SENATE

THURSDAY, SEPTEMBER 15, 1966

(Legislative day of Wednesday, September 7, 1966)

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

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

Dear God and Father of all nations and lands, we come before Thee in the interest of the land we love the most.

Thou hast been our guide in days when we could not find the path to peace and the way of life for the betterment of all mankind. Today, we need that guidance and the light to walk that path. Lead us and guide us.

We have received inspiration and information in the past for world order when chaos faced us. Inspire and inform, through the best judgment and debate, these leaders of our Nation today as they seek order, justice, and peace.

Give to us daily the message of the God of our fathers during these holy days of the Jewish faith. Impress upon us also the message of The Way, The Truth, and The Life as we find these through our Lord Jesus Christ. In the Master's name. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the Journal of the proceedings of Wednesday, September 14, 1966, was approved.

MESSAGE FROM THE PRESIDENT—APPROVAL OF BILL

A message in writing from the President of the United States was communicated to the Senate by Mr. Jones, one of his secretaries, and he announced that on September 13, 1966, the President had approved and signed the act (S. 3155) to authorize appropriations for the fiscal years 1968 and 1969 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House insisted upon its amendment to the bill (S. 3467) to amend the National School Lunch Act, as amended, to strengthen and expand food service programs for children, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. COOLEY, Mr. POAGE, Mr. GATHINGS, Mr. HAGEN of California, Mr. PURCELL, Mr. BELCHER, Mr. QUIE, and Mrs. MAY were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 11256. An act to amend the Internal Revenue Code of 1954 with respect to the priority and effect of Federal tax liens and levies, and for other purposes; and

H.R. 17637. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1967, and for other purposes.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated:

H.R. 11256. An act to amend the Internal Revenue Code of 1954 with respect to the priority and effect of Federal tax liens and levies, and for other purposes; to the Committee on Finance.

H.R. 17637. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1967, and for other purposes; to the Committee on Appropriations.

BILL INTRODUCED

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SYMINGTON:

S. 3835. A bill for the relief of Mrs. Basyle Glenn Gulledge; to the Committee on Post Office and Civil Service.

ADDITIONAL COSPONSORS OF BILLS

Mr. KUCHEL. Mr. President, I ask unanimous consent that at the next printing of S. 3793, to authorize the Secretary of the Interior to reimburse part of certain fishery permit fees paid to foreign countries by U.S. fishermen, the name of the distinguished senior Senator from Washington [Mr. MAGNUSON] be added as a cosponsor.

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

Mr. CARLSON. Mr. President, as a result of modern communications and modern transportation, there is an ever-increasing problem among the States in regard to taxation of interstate commerce.

It is a problem that must have the consideration of Congress with the hope that needed adjustments can be made.

It is my hope that the Senate Finance Committee will in the near future hold hearings on this important subject, with a view of coming up with recommendations to the Senate.

The Senator from Connecticut [Mr. RIBICOFF] on September 9 introduced S. 3816. This is a bill that might well be used as a basis for the hearings and study by the Senate Finance Committee, and I ask unanimous consent that my name be added as a cosponsor.

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

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 15, 1966, he presented to the President of the United States the following enrolled bills:

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

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

CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar, beginning with Calendar No. 1557.

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

REINSTATEMENT OF A CERTAIN OIL AND GAS LEASE BY THE SECRETARY OF THE INTERIOR

The Senate proceeded to consider the bill (S. 2918) to direct the Secretary of the Interior to reinstate a certain oil and gas lease which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior shall receive, consider, and act upon any petition of Paul T. Walton, Thomas F. Kearns, and Jerome B. Guinand filed within one hundred and eighty days after the date of enactment of this Act, for reinstatement of United States oil and gas lease (Wyoming 0310090), and may reinstate such lease in accordance with the provisions of section 31(c) of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 188(c)).

The amendment was agreed to.

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

The title was amended so as to read: "A bill to authorize the Secretary of the Interior to consider a petition for reinstatement of an oil and gas lease (Wyoming 0310090)."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1593), explaining the purposes of the bill.

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

PURPOSE

S. 2918 directs the Secretary of the Interior to reinstate a noncompetitive oil and gas lease (Wyoming 0310090) which was canceled when the lessee pointed out an error by the Wyoming land office in the computation of acreage which resulted in underpayment of rent. The Department contends that regardless of the error by land office personnel, under the provisions of section 31(a) of the Mineral Leasing Act, as amended (30 U.S.C. 188(a)), the Secretary has no choice but must terminate the lease.

NEED FOR LEGISLATION

The proposed legislation is needed in order that equity may be done to a lessee who acted wholly in good faith.

The Wyoming land office in May 1964 issued a simultaneous oil and gas list, in which was

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included a tract designated as parcel 750, which the land office stated comprised 2,040 acres.

Paul T. Walton, Thomas F. Kearns, and Jerome B. Guinand filed an offer card for this parcel and submitted advance rental in the amount of $1,020, the amount required by law and regulation at the rate of 50 cents an acre, for 2,040 acres.

Walton, Kearns, and Guinand were the successful offerors and a lease was issued to them effective August 1, 1964. The lease contained a legal description of the lands as shown on the simultaneous list and showed "total area, 2,040 acres; retained rental, $1,020."

A courtesy notice dated May 7, 1965, showed the annual rental due on 2,040 acres as $1,020. Payment of the second year's rental in the amount of $1,020 was received on July 29, 1965.

By a letter dated January 5, 1966, Mr. Paul T. Walton, one of the lessees, brought to the attention of the Wyoming land office of the Bureau of Land Management of this Department that, based on the land description contained in the simultaneous notice and on the lease, the acreage appeared to be more than shown on the lease, and that additional rental was due for the first and second lease years. A review of the situation revealed (1) that the land office initially had made a mistake in showing the area as 2,040 acres on the simultaneous list, (2) that the land office continued the error in showing 2,040 acres on the issued lease, (3) that, in fact, the lands in the lease contained 2,190.36 acres, and (4) that the advanced rental for the first year and second year was short in the amount of $75.50 for each year. Thus, in a decision dated January 11, 1966, the Wyoming land office held that the lease terminated by operation of law for nonpayment of the full amount of the second year's rental.

Although the decision of the Wyoming land office canceling the lease is under appeal to the Director of the Bureau of Land Management, and therefore the lessee has not exhausted his administrative remedies, the committee feels that equity warrants legislative relief.

COMMITTEE AMENDMENT

The committee, however, amended the bill to make it conform to the pattern set forth in the act of October 15, 1962 (76 Stat. 943), thus authorizing the Secretary to receive evidence as to the equities and to consider reinstatement of the lease, rather than directing him to do so. The language adopted by the committee, which had been recommended by the Interior Department, is the usual form for such legislation.

