of fans in every section of the country. Our failure to act would bring sore disappointment to these same millions. I urge that we proceed quickly, while there is yet time.

"NEW REALITIES FOR THE AMERICAN CITY"—ADDRESS BY MAYOR JOHN V. LINDSAY, OF NEW YORK

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. KUPFERMAN] 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. KUPFERMAN. Mr. Speaker, on August 22 New York City's Mayor John V. Lindsay testified before the U.S. Senate Subcommittee on Executive Reorganization on the subject of "The Crisis of Our Cities"—see the CONGRESSIONAL RECORD of August 26, page 20898.

He has returned to Washington and continued the dialog at the Urban America Conference held here on Monday, September 12. The title of his most recent talk is "New Realities for the American City," and I commend it to my colleagues.

Of special interest will be Mayor Lindsay's urging that—

> The Congress should establish, as a matter of the highest priority, a Committee on Urban Affairs in both the Senate and the House.

Hopefully, the leadership in both parties will soon make the announcement that a standing Committee on Urban Affairs will be established in the next Congress.

NEW REALITIES FOR THE AMERICAN CITY

(Remarks by John V. Lindsay, Mayor of the City of New York, at the Urban America Conference, Washington, D.C., Sept. 12, 1966)

I am delighted to be with you and honored to be your luncheon speaker today.

I have long admired Urban America's predecessor, ACTION, the American Council to Improve our Neighborhoods, for ACTION was working very effectively in the vineyards of our cities for many years before it became fashionable—as it is today—to discuss the enormous problems confronting our urban society. I commend ACTION and Urban America for the role they have played and are continuing to play in making this national problem a matter of national concern.

Another reason I am happy to participate is that this conference is dealing with nothing less than the single greatest challenge faced by western civilization. That challenge, plainly stated, is whether the cities around which Americans are gathering can be made to work.

If the answer is no, we are destined to witness the decline, not only of our cities, but the decline of an entire country.

For as Senator RIBICOFF has said: "For better or for worse, our nation's future will be decided in our cities."

If this thesis is sound—and I believe it is—the Federal government has not yet fully accepted its ramifications.

It was not until last year, for example, that the Department of Housing and Urban Development was created to give cities a voice at the cabinet table.

It was only two years ago that the Anti-Poverty Program was enacted—at a time almost 2 million people were living in poverty in New York City alone.

Since passage of the Interstate Highway Act, a full decade ago, thousands of miles of freeway were constructed, but the cities' mass transit systems fell deeper into debt and obsolescence without a dime of Federal assistance until a meaningful Mass Transportation Act was passed in 1964—and even then the allocations were meager. Moreover, the 12½ per cent limitation placed on individual states was indefensible; the big cities need help for this program and many others, and need it fast.

We must make up for years of lost time. In New York City, I might point out, not a single mile of new subway has been put into use during the past 30 years.

In housing, welfare and education, particularly, the Government has made significant and appreciated contributions to the cities. But in air pollution control, in water pollution abatement, and in a host of other matters critically important to the cities, the legislative and executive branches often have moved either belatedly or parsimoniously. A current illustration is the Demonstration Cities Act, which appears to be blockaded in the House although it involves only a relatively small financial commitment to the intensifying needs of the bypassed city ghetto.

The tardiness of Congressional action directed toward the solution of urban problems is partly attributable to the philosophic and legislative dislocations caused by this country's transition from a rural to an urban society.

For a century and one-half, the Federal Government concerned itself chiefly with the development of the South, the Midwest and the Far West. Our domestic legislation was devoted to homesteads, land-grant colleges, dams, highways, parks, mining and crops. These were the commanding interests of a young and growing nation.

Only within the last 10 years has our government truly begun to channel its power and resources into the problems of the cities, which should be manifest to anyone who has ever served in Washington.

But even during recent times, Congress usually has moved with misgivings or restraint. In my judgment, the principal reason is a pervasive suspicion that Federal funds spent in the cities are likely to be dissipated or diverted; in short, that Federal allocations will be wasted because the cities themselves are incapable of honest, conscientious, progressive administration.

As a former Congressman, I know the suspicion exists. As a Mayor, I believe we are proving it wrong in New York City. For I think we are facing up to the realities of governing New York City, and one of those realities is that we must put our own house in order to obtain the state and Federal assistance we demonstrably need if our cities are to become the seat of this country's culture and civilization.

I'd like to review for you some of the programs and policies we have undertaken:

First, we are engaged in the most comprehensive reorganization of a municipal government initiated during this century. We are streamlining and consolidating the city's multitudinous departments, agencies and sundry subdivisions into a unified administrative organization designed to encompass logical areas of functional responsibility.

City government should reshape itself to the demands of rapid and complex change. Yet we found well over 50 separate departments and agencies in New York's hierarchy, each directly responsible to the Mayor, many of them with overlapping or competing jurisdictions.

Five different agencies had some degree of control over highways. More than seven separate bodies made policy on housing. More than a dozen Federally-funded manpower programs were operating with no overall co-ordination and no central supervision by any one city official.

We are regrouping the city's departments and agencies under 10 major administrations. Most recently, we established a Human Resources Administration. It will embrace the Welfare Department and Youth Board, as well as two new departments: One for Community Development which replaces the splintered, confused Anti-Poverty structure, and one for Manpower Training and Career

Development, which will give coherent direction to our manpower and employment programs.

We also have consolidated our financial and health structures into separate administrations, and are trying to create a workable Transportation administration. This last proposal has run into fierce opposition, but it is difficult to see why:

Today, the Traffic Department has jurisdiction over street signs and stop lights; the Highway Department has jurisdiction over the streets themselves; and the Parks Department controls the parkways. The Public Works Department is in charge of some of East River Bridges, but the Triborough Bridge and Tunnel Authority operates the major bridges and tunnels. Finally, the Transit Authority operates the buses and subways, but all three subway lines have different names.

The Triborough Authority makes money every year, and the Transit Authority loses money every year. Every reasonable argument points toward a consolidation, but so far we have been unsuccessful. Many mayors have found that they do not have enough "clout" in governing their cities. The special interests, unhappily for us, sometimes seem to have more.

As important as reorganization of the city bureaucracy is, it can do no more than create an efficient framework for administration. Its success will be determined by the quality and energy of the administrators themselves. We have searched throughout the country for city executives with those characteristics.

As someone once said: "People are our only product; and by the quality of those you attract shall you succeed or fail."

I think we've succeeded, by and large, in attracting to city service a new breed of what I call "urbanists"—experienced, perceptive men and women who are not awed by the challenge facing our cities and our country, but who are ready and anxious to take them up.

To give impetus to New York City's government, we have sought out the most talented men in their fields—whether they were employed by a city, state or Federal government, or by private business or industry. We engaged these professionals without regard to politics. I believe we are in the forefront of the cities in putting together a new breed of top level urban executives whose perspectives reach beyond the boundaries of any one city.

I might say in passing that to induce executives to come to New York we often had to offer top salaries—higher than had been paid for the position. Even then, we often were frustrated by the freezing-in of pension systems. I think that some way should be developed to allow administrators to transfer between city and Federal positions without forfeiting pension benfits.

For too long, local government has been viewed as the backwater of government service. The glamour, the prestige and the rewards were to be found in the Federal government or in state government; local government has been thought of as the province of the politicians. We're working to dispel that concept, which accounts for much which is wrong with our cities today, and we're having some luck in doing so.

Earlier, I discussed the centralization of city administration, a policy which is not as inconsistent as it may appear with the next policy I'd like to discuss, which is the decentralization of city services.

Consolidation of decision-making in a bureaucracy as large as New York City's can result in a remote, unresponsive, largely invisible government. It is an obvious danger in New York, which has almost 300,000 employees, 800 schools, 76 police precincts and 21 municipal hospitals, all of them administered from City Hall. So in New York we have taken several steps to bring the activities of city government closer to its citizens:

The Buildings Department has started to place its inspectors in local offices. The Welfare Department has opened its first satellite welfare center. Seven community progress centers are operating in target areas designed under the anti-poverty program. The Health Services Administration is designing comprehensive neighborhood health clinics for low-income groups.

And we have opened the first of our "neighborhood city halls" in East New York. The function of these offices is to give residents a direct line into City Hall to transmit complaints, problems and recommendations.

In summary, we in New York are adopting what Bill Slayton has long called "the entrepreneurial approach." The phrase denotes a positive, dynamic, locally-oriented city administration. It envisions a Mayor who utilizes the best elements of the business world in stocking, merchandising and delivering city services to those who need them.

Here's a specific example of how we are implementing that guideline in New York City: Ours is an intensively-developed city, and lack of building sites has long been blamed for the failure of new housing construction to keep up with the demand.

The fact is, however, that thousands of vacant lots suitable for development are scattered throughout New York, and the city itself owns many of them. This property is a great city resource—or, to follow Mr. Slayton's analogy, a commodity. We intend to market this land through a city-wide program which, in effect, will establish a land bank.

Heretofore, the city has waited for individual housing sponsors to come to City Hall with proposals for housing construction on individual parcels, with all the haphazardness that process implies. Now the city is identifying the sites, deciding where housing is needed, assigning them priorities and inviting sponsorship by the private sector. The result, we hope, will be to induce developers to produce new housing where both they and the public can profit.

In describing what we in New York City are doing to cope with the crisis in our cities, I hope I have not been certifiably self-serving. My objective has been to report to you who live in other cities how New York is attacking its many difficulties in the hope that it might contribute to solutions elsewhere.

And if the dragons we keep are larger than yours, it is because our size has not only magnified them, but created them earlier. Everything that is wrong with New York City will, eventually, become a failing of virtually every one of our cities. Thus I think it is useful to exchange views and comments on how we are confronting our increasingly mutual problems.

The basic problem, I believe, is the problem of the poor. Almost every one of New York City's social problems—crime, unemployment, disease, illegitimacy, narcotics addiction, welfare dependency, alcoholism, the numbers racket and racial conflict—are concentrated in the poor neighborhoods.

I am not among those who subscribe to the theory that the basic difficulty with cities is that too many people are living in them and that the answer is an exodus to the healthful, bucolic provinces of our farmlands.

Nor do I accept the proposition that the problem of the poor essentially consists of the problems of the Negro and that the solution is simply that of providing better education.

The poor need more than an education. They need clean housing they can afford. They need jobs. They need more enlightened welfare policies. They need readily-available medical services. They need a voice in the administration of governmental programs created for them. They need protection from junkies, extortionists, and crooked merchants, and they need to know hope—hope that they can progress in our society as fast and as far as their abilities and ambitions will carry them.

There is no single solution to the burden placed upon our cities by the poor, the disadvantaged or the deprived. If the answer can be stated in a single word, that word is money, for all of the needs I have enumerated can be met only with vast amounts of government funds.

New York City—despite the adoption of a major new tax program this year—does not have the money required. Nor does New York State. The only source is the Federal Government.

By now, the argument of American mayors for more Federal money is becoming somewhat shrill, if not hackneyed, and I shall not take up your time in a repetitive plea for Federal assistance. I do, however, want to stress three points:

First, the cities' appeals for Federal aid sometimes have been viewed as singlemindedly selfish, issued without regard to the needs of the remainder of the nation. New York City, in particular, has been accused of wanting much more than its fair share of Federal revenues.

The facts contradict the criticism. The New York City metropolitan area contributes almost $15 billion a year to the Federal Government in personal and corporate income taxes. The figure represents almost 15 per cent of all Federal income tax collections, yet it does not include revenues from the Connecticut or New Jersey areas which make up greater New York City.

In any one year, New York City has never received as much as $1 billion in direct or indirect Federal assistance. The total this year, for operating and capital expenses combined, will be about $820 million, or less than 6 per cent of the area's contributions to the Federal Government in income taxes alone.

Thus it is not that New York City is demanding a disproportionate share of Federal expenditures. On the contrary, New York City has been financing innumerable Federal spending programs in other jurisdictions throughout the country.

I think these statistics should be borne in mind when assessing the merits of New York City's claims upon the Federal treasury.

Second, the troubles New York City faces—and this is true in almost every major city—are often regional in nature and susceptible only to regional solutions. Air pollution sweeping into New York from New Jersey is one example. The pollution of the Hudson River by Upstate communities is another. The strangulation of traffic and the storied inefficiency of rail service in the New York-Connecticut-New Jersey complex is a third.

Regional co-operation, here and elsewhere, normally fails to achieve constructive, clear-cut remedies to regional problems, both because of the competing interests of the governmental units involved and because no individual jurisdiction has the finances or the power to impose area-wide decisions.

The Federal Government, however, has both resources, and it can compel cities, counties and states to hammer out regional agreements remedying regional problems. I believe the Federal Government should be more active in this respect, particularly matters involving pollution, transportation and planning.

Third, the Congress, despite the passage of legislation creating HUD, has not organized itself to deal effectively with the cities of this nation. Objectively viewed, it is almost astonishing that of 48 standing Congressional committees, none is charged with overseeing urban affairs. We have an influential, well-staffed Committee on Agriculture to represent the farms, but committee-level representation of the total needs of the cities

where 70 percent of America lives is nonexistent.

A concerted attack upon the many deficiencies of this nation's cities cannot be carried out in bits and pieces of legislation, distributed among various committees for hearings, evaluations and reports to the floor. I think that legislation concerning our cities is fully as important as legislation affecting the Department of Defense, yet it is inconceivable that the House and Senate would have no committees on Armed Services. That, however, is the approximate plight of the cities.

Accordingly, I recommend that the Congress should establish, as a matter of the highest priority, a Committee on Urban Affairs in both the Senate and the House.

In conclusion, I think that all levels of government, beginning with the men in our city halls, should face up to reality. Most of our cities are in varying degrees of crisis, and most of them do not have the financial ability to pull themselves up by their bootstraps. New Yorkers, it should be noted, are the most heavily-taxed city residents in America.

We need help from the Federal Government and—as the emerging centers of an urban nation—we are entitled to it. Obtaining fresh revenues, however, may depend on our willingess and ability to reorganize, improve and reinvigorate city government. It is not an easy task, as I can testify to from my own experience, but it is one which is terribly important both to our cities and to our country.

For I would not want the United States during the coming years to be described by future generations as a society that stood admidst the filth, the oppression and the violence of the slums * * * and shot rockets at the Moon.

THE FLORENCE AGREEMENT

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. KUPFERMAN] 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. KUPFERMAN. Mr. Speaker, I was pleased to see that H.R. 8664, to implement the Florence agreement, signed by the United States in 1959 and consented to by the Senate in 1960, passed the House. My own bill on the subject is H.R. 16054. My statement should and does also cover support of the Beirut agreement for audiovisual devices.

The history of the Florence agreement goes back to the 1949 General Conference of the United Nations Educational, Scientific, and Cultural Organization—UNESCO.

I believe the agreement was a milestone in the maturation of the 50 nations that signed it.

Economic barriers on imports pertaining to educational and cultural materials serve no purpose in the 20th century. No nation can afford to place itself in political isolation, and with stronger reason, a nation cannot and should not establish a tariff schedule that forces its people into a state of cultural isolation.

The effect of the bill would not be harmful to domestic economic interests. Its greatest effect would be on the importation of technical books, antiques, and scientific equipment. For example, under our present tariff laws, books of foreign authorship are subject to a duty of 3 percent ad valorem. Imports worth about $39 million are involved. See on this TSUS 270.45 U.S. imports for consumption and general imports 1964, U.S. Department of Commerce, Bureau of the Census. Under the bill this duty would be eliminated in this specific area. Less than $2 million of revenue is involved.

As our Nation has traveled down the path of diplomacy, we have met many obstacles. Fortunately, they have been only temporary detours in our quest for world peace. This bill widens the path by enlarging the channels of communications between nations. A society's mental growth should not be restricted by economic sanctions.

I hope that this bill will now receive careful consideration in the Senate. I believe its speedy passage will help to remove one more obstacle that blocks our path toward world peace and understanding. This Congress being an important catalyst in the preservation of the free world, should now incorporate into our law the necessary powers to implement the agreement we signed in 1959.

THE PRESIDENT'S CLUB

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. GOODELL] 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. GOODELL. Mr. Speaker, grave questions have been raised in this Chamber dealing with the operation of the President's Club. These questions have gone unanswered.

Aside from the very serious questions of individual situations, there remains the underlying problem of the nature of campaign financing.

The lead editorial in the Christian Science Monitor for today, September 13, 1966, addresses itself to this question and should be read by the Members of the House.

For their study, I am pleased to include the editorial at this point in the RECORD:

THE PRESIDENT'S CLUB

Campaign financing continues to be the Achilles' heel of American democracy. Election campaigns in the United States are unbelievably expensive. Parties and candidates are forced to think up clever means to raise the vast sums needed to pay for high-cost campaign advertising. They frequently turn for contributions to sources some of which could conceivably stand to gain substantially from government favoritism.

The opportunities for corruption and the consequent suspicion of corruption can be removed. Political scientists believe that, whatever the difficulties, wise and adequate laws relating to campaign financing can be drafted and enforced.

No one would argue that present laws are in the least adequate. President Johnson submitted a bill to Congress proposing a new law. It would help by requiring more disclosure, encouraging gifts by smaller contributors, and closing some of the present loopholes. Still, it is a bare beginning.

At the same time that this bill would help to reduce dependence on the large contributor, Mr. Johnson is using the President's Club as a device to attract to party coffers gifts of $1,000 or more.

Relying on status appeal, the President's Club has proved to be an unusually successful fund-raising method. And, like the $1,000-a-plate testimonial dinner and the sale of advertisements in slick political brochures at $15,000 a page, it raises suspicions of improprieties. Such practices should have no place in politics.

It is not necessary to adopt Theodore Roosevelt's suggestion that the government pay campaign expenses by appropriating funds directly to the parties. Helpful measures could include voluntary agreements to limit advertising expenditures, tax incentive programs for the small contributor, laws providing for shorter campaigns, the application of campaign contribution laws to primaries and conventions, the establishment of proper accounting methods, and the disclosing and publicizing of actual contributions and expenditures.

The President's Club raises suspicions of influence peddling and corruption, involving the highest office of the land. However reluctant he may be to give up a lucrative source of party income, President Johnson owes it to the people to preside at the dissolution of this club and to do it now.

REVITALIZING THE WAR ON POVERTY

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. GOODELL] 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. GOODELL. Mr. Speaker, the Republican Task Force on Economic Opportunity recently held hearings in Chicago to determine the progress and conduct of the war on poverty in that city. The failure of that city to institute a meaningful, successful program was sadly apparent in all of the testimony which the task force received.

One of the finest statements presented to the task force was one submitted by Charles H. Percy, Republican candidate for U.S. Senator from Illinois. Mr. Percy clearly assessed the current dilemmas in the Chicago program and presented concise recommendations for improving the present poverty program, as well as increasing the responsibility of the private sector in a total antipoverty effort.

I include Mr. Percy's statement:

REVITALIZING THE WAR ON POVERTY

(Statement presented on behalf of Charles H. Percy, Republican Candidate for U.S. Senator, Illinois, to the House Republican Task Force on Economic Opportunity, Chicago, Ill., Aug. 19, 1966)

Two years ago President Johnson issued a call to the American people to join in a great War on Poverty—a war to help some 35 million of our fellow citizens to rise to a decent standard of living and enhanced economic opportunity. The philosophy of this great new venture was straightforward and eminently sound, and in the best tradition of the American people.

It was not the principle of charity, nor of patronizing benevolence.

It was not the philosophy of the freeload or the dole.

It was merely the principle that it is right—and wise—for Americans to help their fellow Americans to help themselves.

President Johnson recognized this when he said, in his initial message to Congress: "The war on poverty is not a struggle simply to support people, to make them dependent on the generosity of others. It is the struggle to give people a chance. It is an effort to allow them to develop and use their capacities, as we have used ours, so that they can share, as others share, in the promise of the Nation."

Dr. Walter Heller, then Chairman of the Council of Economic Advisors, put it this way: "The essence of the President's attack on poverty is the creation of new economic opportunities, a chance for the poor who are able to do so to earn their way out of poverty."

These statements bring to mind the words of the 1959 report of the Republican Committee on Program and Progress, a blue ribbon group appointed by then Chairman of the Republican National Committee, Meade Alcorn, with the enthusiastic support of President Eisenhower. The Committee, which I had the very great honor to chair, said:

"There are still some people who earnestly seek jobs who cannot find them, people struck down by disease who lack the means for decent care. There are old people without the simple requirements of a life of dignity; children without access to suitable education; people denied equal rights because of race, religion, and national origin. These are blights on the conscience of the most richly endowed of all nations with the means of achieving well-being for its people."

Our report then went on to make this affirmation: "We believe . . . that every American of whatever race or creed must have the chance to make his best contribution to society, to himself and his family and to earn a status of respect."

This is not the time or place to present an exhaustive listing of similar formulations of this common philosophy which runs like a silver thread through the fiber of the American experience. The principle of helping others to help themselves to grow in self-reliance in ability, in economic productivity and security, and in dignity, is a principle we all share.

The debate which rages over the present War on Poverty, is not waged between those who believe in helping others to help themselves, and those who believe in winner-take-all and devil take the hindmost. It is waged between those who claim that the weapons of the War on Poverty are not helping people to help themselves, and those who defend the present one and three quarter billion dollar program as the proper way to achieve that important objective.

That debate, a growing national debate, started the day the Johnson Administration submitted its Economic Opportunity Act to the Congress, and it has intensified as the various programs got under way. And today, two years later, it has become a growing crescendo as more and more Americans are beginning to voice their concern over the future of the Administration's War on Poverty and the Great Society of which it is supposed to be so vital a part.

At this point, Mr. Chairman, I should like to congratulate you and all the members of the House Republican Conference Task Force on Economic Opportunity chaired by the very able Congressman from the fifth district of New Jersey, the Honorable PETER FRELINGHUYSEN. The hearings you have held around the country, such as this one, have shed valuable light on the workings of the War on Poverty and have led to a number of constructive suggestions. Credit should also go to the Members of Congress who serve on the Select Subcommittee on the War on Poverty of the House Education and Labor Committee, and to the hard working staff members of the Subcommittee.

THE DILEMMA OF COMMUNITY ACTION

I wish today to lend my support to a number of recommendations for improving the War on Poverty, but before I do so I should like to discuss what I believe to be the central dilemma of the key program created by the Economic Opportunity Act—the Title II Community Action programs.

Poverty—leaving aside the special problems of those too old or incapacitated to earn their way and those who are able and willing to earn their way but are prevented from doing so by the ugly barrier of racial discrimination—is basically a problem of attitude and motivation. Those whom Michael Harrington has labeled the "Old Poor"—the younger Ben Franklins and Abe Lincolns, the many penniless immigrants who came to America full of hope—were eager to venture forth to shape their environment to their own advantage. They worked long hours, planned wisely, watched tirelessly for new opportunity, and deferred present gratification for future reward.

But those Harrington called the "New Poor"—the third generation welfare recipient, the poor prisoner of the urban Negro ghetto, the once-independent mountaineer victimized by the flight of coal and timber employment, the Spanish-speaking Americans blocked from full participation in our society, the Dust Bowl farmer wiped out by crop failures—all these people have been forced by historical trends and economic conditions beyond their control into a different sort of poverty. Theirs is a poverty of motivation, will, and hope, as well as of education, jobs, and income. Unlike young Andrew Carnegie, stepping off the boat from Scotland with ten cents in his pocket and a world to conquer, these Americans have never believed that they could exert a constructive influence on the world about them. They view themselves as helpless, drifting pawns of faceless and nameless forces which foreordain their lives.

Merely giving these people money and welfare services, will not suffice. What is needed is a true rekindling of faith in the value of their own motivated efforts; otherwise, there will be no hope for helping them to help themselves up out of poverty and into economic security and a decent standard of living. In order to rekindle this faith, then, poor people have to be shown that what they do will make a difference. Then comes the first horn of the dilemma. Since what a single poor person can do usually will not make a great difference, the argument goes, poor people must unite and pool their influence to improve their common situation.

Thus, the theory says, the poor must be organized. It may be for an end to racial discrimination in employment. It may be to demand a local school board to pay more attention to neighborhood schools, as has been done here in Chicago. It may be for forcing slum landlords to correct dangerous building violations. It may even be to elect representatives of the poor to political office. Whatever form it may take, the action must be designed to convince poor people that, working together, they can attain the independence and influence they must have for a better life. As this program of action brings results, each participant grows in self-reliance and self confidence; he is increasingly encouraged to take charge of his own affairs and to climb the ladder to independence.

Now that forms one horn of the dilemma. The other horn comes into view the moment an outside party such as government enters to offer support. How can people move toward independence by becoming dependent on government money and subject to the controls that inevitably accompany government money? And worse yet, according to this thesis, since an essential element of the program to help poor people out of poverty may involve a drastic reorganization of the social, economic and political structure of a community, how can the government justify collecting tax money from all the people and then returning a portion of it to those who are likely to create a local power revolution?

Thus formulated, this dilemma has plunged the Community Action Programs of the War on Poverty into seething controversy in nearly every large city in the nation. The city halls of America—and notably the City Hall of Chicago—viewing the threat with alarm, have made strenuous efforts to ensure that the real power that flows from massive injections of government poverty funds stays right in city hall and does not come under the control of the poor.

I hope a way can be found to resolve this dilemma. I think it can be.

The fallacy in the way the issue is presented, I think lies in the assumption that the only way to prove to poor people that their efforts can produce beneficial results is to organize them for group action. If this premise is accepted, a polarization is created between the poor on one hand and the "power structure" on the other, where each sees the other as a threat to its own goals.

I think that it should be possible to avoid this unhappy polarization by finding ways to give new incentives to the power structure—meaning local government, political parties, business, unions, churches, the welfare agencies, established community organizations and so on—to open channels of upward mobility to those presently excluded from full participation in the community's social, economic, and political decision making. If such a program can be worked out, and there is some evidence that it can, it seems to me that the poor person of today would gain a fair chance of understanding the workings of these presently faceless forces. He would have a fair chance to rise through the system, instead of being forced to choose between continued poverty and militant conflict with those in the best position to give him a helping hand. The essential ingredient in such a formula, of course, is a new awareness among those who do wield the largest share of influence in the community that their ranks must be opened up to those presently poor, even if it means enhanced competition for coveted positions.