AUTHORIZATION FOR THE PRESIDENT TO RETIRE LT. GEN. ROBERT WESLEY COLGLAZIER, JR., IN THE GRADE OF LIEUTENANT GENERAL

The Senate proceeded to consider the bill (S. 3500) to authorize the President to retire Lt. Gen. Robert Wesley Colglazier, Jr., in the grade of lieutenant general which had been reported from the Committee on Armed Services with an amendment to strike out all after the enacting clause and insert:

That the President is authorized to advance Major General Robert Wesley Colglazier, Junior (O223635), to the grade of lieutenant general on the retired list, effective on the date of the enactment of this Act, and Major General Colglazier shall be entitled to all the benefits of retirement in the grade of lieutenant general.

The amendment was agreed to.

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

The title was amended so as to read: "A bill to authorize the President to advance Major General Robert Wesley Colglazier, Junior, to the grade of lieutenant general."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1598), 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 the President to advance Maj. Gen. Robert Wesley Colglazier, Jr., to the grade of lieutenant general on the retired list of the Army.

EXPLANATION

Section 3962(a) of title 10, United States Code, permits the President, by and with the advice and consent of the Senate, to retire an officer who has served on active duty as a lieutenant general or a general in the highest grade held by the officer at any time on the active list.

Maj. Gen. Robert Wesley Colglazier, Jr., a former Deputy Chief of Staff for Logistics, and a former commanding general of the 4th U.S. Army, was retired on February 1, 1966. He was appointed a lieutenant general on July 17, 1959, and served continuously in this grade until his retirement. He was originally commissioned as a Reserve officer and never held a commission in the Regular Army. If he had been commissioned in the Regular Army, section 3962(a) of title 10, United States Code would authorize his retirement in the grade of lieutenant general.

General Colglazier served honorably as a lieutenant general in positions of importance and responsibility. Since he would be eligible for retirement as a lieutenant general if he had been a member of the Regular Army, the committee considers that his non-Regular status should not cause him to be denied the privileges of retirement as a lieutenant general, and accordingly recommends this bill.

The committee amended the bill to eliminate provisions making the authority for advancement retroactive in effect to the date of General Colglazier's retirement. Retroactive application of legislation is a departure from the normal practice.

COST

If this bill becomes law the retired pay of General Colglazier would be increased by $130.27 per month. No other costs should result from enactment.

EFFECT OF DISCLAIMERS ON ALLOWANCE OF MARITAL DEDUCTION

The Senate proceeded to consider the bill (H.R. 483) 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 which had been reported from the Committee on Finance with amendments on page 2, after line 3, to strike out:

(A) Except to the extent that subparagraph (B) applies, such interest shall, for purposes of this section, be considered as passing, not to the surviving spouse, but to the person who made the disclaimer, in the same manner as if the disclaimer had not been made.

(B) If the interest disclaimed was bequeathed or devised to such person, and before the expiration of 6 months after the admission of the decedent's will to probate such person disclaimed all bequests and devises in his favor under such will and did not accept any property under any such bequest or devise before making the disclaimer, such interest passing to the surviving spouse by reason of such disclaimer shall, for purposes of this section, be considered as passing from the decedent to such spouse. The amount of the deductions allowable under this section by reason of this subparagraph, when added to the amount of the deductions allowable under this section without regard to this subparagraph, shall not exceed the greater of (i) the amount of the deductions which would be allowable under this section without regard to such disclaimer if the surviving spouse elected to take against the will, or (ii) an amount equal to one-third of the adjusted gross estate (within the meaning of subsection (c)(2)).

And insert, in lieu thereof:

(A) if the disclaimer of such interest is made by such person before the date prescribed for the filing of the estate tax return and if such person does not accept such interest before making the disclaimer, such interest shall, for purposes of this section, be considered as passing from the decedent to the surviving spouse, and

(B) if subparagraph (A) does not apply, such interest shall, for purposes of this section, be considered as passing, not to the surviving spouse, but to the person who made the disclaimer, in the same manner as if the disclaimer had not been made.

And, on page 3, after line 18, to strike out:

(b) The amendment made by this Act shall be applicable to estates of decedents for which the date prescribed for the filing of the estate tax return (determined without regard to any extension of time for filing) occurs on or after January 1, 1965.

And insert, in lieu thereof:

(b) The amendment made by subsection (a) shall apply with respect to estates of decedents dying on or after the date of the enactment of this Act.

(c) In the case of the estate of a decedent dying before the date of the enactment of this Act for which the date prescribed for the filing of the estate tax return (determined without regard to any extension of time for filing) occurs on or after January 1, 1965, if, under section 2056 of the Internal Revenue Code of 1954, an interest would, in the absence of a disclaimer by any person other than the surviving spouse, be considered as passing from the decedent to such person, and if a disclaimer of such interest is made by such person and as a result of such disclaimer the surviving spouse is entitled to receive such interest, then such interest shall, for purposes of such section, be considered as passing from the decedent to the surviving spouse, if—

(1) the interest disclaimed was bequeathed or devised to such person,

(2) before the date prescribed for the filing of the estate tax return such person disclaimed all bequests and devises under such will, and

(3) such person did not accept any property under any such bequest or devise before making the disclaimer.

The amount of the deductions allowable under section 2056 of such Code by reason of this subsection, when added to the amount of the deductions allowable under usch section without regard to this subsection, shall not exceed the greater of (A) the amount of

the deductions which would be allowable under such section without regard to the disclaimer if the surviving spouse elected to take against the will, or (B) an amount equal to one-third of the adjusted gross estate (within the meaning of subsection (c)(2) of such section).

SEC. 2. (a) Section 642(g) of the Internal Revenue Code of 1954 (relating to disallowance of double deductions) is amended by inserting "or of any other person" after "shall not be allowed as a deduction in computing the taxable income of the estate".

(b) The amendment made by subsection (a) shall apply to taxable years ending after the date of the enactment of this Act, but only with respect to amounts paid or incurred, and losses sustained, after such date.

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 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, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1599), explaining the purposes of the bill.

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

I. SUMMARY

This bill, as passed by the House, amends present law to allow an interest in property which a surviving spouse receives as a result of a disclaimer by a beneficiary under a will to qualify for the estate tax marital deduction where certain conditions are met. Under present law the marital deduction, in general, permits the deduction of up to one-half of the adjusted gross estate for property passing to a surviving spouse. For an interest in property which has been disclaimed to be eligible for the marital deduction under the House bill (1) the beneficiary must disclaim all bequests and devises to him; (2) the disclaimer must be made within 6 months after the decedent's will is admitted to probate; and (3) the disclaimer must be made before the beneficiary accepts and bequest or devise under the will. Under the House bill, where these conditions are met, the amount which may qualify as a marital deduction as the result of a disclaimer (when added to other amounts received by the surviving spouse) is limited to the greater of (1) the marital deductions which would be allowable without regard to the disclaimer if the spouse elected to take against the will under State law, or (2) one-third of the decedent's adjusted gross estate.

Your committee's bill retains the provisions of the House bill with respect to estates of decedents dying before the date of enactment of the bill and for which the date prescribed for the filing of the estate tax return occurs on or after January 1, 1965 (i.e., decedent's dying on or after October 1, 1963), with the exception that your committee's bill extends the time within which a disclaimer must be made to the time for filing the estate tax return of the decedent, generally 15 months after the decedent's death.

As to disclaimers made with respect to estates of decedents dying on or after the date of enactment of this bill, however, your committee's bill provides that disclaimers by persons other than surviving spouses are to be fully effective for purposes of computing the estate tax marital deductions. Thus, for the future, under your committee's bill, interests passing as the result of partial (as well as of complete) disclaimers may qualify for the marital deduction, and the maximum amount of these interests which may qualify for the marital deductions is the same as in the case of interests passing to the surviving spouse directly; i.e., one-half of the adjusted gross estate. In addition, for the future, under your committee's bill, disclaimers with respect to property passing by the laws of intestacy or otherwise (e.g., insurance or by trust) are to be fully effective for purposes of computing the marital deduction (as well as disclaimers of bequests and devises under the will of a decedent).

Your committee has also added to the House bill a provision which, in the case of a trust or any other person, provides that items incurred in the administration of the property of a deceased person may be deducted either by the other person for income tax purposes or by the estate of the deceased for estate tax purposes, but not for both. This provision applies to taxable years ending after the date of enactment of this bill but only to amounts paid or incurred (or losses sustained) after that date.

The Treasury Department has indicated that it does not object to the passage of this bill as amended.

II. REASONS FOR THE BILL

(1) *Effect of disclaimer on allowance of marital deduction.*—Under present law (sec. 2056(d)), disclaimers (that is, where a beneficiary gives up all rights to property he otherwise would receive) in effect are recognized where they are made by a surviving spouse. The effect of this is to provide that in these cases no marital deduction is to be available. This result is accomplished, where a disclaimer is made by a surviving spouse, by providing that the property is considered as passing from the decedent to the person entitled to receive the property as a result of the disclaimer, rather than passing to the surviving spouse. On the other hand, disclaimers are not recognized under present law where they are made by someone other than the surviving spouse and, as a result of the disclaimer, the surviving spouse receives property. Thus, present law provides that property received by a surviving spouse as the result of a disclaimer is to be considered to pass from the decedent to the person making the disclaimer (and not to the surviving spouse).

The regulations under present law do recognize disclaimers under certain conditions for gift tax purposes. The regulations (sec. 25.2511-1(c)) provide that where a beneficiary unqualifiedly refuses to accept ownership of property transferred from a decedent (whether the transfer is by will or by law of descent), a refusal to accept ownership of the property does not constitute the making of a gift "if the refusal is made within a reasonable time after the knowledge of the existence of the transfer." The refusal must be effective under local law, and no refusal is acknowledged after the property has been accepted. The practical effect of the regulations thus is to recognize for gift tax purposes that property passing as the result of a disclaimer does not pass from the person who disclaims, but from the deceased.

Cases in the estate tax area have arisen where the nonrecognition of a disclaimer, which resulted in property passing to surviving spouses, has given rise to inequities and discrimination. Where the beneficiary disclaims his right to receive property and, as a result, the property is received by a surviving spouse, it is difficult to see why a larger tax should be recovered from the estate than would be true where the property goes directly to the surviving spouse (rather than indirectly as a result of a disclaimer). In both cases the economic effect of the transaction is the same. Moreover, frequently the failure to make provision for the marital deduction in the first instance stems from an absence of knowledge concerning estate tax law by the decedent. This is an area of the law which, of necessity, contains complexities and frequently is not fully understood by an individual preparing his own will. A special problem is created by the fact that it is possible to obtain a lesser marital deduction than intended solely because of a failure to determine the exact interrelationship of the different estate tax provisions of present law.

For the reasons indicated above, your committee has reached a conclusion similar to that reached by the House; namely, that disclaimers should be recognized for purposes of determining a marital deduction. For the future, however, your committee believes property passing to a surviving spouse by way of a disclaimer should be treated no differently than where the property passes directly to the surviving spouse. For that reason, it does not apply the limitations contained in the House bill to disclaimers made in the future (these limited the application of the House bill to disclaimers of interests bequeathed or devised to a person, required the disclaimer by a person of all bequests and devises in his favor, and limited the maximum marital deduction available by reason of disclaimers).

As to pending cases, where failure to grant relief would produce an inequity, your committee agrees that the effect of recognition of disclaimers should be limited to the alternative available under the then existing law. This alternative was for the widow to elect under State law to take a statutory share in lieu of the provision made for her in her husband's will. Since in most States the widow could take an amount equal to a third or more of her husband's estate, as to pending cases, your committee has retained the limitation in the House bill, which generally limits the marital deduction to one-third of the adjusted gross estate in the case of disclaimers. As indicated above, in the case of disclaimers made in the future, however, your committee has concluded that property passing to a surviving spouse in this manner should be given the same treatment for purposes of the estate tax marital deduction as in the case of property passing to her in any other manner.

(2) *Disallowance of certain double deductions.*—Under present law (secs. 2053 and 2054) an estate may deduct certain items—funeral and administrative expenses, claims, and losses—in computing its estate tax liability or, alternatively, may deduct these items in computing its income tax liability. An estate may not deduct these items for both estate tax purposes and income tax purposes, however (sec. 642(g)). Nevertheless, some courts have held that even though an estate is prohibited from enjoying this double deduction for one expenditure, where both an estate and a trust are involved the prohibition does not apply. Thus, where a trust paid certain expenses of administering property in the estate, courts have held that the estate could deduct the items as administration expenses in determining its estate tax liability and at the same time the trust could deduct the items as expenses necessary to manage income-producing property in determining its income tax liability.[1]

[1] See, *Comm'r* v. *Burrow Trust* (333 F. 2d 66 (10th Cir. 1964)), affirming 30 T.C. 1080.

Your committee believes that where only one amount is spent, there should be only one deduction. This explains why an estate is not allowed to deduct the same item twice in determining both its estate tax liability and its income tax liability, and your committee believes the same reason applies where a trust is involved. The number of taxable entities does not change the effect of the transaction, and it should not change its tax consequences.

III. GENERAL EXPLANATION

(1) *Effect of disclaimer on allowance of marital deduction for the future.*—For the reasons given above, this bill, as amended by your committee, in the case of decedents dying on or after the date of enactment of the bill reverses the provision in present law which, for purposes of computing the marital deduction, ignores disclaimers of interests in property which thereby are received by a surviving spouse. The bill provides instead that for the future, any interest, or portion of an interest (including a contingent interest), in property received by a surviving spouse as the result of a timely disclaimer is to be treated as passing to the spouse. Where this occurs, the interest is to qualify for the marital deduction for estate tax purposes. In the case of decedents who die or after the date of enactment of the bill, interests passing as the result of a disclaimer may qualify for the marital deduction to the same extent as interests passing directly from the decedent (i.e., taking into account any other qualifying property passing to the spouse, to the extent of 50 percent of the adjusted gross estate).