The Republican Party, which has always championed competition as a vitally important principle of American life, would do well to lead a crusade to open these opportunities to lower income people. This spirit, I think, can be found in the Opportunity Crusade legislation sponsored by two distinguished members of this task force, and I commend Congressmen GOODELL and QUIE for their outstanding efforts in this respect.

POVERTY AND THE CITY HALL MACHINE

Unfortunately, in a large city so overwhelmingly dominated by a long entrenched political machine as Chicago, there is very little interest among those in charge in opening up the power structure to any but those who have reached an "arrangement" with City Hall, Chicago; in fact, it is an outstanding example of iron-fisted control of the Federal poverty program by the Mayor and the Chairman of the predominant political party, who in this city happens to be the same person.

The original poverty legislation included the now-famous requirement for "maximum feasible participation of the poor" in community action programs. In Chicago, maximum feasible participation of the poor means the maximum amount of participation by the poor that Mayor Daley will allow and that is precious little.

The Community Action program of Chicago is directed by the Chicago Committee on Urban Opportunity (CCUO). Its chairman

happens to represent a viewpoint very close to that of City Hall. That is because the Chairman is Richard J. Daley, Mayor.

The Committee itself has some 70 members, who are appointed by the head of the local Democratic machine. About half of the members are either members of the Mayor's cabinet, officials of State and local public agencies or important members of governmental committees and commissions. Many of the others are persons whose future economic interests and social status would be adversely affected by any display of recalcitrance against the wishes of the City Hall machine. Of the 70 or so members there is space for only 14 so-called representatives of the poor, and even they are, directly or indirectly, appointed by City Hall.

The Executive Director is Dr. Deton J. Brooks, who was persuaded to relinquish his $14,500 a year job to accept appointment to the $22,500 post. Dr. Brooks, I might add, recently achieved some notoriety by lending his name to the campaign letterhead of a local Democratic candidate for Congress. When it was quite correctly pointed out that doing this was a gross violation of the Hatch Act prohibiting political activity by city employees administering federally financed programs, Dr. Brooks loftily replied, "I'll do as I darned please." He was, however, pleased to have his name removed from the letterhead with great dispatch.

The operating arms of the CCUO are the Urban Progress Centers of which there are now seven. The Directors of these Centers are appointed by the CCUO, chaired by the Mayor.

Each Center has an Advisory Council of 70 members. Originally all these council members were appointed, upon recommendation by the Center Director, by the head of the Democratic machine, who is also Chairman of the CCUO. Now a great step forward has been taken. Now the Mayor appoints only sixty members of an advisory council, and his sixty appointees are given free rein to appoint ten additional members of their own choosing. Yet, with all this freedom, it is remarkable that so few additional members have been appointed who are outspokenly hostile to the CCUO Chairman, the Mayor. Once one was, but that indiscreet council member was removed by the Daley-appointed Director of the Center.

From this organizational picture it is not surprising that Democratic Congressman ADAM CLAYTON POWELL, who should know, has charged that the Mayor "has managed to completely evade the intent of Congress, ignore the poor, and set up little political fiefdoms run by machine bosses."

Obviously, if the millions of poverty dollars spent in Chicago are going to have a commensurate impact on helping people out of poverty, there must be room for the poor to have a meaningful voice in shaping the program. The Mayor has absolutely no intention of granting the poor any such independent voice. As a result, Chicago's war on poverty has bogged down into a terribly inefficient and wasteful distribution of tax money to solidify the grip of the CCUO, City Hall and the local Democratic machine, all three presided over by Mayor Daley.

RECOMMENDATIONS FOR IMPROVING THE WAR ON POVERTY PROGRAM

Within the present framework of the War on Poverty, however, I should like to offer these specific recommendations.

1. Added emphasis must be given to the concept of involvement of the poor and their representation in positions where they can have some real influence. Obviously this cannot be achieved so long as a local community action program is so completely dominated by one political leader as is Chicago's by its Mayor.

2. The original 1964 poverty package—with the sole exception of the community action concept—consisted of a jumble of programs warmed over from as far back as the great Depression. Under the pretense of creating a new and more efficient functional grouping, the programs were lumped together under the authority of a new bureaucracy, the Office of Economic Opportunity, although when originally proposed in earlier years, they were placed in the regular Executive departments. Only one year after the passage of the Act, the Administration asked Congress to transfer one of the programs—the Title I-C College Work Study programs—back to the Office of Education to which it had been assigned by President Kennedy's Omnibus Education proposal, on the grounds that that was where it belonged for proper integration into the overall aid to education program.

The same correct principle should be applied to all of the programs created by the Economic Opportunity Act, except for the Community Action programs and VISTA, which would continue under the supervision of OEO.

3. The Headstart program for preschool children has been the outstanding success of the War on Poverty. It should be continued, expanded and strengthened, with special attention given to the training of additional personnel to ensure high quality programs in every community. I see no reason why the increased use of non-professional teachers and teachers aides should not be made; this would ease the personnel shortage and at the same time provide useful jobs to women who may be extremely competent in handling small children even though they do not hold college degrees.

4. Effective steps must be taken to insulate the poverty programs from partisan politics. Last year the Senate accepted without dissent Republican amendments to put local community action field representatives and VISTA workers under the Hatch Act, but objections from Democrats in the House forced deletion of the provision in conference. I am pleased to see that the efforts of House Republicans, fortified by the continual reports from a number of cities of political interference with and control of the poverty program, have led the Education and Labor Committee of the House to insert essentially identical provisions in the bill now awaiting House action.

5. The efforts of House Republicans also were rewarded when the House Committee added language to restrict the present practice of paying excessively high salaries to local community action employees. An additional tightening up is in order for employees of Federally-operated Job Corps centers.

6. The National Advisory Council created by section 605 of the Act is so constructed as to be useless. Such a council is supposed to provide a continuing, critical overview of the program under its jurisdiction. This particular council, however, may act only upon the request of the Director; unlike similar councils created by other legislation, this council is "within" the Office of Economic Opportunity; there are no provisions for clerical or investigatory assistance needed for a conscientious appraisal of the program; the council has no obligation to report its findings to anyone but the Director of OEO, who is under no obligation to transmit any such report to Congress and the people; and to top it off, it is chaired by the very bureaucrat whose activities it is supposed to review.

In its present form, this Council, judging from its own minutes, does nothing more than serve as a public relations transmission belt for propagating the opinions of the Director of OEO and his associates. Last year, Republican Senator WINSTON L. PROUTY offered, and the Senate passed, an amendment reconstituting the National Advisory Council to remove these infirmities. The Prouty amendment would have made the National Advisory Council a truly independent body for evaluating the progress of the poverty program and making findings and recommendations available to the taxpayer who is footing the bill. This amendment was unhappily killed in conference by House Democrats. It should be offered again this year.

7. A far greater effort must be made to see that the benefits of the community action programs are made available to rural areas as well as to our big cities. Outside of summer Headstart programs, only 15.5 percent of community action funds obligated through March, 1966, went to rural areas, despite the fact that 45% of the nation's poor families live in rural areas. Republican proposals to earmark some community action funds for use only in rural areas should be supported.

8. New incentives for participation in the War on Poverty by the States should be initiated. The Republican Opportunity Crusade provisions to create a state bonus plan are worthy of support.

9. Also included in the Republican Opportunity Crusade bill are provisions to automate the state employment services and to maintain an up-to-date job inventory. These steps—which have been urged by Republican Congressman TOM CURTIS of Missouri for years—are long overdue.

ADDITIONAL PROPOSALS FOR ECONOMIC OPPORTUNITY

The recommendations I have just made relate directly to the present War on Poverty legislation. Before closing I should like to briefly touch on some other proposals that would contribute to the overall battle to guarantee genuine economic opportunity to all Americans.

First, we must never relent in our efforts to improve our schools. Education is an indispensable ingredient in combating poverty. Our school systems should be strengthened and expanded to offer more in the way of preschool education and junior colleges. Some tax resources now preempted by the Federal government should be returned to the States and local communities for their use in improving education.

Second, no program of fighting poverty can be complete until it comes to grips with the problems of the aged. Of great importance is maintaining price stability in the economy. Inflation works its most serious hardships on the elderly poor living on fixed incomes. Effective monetary and fiscal measures to restrain the alarming price rises of the past year are long overdue. A further liberalization is also in order for the income limitation rules for social security recipients.

Third, young men and women willing to work their way through college should be encouraged to do so by permitting them a tax deduction equivalent to their expenses for tuition, fees, books, supplies and equipment. Two years ago every Republican Senator supported such a measure, but President Johnson prevailed on enough Democrats to defeat it, on a tie vote.

Fourth, Congress should act immediately to pass the Republican Human Investment Act, which would encourage additional job training in private industry through a system of carefully designed tax credits. Four years ago Congress passed legislation permitting companies to claim tax credits for their investment in new equipment and machinery. A similar investment in people and their labor skills is long overdue.

This proposal was considered in depth last Fall by the Job Opportunities Task Force of the Republican Coordinating Committee, of which I was then Chairman, and we gave it our enthusiastic support. Our recommendation was subsequently endorsed by the full Coordinating Committee, and the bill itself is sponsored by every member of the Joint Senate-House Republican Leadership. I believe all of you gentlemen here today are

among the more than 100 Republican sponsors of the measure in this Congress. The tax credit approach to spur additional job training has been endorsed by Dr. Martin Luther King and New York civil rights leader Bayard Rustin, as well as scores of business and union leaders and manpower experts. Had Congressional Democrats and the Johnson Administration heeded Republican pleas to act on this important legislation last Fall, the present labor skill shortage would not be nearly so severe, and tens of thousands of Americans would be at work in better and higher paying jobs.

Fifth, what remains of racial discrimination by labor unions must be brought to an end. Many an able and willing Negro worker is unemployed merely because a union local would not permit him to become a member. I am glad that the AFL–CIO and other national unions are continuing to work toward this goal, but the rate of progress must be sharply increased.

THE ROLE OF THE PRIVATE SECTOR

Thus far I have spoken about the War on Poverty entirely in the context of government programs and legislation. I have purposely saved until last some observations on the role of the private sector in providing economic opportunities for all.

The private sector, including profit-making businesses and not-for-profit associations, churches, unions, foundations and the like, does far more to combat poverty in America than the Office of Economic Opportunity, yet too frequently we fail to recognize its great strength and even greater potential.

Let me give you an example of how the private sector, operating entirely without government assistance, can begin to make a real dent in the problems of poverty, health care, employment, education and housing.

Two years ago I helped organize here in Chicago a one-year pilot project called the 3–R program. It was funded by a grant from the W. Clement and Jessie V. Stone Foundation. Using the facilities of the Chicago Boys Clubs, salaried and volunteer teachers taught basic reading, writing, spelling and new math skills to potential high school drop outs and those who had already left school. The method of teaching brought marked improvement by the end of the first 8 week session and at the end of the 8 week session the average reading comprehension was increased by one school year, and math comprehension by ½ year. The length of the course appealed to those students who lacked the motivation to stick out the 9 month Basic Adult Education classes offered by Cook County Public Aid. The drop-out rate from the 3–R program was very low and nearly all adults in the program found employment.

At the same time, a group of public spirited people who had helped me in my 1964 campaign for Governor joined together to form the New Illinois Committee (NICOM), of which I have served as Chairman, and we have undertaken a number of projects in the social service area.

The first project of the Committee was a Legal Aid Guide, a compilation of all the legal services available in Chicago to those who cannot afford their own attorney. This guide was printed and distributed to 600 public and private agencies throughout the city.

The second project, is Call for Action, Inc., co-sponsored by Radio Station WVON and NICOM. Call for Action is designed to promote better cooperation between tenant and landlord and to work for more effective housing code enforcement in the city. Complaints about 2 thousand buildings have beer. intensively followed up. Whenever possible the landlord is contacted first, and 26% have voluntarily cooperated by making repairs within 3 weeks. But when, in other cases, Call for Action was forced to seek action by the city building department, it found that only 10% of the complaints referred to the department were corrected within a year; while the remainder deteriorated almost beyond the point of repair.

This pointed out how important it is that private citizens not abandon all their responsibilities to a public agency, which may or may not follow through with effective action. While we have not yet succeeded in convincing City Hall that a thorough-going improvement in the housing code inspection and enforcement system is needed, we have, I believe, spurred them toward renewed consideration of constructive ideas.

The third project is the 29th Ward Family Center, run by volunteers. The Center provides play school activities to 100 pre-school children on Chicago's West side. During the summer recess the Center also offers medical and dental examinations, family planning, housekeeping and budget counseling. The Center also sponsors a choir for senior citizens, and during the school year offers after school tutoring, modeling and grooming classes, ballet classes and recreation facilities for teenagers in the area.

The Job Opportunity report, listing jobs of varying skills for both men and women, is mailed bi-weekly to community organizations in Chicago. This project has helped hundreds obtain temporary and permanent work.

The Business Assistance Program, started only last month, is designed to help small businessmen with specific retailing, production, marketing, accounting, financial or other problems. Young executives devote free time to work directly with small businessmen who request assistance.

The New Illinois Committee is, of course, only a small operation. But across the land thousands of similar organizations have been started to mobilize the great strength of the independent sector of the economy to build a better America for us all. Just to mention a few:

There is the outstanding job training program run by my good friend Rev. Leon Sullivan in Philadelphia, called the Opportunities Industrialization Center.

There are the many programs of the Board for Fundamental Education in Indianapolis, which has pioneered in such areas as basic education in industry and self-help housing.

There is the Western Student Movement in Los Angeles, the Student Education Corps at Lansing, Michigan, and the Urban Service Corps of Washington, D.C., which are giving tutoring to needy young people and adults who seek to improve their chances for attaining a better standard of living.

There is the Cornerstone Project in the Bedford-Stuyvesant section of Brooklyn, where young people from all over the country come for two week service-seminars to learn about and work with poor people from the area.

There are the MIND and STEP programs developed and applied by the National Association of Manufacturers in New York.

There is the Interracial Council for Business Opportunity, sponsored in New York by the American Jewish Congress and the Urban League, which seeks to help Negro businessmen strengthen their enterprises.

There is the Revitalization Corps, operating to assist culturally deprived youths in Hartford, Conn., and now in New York City.

There are the truly outstanding efforts of the Interfaith Interracial Council of the Clergy in Philadelphia and the Bicentennial Civic Improvement Association of St. Louis in rehabilitating slum buildings and making them available to low income families on an actual ownership basis.

There are the splendid programs being run by Dr. Larry Cole and his co-workers at the Lower East Side Action Project in lower Manhattan. And the list goes on and on.

These efforts, I think, offer in the long run the best hope of eradicating poverty in America. The function of government should not be to crowd independent efforts into the background, but to develop a genuine working relationship that lends them support and encouragement. In this way, the dream of ending Poverty in America can most effectively be attained.

"THE CHALLENGES AND THE OPPORTUNITIES," A PRESENTATION BY ROGER A. FREEMAN

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. GUBSER] 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. GUBSER. Mr. Speaker, Mr. Roger A. Freeman, a noted scholar and senior staff member of the Hoover Institution on War, Revolution, and Peace at Stanford University in my congressional district, recently delivered an outstanding paper at a national meeting of the Philadelphia Society in Chicago. The Philadelphia Society is a new national organization of university-connected scholars, and its president is Dr. W. Glenn Campbell, director of the Hoover Institution.

The subject of the society's conference was "Civil Rights and Individual Responsibilities" and Mr. Freeman's presentation is entitled "The Challenges and the Opportunities." I consider the factual data and the thoughts expressed in his paper to be worthy of study by all readers of the CONGRESSIONAL RECORD and I therefore submit it herewith.

THE CHALLENGES AND THE OPPORTUNITIES

(By Roger A. Freeman)

Coming before you at the tail end of this conference, I find that much of what I had intended to say has already been said—and much better than I could have said it. So I'll try to fill in a few gaps, summarize what I have learned and give you the conclusions I would draw.

It is apparent that we are dealing here with the most difficult domestic problem the United States has today. It is so, partly because there are many factors involved which organized society cannot control and must accept though it may regret and try to ameliorate them. Partly, because passionately held convictions clash so sharply with each other that appeals to facts, impartial inquiry or reason largely fall on deaf ears and, more often than not, are futile.

I feel like the man who when asked for directions replied, after considering several routes, "Mister, you can't get there from here."

But we are like a man hanging by his fingers above an abyss: we can't give up because the alternative is disaster. If we chart the trend of current developments in some of our major cities, in many school systems, in welfare dependency, crime and numerous social ills, and project them for the next decade or two, they spell utter chaos. If we study the nature of widespread unrest and violence and watch the dynamite piling up in many locations, we may conclude that Watts may have been only a curtain raiser for Megawatts to come.

The problem at hand is somewhat like our Vietnam quandary: none of us feel very comfortable at having hundreds of thousands of American men fighting a protracted war in Asia's southeast corner. And many or most

of us have grave doubts whether present policies will lead to victory or even to a satisfactory compromise. But we know that we can't run out—and so can only try to devise and suggest a course of action which is more likely to result in a favorable outcome than the present one.

If the problem were just one of civil rights it would be easier to find a basis for agreement, at least in principle. There is, in fact, large-scale consensus that equal access to the rights and privileges of citizenship must be assured: the right to vote or be elected, equal opportunity to participate in all services of government—education, health, welfare, recreation. Until not so long ago it was the "Equal Opportunity" banner under which the civil rights forces gathered and which all who believe in freedom and justice had no difficulty joining. Now, that some of the earlier goals have largely been achieved, it has become painfully obvious that equal opportunity means unequal results. So, demands are being raised for more than equal rights—and since nothing can be more than equal, this means unequal rights, or, if you please, discrimination in reverse. The battle cry now is for preferential treatment for one ethnic group out of the many that have come to this country.[1]

The old truth that the right to move my fist is limited by the proximity of your chin seems to be too easily forgotten and what started as a movement for freedom seems to wind up—as it so often did in history—as growing coercion. Such action is bound to backfire—and it already has in some cases, which has raised the activists' ire to white fury.

Some observers wonder why hatred seems to be growing, why riots erupt at a time when civil rights laws are being passed and carried out, when discrimination barriers are being broken, when more is being done to improve the economic and social condition of the Negro than before. They seem to be under the misconception that the turning from anger to violence, from civil strife to rebellion, is governed by objectively measurable conditions of well-being. In reality, however, the critical factor is the psychological response to the interpretation of conditions rather than the conditions themselves.

What would you do if you wanted to incite a group of people to riot? You would tell them that they are being oppressed by evil men, that they are being deprived of their natural rights, that they are the victims of injustice and exploitation, that their lot is worsening and that there is no hope for them. That is almost exactly what the President of the United States said in his Howard University speech on June 4, 1965. He told the Negroes that the walls between them and their tormentors are rising and the gulf widening, and that these are for the Negro "a constant reminder of oppression. For the white they are a constant reminder of guilt." Similar incendiary speeches were made by other officials and politicans. Small wonder that hatred and violence are multiplying.

Is it true that the walls are rising and the gulf widening, that the income gap between whites and Negroes is growing? The median cash income of Negro families was reported at $3724 in 1964, per capita income at $1168. That is higher than personal income runs in all but 3 or 4 of the 120 countries on the face of the globe. It is 5 to 15 times as much as income now averages in the Congo, in Ghana or in other countries where the Negroes would be if their ancestors had they not been brought over here. But it equals only 54% of the income of the average white family. That does not mean that Negroes are paid lower wage rates but that they are more heavily represented among the low-skilled, low-wage occupations. This parallels the situation in other countries where Negroes live.[2] But those countries maintain no such income statistics.

The lower average income of Negroes is being used all over the world, particularly by the Soviet propaganda machine, to denigrate the image of the United States. To be sure, the same situation in regard to occupational distribution exists between Russians on one hand and the Kazakhs and other oriental peoples in the Soviet Union on the other. But the USSR is smart enough to publish no statistics that would show this. You have to go to Soviet Central Asia to see it—and how many people do?

Has the white-Negro income gap really been widening, as we have been told? The median wage and salary income of nonwhite males which jumped from 41% of that of whites in 1940 to 61% in 1950 has been around 58% since 1958. To be sure, for year-round, full-time workers the progress has been continuous: Nonwhite earnings as a percentage of white earnings climbed from 45% in 1940 to 58% in 1950 and 66% in 1964. What explains the discrepancy? A steady deterioration of the relative employment picture. The unemployment rate among nonwhites equalled as a percentage of the white rate:

	Percent
1930	92
1940	118
1950	173
1960	185
1965	209

Unemployment now equals slightly less than 4% of the labor force among whites, almost 8% among nonwhites. It is worse among women than men, worst of all among teenagers. One-fourth of the nonwhite boys in the labor force and one-third of the girls list themselves as jobless.

Nobody can claim that all job discrimination has been eradicated. But it certainly cannot be said that it has been getting worse. Evidence is to the contrary. It is widely held that the number of unskilled jobs is shrinking and that Negroes are hit harder because they have fewer skills due to inadequate educational opportunities. It would probably be more accurate to say that unemployment among low-skilled persons is so heavy because of a growing discrepancy between their productivity and the wage rates they would have to be paid under minimum wage laws and union contracts, and because nonwork pay is becoming more easily available and more attractive.

A few recent reports in the *New York Times* may throw some light on this:

"At HARYOU ACT [Harlem Youth Act Program] 50 openings for maintenance helpers—a euphemism for assistant janitors—went begging this summer because the kids didn't want them, no more than they wanted jobs as maids, no more than they wanted to pick cotton."

Earlier in the same article the author described a youth of 23 who left school at 16, has worked for perhaps 3 of the past 6 years at five different jobs, the last of which he lost when he swore at a customer who didn't tip him for delivering the groceries. He said he hadn't worked for nine months and would like a job. "But man," he said, "What do I got to sell? All I got is my hands and there's more hands around than there is jobs."

(From an article dealing with job discrimination in the *New York Times Magazine* September 19, 1965.)

"One of Mrs. Petty's neighbors thinks the solution is not just jobs but 'good-paying jobs.'

"Last July, he gave up an $85-a-week job as a tow truck driver because after deductions, lunch money and carfare, he was left with $60 in take-home pay. He is drawing $55 a week now in unemployment compensation."

(From an article "Negroes Still Angry and Jobless Three Months After Watts Riot," the *New York Times Magazine* November 7, 1965.)

The Bureau of Labor Statistics and Census Bureau do not publish all pertinent statistics they gather and particularly the detailed ethnic breakdowns of the 1950 Census were not made available from the 1960 Census. But occasionally we can gain an insight if an administration official who wants to make a point uses some unpublished figures.

In a speech at Houston on January 21, 1966, Assistant Secretary of Commerce Andrew F. Brimmer[3] revealed that the unemployment rate among married Negroes who live with their wives is less than 2%—the same as for white of the same status. That is about as low an unemployment rate as we are likely to reach in a free market with high mobility.

This fact raises any number of questions. Is racial discrimination directed only against Negroes who are single or have left their families but not against those who stayed with them? Or are only single or separated Negroes undereducated or unskilled? Are they the only Negroes who bear the indelible imprint and consequences of 200 years of slavery and 100 years of oppression and deprivation and lack of educational opportunities? Does the amazingly low unemployment rate—less than one in fifty—among married Negroes living with their wives not suggest that education, skill, employability and ability to land and keep a job are not related to color of skin but to other personality traits? Should it not cause us to review and revise often repeated concepts of Negro stereotypes?

The truth is that Negroes are no more homogeneous than whites—some are intelligent and some are stupid, some are diligent and some are lazy, some conform to accepted behavior standards and some don't, some are honest and some are criminals. The differences within each ethnic group are far wider than the statistical variance between their averages and the overlap is great. Controlled comparisons show that differences associated with income outweigh those associated with color. Family structure differs more between income levels than between Negro and white families: If we compare statistical averages of whites and Negroes in various tests or social characteristics, we find substantial differences. But they are smaller than between persons in the upper socio-economic strata and those at the lowest strata.

This suggests that the root of the differences may not lie in color of skin but in certain personality traits which determine the socio-economic bracket a person winds up in. Therefore, our attention and our efforts should be concentrated on the personality traits which are connected with poverty and social ills and not with race. The statistics suggest that those characteristics may be no more equally distributed among various ethnic groups than are blue eyes, red hair or tall build.

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[1] Elaborate rationalizations are being advanced for translating this form of racism into public policy.

[2] Except for the governmental bureaucracy in some of the new countries of Africa. Some of those countries, such as Uganda, are trying to correct the occupational imbalance by excluding Asians (Indians and Pakistanis) from pursuing the vocations in which they have traditionally engaged, and forbidding non-Africans to own land. That parallels some of the provisions of the Nuremberg laws of 1935.

[3] Who has just been appointed a member of the Board of Governors of the Federal Reserve System—the first Negro on that body.

The crucial question is now: are those traits the result of extrinsic or intrinsic forces, are they inborn or are they acquired? Few believe that they are wholly due to heredity but many are impassionately committed to the proposition that they are exclusively the results of environmental influences and that the suggestion of genetic causation is absurd.

I called the question crucial. But it is also presently unanswerable. Partly because no definite or conclusive proof has yet been advanced for one side or the other. But above all, because emotions so dominate beliefs in this field that a reasonable, fact-based, discussion is virtually impossible. The rules of logic and scientific inquiry, probability and proof seem not to apply here. To as much as refer to the possibility of a genetic basis for differences in achievement or intelligence tests—or in social and economic characteristics—is regarded by many scholars in the field not merely as a heresy and absurdity but as repulsive and indecent. Any perpetrator is treated with sarcasm and invective and subjected to ostracism.