Under the bill as amended by your committee, for an interest to be considered as passing to a surviving spouse where there has been a disclaimer, two conditions must be met. First, the person who disclaims must do so before he accepts any property under the disclaimed interest. This means, for example, that a person who has been receiving benefits under a trust during a decedent's lifetime may not disclaim the interest he has been enjoying during that time upon the decedent's death within the meaning of the bill. However, a person disclaiming with respect to the estate of a decedent dying after date of enactment may accept an undivided interest in a property and still disclaim the remainder within the meaning of the bill. What constitutes an acceptance is, of course, in any event a question of fact. Second, for a disclaimed interest to be considered as passing to a surviving spouse, the disclaimer must be made within the time prescribed for filing the estate tax return, generally 15 months after the decedent's death. Present law is to continue to apply to an interest disclaimed after this period—that is, an interest in property which is disclaimed after this period is to continue to be considered as passing to the person who disclaims, and not to the surviving spouse.

A disclaimer, for the purposes of this bill, is a complete and unqualified refusal to accept some or all of the rights to which one is entitled. It must be a valid refusal under State law and be made without consideration.[2] Thus, it cannot be made for the purpose of serving the interests of a person who disclaims. For example, a disclaimer for the benefit of a surviving spouse who promises to give or bequeath property to a child of the person who disclaims is not a disclaimer within the meaning of the bill.

(2) *Effect of disclaimer on allowance of marital deductions for certain past periods.*—The bill also changes present law with respect to timely disclaimers of bequests and devises passing under the will of a decedent dying on or after October 1, 1963, and before the date of enactment of the bill. In these limited cases, unlike disclaimers of interests passing from a decedent dying on or after the date of enactment of the bill, the amendment applies only where the person who disclaims does so with respect to all bequests or devices in his favor (including those resulting from disclaimers by other named beneficiaries).[3]

The interests passing by disclaimer to surviving spouses in the case of decedents who died before the date of enactment of the bill also are to qualify for the marital deduction only to the extent that, when added to any other allowable marital deductions, they do not exceed the greater of (1) the deductions which would be allowable without regard to the disclaimer if the surviving spouse exercised her election under State law to take against the will, or (2) one-third of the decedent's adjusted gross estate (i.e., generally, all property passing from the decedent at the time of his death less expenses, indebtedness, property taxes, and losses).

The limitation with respect to one-third of the adjusted gross estate is measured with respect to the entire adjusted gross estate of the decedent and, in applying the one-third limit to any one disclaimer, all such disclaimers are to be taken into account. This limitation also takes into account all other property interests passing to a surviving spouse in determining the additional amount which may qualify for the marital deduction as a result of the disclaimer. The property passing by way of a disclaimer for this purpose, as well as in the case of estates of decedents dying on or after the date of enactment of the bill, includes life estates or terms of years which qualify for the marital deduction only as a result of the disclaimer. For example, a life estate devised to a surviving spouse would be taken into account in computing the marital deduction if, as a result of a disclaimer, the surviving spouse also receives the remainder interest, thereby making the combination of the two interests eligible for the marital deduction.

(3) *Disallowance of certain double deductions.*—For the reasons stated above, this bill as amended by your committee extends to trusts and other persons the prohibition in present law, applicable to estates, against claiming amounts deducted in computing the taxable estate of a decedent for estate tax purposes, again as deductions in computing the taxable income for income tax purposes. This means that if an estate deducts administration expenses in arriving at the estate tax base, a trust cannot also deduct these same expenses in determining its income tax liability. This prohibition is to have effect where a trust has paid certain expenses on behalf of the estate. This may occur, for example, where a decedent has placed the bulk of his property in a trust during his lifetime and empowered the trust to pay expenses which are incurred as the result of his death.

Under the bill, the estate retains the right to deduct the particular items covered—funeral and administration expenses, claims, and losses—in determining the estate tax base, or to waive the deduction of these expenses for estate tax purposes. In the case of such a waiver the estate may take these deductions into account in computing its income tax liability if it paid the expenses. Where the estate waives its right to these deductions for estate tax purposes, a trust may take the deductions into account in computing its income tax liability where it is otherwise entitled to them.

[2] It is not material for this purpose whether a particular State law uses the term "disclaimer" or uses another term describing the same legal effect. All that is necessary to qualify under the bill is a refusal, made without consideration, which is valid under State law and by reason of which the interest "disclaimed" is received by the surviving spouse either by operation of law or other provision made by the decedent.

[3] In this case, the person does not have to disclaim interests passing other than by will (such as an interest passing under an insurance policy or by the laws of intestacy or by the exercise of a power of appointment), for the interest passing to the spouse to qualify for the marital deduction.

TARIFF TREATMENT OF ARTICLES ASSEMBLED ABROAD OF PRODUCTS OF THE UNITED STATES

The Senate proceeded to consider the bill (H.R. 11216) relating to the tariff treatment of articles assembled abroad of products of the United States which had been reported from the Committee on Finance with an amendment on page 1, after line 7, to strike out:

(b) The amendments made by subsection (a) shall apply as if made by the Tariff Schedules Technical Amendments Act of 1965.

And insert, in lieu thereof:

(b) The amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act. Upon request therefor filed with the customs officer concerned on or before the 120th day after the date of the enactment of this Act, the entry or withdrawal of any article—

(1) which was made after August 30, 1963, and before the date of the enactment of this Act, and

(2) with respect to which the amount of duty would be smaller if the amendments made by subsection (a) applied to such entry or withdrawal,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act.

SEC. 2. (a) The headnotes of schedule 7, part 7, subpart A of the Tariff Schedules of the United States are amended by adding at the end thereof the following new headnote:

"4. Buttons (whether finished or not finished) provided for in item 745.32 which are the product of an insular possession of the United States outside the customs territory of the United States and which are manufactured or produced from button blanks or unfinished buttons which were the product of any foreign country shall be subject to duty under item 745.32 at the rate which applies to products of such foreign country."

(b) Paragraph (a) of general headnote 3 of the Tariff Schedules of the United States is amended by striking out "Articles" in subparagraph (i) and inserting in lieu thereof "Except as provided in headnote 4 of schedule 7, part 7, subpart A, articles".

(c) The amendments made by subsections (a) and (b) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after the date of the enactment of this Act.

SEC. 3. (a) Schedule 8, part 4 of the Tariff Schedules of the United States is amended

by inserting after item 851.10 the following new item:

"851.15	Letters, numbers, and other symbols; number cards and other arithmetical materials; printed matter; blocks and other dimensional shapes; geometrical figures, plane or solid; geographical globes; tuned bells and basic materials for understanding music; model articles and figures of animate objects; puzzles and games; flags; dressing frames; dummy clocks; bottles, boxes, and other containers or holders; all the foregoing, whether or not in sets, fabricated to specification and designed for the classroom instruction of children; and containers or holders fabricated to specification and designed for the storage of such instructional articles when not in use	Free	Free"

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

SEC. 4. (a) The Secretary of the Treasury is authorized and directed to admit the following articles free of duty:

(1) one Weissenberg rheogoniometer imported for the use of the Case Institute of Technology,

(2) one mass spectrometer imported for the use of the University of Nebraska,

(3) one mass spectrometer imported for the use of Utah State University,

(4) one mass spectrometer imported for the use of the University of Hawaii, and

(5) one Weissenberg rheogoniometer imported for the use of the University of Utah. The Secretary of the Treasury shall also admit free of duty all equipment, parts, accessories, and appurtenances for the articles enumerated in the preceding sentence which accompany such articles and are imported for the use of the respective institutions.

(b) Upon request therefor filed with the customs officer concerned on or before the 120th day after the date of the enactment of this Act, the entry or withdrawal of any article described in subsection (a) which was made before the date of the enactment of this Act shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated in accordance with the provisions of subsection (a).

SEC. 5. (a) The Secretary of the Treasury is authorized and directed to admit free of duty any article which is entered, or withdrawn from warehouse, for consumption on or after June 8, 1962, solely for use at the International Peace Garden, Dunseith, North Dakota, and which is the gift to the International Peace Garden of a citizen or resident of Canada, of a Canadian corporation or organization, or of the Government of Canada or of any Province or political subdivision thereof.

(b) Upon request therefor filed with the customs officer concerned on or before the 120th day after the date of the enactment of this Act, the entry or withdrawal of any article described in subsection (a) which was made before the date of the enactment of this Act shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated in accordance with the provisions of subsection (a).

(c) If, within 5 years after the entry of any article admitted free of duty under subsection (a), such article is used within the United States at any place other than the International Peace Garden, is transferred by the International Peace Garden to any person other than the donor of such article, or is sold by it to any person, the International Peace Garden shall promptly notify customs officers at the port of entry and shall be liable for the payment of duty on such article in an amount determined on the basis of its condition as imported and the rate applicable to it when entered (determined without regard to subsection (a)).

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 relating to the tariff treatment of articles assembled abroad of products of the United States, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1600), explaining the purposes of the bill.

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

SUMMARY

(a) *House provision.*—H.R. 11216 as passed by the House simplifies the requirements in item 807.00 of the Tariff Schedules of the United States (TSUS) for qualifying imported articles for partial exemption from duty to the extent of the value of any U.S. components that have been assembled therein abroad. It does this by eliminating the requirement that the U.S. component must have been exported from the United States with the intent that it be returned to the United States as part of an assembled article. This provision was approved by the committee without substantive change.

(b) *Committee amendments.*—The committee added a number of amendments to the bill. These amendments (1) prevent avoidance of the U.S. button tariff by denying duty-free entry to buttons transshipped to the United States from an insular possession after drilling holes in, or otherwise processing, almost-finished buttons (or button blanks) imported into the possession from a foreign country; (2) provide duty-free entry for certain teaching aids used in the Montessori method of education; (3) provide duty-free entry for certain scientific instruments imported for the use of various universities in connection with their research work; and (4) provide duty-free entry for gifts from Canadians to the International Peace Garden, Dunseith, N. Dak.

GENERAL STATEMENT

(a) *Articles assembled abroad.*—Paragraph 1615(a) of the old tariff schedules in effect prior to August 31, 1963, the effective date of the TSUS, provided for the free entry of—

"Articles the growth, produce, or manufacture of the United States, when returned after having been exported, without having been advanced in value or improved in condition by any process of manufacture or other means."

This free-entry provision was construed by the courts to extend to U.S. products incorporated abroad in an article and returned to the United States, so long as the U.S. products had not been advanced in value or improved in condition and were readily indentifiable notwithstanding their combination with foreign merchandise.

Item 807.00 of the new tariff schedules, as originally made effective, was based upon the practice under old paragraph 1615(a) growing out of the above-mentioned judicial interpretation of that tariff provision, but among other things, eliminated the anomaly of not regarding the assembly operations abroad as advancing or improving the U.S. components. In its original form as it appeared in the tariff schedules of the United States, the article description for item 807.00 was as follows:

"Articles assembled abroad in whole or in part of products of the United States which were exported for such purpose and which have not been advanced in value or improved in condition abroad by any means other than by the act of assembly."

But for one phrase in the above article description, the benefits available under old paragraph 1615(a) were essentially preserved. However, a new requirement was added by the inclusion of the language "which were exported for such purpose." Under old paragraph 1615(a) it was not necessary to establish that the particular U.S. product was exported for the purpose of assembly abroad. In explanation of the inclusion of the quoted phrase in item 807.00 the Tariff Commission stated, "[it] attempts to assist in the identification of the American parts by requiring that such parts be exported for the purpose of being assembled into articles abroad." (Tariff Classification Study, submitting report of the U.S. Tariff Commission, Committee on Ways and Means, vol. 9, p. 15.)

Your committee agrees with the Tariff Commission and the Committee on Ways and Means of the House that the benefits of item 807.00 should not be extended unless it is established in accordance with appropriate regulations that the components forming the basis of the claim in the imported foreign article are in fact of U.S. origin. However, we did not intend to impose unusual difficulty on U.S. business in complying with the requirements for obtaining the partial exemption from duty authorized by item 807.00. Yet that appears to be the inadvertent result of one phrase in the 1965 amendment (Public Law 89-241, approved Oct. 7, 1965) to the tariff schedules which modified the article description in item 807.00 to read in pertinent part, as follows:

"Articles assembled abroad in whole or in part of fabricated components, the product of the United States, which (a) were exported, in condition ready for assembly without further fabrication, for the purpose of such assembly *and return to the United States* * * *." [Emphasis added.]

The committee was advised by the Customs Service that, where the exporter of the American component and the importer of the assembled article are the same person or concern, there is no special difficulty in establishing that the components were exported for the purpose of assembly into a specified article and that those components are in fact those returned to the United States. In such circumstances, arrangements are frequently made to have the assembler abroad keep track of the components and guarantee their presence in a particular article or group of articles, which he has assembled and shipped to the American exporter who sent the components to him for that purpose.

On the other hand, the committee was advised that where the American exporter and the foreign assembler are not the same firm, a more complex situation arises and difficult problems of proof frequently occur. The most difficult problems are in those cases in which the American components are sold to a purchaser abroad who will use them in the general course of assembling articles which have no predetermined destination. The basic pattern of distribution for the assembled articles may be in the country to which the components were exported or in other foreign countries.