When Assistant Secretary of Labor Daniel Patrick Moynihan, last year, wrote his now famous report on the breakdown of the Negro family—in which he emphasized the statistical differences between white and Negro characteristics and was careful to attribute them to slavery and discrimination—(a report that formed the basis for President Johnson's Howard University speech) he was called a veiled racist and a fascist by participants in a succeeding White House Conference; he soon resigned to withdraw to Wesleyan University.

When Dwight Ingle, University of Chicago professor of physiology, in a calm and factual article in *Science*, the journal of the American Association for the Advancement of Science, in October 1964 wrote that there is no proof of personality traits being genetic or environmental—with a plague on both, what he called racist and equalitarians—he found himself attacked in more than a dozen vituperative letters in succeeding issues of the journal. Some even criticized the journal for publishing the article. It is apparent that in regard to this issue academic freedom is indeed academic, and reserved to one side only.

I have expanded on this aspect because I know that many of you feel, and rightly so, that this is a vital question which needs to be resolved by study and broad discussion among competent scholars. But I have come to the conclusion, very reluctantly and regretfully, that at this time such an approach leads us into a dead alley. Factual study and academic inquiry should by all means continue, and I lift my hat to any volunteer martyr, ready and willing to be sent to Coventry by the "community of scholars." The rest of us may take our clue from Kant: the failure of pure reason and the triumph of practical reason. Or, if you please, a pragmatic approach.

To find practical solutions we should first identify the white-Negro differences which have been narrowing and those which have been widening. That may give us some clues for possible action.

The following data are not in absolute terms but in terms of the white-nonwhite ratio: Family income significantly improved over the past 25 years, but has been stable for the past 7, slightly below its 1950 ratio. For year-round, full-time workers, wage growth has been steady and seems to continue. The educational differential, expressed as the number of years of formal schooling, has dwindled from 3.7 years for the group which is now 45–54 years old to .9 years for the group which is now 18–24 years old. By such measurable yardsticks as teacher qualifications and salaries, building standards and per pupil expenditures progress in nonwhite schools has been relatively faster than in white schools.

The occupational distribution has vastly improved. Between 1950 and 1964 the number of nonwhite white-collar workers increased 4 times faster than that of white white-collar workers, of craftsmen and foremen more than 6 times faster, the number of professional and technical workers 2.3 times faster, of managers, officials and proprietors 2.5 times. But in unemployment, desertion, illegitmacy, welfare dependency and crime the white to nonwhite ratios have deteriorated. The nonwhite unemployment rate is now twice that of whites, the desertion and crime rates are 5 times, ADC rates 7 times and illegitimate birth rates 8 times higher among nonwhites than among whites.

How can we explain that discrepancy between narrowing gaps and widening gaps? It is likely that we are dealing with two (or more) different types of Negroes. A steadily expanding middle class has been improving its education, works hard to advance in skilled occupations and observes the prevailing behavior standards, in the long-established tradition of millions of European and Asian immigrants who succeeded in lifting themselves from abject poverty to respectable socio-economic levels. While nonwhite fertility rates have been growing in relation to white fertility, middle-class Negroes now average fewer children than middle-class whites. And on last count there were over 400,000 nonwhite families in the $10,000 a year and over bracket.

The rapidly growing Negro middle- and upper-class—whose ancestors also were slaves and victims of discrimination—proves that color of skin and handicaps that relate to it are no insuperable obstacles. What distinguishes the middle-class Negro from the pauper or slum Negro is not color but ability and effort. And what distinguishes the pauper or slum Negro from the white man in similar conditions is color of skin and nothing else that needs to be considered in shaping public policy. This, it seems to me, is the most important consideration to keep in mind in trying to find a rational solution.

Middle-class Negroes have been—and still are being—subjected to worse humiliation and rebuffs than other Negroes. It is the striving Negro, who like immigrants of earlier days attempts to conform, who aspires to move from the ghetto into the suburbs and too often is being denied access, rejected for no reason but his color. He had to—and still has to—overcome prejudice in regard to his competence to fill technical, professional and other skilled jobs. There has been far less discrimination in regard to unskilled jobs.

Middle-class Negroes offer the best hope for a peaceful solution—and we must go out of our way to welcome them—which on the whole we have not done. But there are promising signs: universities are now actively trying to recruit Negroes—as are many major industrial and commercial corporations—for a broad range of skilled and professional jobs. The Negro executive, scientist or secretary are becoming status symbols for aspiring companies.

Some may ask: why worry about the middle-class Negro? He hasn't been a problem. But I submit that we can never sufficiently emphasize and demonstrate for all the world to know what Negroes can accomplish in this country if they have the ability and try hard enough. What's more, by not welcoming those who make a genuine effort, by denying them housing in desirable neighborhoods or better jobs, by snubbing them socially, we turn them into rebels and drive them into the hands of the extremists who seek the help of intellectuals to organize and lead the masses at the bottom of the heap to violence and upheaval. We implant hatred against the white man in them.

Soviet authorities stinted no effort to attract to their banners the elite of the Turkmen people in their Central Asian colonies by offering high honors and rewards to Kazakhs, Kirghiz, Tajiks, etc. of ability and proven loyalty. By winning over the men who otherwise could have turned into leaders of resistance or rebellion, the Soviets succeeded in securing the formerly troublesome southeast corner of their empire.

What should be done about the "other" Negroes—the poor, the illiterate, those who are beset by or cause social ills, the violence-prone?

Above all, we should keep in mind that four-fifths of the unemployed are white, that the majority of poor—by any definition—are white, that whites account for half the illegitimate births and half the serious crimes. We must look on poor Negroes not as Negroes but as poor, on Negro transgressors not as Negroes but as transgressors—no different from white poor or white trangressors. We must, as earlier civil rights leaders demanded, be colorblind. By dealing with the problem as a matter of color or race we make it all but insoluble and play into the hands of the troublemakers and extremists.

Does this then mean a general war on poverty? Of course it does. The United States has long been engaged in the most effective war on poverty the world has ever seen. We have changed the income distribution from the historic shape of a pyramid to the shape of a diamond or pear. But no amount of wishful thinking and no power on earth can alter the sad fact that there is and always will be a lowest 20% and 10% and 5% on any distribution of biological characteristics or of personality traits such as intelligence, drive, capacity for self-discipline and self-denial. Our latter-day alchemists who promise to turn inert material into gold by a myriad of mysterious processes of violent non-coordination, can only succeed in wasting huge sums of money and keeping the cauldron boiling and close to the explosion point. They may, as their spiritual ancestors did, maintain themselves in affluence. But like their forebears, they have yet to produce one ounce of gold that could not have been brought to the surface by well known methods of mining.

An effective war on poverty and related social ills must rest on two pillars. One, of course, is education, or—to be more accurate—occupational training, in schools or on the job (possible with a tax incentive to companies willing to provide on-the-job or apprenticeship training).

This cannot and will not be done effectively as long as we—as the only nation on earth ever to try it—keep all children of widely varying ability—ranging from an IQ of 70 and under to 120 and over—in one school and even in one classroom up to age 17 or 18, and promote them annually whether they master the curriculum or not. That works an injustice on the gifted children and leaves those of limited endowment unprepared to earn a living at the simple tasks of which they would be capable, if they were properly trained. A division by type of school or by track is necessary at some point—or, if you please, segregation, *but not by color of skin—by natural endowment and aspiration.*

Suggestions to raise the compulsory attendance age upward, even as high as age 21, have merit—provided that exceptions are made for those who hold and keep a job (and of course for girls who marry and take care of a family). This could be a national service with the alternatives of a school of some kind, a job, the armed forces or a service corps of the CCC type. There is nothing wrong with a youth corps for young people who can't find other meritorious work to keep them fed, occupied and disciplined. Of course, a CCC corps need not cost $7,000

a year per boy—which is twice as much as it would take to send him to Harvard.

We should, by all means, try to educate or train as many of our men and women as we can for skilled trades. But for many, training is not the answer—and they know it—they demand the type of job openings they have the capacity to fill. Dislike it as we may, there remains a small percentage of people at the bottom of the barrel who cannot compete in a free market at today's wage rates. To them, society does owe a chance to a sheltered workshop where they can earn their way though they lack a marketable skill. Work relief at subsistence pay is a possible answer. The Soviet Union knows no unemployment pay, no public assistance—but provides many millions of simple jobs at less-than-subsistence pay. We Americans can and should do better. But at present we are doing worse—by the people affected and by society.

The second pillar without which the building will not stand is motivation. The people we are dealing with here, need to be faced with strong incentives for action—because they have by nature less hope for ever getting a high reward and harbor less fear of hardships to which they are accustomed. There is no substitute for the carrot and the stick, nor can the stick be replaced by just the carrot. The policy of the past 30 years, to increase workless pay to a point where it not only competes with potential earnings but often exceeds them, and to steadily ease the access to it for extended periods or permanently, is the cause of many of the social ills that beset our slums and their inhabitants. To ease people's lot and make them more comfortable in their present condition is no way to make them exert their strongest efforts to raise themselves. To put it in the bluntest terms: we must make them more uncomfortable—but open the door and show them the way to a better life.

Except for the sick, disabled or aged, and for similar justifiable or temporary causes, periodic income payments should be available only for work, no matter how small the value of the service that a recipient of low intelligence can perform. Our system of public assistance and unemployment pay probably bear greater responsibility for our present troubles than is widely realized.

In conclusion then: It seems to me that there is no solution to the ethnic minority, or race, or color, or Negro problem in the United States until we quit looking at it and treating it as an ethnic or race or color or Negro problem. Civil rights, that is equality before the law, can best be assured—and be assured only—if justice and public policy are colorblind. Of course, reasonable men can differ on how far the law shall go and can go in assuring one man's rights without transgressing on another man's rights. But they can, and hopefully will, seek compromise rather than retire to inflexible stands.

Access to the voting booth must be secured for all who possess the proper qualifications. It was the abuse of the literacy tests which led to federal interference that weakened instead of strengthening them. As so often, hard cases make bad law. This could also come true in housing if no other solution is found.

To deny any child access to a school, or assign it to a school, solely because of race, is an infringement of his civil rights, whether his skin be black or white. A neighborhood school policy with a flexible allowance for open enrollment is the best avenue toward fairness for all. No child is entitled to sit next to a child of a particular color, whether it be of his own or a different complexion.

The challenge this country faces is not of a racial nature—though fierce attempts are being made here—as they were and are being made in many foreign lands—to turn it into a race conflict. The challenge is of people who are poor, ignorant, without jobs, who behave badly or criminally toward themselves, their families, their neighbors or others and toward society. To know that some of them are white, black, red or yellow does not help us; it only confuses the issue and may make a peaceful solution well-nigh unattainable. Opportnity to avoid increasing violence, strife, and maybe chaos and rebellion, is offered by a public policy that is colorblind. It may be our only chance.

THE DEMOCRATS—THE HIGH-INTEREST-RATE PARTY

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CURTIS. Mr. Speaker, almost hidden in the confusion surrounding the debate over the President's recent economic proposals is the suggestion to reduce or abandon Treasury's sales of certificates of participation to the public. This measure is now advanced by Secretary Fowler and others as a step toward improving conditions in the market for money and credit. Indeed the Secretary may be correct, yet underneath this proposal lies a very tragic story.

When this measure was presented to the House for debate last May it was promoted by administration spokesmen as an ingenious way to substitute private investment for public debt. Thus, it was argued, the public debt would be reduced and at the same time employing the voluntary participation of the private sector of our economy. I regret to say that the majority of the House was persuaded by the administration's rhetoric and the Participation Sales Act of 1966 was approved.

Other Republicans as well as myself did our best to point out that the issue was not over the attractive label which had been given this bill, but to the contents of the bottle beneath the label. I argued that this bill was indeed a sham as the intent was to appear to not increase interest rates in marketing Government securities when in fact this is exactly what would occur. I observed that there may be 100 votes or the whole Democratic Party, may vote against increasing the interest ceiling on long-term Government bonds, but if they vote for this bill they are just as surely increasing the amount of interest that the Federal Government must pay, and it will be beyond the 4½-percent ceiling.

I am submitting for the RECORD today an excellent editorial which appeared in the New York Times of September 13, 1966, pointing out again the tragic chicanery and economic results of the administration's action.

[From the New York Times, Sept. 13, 1966]

END OF A FISCAL GIMMICK

The Johnson Administration has finally wriggled off the hook of its design that has put painful pressure on the nation's money markets and harmed its own economic objectives.

The Johnson Administration is not in favor of tight and dear money. But its desire to make the budget deficit look smaller led it to forge a policy that effectively reinforced the Federal Reserve's monetary stringency. Instead of winning applause for fiscal ingenuity from the financial community the Treasury has been attacked for its fiscal mismanagement in contributing to the severe squeeze on credit. Experimentation and innovation in fiscal operations are of course sorely needed, but it is clear that the Administration's resort to this particular gimmick has definitely hurt, rather than helped, its own cause.

The hook was in the form of sales to the public of special types of Government securities, particularly participations in Federal-owned loans. These sales were originally billed as a measure of fiscal responsibility because they helped to reduce the deficit in the Federal budget. But coming at a time when private demand for long-term funds were strong, the Treasury's trips to market to sell its participations helped to intensify the credit squeeze and drove up interest rates to very high levels.

Now the Treasury has announced that it is abandoning public sales of participations and will limit the marketings of securities sold by Federal agencies. This decision means that the Treasury will be stepping up its own direct borrowings, which may prevent an easing of short-term interest rates; it also may swell the Federal deficit and force the Treasury to go to Congress with a request to raise the ceiling on the national debt.

It has not been easy for the Administration to admit it was wrong, especially since reverting to its traditional practice will bring these new problems. But the Treasury has recognized that sticking to its financing gimmick to hold down the direct Federal deficit held much greater risks than getting rid of it. The fact is that the sales of Government participations have not only made interest rates higher than they would—or should—have been; they also proved extremely unsettling to the market, worsening an already turbulent and tense situation.

The postponement of sales, combined with the fiscal proposals made by President Johnson, have served to improve market conditions. Even more important, the decision is a sign that the Administration may have finally realized that it cannot really be fiscally responsible so long as it indulges in financial gimmickry.

HONG KONG TEXTILE EXPORTS NOW UNDER TIGHT LID

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CURTIS. Mr. Speaker, on August 26 the pending agreement between Hong Kong and the United States for the control of Hong Kong cotton textile exports to the United States was signed. Under it Hong Kong will regulate its exports to the United States through export quotas. Export quotas differ from import quotas only in that the exporter controls the trade, rather than the importer. The effect on the availability of goods in the importing country is the same under both devices.

Such bilateral agreements are permitted by article 4 of the long-term arrangement regarding trade in cotton textiles—LTA—which acts as a flexible umbrella for the quota programs of

its members, each of which interprets LTA differently. This agreement affecting U.S. commerce was negotiated and signed by the United States under the authority of section 204 of the Agriculture Act of 1956 as amended. Thus this agreement and the 18 others like it, and the various unilateral quotas the United States imposes on textile imports, as well as the operation of the U.S. textile program by the Interagency Textile Administrative Committee—ITAC—is under the jurisdiction of the House and Senate Agriculture Committees. These committees have not properly exercised their functions of oversight and have not reviewed the U.S. textile import program nor reported to their respective bodies, the House and the Senate.

U.S. bilateral agreements are so structured as to lock imports from each restrained country into a tight framework. The following description in the August 31 Bulletin of the National Council of American Importers demonstrates why. Within the limitation that 322.5 million square yards can be exported to the United States in the year ending September 30, 1966, four groups were established:

On yarn, the limit is 7,338,841 equivalent square yards; on fabrics, the limit is 126,853,-127 square yards; on apparel, the limit is set at 158,189,916 equivalent square yards; and on made-up goods and miscellaneous products, the limit is 30,118,116 equivalent square yards. (The agreement contains conversion factors for converting the weight of such items as yarns and apparel into equivalent square yards.)

Within each of the four groups, specific limits are set for many of the sixty-four categories of cotton products. For instance, in the fabric group, ginghams under categories 5–6 are limited to 4,385,172 syd.; sheeting (categories 9–10) to 55,504,621 syd.; twill and sateen (categories 22–23) to 19,400,000 syd.; duck fabric (categories 26 and 27) to 28,000,-000 syd. In the apparel group, limits are set for shirts, raincoats, trousers, blouses, dresses, and all other apparel. In the case of corduroy apparel Hong Kong is required to limit them to 7,350,000 equivalent square yards during the first year. All the quantities specified in the first year period are to increase by 5% for the second and each subsequent year of the agreement. Hong Kong is allowed to merge related categories, and to exceed group and category limits by specified percentages, provided that the aggregate total allowed for any one-year period is not exceeded.

The Hong Kong businessmen are said to feel they have "done well" in the negotiations, according to a report in the August 27 New York Times. This restrictive trade treaty with the United States is said to be "the biggest and most important trade pact in the colony's history."

The effects of the U.S. quota program have not been good. The United States buys more of Hong Kong's cotton textiles than any other nation. Hong Kong is now assured a certain portion of the U.S. cotton textile market for the next 4 years. As long as U.S. demand lasts Hong Kong's share is assured. The fact that Hong Kong has a large quota means that other producers have small shares of the U.S. import market which they cannot exceed, even if they sell more cheaply than Hong Kong as they are now beginning to do.

The long-term cotton textile arrangement as applied by the United States is promoting economic distortions around the world, and this example is only one of many. As a U.S. businessman recently wrote to me:

Quoted items are now artificially scarce, and those U.S. importers who are supplied by quota-rich exporters have a vested interest in the present system. . . . Foreign governments fear antagonizing the U.S. The Hong Kong businessman, in particular, shrank from the fear of opposing the powerful United States out of fear of being blacklisted. Everywhere I found a bitter and cynical attitude towards our country for its hypocritical treatment of a treaty (the LTA) ostensibly designed to "increase" the flow of textile trade, but which was solely used by the United States as a quota device.

It is no surprise that Hong Kong businessmen are pleased with their new quota, which allows an increase of all of 32 million yards over their exports to the United States in calendar year 1960 of 29 million square yards. This is not much for an exporter frequently cited as one of the main threats to the U.S. textile industry, but it is more than Hong Kong might be able to sell were it forced to compete with lower cost producers.

BEEF IMPORTS AND OTHER OMINOUS DEVELOPMENTS

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, of serious concern to rural America is the news that imports of foreign beef and veal are again entering our country in alarming quantities. More than 100 million pounds of foreign beef and veal found U.S. markets in June alone. This is almost double the average monthly rate for such imports in 1965. Indeed, rural America knows that increased meat imports mean displaced markets for domestic producers as well as lower prices.

I first warned of the coming adverse effects of unwarranted imports over 7 years ago, and have continued to urge action to limit foreign agricultural imports that provide direct competition with domestic producers. Beef imports in June, however, were not enough to trigger imposition of the meat import quota amendment.

When we passed the meat import quota amendment in 1964, I called it only a first step in restricting imports of foreign beef and other meats. Though it prescribes the setting of a quota on certain meat imports, principally beef, the Secretary of Agriculture has not been able to recommend Presidential imposition. That is why I hope the Secretary will watch the increase in beef imports more closely than ever, so he will be prepared to recommend an import ceiling just as soon as it is required.

I also observe that over 4,670 million pounds of foreign beef and veal have been imported since 1961. If part of that quantity had instead been produced by American cattle raisers, they would be in a more equitable economic position today.

Unless the domestic producer can have the assurance of a favorable market that will not be destroyed by a flood of foreign meat imports, he faces the grim prospect of a repeat version of the 1963–64 price debacle.

There are other ominous developments for the farmer with respect to barley, turkeys, and wheat. Barley growers are concerned over the Secretary of Agriculture's recent decision to remove price support payments next year and permit unlimited production. The possibility of a glutted market with lower prices is most disturbing, and it is my sincere hope that the Secretary will alter his decree.

I note, too, that farm turkey prices have dropped 3 cents per pound since March. Moreover, the Department of Agricultural has indicated that prices this fall will drop below's last fall's return, in spite of its present turkey purchasing program.

Another dark cloud on the horizon is the administration's treatment of the 1967 wheat program. As our Republican Task Force on Agriculture recently observed, the Department has quietly announced that farmers in the wheat program will receive certificates on little more than a third of their production next year. This compares to 45 percent of this year's crop. So if increased production causes market prices to fall next year, wheat producers will receive a lower blend price per bushel than they could have under similar circumstances this year.

It will be one of the continued purposes of the task force to analyze the farm scene, both national and international, and pinpoint the strengths and weaknesses of administration policies and decisions that affect American agriculture.

BILL TO DEDUCT EXPENSES INCURRED BY TEACHERS TO FURTHER THEIR EDUCATION

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. REID] 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. REID of New York. Mr. Speaker, I am today introducing a bill which would permit teachers to count as deductions from their Federal income tax expenses incurred in course work or educational travel to improve their competency in their profession.

The passage of my bill, and others like it, would have the effect of reinstating an Internal Revenue policy that, from 1958 to July 7 of this year, permitted teachers to make such deductions. Proposed IRS regulations that will go into effect next January would no longer permit this deduction.

Mr. Speaker, news reports just last week as schools opened around the

country indicated that there will be a serious shortage of teachers in many communities this fall. The Elementary and Secondary Education Act, the Higher Education Act and the other educational assistance measures that this Congress has enacted all require as the backbone of the their success good teachers in increased numbers to meet the needs of our expanding classrooms. But sheer numbers do not indicate that the greatest need of all is for highly trained teachers who will concentrate on teaching and on their students. A 32-State survey by the National Education Association in 1964–65 indicated that only 65.8 percent of the teachers had bachelor's degrees and only 18.3 percent had master's degrees.

An incentive such as continuation of the tax relief that my bill would provide will do much to encourage our teachers to refresh their skills, to catch up on new methods and techniques, and to increase their understanding of their children and their subjects.

Good teachers are one of this Nation's most important needs in order to attain educational excellence. The Congress must do what it can to strongly encourage those in the teaching profession, and I am hopeful that prompt action will be forthcoming on this legislation.

RIGHTS FOR THE PERFORMING ARTS

Mrs. REID of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. REID] 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. REID of New York. Mr. Speaker, I am today introducing a bill to amend section 8(f) of the National Labor Relations Act to give employees and performers in the performing arts rights similar to those given by that section to employers and employees in the construction industry.

In 1959, the Congress found that there are some industries in which the labor force is so transient on a particular job that the ordinary delays inherent in collective bargaining might make labor negotiations practically impossible. This is especially the case in the construction industry. Accordingly, the Congress permitted construction unions and companies to sign contracts before a particular job got underway so that the contractor would know his costs in advance, the union would feel secure in its job and work stoppages could be avoided.

My bill would make this provision applicable to the theater where the same conditions prevail—theatrical productions often last no longer than construction jobs and a strike on opening night would be harmful to the public as well as performers and producers.

Therefore, this legislation would permit unions and employers in the performing arts, as construction unions and contractors now lawfully may under section 8(f), first, to sign "prehire agreements," which may become effective before a representative number of employees has been hired, and second, to include in such agreements union shop provisions effective after 7 days of employment, in contrast to the 30-day union shop contract customary in other industries.

Mr. Speaker, my bill would give employers and employees in the performing arts that authority which is essential to the efficient and fair conduct of their business. In my judgment, this measure is in the public interest and I am hopeful that the Congress will act promptly.

WORDS WELL SPOKEN

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. THOMPSON] 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 Hawaii?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, in his recent address at the University of Rhode Island, President Johnson addressed himself to that large segment of the American public which has never known poverty or discrimination.

He asked it, in the words of the Trenton Evening Times, "to understand the pressures that seethe in the ghettos and to understand why this country's commitment must be to give every man 'the right to live in a decent environment to acquire the skills that useful work requires to secure and hold a job despite the color of his skin or the region of his birth or the religion of his fathers.' "

Just as he acknowledged the grievances of those who live in the ghettos and and their right to protest, according to the times, the President declared that "they have the responsibility not to injure the person or the property of others in making that protest."

In speaking of the "real opportunities made for Negro Americans and other minorities," the Evening Times declares that "No President since Lincoln has done more to loosen the chains of racial discrimination than the Texan who now occupies the White House."

I believe others will find this editorial to be of great interest, and I place it at this point in the RECORD:

[From the Evening Times, Trenton, N.J., Aug. 22, 1966]

WISE COUNSEL

No President since Lincoln has done more to loosen the chains of racial discrimination than the Texan who now occupies the White House; and so Negroes who may be tempted to march to a more radical drummer should not lightly dismiss the eloquent counsel he offered them Saturday from the dais of the University of Rhode Island.

Against the backdrop of recent riots in the cities he spoke of men's rights, but he spoke also of men's responsibilities . . . that "fabric of responsibility woven between man and man" which must remain intact if our society is to maintain itself or guarantee justice and fairness to any individual.

We have begun to act at last, President Johnson said, to open real opportunities for Negro Americans and other minorities and help them move to achieve those opportunities; and we shall multiply and enlarge our efforts.

"Yet, I warn you, they can succeed only in conditions of civil peace, and civil peace can exist only when all men, Negro and white alike, are as dedicated to satisfying their responsibilities as they are dedicated to securing their rights," he said. "For we are all, after all, one nation. It is our destiny to succeed or to fail as a single people, and not as separate races."

The ghetto dwellers have grievances indeed, the President said, and they have every right as Americans to protest, "but they also have the responsibility not to injure the person or the property of others in making that protest. . . .

"The Molotov cocktail destroys far more than the police car or the pawn shop; it destroys the basis for civil peace and the basis for social progress. The poor suffer twice at the rioters' hands. First, when his destructive fury scars their neighborhoods; and second, when the atmosphere of accommodation and consent is changed to one of hostility and resentment."

But the President also called on the more fortunate Americans, those not tormented by poverty or discrimination, to understand the pressures that seethe in the ghettos and to understand why America's commitment must be to give every man "the right to live in a decent environment . . . to acquire the skills that useful work requires . . . to secure and hold a job despite the color of his skin or the region of his birth or the religion of his fathers."