Under present law, in order to establish eligibility for duty-free treatment of U.S. components imported as part of an article assembled abroad, it must be verified that the U.S. components—

(1) Were exported in condition ready for assembly without further fabrication;

(2) Were exported, without the allowance of drawback, for the purpose of such assembly and return to the United States of the assembled articles;

(3) Have not lost their physical identity in such articles by change in form, shape, or otherwise; and

(4) Have not been advanced in value or improved in condition abroad by unauthorized operations.

The "difficult problems of proof" referred to by the Customs Service apparently are rooted in condition (2) above, which in operation requires an intent at the time of exportation that the U.S. product will be returned to this country as part of an article assembled abroad.

The basic purpose of the House bill is to eliminate the "purpose clause" as a condition for gaining the benefits of item 807.00, provided that all other requirements of the item continue to be met. With the removal of the "purpose clause" compliance with the provisions of item 807.00 would be the establishment of the identity of the American components, the fact of assembly of such components without advancement in value or improvement in condition by unauthorized operations, the nonallowance of drawback on such components, and their cost or value as exported for the purpose of duty allowance on the imported article. It would still be required that the U.S. component be in condition ready for assembly at the time of its exportation.

Because of the passage of time since this bill was passed by the House, the Committee on Finance made technical changes in the effective date to insure that the relief intended by the bill is fully provided. As amended, the duty-free treatment will apply to U.S. components incorporated in articles assembled abroad which are entered or withdrawn from warehouses for consumption on or after the date of the enactment of this act. The provision will also apply with respect to U.S. components of assembled articles imported after August 30, 1963, provided claim for refund is filed within 120 days after the date of enactment of this act.

(b) *Buttons from insular possessions.*—In 1965 Congress became concerned over the avoidance of U.S. tariffs on certain polyester or acrylic resin buttons. The avoidance practice involved the importation of almost-finished buttons at the low rates applicable to button blanks, followed by the drilling of holes and final polishing in this country. The button blanks involved in this avoidance device had been machined to shape, polished and otherwise processed and for practical purposes were finished buttons except for the drilling of holes. By importing almost-finished buttons under the button blank rate (36 percent), it was possible for the higher button rate (120 to 150 percent) to be avoided, yet at the same time practically all of the manufacturing operations had been accomplished outside this country.

Congress dealt with this device in the Tariff Schedules Technical Amendments Act of 1965 by limiting the button blank category to "raw or crude blanks suitable for manufacture into buttons." This change subjects articles that are further manufactured than the raw or crude blank stage to the operation of general headnote 10(h) and makes them classifiable as "buttons." Thus, for example, a button blank which had been subjected to face finishing, polishing, beveling, or other finishing operations, would be dutiable at the rates applicable to buttons, while raw, unworked button blanks could continue to come in at the lower button blank rate. The committee report accompanying the 1965 amendment reflected our best judgment that the button blank provision "will effectively deal with this rate-avoidance problem."

However, we failed to recognize the peculiar advantage afforded by our tariff law to operations conducted in the insular possessions. This advantage consists of duty-free treatment for articles coming from the insular possessions if they meet two simple tests. First, the article arriving from the possession must have a value at least double the value of the foreign materials contained in it. Second, it must have been subjected to some manufacturing or processing operation in the possession.

The committee is advised that while Congress was acting to stop the button blank tariff avoidance device, the Customs Service issued a ruling to the effect that the process of drilling holes in foreign almost-finished buttons and final polishing of the finished button is a sufficient manufacturing process, and that the buttons so processed and transshipped from the possession would qualify for duty-free entry into the United States if the value requirement were satisfied.

Unfortunately, knowledge of this Customs' ruling did not reach Congress until after the 1965 legislation had been completed. Thus, by the time the 1965 amendment became effective to stop direct tariff avoidance, button blank operations had begun in the Virgin Islands and our button tariff continues to be avoided. As a matter of fact, the Virgin Islands operation is even more lucrative as a tariff avoidance device than when the finishing processes were performed in this country. This is so because not only is the U.S. button tariff avoided but the U.S. button blank tariff is also avoided. At best, only a 6-percent Virgin Islands tariff need to be paid on imported button blanks and in many instances new firms are granted exemption from this insular tariff as well.

Button blank operations are particularly suited for possessions operations. Buttons are small and their freight charges are low. They involve large markup (particularly the acrylic and polyester resin buttons) so the 50-percent value test is easily met. They are subject to high duty when imported directly into the United States from a foreign country so there is considerable incentive to take advantage of the duty-free privilege accorded to insular possessions. Finally, little skill is needed in the drilling and polishing operation and residents of the possessions can be easily trained to do the work necessary to qualify the buttons for duty-free entry.

Our desire in enacting the 1965 amendment was to prohibit avoidance of our button tariffs through the use of almost-finished foreign buttons (or button blanks). In order to carry out this intent, the committee has approved a new amendment to deny duty-free entry for buttons transshipped into this country from the insular possessions if they are manufactured or produced from button blanks or unfinished buttons which were the product of any foreign country. Under this amendment these buttons will be dutiable at the same rates as would apply if they were imported directly from the foreign country involved.

The amendment would become effective with respect to articles entered or withdrawn from warehouse for consumption more than 60 days after the date of enactment of this act.

(c) Montessori teaching aids.—Under present law (item 851.10 of the tariff schedules) many articles employed in educational processes may be imported free of duty. For this duty-free treatment to apply, however, the articles eligible for tariff-exemption must be imported "exclusively for the use of the institution involved, and not for distribution, sale, or other commercial use." (Headnote 1 to pt. 4 of schedule 8 of the tariff schedules.) The articles eligible for tariff-free treatment under present law include books, charts, paintings, pastels, drawings, sketches, engravings, etchings, lithographs, woodcuts, maps, music, sound recordings, and photographic or other prints.

To a considerable extent the present law covers teaching aids used in ordinary classroom instruction. However, the present law does not permit duty-free treatment for many teaching aids needed for special instruction under unique teaching methods.

One such method which has become popular in this country in the last few years is the "Montessori" system. This system has been described as a sort of free discipline, combining permissiveness and strict order. Under it, the child proceeds at his own pace in an environment controlled to provide the means of learning. Imaginative teaching materials are the heart of the Montessori process. Each of them is self-correcting thus enabling the child to proceed at his own pace and see his own mistakes.

The Montessori system has been found particularly effective not only with respect to precocious children but also in the instruction of retarded, or culturally deprived children. One hallmark of the Montessori system is the emphasis on development of sight, smell, touch, and hearing. Backward children are uniquely benefited by this stimulation of their sensory perception.