Hopefully, his words will fall on ears that hear.

THE PRESIDENT'S RECOMMENDATIONS TO COMBAT INFLATIONARY TRENDS

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. JOELSON] 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 Hawaii?

There was no objection.

Mr. JOELSON. Mr. Speaker, the President has proposed a prudent but effective program to halt the inroads of inflation on the strength of our economy. We have all recognized the recent development of the imbalances he cited. If unchecked, they could lead to serious inflationary damage to our people. But he has reminded us also of the basic strength and growth of our economy.

It is strong, and growing, in production levels, in business profits, in employment and in the spendable income of our people. We are prosperous, as a nation and a people, beyond the levels of any prior period in our history. Nevertheless, within our prosperity, imbalances have developed. All of us have seen them in recent weeks—rising prices, unequal wage increases, the unfair impact of a credit squeeze on small businesses and home buyers.

The President's program represents, I believe, an effective, calm approach to the complex causes and effects of imbalance in the economy.

Legislation is needed to defer for a brief period the bonus incentives the tax laws now provide for plant and construction expansion, but the recovery of investment through normal depreciation will be unaffected.

Pressure must be taken off interest rates and the supply of credit. The Treasury will exercise restraint in marketing securities, and we shall have to legislate restraint by the lending institutions in their competition for the available supply of money.

However, we cannot do the whole job within the Government, even with these executive and legislative actions, unless the private sector of the economy cooperates. This means voluntary restraint by lenders in extending credit, by manufacturers in pricing, and by labor in its wage demands.

This is a program for preservation and enhancement of a free economy. It can be successful—and the dark specter of Government economic controls can be banished—only with the cooperation of all concerned. The President has shown us the way. Let us respond promptly and vigorously.

MISPLACED CRITICISM OF THE JOB CORPS PROGRAM

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentlewoman from Hawaii [Mrs. MINK] may extend her 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 Hawaii?

There was no objection.

Mrs. MINK. Mr. Speaker, the Job Corps program has been criticized and vilified by many people who obviously have not taken the trouble to really find out about the program.

I would like to tell you a story which illustrates what Job Corps is all about.

A little more than a year ago, Eddie Chock, 1 of 11 children living in Kappa on the island of Maui in Hawaii, was out of work and his prospects of finding work were poor. Even though Eddie had graduated from high school, he did not have the education or work skills which would help him get or hold a job.

He entered Job Corps on June 15, 1965, just 2 weeks before his 22d birthday.

While Eddie was making his way from Hawaii, a similar story was unfolding 5,000 miles to the east in Augusta, Maine. There Romeo Beland, 20 years old, a seventh-grade dropout, went from one job to another, never making more than 65 cents an hour. Finally, he came into Job Corps on June 22, 1965.

Eddie, the Hawaiian boy, was sent to the Alder Springs Conservation Center in California—this was before we had a conservation center in Hawaii. After 2 months there, he was transferred to the large Gary Center near San Marcos, Tex., where he studied to be a draftsman. Because of his excellent educational progress and leadership qualities, he was selected for the Capitol project—the special Job Corps inservice training program here in Washington.

Romeo, who comes from a French-speaking family, was sent to the Cass Conservation Center in Arkansas where he learned quickly, becoming an assistant to the reading instructor, and exhibited such leadership that he was named an assistant work leader and dormitory president. He, too, was selected for the Capitol project.

Eddie and Romeo met here at the Capitol project and both were assigned to work in the data processing center of OEO. They spent 6 hours a day working and 2 hours in furthering their education. Both quickly showed ability in data processing, often spent their free time on the job, and became fast friends.

On August 22 came the payoff, both for Eddie and Romeo and for Job Corps' investment in them. They started work as computer console operators for Telecomputing Services, Inc., which has a contract at the Goddard Space Flight Center. Eddie and Romeo have signed 3-year contracts with the firm at a minimum of $6,000 a year.

This, then, I submit is what Job Corps is all about.

Of course, not all of the young men and women in the program will make the dramatic transformation that Eddie and Romeo have. However, many thousands will be transformed from unemployed or underemployed burdens on society to working, taxpaying citizens.

As of last week—September 5—Job Corps had graduated 10,076 young men and women—9,348 and 728. It takes about 3 months for the placement of graduates, with half being placed in the first month after graduation. Thus, as of the same time, there were 4,279 certified placements, with 3,008 or 70 percent in jobs, 886 or 21 percent going into the Armed Forces, and 385 or 9 percent going to school.

In addition to these young people, there were on that date 28,335 young men and women in Job Corps—12,468 in 8 men's urban centers, 3,255 young women in 10 centers, 12,193 in 83 conservation centers, 30 in the Capitol project—and this is being expanded to 50 men and 50 women—and 389 in four State-related centers.

With regard to that group of State-related centers, I am very pleased to note that one of them is the Koko Head Center in Hawaii, which now has 91 young men and will have 225 young men in the next few months.

Mr. Speaker, the work which Job Corps is doing with thousands of young men and women is exceedingly valuable and the reclamation of human resources will redound to the benefit of the Nation.

FEDERAL AID TO EDUCATION

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. JOHNSON] 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 Hawaii?

There was no objection.

Mr. JOHNSON of California. Mr. Speaker, President Johnson made a deep commitment to education in his state of the Union message last year, noting in particular four major tasks confronting our Nation: First, to bring better education to the millions of disadvantaged youth who are the most in need; second, to put the best educational ideas and equipment within the reach of all students; third, to advance the technology of teaching and the training of teachers; and fourth, to provide incentives for those who wish to learn at every stage along the road to learning. The 89th Congress, currently in session, has made tremendous strides toward advancing these goals.

Until recently there had seemed little hope for substantial Federal aid to the Nation's schools. With the advent of the 1960's, however, President Kennedy inspired individual citizens, churches, and civic organizations to meet their responsibilities in the field of education. The 88th Congress, in session from 1963 to 1964, earned the name of the "Education Congress" by enacting into law most of President Kennedy's broad 1963 program. Nonetheless, two significant portions—provisions for general public school aid and a program of federally insured loans or Federal scholarships for undergraduates—had died, tangled in the web of controversy over Federal aid to parochial schools. Last year serious opposition to these proposals was avoided by offering nonpublic schools some participation in the proposed program and directing the benefits to children and teachers of those schools rather than to the schools themselves. Aid to education was also tied into the broad package of programs designed to wage war on poverty. Yet, although the legislation was aimed primarily at aiding educationally deprived children from low-income families, it authorized grants to school districts in approximately 95 percent of the Nation's counties.

Introduced in the first weeks of the 89th Congress last year, the Elementary and Secondary Education Act represents the greatest legislative commitment to the improvement of elementary and secondary education ever made by the Federal Government. The bill passed the House of Representatives on March 26, 1965, by a rollcall vote of 263 to 153, after serious and careful consideration in the House Education and Labor Committee and strenuous debate on the House floor. Authorizing a total expenditure of $1.33 billion in its first year of operation, the proposal as passed included a number of programs especially concerned with breaking the link between poverty and low education achievement. On April 9 the bill passed the Senate by a decisive vote of 73 to 18, marking the first time Congress had ever approved a bill which in effect authorized funds for general use for elementary and secondary education. Two days later, in front of his first schoolteacher, the President signed it into law at the old "Junction" school near Johnson City, Tex.

The act is made up of five parts, each aimed at overcoming a major weakness in our schools. The principle portion, title I, authorizes a 3-year program of Federal grants to the States to be allotted

to school districts with large numbers of children from families with annual incomes under $2,000 or on relief. In our own Second Congressional District, $1,905,839 in Federal funds was provided for these programs during the last fiscal year. The grants are not marked for use in specific programs but may be used in any way decided upon by the local school districts to meet the special needs of educationally deprived children, subject to approval by State and Federal education agencies. Funds may cover increasing the number of teachers to reduce class size; purchasing supplementary teaching materials; cooperative parent-teacher programs to improve understanding and enlist early support for the school's programs; special attention to spotting and retaining potential dropouts; adequate meals for malnourished children; remedial reading classes; cultural activities; pupil health services; and many other projects. A bill to extend this program further was introduced in the current 2d session of the 89th Congress.

This same title also extends for 2 years the provisions of a law under which local school agencies in "federally impacted" areas, those burdened by the presence of Federal installations, receive grants for school operation and maintenance. Almost $1 million went into our own district in the last year for these purposes. Relief is provided in proportion both to the number of extra children brought into an area by Federal installations and to the reduced tax income resulting from Federal purchase of land.

In its second title, the Elementary and Secondary Education Act recognizes that, at all levels of education, teaching programs have become increasingly dependent upon effective school library materials and services, high quality, up-to-date textbooks, and a variety of other instructional resources. It seeks to alter the fact that in previous years almost 70 percent of the public elementary schools and 56 percent of the private elementary schools were without school libraries, and thus authorizes a 5-year program of grants to State educational agencies for use in purchasing textbooks, library resources, and other printed and published materials for the State's elementary and secondary schools. For the first year, $100 million was authorized to the States under this title. Parenthetically, it should be noted that educational services are not limited by age, and this year the Congress extended the Library Services Act which is playing a major role in keeping county libraries open.

Title III of the new legislation provides funds for local educational agencies to participate actively in educational innovations. It is concerned directly with the problem of how to get new curriculum developments, new methods and techniques of instruction, and more efficient organizational arrangements into our education system, and in the last fiscal year more than $130,000 in Federal funds was spent in our district for these purposes. As in title I, there is no strict roster of programs for which funds may be used. Colleges and universities, museums and libraries, State and local school agencies, and individuals versed in the arts and sciences may all contribute to the planning and execution of these title III programs. Live theater, concerts, mobile art museums and demonstration schools that provide new ways of teaching, and services for children not reached by existing school programs are all underway.

The fourth title amends the Cooperative Research Act of 1954 to increase the amount of Federal assistance for educational research purposes and makes available, for the first time, funds for the construction and operation of a number of national and regional laboratories for educational research and training. The fifth and final substantive title of the act provides for a 5-year grant program to stimulate and assist States in strengthening State educational needs. Basic grants may be used by a State agency for educational planning on a statewide basis, improving the collection and use of educational statistics and data, and strengthening teacher training. In addition, special funds may be used for experimental projects or special services intended to solve problems common to the educational agencies of all or several States.

The last title of the act prohibits Federal control over educational programs, curriculum, administration, personnel, or selection of textbooks or other teaching tools. It further specifies that no payments under the act may be used for religious worship or instruction.

As a companion measure to the Elementary and Secondary Education Act, the Higher Education Act has been passed by the 89th Congress. The act, signed by President Johnson at Southwest Texas State College on November 8, 1965, consists of seven titles designed to strengthen the educational resources of our colleges and universities, and provide financial assistance for students in postsecondary and higher education. Close to $1½ million in Federal moneys flowed into our district last year under this act.

Included in its first provisions are grants for community service and continuing education programs, with the intent of increasing the effectiveness of colleges and universities as agents for the solution of community problems such as housing, poverty, recreation, health, transportation, and land use. The act also provides grants to enable college and university libraries to acquire materials, train librarians, and support research and demonstration projects. It further aims to upgrade the academic standards of developing institutions by authorizing grants for cooperative arrangements between such institutions and other universities, colleges, and business groups. Grants may be used for projects such as faculty and student exchanges, visiting scholars, faculty and administration improvement programs, and joint use of facilities such as libraries and laboratories. In the same title a national teaching fellowship program is established to encourage qualified graduate students and junior faculty members of major institutions, colleges, and universities to teach at developing institutions.

Almost three-quarters of a million dollars flowed into our district during the last fiscal year under student assistance provisions of the act. Educational opportunity grants are provided for students of academic promise who otherwise would not be financially able to pursue a college education. Students in institutions of higher education may also obtain assistance through a subsidized low-interest insured loan program, operating through State and local institutions wherever possible. Or assistance may take the form of work-study programs, the size and scope of which were expanded under this new law. Defense educational activities under the National Defense Act were also expanded and amended.

A National Teacher Corps to improve school education in slums and other impoverished areas has been established by the Higher Education Act in an effort to provide more teachers for slum areas. This was a new proposal in which experienced teachers and teacher-interns would teach in areas having high concentrations of low-income families. Funds were appropriated to the Teacher Corps for the first time in a law passed by the Congress this year. Along these same lines, provisions were made for a program of teacher fellowships; and, in addition, grants are made available to institutions of higher education to purchase closed-circuit television, laboratory and other special instructional equipment, and for the operation of training institutes for educational media specialists. Finally, the act increased grants for the construction of graduate and undergraduate academic facilities, broadening the scope of the Higher Education Facilities Act of 1963 and making certain other changes. Under this act Shasta College was given a grant of a half million dollars in fiscal 1966.

Passage of the Higher Education Act marked the culmination of an unprecedented legislative dedication to the goal of educational opportunity for all Americans. Earlier in the session a number of smaller though no less significant education acts had been passed, amending and expanding existing programs. Extensive provisions were made for medical and other health education assistance. Amendments to the Manpower Development and Training Act extended training programs authorized under the act for 3 additional years, increased benefits to trainees, and expanded participation in training programs to include private institutions which provide resources not available through public institutions. Amendments to another law enabled over $200,000 in Federal funds to flow into local school agencies in the form of assistance for the construction of school facilities in the district, principally to replace facilities destroyed or severely damaged by major disasters. Indeed, during the last fiscal year a total sum of over $4,653,000 had been spent by the Federal Government for various educational activities in the Second Congressional District.

Nonetheless, an active Congress, alert to the constant needs of advancing and improving our educational system, continued again this year to add to and expand existing educational programs. Under a new law Congress extended the Library Services and Construction Act of 1964 for 5 years. Another act passed during this 2d session of the 89th Congress makes possible the leasing of Federal public lands to local governments for up to 25 years for schools or recreational sites. Passed by the House was a bill to establish and support centers for advanced international research and study, and for language centers. A bill was introduced to meet the problem of emotionally disturbed children and another one aimed to help finance sabbatical leave for 15,000 elementary and secondary school teachers per year for study to improve the quality of teaching. Also passed by the House and awaiting Senate action was a bill further extending the provisions of the Higher Education Facilities Act, authorizing grants and loans for construction of academic facilities and additional funds under the National Defense Education Act for student scholarships.

Signs of hope for our schools are strikingly visible in the ferment and change taking place in our educational efforts. President Johnson had announced early in 1965 that his intentions concerning education embraced three "T's," supplementing the traditional commitment to the three "R's": teachers who are superior, techniques of instruction that are modern, and thinking about education which places it first in all our plans and hopes. He stated:

> Nothing matters more to the future of our country—not military preparedness—for armed might is worthless if we lack the brain power to build a world of peace; not our productive economy—for we cannot sustain growth without trained manpower; not our democratic system of government—for freedom is fragile if citizens are ignorant.

The acts passed by the 89th Congress go a long way toward achieving these ends and making our whole population an educated, alert one, assuring freedom for each individual and for our Nation.

FIGHTING THE PRESSURES OF INFLATION

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. BARRETT] 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 Hawaii?

There was no objection.

Mr. BARRETT. Mr. Speaker, in calling upon the Congress and upon the leaders in business and labor to help fight the inflationary pressures which threaten our economy and burden our people, President Johnson has offered us a plan that is both sound and compassionate.

I fully support this decisive call to action, and I am confident that my colleagues in the Congress and Americans everywhere will support this vital effort.

Today, we have a strong Nation—today, we have a strong economy. The overall economic growth and prosperity of the past 5 years is unparalleled in recent history. A continued prosperity will provide continued hope to the young and security to the old.

Yet, while we can point to the achievement of the past 5 years in production, increased spendable income, job creation and reduced unemployment, we must fully recognize that to preserve these achievements and surpass them, we must insure that our economy maintains its proper balance.

Today, however, that balance is threatened.

President Johnson has brought forth a four-point program calling for a reduction in low-priority Federal expenditures; a temporary suspension of the 7-percent investment tax credit; a temporary suspension of accelerated depreciation allowances; and the cooperation of the Federal Reserve Board and commercial banks in efforts to lower interest rates and loosen the tight money market.

To buttress his four-point program, the President has also called upon business and labor to exercise restraints and pursue policies compatible with economic stability. Because such cooperation is vital in stemming the surge of inflation. I know both business and labor will rally to the support of the President.

I have said that the President's action was compassionate. He recognizes full well that it is not the most deprived who must carry the burden of curbing inflation, although, too often, they have been sacrificed in the name of economic stability.

The President put the issue this way:

> I intend to conserve and save public outlays at every possible point. But 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.

Mr. President, if there is one important message in our land today, it is that we are a society moving toward greatness. Our people are volunteering to assist those still beset by poverty, deprivation, and despair. Failure to continue this important work negates our heritage of helping others, our democratic ideals, our humanitarian instincts, and our moral precepts.

The President of the United States has given us a sound battle plan to fight inflation, a plan that is analytically sound in concept and humane in its impact. I, therefore, welcome the opportunity to join him in his struggle to keep our Nation strong and prosperous.

PROPOSAL FOR AN ADMINISTRATIVE COUNSEL OF CONGRESS, OR AMERICAN OMBUDSMAN, ENDORSED BY COMMITTEE ON FEDERAL LEGISLATION OF THE NEW YORK CITY BAR ASSOCIATION

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. REUSS] 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 Hawaii?

There was no objection.

Mr. REUSS. Mr. Speaker, the August 1966 bulletin of the Association of the Bar of the City of New York contains the report by its committee on Federal legislation on my bill, H.R. 4273, proposing an Administrative Counsel of Congress.

The text follows:

PROPOSAL FOR AN ADMINISTRATIVE COUNSEL OF CONGRESS

(By the Committee on Federal Legislation)

I. INTRODUCTION

Representative REUSS reintroduced on February 3, 1965 as H.R. 4273, 89th Cong., 1st Sess., a bill to provide for an Administrative Counsel of Congress; an identical bill, S. 984, 89th Cong., 1st Sess., has been introduced by Senator PELL in the Senate. The bills have been referred to the House Committee on House Administration and the Senate Committee on Rules and Administration which have not yet reported them out. Hearings on the proposal (among others related to congressional operations) were conducted in 1965 and 1966 by the Joint Committee on the Organization of Congress, the House Committee on House Administration and the Subcommittee on Administrative Practice and Procedure of the Senate Committee on the Judiciary, which committees have not reported on the measure. The text of H.R. 4273 appears in the Appendix.

The bill provides that an Administrative Counsel of the Congress would be appointed by the Speaker of the House and the President pro tempore of the Senate for a term or terms coinciding with each Congress. "Upon the request of any Member of either House of Congress," the Administrative Counsel (aided by his staff) would be empowered to "review the case of any person who alleges that he believes that he has been subjected to any improper penalty, or that he has been denied any right or benefit to which he is entitled, under the laws of the United States, or that the determination or award of any such right or benefit has been, is being, or will be unreasonably delayed, as a result of any action or failure to act on the part of any officer or employee of the United States other than those exempted under section 6 of this Act."

All officers and employees of the United States, except those exempted, would be required to furnish information requested by the Administrative Counsel and to provide him with access to documents. He would have the right to "consult directly" with any officers or employees without obtaining the permission of their superiors.

The provisions of the bill would be applicable to all officers and employees of the United States, except "the President," members and employees of Congress, judges and court employees, officers and employees of the District of Columbia, and any other officer or

employee of the United States who the Administrative Council believes should be exempted in the public interest. The Administrative Council would be required to report back to the member or committee of Congress referring cases to him and to make an annual report to Congress.

II. BACKGROUND OF THE OMBUDSMAN CONCEPT

The role and function of the Administrative Counsel to be appointed under the Act has been likened by many to that of the Ombudsmen serving in Sweden, Denmark, Norway, Finland and New Zealand. In recent years, "Ombudsman" has become a cabalistic term, a word to conjure with. The institution has attracted the attention, largely favorable, of many commentators on administrative law and procedure, and bills for its adoption in some form have been introduced in the United Kingdom and Canada as well as in such states as New York and Connecticut and such cities as New York and Philadelphia.[1]

Although the office varies somewhat in concept and scope in its respective contexts, essentially an Ombudsman is a Government official who is appointed, usually by the legislature, to receive complaints concerning maladministration or individual injustices in the relations between the citizen and his Government. Typically the Ombudsman receives, investigates and reports on the merits of claims. In some jurisdictions, he is empowered to prosecute or to recommend prosecution of Government officials or employees who have been derelict in their duties. In all instances his responsibility is to focus public attention upon shortcomings in the administrative process and to assist individuals in obtaining redress.

The Swedish Ombudsman[2] and the New Zealand Parliamentary Commissioner provide between them, in both the civil and common law contexts, two broad-based examples of the use of the institution abroad. In Sweden, it is a misnomer to speak only of one Ombudsman, since there are three parallel and overlapping offices—the Chancellor of Justice (JK), the Ombudsman (JO) and the Military Ombudsman (MO), the last a more recently created and restricted office. The JK, whose office was in existence at least as early as 1713, is the principal legal adviser of the Crown but has a general supervisory authority over public servants. The JO dates from 1809, when the Constitution divided authority between the King and the Estates or Parliament. As an appointee of Parliament, the Ombudsman represents one of the means afforded that body to exercise control over governmental activities.

The Swedish JO is elected by Parliament for a term of four years and is usually reelected for at least one additional term. He has supervisory powers over judges and all public servants, including municipal employees, excluding only Ministers (in contra-distinction to Denmark and Norway, where Ministers are included).[3] The powers of the Swedish JO are exercised usually through criticism rather than through prosecution. The JO has wide access to documents and officials and makes such documents (excepting only certain secret or confidential materials) and the results of his investigations available to the press. The publicity resulting from such disclosures as well as from his reports, coupled with the high status and independence of the office in the eyes of the public, give added weight to the Ombudsman's recommendations and add greatly to his effectiveness.

New Zealand in 1962 appointed the first Ombudsman—really a Parliamentary Commissioner—to hold the office in a common law jurisdiction. The Parliamentary Commissioner is appointed by the Governor General on the recommendation of the House of Representatives (not the Prime Minister), for a term related to the life of the Parliament, which means a three- or four-year term. His jurisdiction is limited to work done within specified departments, excepting "sensitive" departments such as External Affairs, Prime Minister's, Defense or Inland Revenue, most of the statutory administrative tribunals and local authorities. Ministers are not directly within his purview but of course may be indirectly affected by his criticism. The two principal limits to his powers are that he has no jurisdiction over any decision, recommendation, act or omission of any person acting as legal adviser to the Crown or over any decisions where there is a right of appeal to or review by any court or constituted tribunal.

III. THE ADMINISTRATIVE COUNSEL

Although Representative REUSS has often compared his proposed Administrative Counsel to an Ombudsman, it is clear that the Administrative Counsel would be markedly different—certainly in functions and presumably also in the exercise of his powers—from the Ombudsman.

The Counsel would not receive complaints directly from aggrieved parties and would not have prosecutory powers against officials responsible for derelictions but would take up complaints only after their reference by a member or committee of Congress and would similarly report back to such member or committee. This proposal reflects in part an attempt to have the Counsel aid members of Congress in their efforts to "mediate" between their constituents and the constantly expanding and increasingly complicated federal bureaucracy. It is this role of mediator which Representative REUSS considers to be an increasingly useful means of countering the inertia and mazes of Government; it is in any event occupying more of the time of each Senator and Representative.[4]

The sponsors of the bill also justify the reference through a member of Congress as desirable to minimize any possible conflict with the doctrine of separation of powers. The argument seems to be that if the Counsel were to report to the executive branch (i.e. to agencies or departments) directly, he might be acting as a supervisor of such officials.

A more political explanation is that use of the congressional reference technique will help reduce the fears of Senators and Representatives that the new institution would bypass them in relations with constituents, deprive them of the credit for any solutions achieved and isolate them politically. Both the British and Canadian proposals call for such a reference, possibly for the same reason. In any event, one effect of such reference back to a member of Congress is to greatly reduce the independence of the Counsel; he could become an arm of the legislature, akin to the Comptroller General, a useful arm in all probability but more of a limited congressional "post-office" with investigative powers than an Ombudsman as that institution has been understood. This aspect of the proposal is underscored by the short term—two years—contemplated for the Counsel; his independence of the majority party could thereby be greatly reduced as could his ability to conduct his office in a non-partisan fashion.

The possibilities of conflict between the executive and legislative branches are obvious. In requiring that all nonexempted "officers and employees of the United States" furnish all information which is required by the Administrative Counsel, the bill goes further than such "public information" bills as S. 1160, 89th Cong., 1st Sess. (1965), passed by the Senate last year.[5] Objections to subjecting intra-agency memoranda and correspondence to blanket disclosure should be considered here, particularly since none of the protective exemptions of S. 1160 are included in the proposed bill. The bill makes no attempt, as did the New Zealand legislation, to exclude either "sensitive" departments or agencies (such as the Departments of State, Defense or Justice) or documents or at least to maintain confidentiality of certain material. Although members of the federal judiciary are excluded, legal representatives of the Government in the Department of Justice and various agencies are not so excepted, and the bill as presently drafted could subject both such representatives and intra-agency documents to scrutiny and publicity during the pendency of a legal case or dispute. The Administrative Counsel would have the right to determine not to apply the statute to any particular officer or employee of the United States if, in the discretion of the Counsel, he regarded such application as "contrary to the public interest."

The Administrative Counsel bill would not seem to be the most appropriate measure for resolving the perennial questions of the extent of executive privilege, the public's "right to know" or the precise separation of powers between the executive and legislative departments, particularly since the present draft would place the initiative on these issues in the hands of a subordinate official of Congress without the protections insisted upon by both Congress and the courts in the conduct of investigations by congressional committees. Granting the Administrative Counsel such plenary powers seems both unnecessary and dangerous. At a minimum, matters involving questions of national security or intra-department or agency "confidentiality" might be excluded from any

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[1] The literature, both legal and popular, is extensive. An excellent bibliography was published in the New York Law Journal, Feb. 16, 1966, p. 1, cols. 1–2. Professor Donald C. Rowat of Carleton University (Ottawa, Canada) has edited a symposium of articles on the institution in The Ombudsman: Citizen's Defender (1965) [hereinafter cited as Rowat], published by University of Toronto Press, and Professor Walter Gellhorn has published a series of articles on this and related subjects, *e.g.*, *Settling Disagreements With Officials in Japan*, 79 Harv. L. Rev. 685 (1966). On February 15, 1966 several committees of the Association sponsored a forum on the subject, moderated by Professor Gellhorn and addressed by Dr. Alfred Bexelius, Sweden's Civil Ombudsman, and Sir Guy Powles, New Zealand's Parliamentary Commissioner.

[2] "The Swedish word *'ombud'* refers to a person who acts as a spokesman or representative of another person. In his supervisory position the JO [Civil Ombudsman] is a representative of the Parliament, and thereby of the citizens." Bexelius, *The Ombudsman for Civil Affairs*, in Rowat, at 24 n. 2. The discussion herein of the Swedish and New Zealand institutions is based upon the articles collected in Rowat.

[3] Dr. Bexelius has observed that since a Swedish Minister cannot give binding orders to an administrative official, the omission of Ministers is less significant than would be the case in the United States. *Id.* at 26.

[4] The findings of H.R. 4273 recite that "the increasing complexity of the Federal Government has created difficulties on the part of private citizens in dealing with the Government"; that "there is a clear need for the Congress to be informed of the nature of such difficulties"; and that "the necessary and proper efforts of . . . individual Members to deal with these problems . . . constitute a serious impediment to the discharge of their other legislative duties."

[5] That measure is discussed in this committee's report on "Bills to Enlarge Public Access to Government Information," 5 Reports of Committees of N.Y.C.B.A. Concerned with Federal Legislation 41 (1966).

such inquiry as a matter of right, but it seems preferable that he be given no such mandatory powers at least initially.[6] Conferring such powers would not be necessary to carry out what appear to be the two principal objectives for the office: (1) relieving congressmen of a substantial portion of the burden of obtaining information in response to constituents' requests and complaints, and (2) permitting such requests and complaints to be handled on a more centralized, informed basis, by a staff better equipped to handle such matters than the individual congressman's staff.

Depriving the Administrative Counsel of such powers would make him resemble the Legislative Reference Service more closely than an Ombudsman, but perhaps this is inevitable in our American context. Here the right to challenge administrative decisions in the courts or within the agencies is widely recognized, probably more so than in countries having an Ombudsman. We have the doctrine of stare decisis, whereas in Sweden, one of the principal goals of the Ombudsman has been to strive for uniformity in decisions since the agencies do not consider themselves bound by stare decisis in the common law tradition. Furthermore, in no country with the possible exception of the United Kingdom, has the use of legislative investigating committees been as widespread as in the United States. Similarly, media of public information and inquiry such as the press and television focus public attention upon administrative failings probably more widely in the United States than elsewhere.[7]

The above caveats as to any unqualified importation of the Ombudsman institution into the United States do not completely dispose of the matter. The growth of governmental services, employees and bureaucracy, in approximately that order, until federal employees alone now total nearly 3,000,000 people, has brought with it protean difficulties in assuring the presence and application of standards of fairness and due process in the relations between the administrator and the administered. Long before the passage of the Administrative Procedure Act in 1946, 5 U.S.C. § 1001 *et seq.*, such problems were recognized as critical for our society. In recent years, attempts to improve the administrative process have been increasingly pressed. Some recent examples are:

(a) the Administrative Conference Act passed in 1964, 5 U.S.C. § 1045, to "provide permanent machinery whereby the Federal agencies, with assistance from non-Government authorities on administrative practice, will be able to formulate recommendations to improve Government procedures," H.R. Rep. No. 1565, 88th Cong., 2d Sess. 4 (1964);

(b) the bills submitted again in 1966 to the New York State Legislature by the Law Revision Commission with its Report and Recommendations Relating to an Administrative Procedure Act, an Administrative Rule Making Procedure Act, and a Division of State Administrative Procedure Law; and

(c) the bill pending in certain states and cities, including New York, to create some form of Ombudsman.[8]

The Administrative Counsel concept would seem to be another possible means to assist in attaining the goal of fair treatment of the citizen.

CONCLUSION

The consideration discussed above suggests that the Ombudsman concept may provide a highly useful tool, complementing others in the armory, to deal with the problems of administrative justice. Although we have expressed our reservations with respect to some provisions of H.R. 4273, we believe that the bill merits serious study and discussion by Congress with a view to possible practical utilization of some aspects of the Ombudsman concept by Congress. Creation of an Administrative Counsel by Congress may well be a desirable experiment, and perhaps would suggest the usefulness of similar approaches in the executive branch, or at least in individual departments and agencies, as well as by state and local governments.

Respectfully submitted.

COMMITTEE ON FEDERAL LEGISLATION: Fred N. Fishman, Chairman; Charles R. Bergoffen, Eastman Birkett, Arthur J. Dillon, Sheldon H. Elsen, Leonard Epstein, David G. Gill, Andrew N. Glass, Jr., James T. Harris, Jerome E. Hyman, Edwin M. Jones, Geoffrey M. Kalmus, Ida Klaus, Louis Lowenstein, John E. Massengale, Robert B. McKay, John E. Merow, Gerald E. Paley, Mahlon F. Perkins, Jr., H. David Potter, Albert J. Rosenthal, Henry I. Stimson, E. Deane Turner.

APRIL 29, 1966.

APPENDIX

[89th Cong., 1st sess.]

H.R. 4273

(In the House of Representatives, February 3, 1965, Mr. REUSS introduced the following bill; which was referred to the Committee on House Administration)

A bill to provide for an Administrative Counsel of the Congress

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Administrative Counsel Act."

SEC. 2. The Congress hereby finds and declares that the increasing complexity of the Federal Government has created difficulties on the part of private citizens in dealing with the Government, that there is a clear need for the Congress to be informed of the nature of such difficulties, particularly those of a recurrent nature, in order that remedial legislative action may be taken and that, under existing procedures, such information is only sporadically available and frequently is inadequately developed or fails entirely to reach the appropriate legislative committees. The Congress further finds that the necessary and proper efforts of its individual Members to deal with these problems have increasingly become so burdensome as to constitute a serious impediment to the discharge of their other legislative duties.

SEC. 3. (a) There shall be an officer of the Senate and House of Representatives who shall be known as the Administrative Counsel of the Congress and shall perform such duties as are prescribed by this Act. He shall be appointed by the Speaker of the House of Representatives and the President pro tempore of the Senate, without reference to political affiliations and solely on the basis of his fitness to perform the duties of his office, for a term which shall expire upon the commencement of the Congress succeeding the Congress during which he was appointed, except that he may continue to act during such succeeding Congress until he has been reappointed or his successor has been appointed. He shall receive the same salary as Members of Congress.

(b) Subject to the availability of appropriations, the Administrative Counsel may appoint such assistants, clerks, and other personnel as may be necessary to carry on the work of his office.

SEC. 4. Upon the request of any Member of either House of Congress, the Administrative Counsel shall review the case of any person who alleges that he believes that he has been subjected to any improper penalty, or that he has been denied any right or benefit to which he is entitled, under the laws of the United States, or that the determination or award of any such right or benefit has been, is being, or will be unreasonably delayed, as a result of any action or failure to act on the part of any officer or employee of the United States other than those exempted under section 6 of this Act. The Administrative Counsel may, in his discretion, confine his review of the case to the material submitted to him with the request for review, or may make such further investigation as he may deem appropriate. Upon the completion of his review, he shall report his conclusions and recommendations, if any, to the Member or committee by whom the claim was referred.

SEC. 5. All officers and employees of the United States, except those exempted pursuant to section 6, shall furnish to the Administrative Counsel such information regarding their activities within the scope of their official duties or employment as he may require of them, and the Administrative Counsel, or any of his assistants, when duly authorized by him, shall, for the purpose of securing such information, have access to and the right to examine any books, records, files, or other documents, and the right to consult directly any officers or employees of the United States without securing the permission of their superiors.

SEC. 6. (a) This Act shall apply to all officers and employees of the United States except the following:

(1) The President;

(2) Members, officers, and employees of the Senate, the House of Representatives, or any committee or joint committee thereof;

(3) Judges, clerks, commissioners, referees in bankruptcy, and other officers (other than attorneys as such) and employees of any court of the United States, regardless of whether such court is legislative or constitutional;

(4) Officers and employees of the District of Columbia or any other local governmental unit not under the supervision or control of some other department or agency of the United States; and

(5) Any other officer or employee of the United States whose activities are of such a nature that, in the discretion of the Administrative Counsel, the application of this Act thereto would be contrary to the public interest.

(b) For the purposes of this Act, the term "officers and employees of the United States" include officers and employees of any depart-

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[6] The Comptroller General has been accorded seemingly plenary power by Congress to request executive documents (31 U.S.C. § 54), but such powers (a) have been utilized sparingly, (b) have been used in furtherance of the express congressional power to oversee appropriations, and (c) have been resisted where "security" of many varieties has been involved. See *Hearings on Executive Privilege Before the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary*, 86th Cong. 1st Sess. 43 *et seq.* (1959) (testimony of Robert F. Keller, General Counsel, General Accounting Office).

[7] Professor Gellhorn, in his article *The Swedish Justitieombudsman*, 75 Yale L.J., 1,58 (1965), has commented: "For one who thinks in American terms, the Ombudsman system seems a useful device for occasionally achieving interstitial reforms, for somewhat countering the impersonality, the insensitivity, the automaticity of bureaucratic methods, and for discouraging official arrogance. To rely on one man alone—or even on a few men—to dispense administrative wisdom in all fields, to provide social perspectives, to bind up personal wounds, and to guard the nation's civil liberties seems, on the other hand, an old-fashioned way of coping with the twentieth century."

[8] The bills referred to in (b) and (c) are currently being studied by this Association's Committee on Administrative Law which plans to report on them, including consideration of them in the context of the Ombudsman concept.

ment, agency, or instrumentality of the United States.

SEC. 7. (a) The Administrative Counsel shall make an annual report to the Congress. Such report shall summarize his activities, shall include reviews of those individual cases which, in his judgment, should be brought to the attention of the Congress, and shall set forth such recommendations for legislation or further investigation as he may deem appropriate.

(b) The Administrative Counsel may, in his discretion, make an interim report on any occasion when he deems such action appropriate to carry out the purposes of this Act.

(c) Any report of the Administrative Counsel pursuant to this section shall be printed as a public document.

STRENGTHEN THE WAR ON POVERTY

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. RODINO] 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 Hawaii?

There was no objection.

Mr. RODINO. Mr. Speaker, Members of the House are quite aware that the Economic Opportunity Act Amendments of 1966 will soon come to the floor for our most serious consideration. We will then be called upon to again reevaluate our commitment to the millions of Americans still suffering the heavy burden of poverty and the unbearable feelings of a hopeless future.

In my home city of Newark the war on poverty has already made a decided impact, and the citizens most affected are dearly concerned and aroused to see that continued success and progress is assured. Without objection, I am pleased to commend to my colleagues a very balanced and forthright editorial from the September 12 issue of the Newark Evening News pointing out the need to strengthen, rather than cut back, our responsibility to meet the legitimate expectations of the impoverished:

ANTIPOVERTY FUNDS

Officials of Newark's antipoverty war will protest to President Johnson and congressional leaders prospective cutbacks in federal grants that may force the curtailment of Community Action programs.

They have a strong case, for Newark's successful efforts to bring the poor into planning for community and individual betterment have aroused much hope and initiative. Their abandonment or curtailment could be disastrous.

The war on poverty has probably raised more expectations than any amount of money could fulfill. But to cut back now in cities which have demonstrated their ability to use federal funds effectively would tell the poor, in effect, that Congress did not mean what it seemed to say in 1964. It would tell them that what seemed the last hope of the cities was a false vision. It would tell them that efforts at self-improvement were futile.

Cutbacks would affect not only those actually taking part in the programs in Newark—the more than 2,000 children in preschool classes this year, the 200 welfare recipients getting job training, the scores getting free legal aid, the hundreds who have been hired for the programs and the untold numbers who have found a constructive outlet for ideas and energies. It would also affect the far larger numbers who are not taking part—those who stay on the street corners and stoops. For them, retrenchment would confirm their suspicion that the affluent society is indifferent to their plight.

The antipoverty program may be in jeopardy partly because of the scandals, the political struggles, the impracticable schemes and extravagant salaries that have marked it in some cities. Congress undoubtedly reflects widespread public disillusionment. Those from Newark and other cities now justifiably seeking increased aid must recognize they have a formidable task—not only in convincing the public that much good has been done, but also in tightening their own operations so their case may be even more compelling in future years.

While they exert every effort to make the federal government aware of the urgent need, they must realize there will always be some limit—reasonable or not—on how much is available. They must seek new ways to get the most out of every dollar. There are only so many pieces in the pie, and the poverty agencies must try to make sure they provide the maximum nourishment.

But while there are limits on antipoverty funds, it is doubtful if they have been reached yet. Curbing federal spending is necessary if inflationary pressures are to be reduced, but this comes down to a matter of priorities. It would be unjust and dangerous to let the ax fall solely on the urban poor, when ample antipoverty funds could be obtained by slashing the billions now being poured into the wasteful and needless farm price support program.

SPLENDOR

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. HULL] 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 Hawaii?

There was no objection.

Mr. HULL. Mr. Speaker, in an age of cynicism when some of our young people hide behind their beards, deriding the simple qualities of normalism and patriotism, it is refreshing to read something like the short essay written by 14-year-old Alyne Greenberg, of St. Joseph, Mo., the daughter of Mr. and Mrs. Alvin Greenberg.

Under leave to extend my remarks, I include her essay:

SPLENDOR

It was a warm June afternoon as we drove in heavy traffic down North Capitol Street. All of us were craning our necks for the first glimpse of the Capitol Dome. And there it was! The sun glistened as it reflected in the majesty of the white domed edifice; my heart skipped a beat. As we slowly approached it, we were able to see its white marble pillars. I thought of what all of it meant and represented to me . . . Freedom . . . Being a free American and being able to say, "I belong." I felt proud to belong to it and even prouder of my heritage as an American. Then I saw the flag . . . Our beautiful flag, fluttering softly in the breeze. It seemed to say, "Here, look at me! I am free . . . free . . . free!" Closer and closer we came.

Climbing the steps slowly, one by one, I was aware of nothing around me but the beauty. On the portico, I turned slowly around in order to burn it into my memory. In a direct line was the most stirring sight I had ever seen in my entire life. Against a background of shimmering blue was the Washington Monument reflecting its slenderness and stalwartness in the lagoon. Directly behind it, but off in the distance, was the magnificent Lincoln Memorial, and yet further off stood the stately Jefferson Memorial. Then in the horizon in the summer's haze, and in eternal sleep, Arlington, the resting place of our heroic servicemen and the late President Kennedy.

Yes, this vista was truly a sight to behold.

It was like a clash of cymbals . . . the beat of a kettledrum . . . "America the Beautiful" . . . "The Star-Spangled Banner" . . . All culminating in one tremendous crescendo saying "Mine, mine. This is mine! My country! My freedom!"

SUEZ—10 YEARS LATER

Mr. MATSUNAGA. 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 Hawaii?

There was no objection.

Mr. MULTER. Mr. Speaker, 10 years ago fighting erupted in the Middle East when Nasser seized the Suez Canal.

Harold Greenwald, in a recent issue of the Synagogue Light, reviewed the events of 1956 within the context of today's world. I commend Mr. Greenwald's article to the attention of our colleagues:

FACING EAST: SUEZ—10 YEARS LATER

(By Harold Greenwald)

"We should not assume that if Israel withdraws, Egypt will prevent Israel's shipping from using the Suez Canal or the Gulf of Aqaba. If, unhappily, Egypt does hereafter violate the Armistice Agreement or other international obligations, then this should be dealt with firmly by the society of nations."—Dwight D. Eisenhower, February 2, 1957.

Israel did withdraw and the Suez Campaign of 1956 ended.

The Canal has not been opened.

The Canal boycott finds its counterparts in countless facets of international economic, political, social and even religious activity.

The Gulf of Aqaba, opened by force of Israel's unaided arms, remains open. Incursions from across the Egyptian border have abated. Ten years of comparative peace have ensued. But Arab threats to "push Israel into the sea" are still expressed, still form the facade for such Arab unity which survives revolts and juntas, and still influence the successive making and breaking of Arab alliances.

Those threats directed against Israel's survival are no less ominous today than at any time heretofore. An unsettled Middle East has long been the norm. Turbulence within Middle East nations has formed a way of life. From time immemorial, strife among Middle East nations has made legendary such places in the Holy Land as Har Megiddo, site of the biblical Armageddon.

U.S. RENEGES ON ITS PROMISE

In 1956, the need to end border harassment and to gain access to the sea impelled Israel's resort to arms. The former objective and part of the second, Israel achieved and has retained. Eilat is open to the Orient. The Eisenhower statement seemed at the time to have settled the issue as to the Suez. It did not and Israel remains aggrieved by what many here regard as abandonment, if not betrayal. No one, in or out of Israel, expects of an American president or of his Secretary of State, that he was chosen to advance the

interests of Israel. Few, in or out of Israel, believe that America's post-Suez conduct was motivated other than by the intent to serve the United States and American interests. However, events have proven that course to have been wholly ill-conceived. Despite an unmistakable similarity between Hitler and Nasser, the old Chamberlain gambit was repeated and the results may prove to be costly to us, as they have already been to Israel.

Now, into the old maelstrom of men and factions struggling for domination, new forces and new ingredients are being added at an accelerating rate and with explosive implications.

COMMUNIST THREAT IN THE MIDDLE EAST

The new force is Communism. Russia is an old hand at subversion and domination. China, rapidly emerging, is challenging Russia for preeminence in the Communist world. Russia has established various strong points in the Middle East from which she is striking out for greater exploitation, picking her spots with the skill of a marksman. China is playing the field, wooing all of the Arab states, antagonizing none.

New ingredients include the Bomb and rich Egyptian oil strikes in the Suez peninsula, from whence Israel withdrew in reliance upon the Eisenhower declaration quoted above. The foothold in the Middle East which Russia gained by supporting Nasser, with our concurrence ten years ago, seems secure. Her appetite is limitless and her objective direct. The prospect of new oil riches does not abate that appetite; Kosygin's recent visit to Egypt does not blunt that objective.

As American foreign policy properly should be pro-American, so Russian foreign policy is understandably pro-Russian. Russia is not merely anti-Israel, or pro-Syria, or pro-Egypt; that is her current pro-Russian stance. She is currently pro-Egypt, enjoying the position of virtually a creditor in possession. She is currently anti-Israel in order to be consistent with the posture of the Arab world which she covets and means to control. And she is currently pro-Syria not only because Syria is Arabic, not only because the Syrian government more than ever is now *notoriously* tenuous, but simply because Russia wants Middle East bases and Syria supplies them.

Against a background of United States foreign information centers set afire, American flag desecrations and stoned American embassies, Russia quietly but effectively has been tightening her tentacles on the Middle East. Following the recent joint communique by Kosygin and Nasser, there was widespread belief that its comparatively innocuous tone promised a continuance of the status quo. One fallacy in such thinking was derived from comparing the conservative Kosygin with the bellicose Khrushchev. Whereas the latter was forced under party hindsight to retract certain of his implusive utterances, the former is sparing with his words, which are spoken only after careful deliberations. Khrushchev often meant less than he said—Kosygin means at least all that he says.

MILITARY INCURSIONS UPON ISRAEL

It will be remembered that Syrian terrorist activity preceded Kosygin's visit to Cairo. In addition to El Fatah raids, by marauders trained and financed in Syria who crossed over from Jordan, mines were planted in Almagor, where the Jordan River flows into the Sea of Galilee, killing Israeli farmers. Thus were Russia and Egypt, not only Israel, reminded that Syria was to be reckoned with. This reminder was not subtle, to be sure, but neither was it to be overlooked. Indeed, it may even have been inspired by Russia in order to speed an Egyptian-Syrian rapprochement. It was intended, moreover, to provoke Israel into military reprisal which, because of the topography would have had to be in force, and so enable Syria to complain that she was being menaced by Israeli aggression. Israel did attack—not by planes or artillery but in the United Nations.* For once Israel was a complainant, not a defendant, in this world forum. Did this deter Syria from crying out that she was in danger of armed aggression? It did not and, more significantly, Russia has taken up the hue and cry and we have today a Moscow-Damascus axis which hardly is a harbinger of peace in the Middle East.

It would have been unseemly for giant Russia to issue a warning in Syria's interest directed against tiny Israel; the fact is that Israel is not the real target. The warning is directed against an "imperialist plot" hatched by the United States and Britain and, playing the game by her own rules, Russia asserts that Israel is used as a pawn in that "plot." Syria's obligation to Russia is manifest and Russia has never been an easy creditor. How she is to be paid off remains to be seen, but there is no dearth of Syrian assets available for that purpose. Russia has a Mediterranean fleet. That fleet, equipped with atomic weapons and based in a Mediterranean port, could easily fill the vacuum left by such international contingencies as England's departure from Aden.

WILL HISTORY REPEAT ITSELF?

Under Russian leadership, Syria and Egypt might again unite and Arab rivalries to Nasser's pan-Arabian leadership, again with Communist support, could be overthrown. This is the direction of the coming Egyptian effort and with the new ingredient, Sinai oil, the Western World could be completely removed from the area. Old Arab debts could be repaid. New Arab debts could be contracted on terms dictated by the debtor. Indeed, the prestige of the large oil companies could again shape American foreign policy and moral considerations could again be silenced.

Communism, whether Russian or Chinese style, is so potent a factor in the Middle East that France, once a major power here, is expected to seek a detente. Britain, formerly supreme, is preparing to let go. The United States, previously off on a tangent and presently preoccupied elsewhere is striving to hang on, spending her resources in appeasement after appeasement.

The United States erred grievously ten years ago. Mr. Dulles was ill and Mr. Herbert Hoover, Jr., a top oil executive, was then Acting Secretary of State.

President Eisenhower's policy of alignment with Russia appears in retrospect to have been influenced by considerations devoted to oil rather than to principle. Under that influence, and in the guise of serving the peace of the world, French, British and Israeli forces were caused to withdraw from Sinai and from the Suez Canal. Communism, not world peace, was served. As regards the Middle East, France and Britain are but shadows of their pre-Suez selves. Notwithstanding her many difficulties, however, France remains, as of this writing, the most stable force and Israel's most dependable ally in the Middle East. Russia, alert to danger signals in Morocco, Tunisia and Saudi Arabia, is on the move in Egypt and Syria. China will become variously Russia's partner and her rival, but never a friend of the free world. The United States, tied down in Vietnam, may yet pay a heavy price for Middle East crumbs.

Israel, without great natural resources in a power-hungry world, will have to rely upon her human resources—skilled, resourceful, dedicated and selfless.

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* Following this writing it was learned that Israel found itself compelled to resort to military action as well.

On July 4, one hundred and ninety years after the founding of the Republic, the John F. Kennedy Memorial and Peace Forest was dedicated in Jerusalem. Among the words of that martyred President which live on, are the following:

"Israel is the bright light now shining in the Middle East. We, and ultimately Israel's neighbors, have much to learn from this center of democratic illumination—of an unprecedented economic development, of human pioneering and intelligence and perseverance.

"It is time that all of the nations of the world, in the Middle East and elsewhere, realized that Israel is here to stay: she will not surrender—she will not retreat—and we will not let her fall."

It is fitting that these words, as well as those of the 34th President, be remembered and if necessary, that they be implemented lest Israel's resources be unequal to a final test.

Our support for Israel and our determination not to allow it to fall prey to its Arab neighbors was reiterated by President Johnson when President Shazar of Israel visited the White House on August 2, 1966. At that time our President said:

Above all, Mr. President, we share in common the vision of peace you call *shalom*.

The prophet Micah described it in this way: that every man sit under his vine and fig tree and "none shall make him afraid."

As our beloved, great, late President, John F. Kennedy, said on May 8, 1963, as a declaration of the leader of this country and as spokesman for this land: "We support the security of both Israel and her neighbors. . . . We strongly oppose the use of force or the threat of force in the Near East.

"We subscribe to that policy."

COMMODORE JOHN BARRY DAY

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentlewoman from New York [Mrs. KELLY] may extend her 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 Hawaii?

There was no objection.

Mrs. KELLY. Mr. Speaker, today we are honoring the memory of one of this Nation's greatest naval heroes, Commodore John Barry. The gallantry and outstanding achievement of this modest, but brilliant Irishman, who readily embraced the spirit of his adopted land and the cause of the American Revolution, have caused many to call him Father of the American Navy.

As the man who became our first American commodore, he not only displayed great skill and courage at sea and in combat, but great constructive genius as well. In 1802, 1 year before his death, his long and devoted service caused the Secretary of the Navy to single him out for high and honored praise as this country's senior officer of the Navy. And in the many years since then, his lifetime of constructive patriotism and courage have been perpetuated as an inspiring example of devotion to the welfare of one's country. He has long been the hero of song and story.

Each year the 13th of September, the day of his death, is remembered as Com-

modore John Barry Day. It is a time to remember the rich legacy left to the American people by a modest young Irish immigrant who grew to brilliant preeminence. His vision and dedication stands as a lesson and blessing to all of us.

BEST WISHES TO THOSE OF JEWISH FAITH ON ROSH HASHANAH

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentlewoman from New York [Mrs. KELLY] may extend her 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 Hawaii?

There was no objection.

Mrs. KELLY. Mr. Speaker, it is appropriate during these days of awe that I extend my most sincere wishes to those of the Jewish faith. This great section of the American population through day-to-day adherence to the principles of the Old Testament, has greatly contributed to the moral and intellectual growth of our Nation, over the past year, the past decade, the past two centuries.