The committee was advised by the Tariff Commission that the instructional materials and equipment used by the Montessori schools are quite varied. A portion of them consists of common articles of everyday use, and such articles as dishes and vases are most often obtained by each school from local stores and dealers. On the other hand, a number of sets of articles which are not available in local markets are fabricated to specification (precise lengths, widths, shapes, colors, and the like) by authorized manufacturers, none of whom is presently located in the United States. The sets presently produced collectively contain many hundreds of small individual pieces and are made of various materials but mostly of wood.

Although the sets are fabricated to specification and designed for the classroom instruction of children, a number of them are not distinctively different from common articles of commerce sold as educational toys or play items. For example, some of the sets consist of alphabet blocks, sets of small flags of the nations of the world, jigsaw type puzzle layouts, small tuned bells, maps, geometrical solids, etc. Included in the materials are so-called dressing frames which consist of frames on which have been stretched simulated parts of garments designed to enable children to learn to button clothing, lace shoes, fasten zippers, etc. Some of the articles consist of bottles, boxes, or other containers or holders into which are placed fragrant materials, hot or cold materials, etc., for the purpose of developing in children sensory perceptions of smell and touch. Some of the individual sets are put up in substantially built holders (e.g., boxes and small chests) for storage of the sets when not in use.

The committee was also advised that so far as the Tariff Commission could ascertain, the Montessori sets now being imported serve their maximum usefulness with the youngest age group; i.e., approximately 3 to 6 years of age. Collectively, the sets of Montessori materials for a class of 35 children cost approximately $800 to $1,000. It is these sets which the schools have been importing. As the children advance into the older age groups, it is understood that new applications are made of the basic 3- to 6-year-old sets; however, other Montessori materials are also required. In the more advanced groups, more and more use is made of conventional

materials such as miscroscopes and other teaching aids.

The Tariff Commission further advised the committee that the sets produced by the authorized manufacturers are sold only to recognized Montessori schools and cannot be procured by other persons. Although the American Montessori Institute does not have effective legal means of preventing unauthorized schools from advertising and otherwise indicating that they are using the Montessori method of teaching, some control can be maintained in the sale of the sets in question.

Under present law, most Montessori teaching aids would be dutiable, at a rate of 16⅔ percent, as articles of wood not specially provided for. Some are dutiable at 20 percent or 25.5 percent while others are duty-free as maps and charts imported exclusively for use by an educational institution.

The Committee on Finance sees no reason to continue a duty on the teaching aids needed under the Montessori or similar methods of instruction while general types of teaching aids are already tariff free. Accordingly, it has approved an amendment to conform the tariff treatment of these teaching aids to that presently available for most other instructional aids. For this duty-free treatment to apply, however, the articles involved must be imported "exclusively for the use of the institution involved." Moreover, under rulings of the Customs Service the duty-free treatment will not apply if the institution is organized or operated for profitmaking purposes.

The amendment providing duty-free treatment for these teaching aids describes the eligible articles to include letters, numbers, arithmetical materials, blocks, and other dimensional shapes, geometrical figures, tuned bells, and basic materials (not including musical instruments) for understanding music, and their containers. It is required, however, that the articles must be fabricated to specification and must be designed for the classroom instruction of children. This requirement distinguishes ordinary toys from true Montessori-type teaching aids and prevents avoidance of the tariff on toys.

Under the amendment, the duty-free treatment would apply with respect to articles entered or withdrawn from warehouse for consumption on or after the date of enactment of this act.

(*d*) *Scientific instruments for certain universities.*—The Committee on Finance also added amendments to the bill to permit certain scientific instruments to be imported duty-free for the use of specified universities in this country.

(1) *Rheogoniometer.*—One of these instruments is a rheogoniometer. It is a device capable of accurately measuring fluids under either steady-rate conditions and/or fluctuating rates of flow, and it represents a new development in viscometric measurement.

Because this type of duty-free treatment is consistent with prior legislation, the Committee on Finance has approved amendments to allow two of these instruments to be imported duty-free—one for the use of Case Institute of Technology and the other for the use of the University of Utah. In both instances, the machine involved is produced in England.

(2) *Mass spectrometer.*—The other scientific instrument for which duty-free treatment would be provided is a mass spectrometer. This is a device used by chemists and chemical engineers to provide chemical analyses, measurements, and other research features. In the use of a mass spectrometer, the material to be studied is subjected to an ionizing process after which the ions formed are physically separated according to mass by electromagnetic means so that a mass spectrum is produced.

The committee is satisfied that the conditions surrounding the acquisition of these foreign scientific instruments are sufficiently similar to prior instances in which duty-free treatment has been provided for mass spectrometers that the duty-free privilege is warranted. For this reason the committee has approved duty-free treatment for three mass spectrometers—one for the use of the University of Hawaii, one for the use of the University of Nebraska, and one for the use of Utah State University.

Under the committee amendment, duty-free treatment in the specified cases would apply not only with respect to the scientific instrument itself but also with respect to equipment, parts, accessories, and appurtenances which accompany the imported instrument. Moreover, the duty-free treatment will apply whether the instrument has already been imported (in which case refund of tariff is provided for if application is made within 120 days after enactment of the bill) or is to come in at a later date.

(e) *International Peace Garden.*—The International Peace Garden is a nonprofit State park located at Dunseith, N. Dak. It was established to commemorate the more than 150 years of peace that has existed between the United States and Canada. The Peace Garden straddles the international boundary and the customs facilities at Dunseith are so placed that travelers from either country can, without passing through the customs of the other, visit all parts of the garden. Both Governments, in aid of the undertaking, have provided customs houses of unusual and monumental design. Gifts, contributions, and appropriations from individuals, organizations, and the local and Federal Governments of both countries have also furthered the development of the Garden.

Item 842.40 of the Tariff Schedules of the United States now provides for the free entry, upon request of the Department of State, of articles which are the property of a foreign government or of a public international organization for presentation as gifts to the United States, to any State or local government, or to any public institution organized in the United States. At least some of the gifts made to the International Peace Garden may, therefore, be duty free under present law. However, the duty-free privilege does not extend to gifts received from private Canadian individuals or organizations.

On the other hand, the committee is advised that articles donated by Americans to the Canadian side of the garden are free of the Canadian tariff.

This amendment would permit gifts to the American side of the International Peace Garden received from Canadian individuals or organizations to be imported without payment of duty. The duty-free treatment would apply with respect to gifts made on or after June 8, 1962, and refunds of duty for gifts received before the date of enactment of this act would be authorized if claim therefor is filed within 120 days after the date of enactment of this bill.

In order to assure that this duty-free privilege may not become a device for avoiding U.S. tariffs, the amendment further provides that if an article donated to the Peace Garden on a tariff-free basis should, within 5 years, be transferred to any person (other than the donor) or be used anywhere else in the United States, the International Peace Garden will become liable for the amount of tariff previously forgiven.