As men of good will everywhere grope for peace and understanding, may the current observance of Rosh Hashanah bring new hope and new inspiration to the Jewish people, in order that the worthy ideals of Judaism may prosper in the coming year.

I would also like, at this time, to join in asking the blessing of God upon the Republic of Israel and in praying that its people may be strengthened in their struggle to maintain a bulwark of freedom in a land redeemed through heroism, courage, and great sacrifice.

I ask my fellow Americans of the Jewish faith to accept my best wishes for health, happiness, and the delights of accomplishment during the coming year, as well as the hopeful vision of tasks to be attempted and goals to be approached through the years to follow.

LEGISLATION INTRODUCED TO PROVIDE FOR CONSTRUCTION OF NUCLEAR DESALTING PLANT

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. HANNA] 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 Hawaii?

There was no objection.

Mr. HANNA. Mr. Speaker, today I have introduced legislation which would provide for the participation of the Department of the Interior in the construction and operation of a large prototype desalting plant off the Orange County coast in southern California.

This project will be constructed on an artificial offshore island. It will utilize two nuclear reactors with an electrical capacity of about 1,800 megawatts and a sea water desalting plant which will produce 150 million gallons daily of distilled water—enough to supply a city the size of San Francisco.

The total capital cost of the dual power producing and desalinization project will be $400 million of which the Department of the Interior is being asked to participate in the amount of $57.2 million.

A very detailed study of this proposal has been conducted by an independent engineering firm, and it shows the project will have a very high level of return in comparison with the initial expenditure. It shows that large scale desalting is economically feasible, and that the excess power produced by the reactors can be used to help fulfill our ever-growing need for electrical power.

The project has the support, both in terms of capital and cooperation, of two of the Nation's leading private power companies—Southern California Edison Co. and the San Diego Gas & Electric Co. These companies have further agreed to purchase all the excess power produced.

The Los Angeles Metropolitan Water District, which distributes water throughout southern California, has agreed to support and cooperate in the project. One of the main points in favor of the project is that it is a water source independent of the flow of river and aquaduct systems, and, in an emergency, it might well prove more valuable than any of us are now predicting.

This will be the world's largest desalinization plant. It will be a showplace of great interest to the people of the many areas around the world, and in our own country, who are in need of water and power, and to those who see the day rapidly approaching when this need will arise.

The President of the United States has asked Congress to approve this project. The distinguished chairman of the Committee on Interior and Insular Affairs has agreed to introduce a companion measure. It is my hope that we can act with dispatch and thereby assure the earliest possible completion of this most worthy project.

THE VIETNAM ELECTIONS

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. CRALEY] 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 Hawaii?

There was no objection.

Mr. CRALEY. Mr. Speaker, on Sunday we witnessed a very significant stage in the development of democratic government and national independence in South Vietnam. I was impressed with the healthy and enthusiastic turnout for the elections, a support for the electoral process that exceeded the most optimistic expectations.

Much remains to be done in building a secure and stable government in an area for centuries dominated by stronger neighbors. I think the Saigon government is to be congratulated on the achievement of this first and important step. I should like to wish every success to the new constituent assembly in their constitution making. I believe the American people in their support for this struggling nation have rendered important help at a crucial time.

The New York Times carried an editorial commenting on the election which I shall include here in the RECORD:

AFTER THE ELECTION

The natural sequel to the successful election in South Vietnam on Sunday is to try to calculate what effect it may have on the efforts to bring about negotiations and an ultimate truce or peace.

Logically, the results should convince Hanoi that the Saigon Government now has an enhanced and legitimate status of its own as a national entity. Whatever government finally comes out of the long process of constitution making, congressional or legislative assembly meeting, will not change the general picture insofar as the prosecution of the war is concerned. If there is to be a change it has to be on the North Vietnamese side and this is not going to be an overnight development.

But the election may lead in time toward a better balance of the forces within the two Vietnams. Marshal Ky was understandably elated by the results, but he was much too optimistic in saying, as he did yesterday, that "we now have the conditions for final victory." The sort of victory he contemplates—or certainly always has in the past—is military. It comprehends the defeat of the Vietcong and the North Vietnamese, plus the acceptance of that defeat by Communist China and the Soviet Union. This, of course, will be a very long journey from Sunday's election that could not embrace all of the South Vietnamese and that did not immediately make South Vietnam militarily stronger or her enemies militarily weaker.

So far as the United States is concerned, just as many American troops, planes and as much materiel are going to be needed as before, because the war is as tough and costly as it ever was.

What has happened provides some hope that a government can be organized in Saigon in the course of the coming year or two which will have a good deal of popular support. The militant Buddhist opposition should not now be able to cause anything like the trouble it did last year. And though Vietcong naturally will refuse to concede the fact, the election was hardly a demonstration that they enjoy the support of South Vietnam's population outside the regions they control.

Since no war lasts interminably, the Vietnamese conflict is going to end some day. The problem is to create the conditions that will permit it to end as soon as possible. A military victory is unlikely. Sooner or later the end will come around a negotiating table. It will, in effect, be a political solution. The election in South Vietnam is one step toward preparing the stage for an eventual settlement.

INDUSTRIAL PROGRESS IN THE VIRGIN ISLANDS

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. O'BRIEN] 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 Hawaii?

There was no objection.

Mr. O'BRIEN. Mr. Speaker, as further demonstration of the economic growth and industrial progress in the U.S. Virgin Islands, another great bank

opened its doors there yesterday, September 12. I salute New York's First National City Bank and wish good luck to Mr. Robert Eastham, manager of its new bank in Christiansted, St. Croix.

As it opens its doors for business, this bank has every reason to be confident of the future.

The island of St. Croix has experienced a tremendous economic growth in recent years; most recently noted by the establishment of a $50 million alumina plant and a multimillion dollar petrochemical complex now under construction. Tourist trade in 1965 was $54 million, an increase of $6 million over the previous year. St. Croix, the largest of the U.S. Virgin Islands, has a population of around 20,000 people with a per capita income of $2,000, by far the highest in the entire Caribbean area.

Linked to the mainland and other Caribbean islands by several airlines and boat services, St. Croix is destined to be one of the most important commercial centers in that area. Among the reasons why New York's First National City Bank is starting operations in St. Croix, is their desire to help in the island's development, and to show the faith it has in the future of the Virgin Islands.

Heading the list of distinguished banking executives participating in the opening ceremonies was Mr. George C. Scott, senior vice president of the First National City Bank in New York. Mr. Robert Eastham, manager of the St. Croix branch, was host to the industrialists, businessmen, and high government officials from the Virgin Islands present at the inaugural ceremonies. Virgin Islands government officials participating included Hon. Ralph Paiewonsky, Governor of the U.S. Virgin Islands; Hon. Ciryl King, Government Secretary; and Hon. Dr. Aubrey Anduze, Administrative Assistant for St. Croix. The new First National City Bank branch in St. Croix, marks Citibank's first entry in the Virgin Islands market, although it has been operating in other parts of the Caribbean for several years. Among the countries where First National City Bank now operates in the Caribbean area are, Puerto Rico, Dominican Republic, Jamaica, Trinidad, and the Bahamas.

VIETNAM

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. HALPERN] is recognized for 15 minutes.

Mr. HALPERN. Mr. Speaker, the war in Vietnam continues to arouse the gravest anxiety among people here and abroad who are earnestly concerned with building peace and order in the world.

The President has repeatedly stressed that our objectives in southeast Asia are limited. The assistance we are rendering does not give us license to dictate the political destiny of the South Vietnamese. This is a point which must be reemphasized, and which must be made credible to the Asian peoples. The President has reaffirmed that American forces are in Vietnam to help the Vietnamese defeat aggression and defend self-determination. This can only be interpreted as a carefully prescribed engagement. As a foreign power on the Asian Continent, we should resist the tendency to escalate both the commitment and the means of military self-defense.

Several weeks ago, Premier Ky was quoted as welcoming an invasion of North Vietnam and an eventual confrontation with Red China. Although this statement has been subsequently modified, militarists may be setting their sights far beyond the expressed aims of our own Government, whose interest lies in insuring that the South Vietnamese people can freely choose their political and social course. There can be no ambiguity on this point; we must consistently disavow professed ambitions which outrun the American purpose in Vietnam.

Those who understand the limited nature of our stand in Vietnam must not be tempted into arguing blithely for some wider war which, supposedly, can more speedily produce what is described as "victory."

The world must know that American policy, despite the deployment of over 300,000 men, aims at a peaceful solution of this conflict.

It is doubtful as to whether the bombing of North Vietnam, and the continuing increase of American manpower, can alone bring about the conditions conducive to negotiation. Indeed, the truth may be that escalation breeds counter-escalation, and that a broader military employment strengthens the resolve of the North Vietnamese. Because these questions, in terms of the future, cannot be answered with surety, the United States must redouble its efforts, through all available channels, to find the path to peace.

One recent, welcome development was the proposal of Thai Foreign Minister Thanat Khoman, sponsored by the Governments of Malaysia and the Philippines, for convening an Asian conference on Vietnam. This was envisaged as a gathering of the noncombatant Asian states to discuss various means toward bringing the war to a close.

As one who has consistently asked for greater efforts in reaching a diplomatic settlement of this war, by urging our Government to declare its willingness to reconvene the Geneva Conference, and to press vigorously for a more effective United Nations role, I feel that this suggested meeting, eminating from Asian states, could make a major contribution. I urge that our Government officially and relentlessly pursue this proposal with Asian statesmen.

Whatever the extent of our involvement in South Vietnam, the effects of this conflict are and will be felt in Asia. Thinking of the future, the United States cannot ignore or become divorced from vital currents of opinion in Asia with respect to its policies there. We should make every attempt to encourage the governments of Asia to discuss collectively the American presence in Vietnam, and endorse their initiatives toward finding the basis for a peaceful accord of the war.

THE 25TH ANNIVERSARY OF THE SEABEES, AND THE 100TH ANNIVERSARY OF THE CIVIL ENGINEER CORPS OF THE U.S. NAVY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California [Mr. TEAGUE], is recognized for 15 minutes.

Mr. TEAGUE of California. Mr. Speaker, I introduced a measure in this body yesterday to authorize the striking of medallions in commemoration of the 25th anniversary of the U.S. Naval Construction Battalions—Seabees—and the 100th anniversary of the U.S. Navy Civil Engineer Corps—CEC.

The Engineer Corps anniversary will occur next year on March 2 and the Seabees anniversary on March 5.

I rise today to call attention to my bill because I believe it to be a most fitting occasion. This morning at the White House, the first Seabee in the illustrious history of the organization was awarded, posthumously, the Medal of Honor by the President.

Marvin Glenn Shields, CM3, of Port Townsend, Wash., died on June 10, 1965, from wounds received while members of his unit, Seabee Team 1104, were assisting in the defense of the Special Forces camp at Dong Xoai against an attack by the Vietcong. The attack began late the previous night.

While assisting a wounded Army officer to a safe position, Shields sustained wounds about his face, neck and back. Despite these wounds he continued steadfast in fighting against the Vietcong, both by means of his rifle and by throwing hand grenades.

When light broke on the morning of the 10th, Shields readily volunteered to assist in destroying an enemy machinegun emplacement. Though he had never used a 3.5-inch rocket launcher before, he performed the job well and was instrumental in destroying the position while under heavy enemy fire.

In returning to his previous position machinegun fire struck his right leg, nearly tearing it off. Though mortally wounded, he was able to move to a sheltered position and received aid. Throughout the remainder of the morning he was instrumental in keeping up the spirits of the defenders by laughing and making jokes.

Shields died that afternoon shortly after being evacuated by helicopter.

Construction Mechanic Shields is survived by his wife, Joan, an infant daughter, and his mother, Mrs. Victoria Cassalery, all of Port Townsend. The first Seabee Medal of Honor in history was presented this morning by the President to Joan Shields. It was also the first Medal of Honor to be awarded a Navy man in the Vietnam war.

Construction Mechanic Shields received his training at the U.S. Naval Construction Battalion Center at Port Hueneme, Calif., "Home of the Pacific Seabees," which is located in the district I have the honor of representing in this body. From there he went forth to his death in defense of his country, in an act of bravery "above and beyond the

call of duty," earning for him the Nation's highest military award.

Mr. Speaker, under unanimous consent, I am inserting in my remarks at this point the text of two issues of Seabees in Action, which is published by the Naval Facilities Engineering Command. The first of these is entitled "Story of the Seabees: World War II to Vietnam" and the second is entitled "The Dong Xoai Story, June 9–10, 1965."

STORY OF THE SEABEES—WORLD WAR II TO VIETNAM: THE SEABEE TRADITION

(By LCDR W. D. Middleton)

The Navy's Seabees were less than six months old when their first unit came under fire early in World War II. Only three weeks after the Marines assaulted the beaches of Guadalcanal in August 1942, Seabees of the Sixth Naval Construction Battalion followed them ashore to begin the difficult job of converting a muddy former Japanese landing strip at Henderson Field into an all-weather airfield capable of supporting anything from fighter aircraft to Army B–17's.

The construction job was tough enough, but to make matters worse Henderson Field was under almost constant attack by Japanese artillery and aircraft, and great craters were torn in the airfield every time a bomb or shell scored a hit. As if all this didn't give them enough to do, the Seabees had to be ready to take up positions in the defensive perimeter in the event of Japanese landing against the narrow beachhead.

Typical of Seabee ingenuity at Guadalcanal were the "crater crews" that rushed to repair the damage after every hit on the airfield. Quickly learning from experience, the Seabees stockpiled Marston matting (the pierced steel planking used to surface the field) along the runway in bundles sufficient to repair an average sized hole. Construction equipment and trucks, already loaded with enough sand and gravel to fill a bomb or shell crater, were placed under cover at strategic points along the runway.

Whenever Japanese bombers approached or artillery opened up, the Seabee "crater crews" raced from their foxholes, tore away damaged matting, backfilled the craters, and quickly laid down new matting. Before long the Seabees were doing the job so rapidly that forty minutes after a bomb or shell it was impossible to tell that the airfield had ever been hit.

Throughout the three-month battle for Guadalcanal the Seabees performed construction miracles to expand Henderson Field and to keep it open, at one time continuing work even when Japanese troops had pushed the Marine front line to within 150 feet of the field. During one particularly fierce attack, the Japanese put no less than 53 bomb and shell holes in the airfield during a 48-hour period.

But despite the worst efforts of the enemy forces, the Seabees were able to keep Henderson Field open throughout the bitter campaign, and their success in keeping Marine fighter planes in the air played no small part in the eventual U.S. victory at Guadalcanal. Thus was begun the Seabee "Can Do" tradition of World War II.

SEABEES AND MARINES

One of the earliest traditions developed by the Seabees of World War II was an unusually close comradeship with the United States Marines. Although they fought and built almost everywhere in the global conflict, and worked with Army troops and fleet sailors as well as Marines, the Seabees' greatest contribution to World War II victory was the role they shared with Marines in the bitter island-hopping war in the Pacific.

Based upon mutual respect and shared hardships, the Seabee-Marine fellowship was born as early as 1942, when Marines and Seabees worked and fought side-by-side throughout the bloody battle to hold the Guadalcanal beachhead and to keep the Henderson Field airstrip open to Marine fighters and Army bombers. In this and later Pacific campaigns the Seabees learned to admire the Marines' unsurpassed skill as professional fighting men, and the Marines became equally impressed with Seabees skill as professional builders.

As often as not this Seabee-Marine mutual esteem was expressed in good-natured jokes at each other's expense. Recruited largely from the ranks of skilled construction workers, the average Seabee was ten years or more older than the typical Marine. Soon after the first Seabees came ashore at Guadalcanal the Marines were joking, "Never hit a Seabee, he might be some Marine's father." The Seabees quickly retaliated by manufacturing "Junior Seabee" badges, which they awarded to deserving Marines. And the Seabees like to claim, "Marines only capture territory, it's the Seabees who improve territory."

In a classic piece of one-upmanship on one occasion during the Pacific campaign, the Seabees managed to best the Marines' proud boast of always getting places first. At New Georgia in July of 1943 a detachment of Marines charged ashore from landing craft in a dawn assault and rushed up the beach looking for Japanese troops, only to be greeted by a party of Seabees that had already landed on the enemy-held island to make a reconnaissance for an airfield site.

The close relationship that grew up between Marines and Seabees during World War II has continued throughout the postwar years. As they have ever since the formation of the first construction battalions 24 years ago, Marines still guide and assist Seabees in learning their necessary fighting skills. Much of the Seabee construction effort since the end of the war has been devoted to Marine Corps facilities. And today, in the Republic of Vietnam, the Seabees are devoting almost their entire effort to the construction of advance base facilities to support the operations of the Third Marine Amphibious Corps.

SEABEE INGENUITY

One of the earliest Seabee traditions to emerge during World War II was the almost legendary ability of a Seabee to improvise. Hastily formed and rushed into the war, the early construction battalions were nowhere near as well equipped as the present-day battalions. Frequently, too, supplies of construction materials and spare parts were insufficient for the job at hand. None of this, however, deterred the resourceful Seabees from getting the job done.

Early in the Solomon's campaign, for example, the 15th Construction Battalion was handicapped by a lack of machine tools. A Seabee warrant officer, who had been a machinery salesman before the war, set out on a trip to New Zealand, where he successfully repurchased equipment from his former customers, and the Seabees soon had a well equipped machine shop. More equipment was scrounged from the aircraft carrier Enterprise in return for repair jobs. Before long the Seabees were taking in repair work from the Army and Marines, and were even repairing airplanes.

Lacking a replacement for a blown out bulldozer head gasket, Seabees in the Ellice Islands fashioned a replacement from thin sheets of metal and paper, and quickly put the 'dozer back into service. A Seabee chief on Samoa manufactured a replacement condenser out of waxed paper, tinfoil from cigarette packages, and an old beer can in order to keep one piece of equipment operating. On Guadalcanal another Seabee petty officer kept captured Japanese trucks in operation by improvising replacement radiators out of metal ammo boxes, a method that was soon being used all over the Pacific. Other Seabees learned how to keep tractors running by mounting fuel drums in place of smashed radiators.

The 55-gallon fuel drum, as a matter of fact proved to be one of the most useful of Seabee construction materials. With the ends cut out and welded together, thousands of drums were converted into culverts. Split down the side and flattened, they made excellent roofing material. One group of Seabees even manufactured a sightseeing canoe from fuel drums.

Worn out tires that would no longer hold inner tubes were kept in service by filling them with a mixture of palm tree sawdust and cement. Beer and Coke bottles were used as insulators for power and telephone lines. Seabees learned how to make replacement watch crystals out of plexiglass from wrecked planes, devised a method of welding broken dental plates with a mixture of ground rubber and cement, and one Seabee machinist even manufactured a pair of silver stars from two quarters for a newly promoted general. Other Seabees made extra money during off-duty hours by manufacturing fake Japanese battle souvenirs and native jewelry for sale to gullible new arrivals.

Perhaps the best-known of all stories of Seabee ingenuity, however, is that of a first class petty officer named Aurelio Tassone, who converted a bulldozer into a piece of combat equipment during the Treasury Islands campaign in 1943. Coming ashore on his bulldozer, Tassone found that a Japanese pillbox was holding up the advance. While a Seabee lieutenant provided covering fire with a carbine, Tassone raised his blade as a shield against enemy fire and advanced on the pillbox. At the last minute Tassone dropped the blade and demolished the emplacement.

SEABEES' MAGIC BOX

Probably the least glamorous in appearance of all the new "weapons" that helped the U.S. to win World War II was the lowly steel pontoon—the Seabees' "magic box"—that became an indispensable tool of a hundred purposes for the U.S. Navy's mighty amphibious forces.

Civil Engineer Corps planning as early as 1936 had forseen a need for a variety of barges, small yard craft, and other miscellaneous floating equipment in the event of a major amphibious war in the Pacific. By 1940 a CEC captain, John N. Laycock, had set to work in earnest developing his ideas for a standardized steel pontoon that could be assembled into an almost endless variety of floating equipment. By early 1941 the first experimental pontoons had been successfully tested and soon thousands of them were in production.

The basic pontoon was little more than a steel box five by seven by five feet. The real key to its versatility was the system of heavy steel angles and special hardware, or "jewelry," developed by Capt. Laycock which permitted the pontoons to be assembled in a wide variety of arrangements. Strings of pontoons were assembled for use as barges or piers, and with the addition of a specially developed outboard propulsion unit, the amphibous Seabees had a self-propelled barge or a warping tug for work around a harbor or beachhead. Cranes, pile drivers, dredges, and almost any other kind of equipment for waterfront work could be mounted on a pontoon barge. Arranged as a barge with pontoon walls on each side, and equipped with the necessary piping and pumping equipment, a batch of pontoons could be assembled as a floating drydock for PT boats and other small craft.

Seabees, of course, found many more uses for the versatile pontoons than those envisioned by its designers. Many saw service as fuel and water tanks, and a pontoon with

the addition of a little piping could be mounted on a flat bed truck to make a water distributor. With the addition of a door a pontoon made a fine paint or gear locker. A Seabee cook in the Russell Islands even converted a pair of the pontoons into an oven and grill.

The pontoon really came into its own, however, in the Allies' 1943 landings in Sicily. The Navy's versatile LST had been designed to approach a steeply sloping beach, drop its ramp, and disgorge its load of tanks and other vehicles directly onto the shore. Since they assumed the LST's and other large landing craft couldn't get close enough to make a landing on the shallow sloping beaches along much of the southern shore of Sicily, the Germans had installed only relatively light defenses.

The ingenious Capt. Laycock, however, had already gone to work on a new use for his versatile pontoons. Special hardware and fittings were devised that permitted assembly of the pontoons in long two-pontoon wide causeway sections, which were hung on the sides of the LST's. As the landing ships approached the shore the causeway sections were cut loose, dropped into the water, and their momentum carried them into the beach. The intrepid amphibious Seabee crews that rode the pontoons quickly connected the causeway sections, the LST's were "married" to the outer end, and in a matter of minutes vehicles were rolling ashore.

First used in the Sicily landings, where causeways over 300-feet long were employed to land allied forces where they aren't expected, the new pontoon adaptation was a major factor in the success of the operation, and for the remainder of the war the LST-pontoon causeway combination was used in almost every major amphibious assault.

Even today, a quarter of a century after its development, the versatile pontoon remains as a workhorse of the amphibious Seabees. Only last May, when MCB-10 and Marine Corps forces landed at Chu Lai, Republic of Vietnam, their equipment, and supplies went ashore over the familiar pontoon causeways.

"RHINOS" IN OPERATION OVERLORD

Among the difficult problems faced by planners of "Operation Overlord," the great Allied invasion of Normandy in 1944, was one presented by the character of the beaches where the landings were to take place. At both Utah Beach and Omaha Beach, where the U.S. forces were to land, the slope of the beaches was unusually flat, and the water line moved up or down the beach a half mile or more as the tide rose or fell. Just off the shore and running parallel to the beach, sandbars—whose position shifted constantly with the tide or storm conditions—presented still another problem.

Because of these positions, it would have been almost impossible to use LST's or other amphibious craft in the usual manner. Landings could have been made at high tide, but unless the vessels were quickly unloaded, the rapidly receding tide might leave them stranded high and dry on the beach, exposed to German attack until the tide came back in and refloated them. If landings were made at low tide the vessels would ground on the sandbars, leaving troops and vehicles with deep water between them and the shore. Even if they were able to get past this obstacle, the inrushing tide might overtake them before they could get all the way up the beach.

Under these conditions even the Seabees' famous pontoon causeways, first used the year before in Sicily, would have been unable to bridge the gap between ships and shore. The Civil Engineer Corps' CAPT John Laycock, who had originally developed both the pontoons themselves and the pontoon causeways, quickly came up with still another variation of the Seabees' "magic box" to solve the problem of the Normandy beaches.

One hundred-eighty of the pontoons were assembled into a huge ferry barge, six pontoons wide and thirty pontoons long, powered by two of the large outboard motors developed for use with smaller pontoon barges. A specially developed loading and unloading ramp was placed at one end. Big enough to take half an LST load of supplies and equipment, the pontoon ferries were designed to "marry" an LST safely anchored in deep water. As soon as the ferry was loaded it cast off and headed for the beach under its own power. With its shallow draft the pontoon ferry could easily get over the treacherous sandbars to the beach. Only two trips were needed to unload an LST, and then the ferry proceeded to unload another ship.

To a naval aviator, who happened to fly over one of the first experimental models at Quonset, R.I., the Seabees' pontoon ferry looked more like a rhinoceros than anything else, so before long, "rhino ferry" became their unofficial name.

As the great Normandy invasion grew nearer, Seabees of the 81st and 111th Construction Battalions worked in British shipyards to assemble their rhino ferry fleet, and as soon as they were completed, they took them to sea to practice the tricky job of "marrying" them to LSTs and transferring cargo.

On June 5, 1944, the day before D-Day in Normandy, the rhino ferries and their Seabee crews headed out to sea for the journey to France, each of them on a 300-foot towline behind an LST. Early on D-Day morning the LSTs and the rhinos were off the beaches at Omaha and Utah. Unexpected heavy seas made the task of joining the ferries to the LSTs almost impossible, but after several hours of effort the job was finally completed and the rhinos were on the way to the beaches. It was close to noon before the first rhinos reached the beach, only to discover that the Germans had planted mines and obtacles all along the beaches that made it almost impossible to land. A few got ashore that day, but many of the Seabee crews had to wait offshore with their ferries for a day and a half or more before demolition teams were able to clear the beaches so they could land.

Throughout the first days of the Normandy invasion, despite the hazards of severe weather, mines, and German gunfire, the Seabees and their rhino ferries shuttled between the invasion fleet and the beaches, landing thousands of trucks, tanks, and other vehicles, and tons of the supplies that sustained the American armies ashore.

THE GREAT B-29 BASE ON TINIAN

By the summer of 1944, advancing U.S. Forces in the Pacific War against Japan had reached the Marianas Islands, 4,000 miles west of Hawaii and less than 2,000 miles from Japan itself. On June 15, the Marines hit the beaches at Saipan. On July 21, they began the invasion of Guam, and only three days later the same Marines that had taken Saipan were swarming ashore on Tinian.

Even before the Marines had officially secured Tinian, Seabees began landing to work on their biggest single job of the entire war—constructing the world's largest air base for the Army Air Corps' B-29 "Superfortress" bombers that would soon begin carrying the war to the Japanese homeland. Tinian, 12 miles long, six miles wide, and fairly flat, provided a good airfield site that placed the new B-29's within range of Japan for the first time.

To support the huge B-29 fleet that was to operate from Tinian the Seabees built six runways, each a mile and a half long. Four were built at North Field, together with 11 miles of connecting taxiway and hardstands for 265 planes. At West Field, an 18-mile taxiway network and 361 hardstands were built to support the remaining two bomber runways, as well as two smaller airstrips. In addition to the airfield facilities themselves, the Seabees constructed nearly a thousand buildings, miles of roads, fuel and ammunition storage, and utility systems for the Tinian base.

To carry out the huge construction task, the Navy organized the Sixth Construction Brigade, made up of three Construction Regiments, each of which in turn was made up of several battalions. Altogether some 15,000 Seabees were involved in the Tinian work. The fleet of well over 1,500 pieces of heavy construction equipment assembled for the job included almost 800 trucks, 173 scrapers, 160 tractors and bulldozers, 60 graders, and 80 power shovels.

Working in two ten-hour shifts daily, the Seabees built the world's largest air base in record time. Although much of the terrain was reasonably level, in places the bomber runways required cuts as deep as 15 feet and fills 30 to 40 feet high. By the time the job was done the Seabees had moved more than 11 million cubic yards of earth and coral.

Removal of coral "heads" from the runway sites and quarrying of coral for runway surfacing consumed an average of 12 tons of dynamite and 4,800 blasting caps a day. Maintenance crews worked around the clock to keep equipment going despite the ravages of coral dust that wore out moving parts in a fraction of the usual time. Twenty-four welding crews were required just to repair the damage done to power shovels, bulldozers and scrapers by the hard coral.

Except for one runway, which took 73 days to build, none of the B-29 runways took over 53 days to complete, and the entire base was completed in less than a year. Only a few months after the Seabees first started work the Army's B-29 fleet began striking at Japan from the Tinian base. The biggest Seabee job of the war had played a vital part in launching the great bombing raids that speeded victory in the Pacific War.

CUBI POINT

By far the largest peacetime job ever undertaken by the Navy's Seabees was the construction of a major base for the U.S. Seventh Fleet at Cubi Point, on Subic Bay in the Philippine Islands. Required to support the growing U.S. commitments in the Far East, the Cubi Point base was started at the height of the Korean War in 1951.

Overall direction of the project was in the hands of the 30th Naval Construction Regiment, which was set up at Cubi in September 1951. During the next two years the arrival of Mobile Construction Battalions 2, 3, 5, 9 and 11 brought the Cubi Point construction force to a total of some 3,000 Seabees.

Working as many as three shifts a day, six days a week, the Seabees spent five years converting Cubi Point's jungle and mountains into a modern base for Seventh Fleet carriers. Huge trees, sometimes as much as a hundred and fifty feet tall and six to eight feet in diameter had to be blasted out of the way; swamps filled, and even a native village relocated.

A huge hill was removed and Cubi Point itself widened to accommodate the base's airfield. One battalion was given the task of removing 85 feet from the top of a mountain to provide a safe approach to the runway. Over 200,000 cubic yards of rock and earth were moved in the process.

Once the airfield was done the Seabees built roads, piers, shops, ammunition storage, and barracks to complete the base. By the time the great project was done it was estimated that 20 million manhours of Seabee labor had gone into the building of the Cubi Point base, and that a greater volume of earth had been moved than in the digging of the Panama Canal.

At Cubi Point the Seabees built a major new base for the Navy, but perhaps even more important the project provided a priceless opportunity to develop construction skills and leadership qualities in a whole new postwar generation of Seabees. Hundreds of Seabees who first learned their skills at Cubi Point still serve on active duty. Now senior petty officers and chief petty officers, they provide the indispensable background of experience needed to guide and train the young Seabees of the 1960's.

SEABEES ON THE ICE

This year's 1966–67 Operation Deep Freeze marks the beginning of a second decade of Seabee participation in the continuing U.S. program of scientific study and exploration of the Antarctic continent.

Seabees first landed on Antarctica in 1947 as part of the Navy's Operation High Jump expedition led by RADM Richard E. Byrd. Seabee work in this first post-World War II Antarctic expedition included unloading of supplies and equipment and the construction of new facilities near Byrd's 1939–40 Little America base.

Although Operation High Jump lasted only a few months, the Seabees and the Navy returned to the ice to stay in 1955 when the U.S. began constructing permanent scientific outposts in the Antarctic. The Seabees of the first Operation Deep Freeze, as it was called, were part of the newly formed Mobile Construction Battalion (Special) organized at Davisville, Rhode Island and specially trained in cold weather operations. Their Deep Freeze mission included hauling of supplies by tractor and sled across the ice, construction of camp facilities at Little America and McMurdo Station, and construction of a ski-plane airstrip on the ice of McMurdo Sound.

Among a "wintering over" party from the first Deep Freeze II, were nearly 200 Seabees, whose tasks included support of the scientific program and construction of a 6,000-foot ice runway on McMurdo Sound. Working throughout the Antarctic winter in temperatures that often fell to 65 degrees or more below zero, and despite a fierce three-day blizzard that once destroyed the entire project, the Seabees had the new runway ready for arrival of a Deep Freeze II advance party by air from New Zealand in October 1956.

Before the end of October, RADM Dufek, Commander of Deep Freeze II, took off from the Seabees' ice runway to become the first explorer ever to land at the South Pole by plane. A few weeks later, Seabees, sled dogs, construction materials, and equipment followed the admiral to the Pole to commence construction of a permanent camp at South Pole Station.

In the nearly ten years since the first Deep Freeze expeditions, thousands of Seabees have continued to work at Antarctica, building roads, runways and buildings at the American stations on the frozen continent.

In 1962, a milestone in the use of nuclear energy was achieved when the first of several nuclear reactors began to produce electric power and heat, and to distill fresh water, at McMurdo Station. Operating the reactors were crews made up largely of specially trained Seabees.

Although the climatic environment and much of the materials and equipment they work with have been far different from those normally encountered by Seabees, their traditional qualities of ingenuity, skill, energy, and endurance have enabled the Navy's Seabees to establish a distinguished, and still growing, reputation for their many achievements on the Antarctic ice.

SEABEE TEAMS

An important new part of the Seabee tradition in recent years has been the several types of Seabee Teams, which have proven a valuable addition to U.S. programs aimed at strengthening the free world by helping the people of underdeveloped nations help themselves.

Utilizing the construction skills of carefully selected men, Seabee Teams have been deployed to locations as widespread as Southeast Asia, South America and Africa, where their skills have been employed in a wide variety of "civic action" construction missions aimed at improving the living conditions of the people of other nations.

Even more important than the work they have done themselves, the Seabee Teams have helped to train people of these countries in modern construction methods so that they themselves can continue to improve their own living conditions long after departure of the Seabee Teams.

Although Seabees have always been eager to lend a helping hand wherever they have been, the formal Seabee Team program was not born until 1960, when an Atlantic Seabee detachment was deployed to Haiti. Their mission was the construction of a road, causeway, and pontoon bridge at Lake Miragoane, Haiti, when flooding of the lake threatened to isolate the southern tip of the island.

Soon after this first venture, other Seabee Teams were sent on a regular basis to other countries for similar missions. Since 1960 Atlantic Seabee Teams have deployed to such countries as Chile, Costa Rica, Santo Domingo, Liberia, the Republic of Chad and the Central African Republic, where they have built farm-to-market roads, taught construction skills, and engaged in disaster relief work.

Since January 1963, teams from the Pacific Seabees have been deploying to Thailand and the Republic of Vietnam, where they have engaged in a wide variety of rural development work, including road, bridge, and school construction. Several teams deployed to the Republic of Vietnam have been engaged in construction of Special Forces camps. One team, Seabee Team 1104, was constructing such a camp when it participated in the heroic defense of Dong Xoai against a heavy Viet Cong attack last June.

In addition to the normal 13-man teams, other special teams from the Pacific battalions have performed similar work in Southeast Asia. Well-drilling teams have helped provide pure water suplies to rural villages in Vietnam, and EO/CM teams have helped in a rural road building program in Northeast Thailand.

RADM J. R. Davis, former Commander of the Pacific Seabees, recently expressed the comment of the U.S. ambassador to Thailand that no other U.S. aid program has accomplished as much in proportion to its cost as has the Seabee Team program.

Thus, in a few short years, the Seabee Teams have become a proud—and continuing—part of the Seabee story.

A NEW CHAPTER

In the spring of 1965, as the U.S. increased its commitment of military forces in support of the war against the Viet Cong in South Vietnam, the Seabees were once again called upon to provide construction support to Navy and Marine Corps forces in a combat area. Not since World War II had the Seabees been committed on such a large scale in support of combat operations.

MCB–10, then deployed on Okinawa as the Pacific "alert battalion", was the first to go. Late in April MCB–10 commenced its mount-out, and within less than ten days the entire battalion, its equipment and supplies, and aluminum matting to construct an 8,000-foot expeditionary airfield, were embarked on amphibious force ships of the U.S. Seventh Fleet.

Early on the morning of May 7, in one of the largest operations of its kind since the Korean War, Marines came ashore in a coordinated amphibious landing to occupy the Chu Lai site. The Seabees of MCB–10 were right behind them with their equipment and supplies to set up a camp and begin work on the Chu Lai runway. In only 21 days time, high performance Marine jets were flying strikes against the Viet Cong from the Seabee-built airfield. During the remainder of its Chu Lai deployment MCB–10 continued to expand and improve the airfield, and constructed a wide variety of roads, cantonments, and other facilities in support of units of the Third Marine Amphibious Force operating in the Chu Lai sector.

MCB–3, deployed on Guam as the Pacific "back-up battalion", was the next to leave for Vietnam. Preceded by an advance party, which started work on a battalion camp at the base of Hill 327 at DaNang, MCB–3 mounted out from Guam in May and commenced construction work at DaNang by the end of the month. Chief among Three's projects was the rebuilding of a road leading to the Marine missile site on Hill 327.

MCB–9, deploying from Port Hueneme early in June, was the third battalion to arrive in Vietnam. Establishing its camp next to the South China Sea at DaNang East, Nine immediately started work on a wide variety of projects, chief among them a large Naval Hospital and an extremely difficult road to a missile site on Monkey Mountain, in DaNang Bay.

In order to coordinate mobile construction battalion work in Vietnam, the 30th Naval Construction Regiment, inactive since the Cubi Point project in the early 1950's, was reestablished at DaNang in May. Initially, the regiment was under the command of CAPT Harold F. Liberty. The current commander is CAPT Nelson R. Anderson.

Seabee strength in Vietnam was increased to four battalions in September, when MCB–8, previously an Atlantic battalion, moved to Port Hueneme and almost immediately deployed to DaNang, where it commenced work on port facilities and other projects.

MCB–5 became the fourth Pacific battalion to deploy to Vietnam in September when it relieved MCB–3 at DaNang. A second Atlantic battalion, MCB–4, moved its home port to Port Hueneme in November, and deployed to Chu Lai a month later to relieve MCB–10. Most recently, MCB–11 deployed to DaNang early in February to relieve MCB–9.

The large scale commitment of Seabees to the war in Vietnam has proven the value of the long, hard peacetime deployments and the continuing emphasis on training, mobility, and self-sufficiency characteristic of the Navy's mobile construction battalions. For each of the seven battalions that have thus taken part in the Southeast Asian conflict has shown the same capability to deploy to a new location, establish itself, and commence production construction with a speed, effectiveness, and flexibility unmatched by any other military engineering unit.

With Seabees in demand as never before since World War II the Navy has commenced a broad build-up of the naval construction force. Each of the ten original battalions has been increased in its officer and enlisted complement and early this year the Navy Department announced the formation of four new battalions at Davisville, Rhode Island. MCB–40 was formally commissioned on Feb. 1, with MCB's 58, 62, and 133 to follow during the next few months.

Clearly, as General Douglas MacArthur wrote to ADM Ben Moreell during World War II, "the only trouble with your Seabees is that you don't have enough of them!"

THE DONG XOAI STORY, JUNE 9–10, 1965: SEABEES VICTIMS OF VIETCONG RAID

The quiet serenity of a rainy night in a small Vietnamese military compound quickly turned into a nightmare of death and suffering for nine members of Seabee Technical Assistance Team 1104 early this month. Assigned to construction and improvement of

training facilities of a Civilian Irregular Defense Group (CIDG) camp at Dong Xoai, 55 miles north of Saigon, the Seabee Team and 11 other U.S. Army Special Forces personnel were trapped in one of the bloodiest and hardest fought battles of the Vietnamese war.

The camp area contained a complex of compounds to support three CIDG companies, a Regional Forces company, a small Vietnamese Special Forces detachment, and an armored car platoon. Also in the area was the District Headquarters and a battery of 105mm howitzers.

The bizarre sequence of events started when a lookout reported that "Viet Cong were all over the airfield." A 200-round barrage by 60mm mortars at 11:45 p.m. on June 10 preceded the "human wave" assaults on the walls of the CIDG compound. Intense close range combat continued until 2:30 a.m. when the CIDG defenses were breached and the surviving U.S. troops made their way to the adjacent District Headquarters.

There they were quickly surrounded by the Viet Cong who were employing flame throwers, machine guns, recoilless rifles and small arms against the fortifications. When daylight approached the 2nd Air Division and VNAF aircraft began hitting Viet Cong positions outside the District Headquarters.

A U.S. rocket launcher team of 1st Lt. Charles Williams, U.S. Special Forces Camp Commander and Seabee Marvin G. Shields, CMA3, moved outside the headquarters defenses and successfully destroyed a Viet Cong .30 Cal. machine gun position. Shields was killed returning to the building.

The first lift of relief forces to secure a landing area about a mile and a half north of the embattled village was quickly engaged by VC forces. A pitched battle developed as aircraft continually strafed and struck the VC positions with napalm. About noon the landing area was overrun by Viet Cong forces; only three Vietnamese soldiers reportedly survived from the group of 196 troops and two U.S. advisors originally flown in.

In the meantime, a second lift of relief forces landed at a nearby rubber plantation and was also quickly pinned down by intense Viet Cong fire.

During the middle of the afternoon a coordinated effort of heavy close air support by fixed wing aircraft, permitted elements of the 118th Aviation Company to evacuate the wounded U.S. personnel from the District Headquarters.

Shortly thereafter, a Ranger relief force landed at a soccer field southeast of the town. Another group landed near the District Headquarters. This 300-man force finally reoccupied the District Headquarters compound and captured numerous Viet Cong weapons.

Sporadic fighting continued throughout the second night and the Rangers moved out the next day and recaptured large areas.

Eye witness accounts of the battle area describe the bodies of civilians and military dead strewn throughout the town. Men, women and children were walking around in a daze, the recent events being incomprehensible to them. Others were found sobbing over the fallen bodies of members of their families. Several soldiers were found with their hands tied behind their backs, probably used as human shields during the battle.

The village itself was nothing more than charred ruins; some areas were still burning and smoldering from the recent conflict.

The final count of casualties of the original 20 American forces was three killed, 16 wounded and one unscathed survivor. A total of 12 other Americans were listed as dead or missing as a result of action during the two-day battle. The Vietnamese forces suffered approximately 46 wounded and 300 dead or missing. Viet Cong losses were estimated at more than 700.

Of the nine man Seabee Team, 2 men were killed:

Marvin G. Shields, 26, CM3 of 141 East Clara St. Port Hueneme. He is survived by his wife, Joan, and infant daughter who are presently visiting in Sequim, Washington.

William Clifton Hoover, 25, SW2. He is survived by his parents Mr. & Mrs. Clifton William Hoover of 1320 Hawthorne Drive, San Diego, Calif. Funeral services were held Tuesday at Fort Rosecrans with full military honors.

Six other men suffered injuries:

James M. Keenan, HM2, was treated in Saigon and released.

James Barnett Brakken, 32, BU1, of Puyallup, Washington was also treated and released.

James Davis Wilson, 29, CM1, was released from the Saigon hospital on June 18. His wife Janice and two small children reside at 973–A Jelly Drive.

The other three wounded Seabees have been transferred to the hospital at Clark Air Force Base in the Philippines for further treatment and convalescence. They are:

LTJG Frank A. Peterlin, 26, Officer in Charge of the Seabee Team. He is from Oglesby, Ill.

Johnny Ray McCully, 34, EOC. His wife Petra and two small children live at 611 East Pleasant Valley Rd., Port Hueneme.

Lawrence W. Eyman, 29, UT2. His wife and daughter live at 441 Santa Rosa St., Port Hueneme.

Douglas Martin Mattick, 22 BU2, was the one American not hurt during the fighting.

Four other members of the Seabee Team were not at the camp when the attack occurred. They are:

Jack Lee Allen, 33, EO2. His wife Lillian and three children live at 1520 Woodland St., Oxnard.

John Curtis Klepfer, 24, EO2. His family lives at 950–B Pearson Drive, Port Hueneme.

Frederick Joseph Alexander, 24, EA3, from Buffalo, N.Y.

Richard Stanley Supczak, 32, CE3, from New Bedford, Mass.

WOUNDED SEABEE TELLS OF VIETCONG RAID

(By Marie Levi)

It's quiet now.

The sounds the Seabee hears are the everyday pleasant ones of home—chicken frying in the pan . . . roller skates on the sidewalk . . . the voice of a neighbor at the door . . . a jet far overhead . . .

But James D. Wilson, CM1, can still hear other, more insistent sounds. Pushing through his consciousness is the din of a mortar barrage, the whistling of rifle shells through a military compound, the blast of shrapnel just before it enters human flesh.

Just a month ago today, Wilson and eight other members of Seabee Technical Assistance Team 1104 listened to these sounds of war at Dong Xoai, Viet Nam. They were part of a 30-man force: 11 were Army Special Forces personnel, the others RVN troops.

With the exception of Johnny McCully, EOC, who was standing watch, the Seabees were asleep when all hell broke loose at 11:45 p.m. on 9 June.

Bounced out of their bunks by the thunder of mortars and the staccato of small arms fire, the men quickly took up defensive positions. They were to stand against overwhelming odds of men and arms for the next 14 hours. They were all to feel the searing pain of shrapnel fragments entering their bodies, the deafening roar of battle. Two of the Seabees were to die.

"The very first assault wiped out our communications and destroyed our medical supplies, with the exception of two small bags that James Keenan, HM2, had with him," says Wilson.

"Two out of the three compounds in the camp were overrun and occupied by the Viet Cong. They took over our reserve supplies of ammunition and all through the night and part of the next day they blasted us with mortars, recoilless rifles, flame throwers, and machine guns."

All around them, men were dying. Of the 300 troops, some 40 survived; no man was spared injury.

"If it hadn't been for a jerry-rigged radio put together by one of the Special Forces sergeants, we would have been done for," says Wilson.

With the radio, the survivors were able to maintain communication with command headquarters, and by dawn, American jets began strafing and bombing the area around the camp.

"It was the only thing that saved us," says Wilson.

Two groups of Vietnamese reinforcements tried to move in to save the Dong Xoai camp. The first was on the ground 15 minutes before being wiped out; the second group was pinned down by the Viet Cong and unable to advance.

"There was no possible way to hang on. The Viet Cong were firing on the compound and on the planes overhead with captured American weapons, and the small supply of ammunition we had was just about exhausted."

The only hope was to evacuate the survivors. At 2 p.m. on May 10, American jets and Skyraiders started a heavy bombing and strafing attack around the outside wall of the camp. In the meantime, three helicopters sat down in the middle of the area and picked up the remaining Americans and RVN troops.

"We couldn't have lasted 15 minutes more," says Wilson.

It was almost the heartbreaking end for Douglas Mattick, BUH2. When he started to enter the third helicopter, he was waved off, the chopper was already loaded to capacity. For a moment, he thought another helicopter was due in, but when he saw the three disappearing in the distance, the full force of his predicament hit him. He grabbed the radio, put in a quick distress call, and before long another helicopter was in for the rescue.

"Of the nine of us, two—Marvin G. Shields, CM3, and William C. Hoover, SW2, were dead. LTJG Frank A. Peterlin, officer in charge of the Seabee Team, and McCully were missing." (Both were wounded outside the compound, but were picked up the following day.)

After treatment, four members of the Seabee Team returned to Port Hueneme on July 1. Flown in by commercial aircraft were Wilson; Dale Brakken, BU1; Keenan; and Mattick.

McCully is still hospitalized in San Diego; LTJG Peterlin is undergoing treatment in Okinawa; and Lawrence W. Eyman, is at Clark AFB Hospital, Philippine Islands.

Recalling the massive Dong Xoai attack, Wilson remarks: "It's hard to imagine the sheer strength of numbers among the Viet Cong. They attack in a human wave—it would be impossible to down them all.

"Besides that, the VC round up people in the villages—young and old alike—and use them as human shields. They are completely ruthless as far as human life is concerned. It was a common sight to see women and children disemboweled as an example to other villagers.

"It was a time of horror," he added, "but the morale of the team never dropped. When the going got rough somebody would make a wisecrack, and the tension eased.

"Sure, we wondered sometimes if we would ever get out alive, but we helped each other keep our hopes up."

Of the four men who returned here last week, Mattick expects an early discharge and

return to college. The other three will return to Seabee duty after a 30-day leave period.

Some of the STAT 1104 team members have already volunteered for additional Seabee Team duty in Viet Nam; others will return if assigned there.

As for Wilson, he won't even consider anything but more Seabee duty. A career man with 11½ years already on the books, he expects to serve 30.

"I had a chance to cross rate to communications technician," he says. "It would have meant more shore duty and faster promotions, but I couldn't give up the Seabees."

Most of the men on the Seabee Teams feel exactly the same way.

SEABEE TEAM OIC AWARDED SILVER STAR

For his gallant action during the Viet Cong attack on Dong Xoai, Vietnam, on June 9, LTJG Frank A. Peterlin, Officer in Charge of Seabee Team 1104, was presented the Silver Star Medal by CDR W. W. Barron, MCB-11 Commanding Officer. The awards ceremony, attended by officers and men of the battalion, was held at Camp Kue Army Hospital.

The Silver Star is the fourth highest medal issued by the Navy. ADM Roy L. Johnson, Commander in Chief, U.S. Pacific Fleet, in the citation accompanying the award, said:

"For conspicuous gallantry and intrepidity in action while serving with U.S. Navy Seabee Team 1104 at Dong Xoai, Republic of Vietnam, on 10 June, 1965.

"Shortly before midnight on the preceding night, the compound which LTJG Peterlin's team was assisting to construct came under intense mortar, machine gun, heavy weapons, and small arms fire from an estimated, Viet Cong reinforced regiment.

LTJG Peterlin quickly went to a position on the berm surrounding the compound and for three hours exposed himself to hostile fire by firing at the enemy. During a massive Viet Cong attack with flamethrowers, hand grenades and small arms fire, supported by mortar, machine gun, and heavy weapons fire, LTJG Peterlin at close range, shot a Viet Cong carrying a flamethrower.

"Shortly afterward, LTJG Peterlin was knocked down by an explosion and wounded by a bullet through his right foot. Despite his wound, LTJG Peterlin successfully evaded the Viet Cong forces which had overrun the compound and was able to conceal himself from the enemy for more than a day before being rescued. His coolness and effectiveness under fire were a constant encouragement to those about him."

MCB-11 NAMED "BEST OF TYPE"

MCB-11 has been named "Best of Type" among Pacific mobile construction battalions for 1965.

A message from RADM James R. Davis, COMCB-PAC, announcing the award stated:

"As a battle ready fleet unit, you have aptly demonstrated the construction and combat support capability of our modern naval construction force . . . the officers and men of MCB-11 may justly take pride in this achievement which reflects consistently distinguished performance throughout the competitive period."

CAMP SHIELDS HONORS SEABEE HERO

CAMP SHIELDS, CHU LAI, RVN, Sept. 10.—Today the Seabee Camp at Chu Lai was named Camp Shields in memory of Marvin G. Shields, CM3.

Shields died from wounds received while members of his unit, Seabee Team 1104, were assisting in the defense of the Special Forces Camp at Dong Xoai against an attack by the Viet Cong on June 10. The attack began late the previous night.

While assisting a wounded Army officer to a safe position, Shields sustained wounds about his face, neck and back. Despite these wounds he continued steadfast in fighting against the Viet Cong, both by means of his rifle and by throwing hand grenades.

When light broke on the morning of the 10th, Shields readily volunteered to assist in destroying an enemy machine gun emplacement. Though he had never used a 3.5 inch rocket launcher before, he performed the job well and was instrumental in destroying the position while under heavy enemy fire.

In returning to his previous position machine gun fire struck his right leg, nearly tearing it off. Though mortally wounded, he was able to move to a sheltered position and received aid. Throughout the remainder of the morning he was instrumental in keeping up the spirits of the defenders by laughing and making jokes.

Shields died that afternoon shortly after being evacuated by helicopter.

For his bravery and devotion to duty Shields has been recommended for the Navy Cross. His actions throughout were in keeping with the highest traditions of the Naval service.

The Seabees of MCB-10 are proud to enshrine the name of Marvin G. Shields in the camp which they established as a memorial to a fellow Seabee who exemplified the "Can Do" spirit of the Seabees in action against the Viet Cong.

Shields is survived by his wife, Joan, a young daughter and his mother Mrs. Victoria Cassalery, all of Port Townsend, Washington.

RECOMMENDATIONS OF THE JOINT COMMITTEE ON THE ORGANIZATION OF THE CONGRESS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Maryland [Mr. SICKLES] is recognized for 5 minutes.

Mr. SICKLES. Mr. Speaker, when the family car begins to creak and slow down, we do not hesitate to take it to the garage for repairs. And once in the garage, when we can see what the trouble is, we do not hesitate to replace parts which just will not work any more.

This is just good sense, for by keeping the car in good repair we know it will give us better service in the long run.

Many Americans—both legislators and private citizens—believe that Congress is in much the same condition as the old family car. The time has come to tune up the machinery and replace some wornout parts.

Eighteen months ago Congress drove itself into the repair shop when it created the Joint Committee on the Organization of the Congress. Recently it completed its analysis of the repairs that are needed. This analysis is in the form of a number of recommendations designed to streamline the congressional machinery.

The driving force of the Congress is its committees. For Congress to work efficiently, its committee system must function smoothly, just as the pistons of a car must run smoothly.

If the committees delay action, or do not operate at all, then Congress—like the old family car—slows down and may even come to a complete halt.

Thus, the major impact of the proposed reforms have to do with the committee system in both the House and the Senate. There are two problems relating to committees generally today. One is the division of various committee responsibilities. The other is that the committee chairman too often is "all powerful." If he fails to call meetings the work of the committee just does not get done.

To deal with this second problem, the proposed reforms establish a "committee bill of rights." They give the majority of the committee membership the right to call meetings and report legislation in the event the chairman refuses to do so.

Committee responsibilities would be "tuned up" by redefining the roles of several of the existing standing committees. For example, in both the House and the Senate the Committees on Banking and Currency would be renamed the Committees on Banking, Housing, and Urban Affairs. This change would give recognition to the growing problems of urban areas.

But in any tuneup the mechanic in analyzing the problems may recommend changes that not everyone agrees with.

One such change proposed by the joint committee that I disagree with is that the House and Senate committees now dealing jointly with education and labor be split in two. Thus one committee in each Chamber would be responsible for educational matters and another for labor and welfare matters.

I think this approach is unwise, because my service on the House Committee on Education and Labor during the past 4 years has thoroughly convinced me of the desirability of having a single committee deal with both these matters.

The problems of education and of labor are too closely intertwined to have them considered separately. One purpose of education is to prepare a person to serve usefully in the labor force. Many problems of our work force must be served by education and training programs. Therefore, Federal legislation dealing with education should be viewed in the context of the existing labor market and labor legislation.

Conversely, most labor legislation should be considered in the context of our federally supported education programs.

The people who are affected by Federal labor and education programs know this, too.

The man on the assembly line today often recognizes his own education as inadequate to deal with the complexities of his job. He knows also that his son, certainly, will have to have a far better education than he did to perform successfully the work tasks of tomorrow.

In a similar way, the teacher who trains the young person for his working life needs to know what sort of job she is training him for.

Thus, I think it would be extremely unwise to separate labor and education legislation by creating new committees to deal with these matters. However, in most other respects I think the joint committee's recommendations are very useful and should be given prompt consideration by Congress. The family car needs the proposed tuneup.

PERSONAL EXPLANATION

Mr. RYAN. 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 New York?

There was no objection.

Mr. RYAN. Mr. Speaker, last Thursday, September 8, there was one quorum call (roll No. 270) and two record votes on H.R. 14026, the temporary interest rate control bill.

Circumstances required my presence in Buffalo, N.Y., on Thursday afternoon, where I had the honor at the Democratic State Convention to place the name of Arthur Levitt in nomination for reelection as comptroller of New York State.

If I had been present, I would have voted "aye" on roll No. 271 for the motion to recommit and "no" on roll No. 272 against final passage.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mrs. MAY (at the request of Mr. ARENDS), for today, September 13, 1966, 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:

(The following Members (at the request of Mrs. REID of Illinois) to revise and extend their remarks and include extraneous matter:)

Mr. HALPERN, for 15 minutes, today.

Mr. TEAGUE of California, for 15 minutes, today.

Mr. MOORE, for 15 minutes, on Thursday, September 15.

Mr. SICKLES (at the request of Mr. MATSUNAGA), for 5 minutes, today; to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. DAVIS of Wisconsin to include newspaper articles with his remarks made today in the Committee of the Whole on H.R. 17636.

Mr. CRAMER to revise and extend his remarks made today in the Committee of the Whole on H.R. 16559 and to include extraneous matter.

Mr. ROSENTHAL.

(The following Member (at the request of Mrs. REID of Illinois) and to include extraneous matter:)

Mr. HALPERN.

(The following Member (at the request of Mr. MATSUNAGA) and to include extraneous matter:)

Mr. CAREY in two instances.

ADJOURNMENT

Mr. MATSUNAGA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 58 minutes, p.m.) the House adjourned until tomorrow, Wednesday, September 14, 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:

2725. A letter from the Attorney General, transmitting a report on the problems of small business displacement under Federal and federally assisted programs of public improvement, pursuant to the provisions of section 10(c) of the Small Business Act of 1958, as amended; to the Committee on Banking and Currency.

2726. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide for the participation of the Department of the Interior in the construction and operation of a large prototype desalting plant, and for other purposes; to the Committee on Interior and Insular Affairs.

2727. A letter from the Chairman, Atomic Energy Commission, transmitting a draft of proposed legislation to amend Public Law 89-428 authorizing appropriations pursuant to section 261 of the Atomic Energy Act of 1934, as amended; to the Joint Committee on Atomic Energy.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS:

H.R. 17671. 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. REID of New York:

H.R. 17672. A bill to amend the National Labor Relations Act to give employers and performers in the performing arts rights similar to those given by section 8(f) of such act to employers and employees in the construction industry; to the Committee on Education and Labor.

By Mr. ARENDS:

H.R. 17673. 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. BINGHAM:

H.R. 17674. A bill to authorize the issuance of cost-of-living saving bonds; to the Committee on Ways and Means.

By Mr. GERALD R. FORD:

H.R. 17675. A bill to amend the act of September 30, 1961 (75 Stat. 732); to the Committee on the Judiciary.

By Mr. HANNA:

H.R. 17676. A bill to provide for the participation of the Department of the Interior in the construction and operation of a large prototype desalting plant, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. JOELSON:

H.R. 17677. A bill to amend the Internal Revenue Code of 1954 to provide that the income tax exemption of certain voluntary employees' beneficiary associations shall be determined on the basis of their net income; to the Committee on Ways and Means.

By Mr. JONAS:

H.R. 17678. 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. LAIRD:

H.R. 17679. A bill to amend the act of September 30, 1961 (75 Stat. 732), relating to professional athletics; to the Committee on the Judiciary.

By Mr. LENNON:

H.R. 17680. 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. LONG of Louisiana:

H.R. 17681. A bill to exclude from income certain reimbursed moving expenses; to the Committee on Ways and Means.

By Mr. O'BRIEN:

H.R. 17682. A bill to amend the Federal Property and Administrative Services Act of 1949, as amended, and for other purposes; to the Committee on Government Operations.

H.R. 17683. 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. PASSMAN:

H.R. 17684. A bill to amend the authorization for the Ouachita Basin project; to the Committee on Public Works.

By Mr. PRICE:

H.R. 17685. A bill to amend the Atomic Energy Act of 1954, as amended; to the Joint Committee on Atomic Energy.

By Mr. REID of New York:

H.R. 17686. 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. ROUDEBUSH:

H.R. 17687. 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. YOUNGER:

H.R. 17688. A bill to authorize and direct the Secretary of Health, Education, and Welfare and the Federal Trade Commission to regulate statements of net quantity on the labels of certain packaged consumer commodities in order to facilitate price comparison by consumers; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of Illinois:

H.R. 17689. 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. BERRY:

H.R. 17690. A bill to provide that no further sales may be made under the Participation Sales Act of 1966; to the Committee on Banking and Currency.

By Mr. CHAMBERLAIN:

H.R. 17691. 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. DOW:

H.R. 17692. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce; to the Committee on the Judiciary.

By Mr. FINDLEY:

H.R. 17693. A bill to repeal certain provisions of the Sugar Act of 1948, as amended, to establish a new and improved sugar program, and for other purposes; to the Committee on Agriculture.

By Mr. HOSMER:

H.R. 17694. 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. KING of Utah:

H.R. 17695. 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. KORNEGAY:

H.R. 17696. A bill to authorize and direct the Secretary of Health, Education, and Welfare and the Federal Trade Commission to regulate statements of net quantity on the labels of certain packaged consumer commodities in order to facilitate price comparison by consumers; to the Committee on Interstate and Foreign Commerce.

H.R. 17697. A bill to exclude from income certain reimbursed moving expenses; to the Committee on Ways and Means.

By Mr. MINSHALL:

H.R. 17698. A bill to amend the act of September 30, 1961 (75 Stat. 732); to the Committee on the Judiciary.

By Mr. REIFEL:

H.R. 17699. 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. SCHISLER:

H.R. 17700. A bill to incorporate Mothers of World War II, Inc.; to the Committee on the Judiciary.

By Mr. CHARLES H. WILSON:

H.R. 17701. A bill to amend title XVIII of the Social Security Act to permit payment to an individual for the charges made by physicians and other persons providing services covered by the supplementary medical insurance program prior to such individual's own payment of the bill for the services involved; to the Committee on Ways and Means.

By Mr. OTTINGER:

H.R. 17702. A bill to authorize a program of research, development, and demonstration of electrically powered vehicles; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER:

H.R. 17703. A bill to strengthen the regulatory and supervisory authority of Federal agencies over insured banks and insured savings and loan associations, and for other purposes; to the Committee on Banking and Currency.

By Mr. ADAMS:

H.J. Res. 1301. Joint resolution to authorize the President to issue annually a proclamation designating the 7-day period beginning October 2 and ending October 8 of each year as Spring Garden Planting Week; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:

H.J. Res. 1302. Joint resolution proposing an amendment to the Constitution relating to terms of judges of the Supreme Court of the United States; to the Committee on the Judiciary.

By Mr. JONAS:

H. Con. Res. 1006. Concurrent resolution to modify the tariff concessions granted by the United States under article XXVIII of GATT; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII,

497. Mr. CONTE presented a memorial of the Legislature of the Commonwealth of Massachusetts, relative to Federal Government contributions to municipalities constructing water pollution control facilities, which was referred to the Committee on Public Works.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLATNIK:

H.R. 17704. A bill for the relief of William John Masterton, George Samuel Konik, and Louis Vincent Nanne; to the Committee on the Judiciary.

By Mr. BINGHAM:

H.R. 17705. A bill for the relief of Romualdo D'Elia and his wife, Lucia Mastrorilli D'Elia; to the Committee on the Judiciary.

By Mr. HECHLER:

H.R. 17706. A bill for the relief of Melhem Elias El Khouri; to the Committee on the Judiciary.

By Mr. REES:

H.R. 17707. A bill for the relief of Claudette Norma Howard; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 17708. A bill for the relief of Miss Keum Hi Shin; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

431. The SPEAKER presented a petition of the Polish Legion of American Veterans, Harvey, Ill., relative to increased compensation and pensions of veterans and their dependents, which was referred to the Committee on Veterans' Affairs.

EXTENSIONS OF REMARKS

Commodore Barry Day

EXTENSION OF REMARKS

OF

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1966

Mr. CAREY. Mr. Speaker, today marks the 163d anniversary of the death of Commodore John Barry, the "Father of Our Navy."

Bicentennial observances of events of the Revolutionary War will soon be upon us. John Barry's great contributions to the victory of American arms in the conflict that won us our national independence from British tyranny must never be forgotten. His valor and his victories must be acknowledged in the bicentennial observances that will take place in the future, and they must be recognized today on the anniversary of his death.

He was born at Tacumshane, County Wexford, Ireland, went to sea as a boy, and about 1760 settled in Philadelphia, where he eventually became a prosperous shipmaster and shipowner. In 1776 he showed an Irishman's enthusiasm for the cause of the Colonies against British oppression and was placed in command of the brig *Lexington* by the Continental Congress. On April 17, 1776, he captured the British tender *Edward*. This was the first capture in actual battle of a British warship by a regularly commissioned American cruiser.

Barry received the personal congratulations of General Washington for his valor in the performance of a daring exploit on the lower Delaware in 1777. With four small boats he had cut out an armed British schooner without the loss of a man, and captured at the same time a number of transports and a large quantity of supplies destined for British troops.

Barry then volunteered for duty with the American Army and participated with distinction in the Trenton campaign. He was then given command of the *Raleigh*, 32 guns, with which he fought a gallant and obstinate battle against superior forces, finally being obliged to beach his ship, but saving most of his men from capture.

His most successful cruise started in February of 1781 when he sailed from Boston for France commanding the *Alliance*. He captured the privateer *Alert* en route. He put down a mutiny, and then captured the privateers *Mars* and *Minerva*. After a fierce engagement he forced two British brigs, the *Atlanta* and the *Trepassey* to strike their colors. Barry was severely wounded in the action.

To Barry belongs the distinction of having fought the last naval action of the War for Independence. Aboard the *Alliance* he arrived at Martinique early in January of 1783 and found orders to proceed to Havana. Leaving that port he encountered the *Sybille*. His first mate, John Kessler, wrote as follows about the engagement:

> Two of the enemy's ships kept at a distance on our weather quarter as if waiting to ascertain about the French ship, while the other was in our wake with topsails only and courses hauled, as was also the case with the *Alliance*. The French ship approaching fast, Captain Barry went from gun to gun on the main deck, cautioning against too much haste and not to fire until the enemy was right abreast. He ordered the main topsail hove to the mast that the enemy (who had already fired a bow gun, the shot of which struck into the cabin of the *Alliance*) might come up as soon as he was abreast, when the action began, and before an half hour her guns were silenced and nothing but musketry was fired from her. She appeared very much injured in her hull. She was of thirty-two guns and appeared very full of men, and after an action of forty-five minutes she sheered off. Our injured were, I think, three killed and eleven wounded (three of whom died of their wounds) and one sail and rigging cut.

During all the action the French lay to as well as the enemy's ships.

As soon as the ship which we had engaged hove from us, her consorts joined her and all made sail, after which the French ship came down to us, and Captain Barry asked them why they did not come down during the action. They answered that they thought we might have been taken and the signal known and the action only a sham to decoy him. Their foolish idea thus perhaps lost us the three frigates, for Captain Barry's commencing the action was with the full expectation of the French ship joining and thereby not only be able to cope, but in fact subdue part, if not the whole, of them. The French captain proposed, however, giving chase, which was done; but it soon appeared that his ship would not keep up with us, and the chase was given over.

Years later, in 1794, when the Congress of the United States ordered the construction of six frigates to combat the depredations of the Algerian pirates, Barry was named senior captain and placed in command of the *United States*, being, as was said:

Of all the naval captains that remained . . . the one who possessed the greatest reputation for experience, conduct, and skill.

During the hostilities with France, Barry was placed in command of all the naval forces in West Indian waters, remaining there until the beginning of May 1799. In December of that year he escorted the American envoys to France. On his return he took command of the Guadaloupe station in the West Indies, a position he retained until 1801. He died 2 years later at the head of the U.S. Navy.

On this anniversary of his death, we salute the memory of a great man, a great naval leader, and a great Irish American, Commodore John Barry.

Traffic Safety Act of 1966

EXTENSION OF REMARKS

OF

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1966

Mr. ROSENTHAL. Mr. Speaker, as President Johnson signs the Traffic Safety Act of 1966 into law, Congress assumes a long overdue social responsibility—that of helping to preserve the lives of the many millions who use American roads as drivers, passengers, or pedestrians.

Highway accidents are the fourth greatest cause of death and injury in the United States. The search for knowledge which will eliminate other great killers, such as cancer and heart disease, is relentless. Yet until the hearings leading to the formulation of this act, there was little knowledge about the cause of highway mishaps. Investigation of mechanical failure in automobile accidents is rare unless the accident occurs on property belonging to railroads or others having a defensive interest. Thus, there is little effort to differentiate between driver carelessness and mechanical failure. When mechanical defects are found to be the true cause of an accident, the nature of the deficiency is not usually made public. Therefore, the manufacturer is not compelled to correct it.

The Traffic Safety Act of 1966 will provide safety standards for motor vehicles. It will authorize careful investigation of accidents and research on safety devices and methods of accident prevention. It will screen out many unqualified drivers. Most important, it will give the American consumer much greater knowledge of the automobile, truck, or bus that he buys.

The plight of the consumer when he purchases an automobile is similar to his plight when he buys bread, frozen foods, tires, or many other commodities. Quality control is often inadequate. Facts about distribution of costs of various elements in marketing are difficult to discover. Deceptive advertising is not uncommon, nor is advertising which deliberately dissuades the buyer from purchasing that which he needs most. This might be a quality product in a simple rather than an expensive, wasteful package, or it might be a car which is safe rather than flashy.

Consumers, with no one especially designated to protect their interests, have been the victims of a campaign to convince them that all they need in a car is speed, styling, and status. The manufacturer is reluctant to spend money where it cannot be seen. He prefers to continue to gear his advertising toward convincing the customer that he is buying youth and power along with the car.

If there had been a department specifically created to protect and inform consumers, perhaps we could have had this legislation as long ago as 1958 when manufacturers were briefly interested in playing down speed and introduced such optional safety items as the padded dashboard. If consumers had been aware of the deficiencies existing in various automobiles, it would not have taken so many years, or so many lives, to prove the point that there must be standards of safety rigorously upheld.

We are finally doing a great service for the consumer, who, once this legislation is in effect, will have a much better idea of exactly how safe the car he buys is. Having reliable information at hand and confidence in the research and development which the Traffic Safety Act of 1966 authorizes, he will be willing to pay for the safety devices built into every car.

Ralph Nader, author of "Unsafe at Any Speed," first stimulated interest and action at the highest levels of government. He deserves great credit for this legislation; Mr. Nader was one man representing many. He played the role of a consumer agency by questioning and criticizing the automotive industry.

Mr. Nader, as spokesman for the consumer, showed that in the automotive industry it is necessary to remove research on safety devices and accident cause from private hands in order to make progress. It is simply that commercial interests compromise. In this case, they compromise the results of testing, and influence adversely the kinds of automobiles ultimately developed. Opponents of the act have argued that competition drives inferior products from the market. But this takes time, and we cannot tolerate needless loss of life while waiting for advertising campaigns to force competition on the issue of safety. It is clear that clever advertising and marketing techniques do not always succeed in deceiving the consumer as Mr. Nader exemplifies him.

Consumers throughout the country are looking increasingly to the Federal Government for information about products of all kinds, for quality controls and standards which must be met by producers. They will not be disappointed in this instance. The Traffic Safety Act of 1966 is a piece of socially important legislation.

Medical Costs

EXTENSION OF REMARKS

OF

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1966

Mr. HALPERN. Mr. Speaker, along with the general rise in prices, it is clear that medical costs are outrunning the average, and it is this statistic which raises some rather frightening implications.

The July figures showed an increase of 0.4 percent in the Consumer Price Index. Over the past 12 months, the trend has been upward. We are in an inflationary situation, as every economist now recognizes.

In July, medical costs outpaced the average index by surging 0.7 percent. In fact, over the past 6 months, medical costs have increased by 3.4 percent. And there is nothing which indicates that the trend will ebb or reverse itself in the months ahead.

Sharply increasing medical costs moved the President to direct Secretary John W. Gardner to conduct a swift study of the situation. I certainly hope that this will yield some information on why health care is soaring in cost, and what measures we can take to stem the tide.

While the price of retail drugs has not appreciably increased, it is evident that this is a major item in the total health care bill of the individual. The costs of prescription drugs are prohibitive.

I strongly urge that the Congress consider legislation which I am sponsoring aimed at reducing the price of medicines to the consumer. H.R. 8844, now before the Judiciary Committee, would provide for compulsory licensing of prescription drug patents if, after a hearing it is found that such drugs are quoted to druggists at a price exceeding 500 percent of production cost. The object is to permit competition if the manufacturers are realizing an exorbitant return. The intent is to bring down the price of medical drugs.

Another bill, H.R. 14063, would include prescription drugs among the medical expenses covered under the medicare supplementary benefit plan.

The Nation's indigent and elderly population should not be called upon to bear the uneven brunt of inflation. As a priority, Congress must insure that medicine and health care are not priced beyond the reach of those who need it most.

The Right Reverend Monsignor Frederick G. Hochwalt, 1909–66

EXTENSION OF REMARKS

OF

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1966

Mr. CAREY. Mr. Speaker, on September 5, the Right Reverend Monsignor Frederick G. Hochwalt, secretary general of the U.S. National Catholic Educational Association and former director of the National Catholic Welfare Conference's Education Department, died aboard a ship en route to Venice.

Monsignor Hochwalt was the proverbial man of many parts: educator, administrator, innovator, polemicist, and advocate.

To all his roles he brought an urbanity that disarmed more than one opponent and made him one of the best known and liked figures on the national educational scene.

As secretary general of the National Catholic Educational Association and, for nearly 22 years, director of the Education Department of the National Catholic Welfare Conference, he was called on repeatedly to act as spokesman for Catholic schools in a time of epochal change.

On many occasions he defended the rights of Catholic schools and their students before congressional committees. He was closely identified with the long battle to win equal treatment for nonpublic education in Federal aid programs.

He constantly supported efforts to improve the performance of Catholic schools. Typically, he was one of the directors of the recent University of Notre Dame study of Catholic education, a massive effort to uncover the facts about Catholic schools as an essential preliminary to making them better.

One of his last public statements was a call to innovation in order that Catholic schools could meet new needs and changing times more effectively. In the introduction to an NCEA booklet, "Support Programs and the Private School," he recommended dropping the traditional parochial approach to financing parochial schools which relies on tuition, individual contributions and drives in favor of more professional, better organized efforts.

The keystone of his career was conviction that nonpublic schools are needed to preserve the dual structure—public and private—of American education and thus respect the realities of a pluralistic society.

Coupled with this was a commitment to the rights of the Nation's 5.5 million parochial school students, both for their own sakes and for the well-being of the country.

If Congress concludes that the educational standards of the country demand an upgrading and that this must come about by federal aid and encouragement—

He told a Senate subcommittee in June 1963—

then the general welfare of the country and the national interest dictate that all children receive this help and encouragement.

He resigned in January of this year as director of the NCWC Education Department after having been in poor health for some time. Msgr. James C. Donohue, his successor, commented then that it was "the measure of his genius that he saw the need for change and was its catalyst, that he planned for development and was its inspiration."

Born in Dayton, Ohio, February 25, 1909, he attended Catholic schools and received his B.A. from the University of Dayton in 1931. He was ordained in 1935 and later received an M.A. and Ph. D. in educational administration from the Catholic University of America.

After holding several posts in the Cincinnati archdiocese, including assistant superintendent of schools, he was named to his position with the NCEA and NCWC in 1944, succeeding the late Msgr. George Johnson, under whom he had studied at the Catholic University.

His role as spokesman for Catholic education began early as the debate over Federal aid to education and the inclusion of Catholic schools in aid programs got underway in earnest after the war.

At a stormy session of the American Association of School Administrators 1947 convention in Atlantic City, for example, a professor from Columbia University Teachers College accused Catholics of blocking Federal aid to public schools by uniting with "reactionary and financially selfish groups" until their own schools were included in the proposed Federal program.

Monsignor Hochwalt hit back by accusing opponents of aid to parochial schools of a very negative and obstructionist attitude. He also denied that aiding nonpublic schools would hurt public schools.

He said:

On the contrary, a strong complementary system of education should prove the greatest incentive to public education.

The battle over Federal aid waxed and waned over the next decade and a half, and Monsignor Hochwalt was in the thick of the controversy.

When, in January 1963, Congress held hearings on a Federal-aid program that would have excluded church-related elementary and secondary schools, Monsignor Hochwalt said:

It contains something for everybody, everybody except the children whose parents have elected to send them to private schools.

By excluding children in church-related schools, he said, the program ignores one child in seven. He added that—

Any proposal of a pattern of discriminatory legislation that disregards such a rich educational resource cannot be called balanced nor can it be considered truly in the national interest.

The Federal-aid debate was resolved, at least temporarily, by the enactment, in 1965, of the Elementary and Secondary Education Act, which includes nonpublic-school children in its major programs. The act incorporates the "child benefit" principle for aiding such pupils.

Monsignor Hochwalt urged that all concerned help to make the program work.

He said:

Educators—and I mean those in public and parochial school systems—are going to have to make a concerted effort to see how this provision can be successful.

Holder of honorary degrees from a dozen colleges and universities and of numerous other awards, Monsignor Hochwalt served on many government and private education commissions.

Summing up his carreer at the time of his retirement from his NCWC post in January, Monsignor Donohue commented:

As a spokesman for Catholic education for two decades he presented the case for Christian education professionally, with great dignity, realistically and, perhaps most important of all, optimistically. No one else could have done it as well.

HOUSE OF REPRESENTATIVES

WEDNESDAY, SEPTEMBER 14, 1966

The House met at 12 o'clock noon.

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

Behold, God is my salvation, I will trust and not be afraid.—Isaiah 12: 2.

Almighty God, Father of all mankind, whom to know is life eternal, whom to love is life glorified and whom to serve is life filled to the full, in spirit and in truth we bow before this altar of prayer offering unto Thee once again the devotion of our hearts. Some of our number are celebrating the coming of another new year—may they and we enter it in the power of Thy spirit. We acknowledge that in days past we have done what we ought not to have done and we have not done what we ought to have done. We have had opportunity to forward Thy spirit of good will among men and we have fallen by the way. Forgive us, O God, and renew a right and a good spirit within us—that this year may witness a renewed purpose to struggle for the right in church and city and country that poverty and violence and misunderstanding may disappear, and that justice and peace and understanding may appear in our Nation and in our own hearts. Amen.