The executive departments are unanimous in their support of this amendment. The Commerce Department advised the committee that:

"In view of the purpose for which the garden was established, this Department feels that donations by Canadian citizens to the U.S. section of the garden should receive reciprocal treatment and be entered free of duty. This treatment would be consonant with the fostering of good will and mutual friendship between Canada and the United States. It would assist the future development and eventual fulfillment of the International Peace Garden."

The Treasury Department reported that "the circumstances are so unusual that the bill would not be objectionable as discriminating against any person not similarly favored."

REGULATION OF RATES OF INTEREST AND DIVIDENDS

The bill (H.R. 14026) to provide for the more flexible regulation of maximum rates of interest or dividends payable by banks and certain other financial institutions on deposits or share accounts, to authorize higher reserve requirements on time deposits at member banks, to authorize open market operations in agency issues by the Federal Reserve banks, and for other purposes was announced as next in order.

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

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

Mr. BENNETT. Mr. President, I recommend Senate approval of H.R. 14026 as passed by the House and reported unanimously by the Banking and Currency Committee of the Senate.

Since the first of this year, there has been a great amount of discussion regarding what could be done to cause the monetary restraint being brought to bear on the economy to apply more equally and equitably to the various segments of the economy. It is a well-known fact that some industries have been effected to a far greater extent than have others. The uneven burden that has been experienced is not a result of a planned attempt to withhold financing funds from certain industries while making them available to others. Monetary policy is nonselective and nondiscriminatory. It allows market forces to allocate available funds. The lack of mortgage money, for example, is the result of a natural operation of supply and demand factors and the ability of those requiring funds to bid a high enough price to obtain them. Roughly, that is the way our economy works. Goods in short supply go to the highest bidder.

Money has been and still is in short supply, not because there has been any action of the part of the monetary authorities to decrease the amount in circulation but, because even with significant increases in the supply, the demand has far exceeded that available.

There are those who have recommended that in order to maintain low interest rates, the Federal Reserve should make available enough money and credit that there would be no need for interest rates to rise. This could certainly be accomplished. The Federal Reserve through its open market policy, its ability to determine reserve requirements and its authority to set the discount rate for borrowing from the Federal Reserve banks, could hold the price of money down. There is no doubt about this. But in today's economy this could only be done at the expense of increasing the supply of money and credit to such an extent as to bring on a runaway inflation which could only result in

a "boom and bust" cycle. Certainly high interest rates, though none of us favor them, are far less damaging both to the economy and to the individuals involved than the inflation that would occur in the absence of monetary restraints.

The first section of this bill provides that the Secretary of the Treasury, the Federal Reserve Board, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank shall work together to bring about a reduction in interest rates to the extent possible in today's economy and money market. This of course, only expresses the sense of Congress that we think interest rates should be as low as possible. I might just state that they are presently as low as possible in today's economy and money market. For them to drop, it is necessary that some of the factors which have resulted in the rate rise to change. Since that is true, the only sense in this sense of Congress section to say that the Congress is requesting Federal action other than that possible by the monetary authorities. The other alternative is fiscal policy including proper expenditure control, proper debt management, and proper tax policies.

A major part of our present problem is that proper fiscal action has not been taken. Reliance has been almost entirely on monetary policy and what we really have needed is a reduction in aggregate demand for goods and services. This can best be brought about through either a reduction in Federal spending and/or a tax increase—the proceeds of which are not spent by the Federal Government—which would take private spending power out of the economic stream. To be effective, the fiscal action must take effect immediately. The need is immediate. In our dynamic and rapidly changing economy, no one knows what it will be a few months from now. Thus any countercyclical action must be flexible and immediate.

Last week, the President sent a message in which he asked that the 7-percent investment credit be suspended for a period of 16 months and also that accelerated depreciation not be allowed during that period. With all due respect to the President and recognizing that the demand of business for plant and equipment has been pressing hard against capacity, these measures are neither flexible nor will their effect be immediate. By the time they begin to reduce demand, it may well be that the economy will need stimulation instead of restraint. I do not desire at this time to go into the other problems that can occur as a result of the President's request, but I do want to say that we cannot expect it to have a restraining effect sufficient to make it possible for interest rates to drop significantly and for the Federal Reserve to make money and credit available to meet demands at a rate which many seem to think is necessary.

Let us not be under the false conception that the enactment of this legislation will automatically result in a reduction in interest rates. This bill provides authority to the regulatory agencies so that they may regulate competitive practices among financial institutions in their efforts to attract savings. Fortunately, there is no exact legislated limit included in this bill. An attempt was made to legislate a ceiling on the amount that financial institutions could pay savers for funds and there was some sympathy for the poorly conceived idea. This would have in no way dealt with the problem but would have brought about irreparable damage to all financial institutions because they simply would not have been able to attract funds at such an artificially low rate. Even the Government is offering a much higher rate than was contemplated to say nothing of the rate necessary to sell private market securities.

While not accomplishing its stated purpose, the proposal which was rejected in the House, by a wide margin, would have limited the independence of the Federal Reserve System, would have made the actions of the Federal Reserve Board subject to Presidential review and veto, and would have been the first step toward a monetary authority controlled by political forces.

The bill we have before us provides a flexible means through which the Federal Reserve Board, the Federal Deposit Insurance Corporation, the Treasury, and the Home Loan Bank Board can work together to bring about regulation of interest rates and dividends payable by financial institutions to maintain order and competitive equality among institutions of differing purpose and authority. Officials of these agencies agreed that they would cooperate toward this end. They stated that there has been greater coordination in the past few months than in the entire prior history of the regulatory agencies. They agreed that it may be necessary to have different ceilings for different types of deposits in different institutions. Historically, that has been true, and it may well be that it will be necessary that such differentials be maintained through regulations until institutional changes negating that necessity are made.

In order to bring about order from the present chaotic conditions, it is necessary that there be authority to regulate all competing institutions. This has resulted in the provision of new authority for the Home Loan Bank Board to determine maximum dividend rates that may be paid by institutions under its jurisdiction. As one who has always opposed additional Federal control over private institutions, I have thoroughly studied this proposed grant of additional authority and am convinced from information available to me that it is necessary in light of our present problem and in light of the enhanced status of the savings and loan institutions and the proportion of total deposits of our financial institutional community, held by the savings and loan industry. The savings and loan industry has grown from a relatively insignificant industry with little effect on the economy, to a mature industry taking an extremely important part in our economic growth and development. With this growth and stature has come the need for some regulation as has been present for other financial institutions for many years.

The new regulatory authority provided for the Home Loan Bank Board, however, is only for a limited period of 1 year. This is desirable in one respect since it will provide a period during which we may examine its use to assure that it has a desirable result and is not detrimental to the industry. On the other hand, a 1-year limitation for all of the provisions in the bill, including the broadened authority granted to the Federal Reserve Board and the Federal Deposit Insurance Corporation is certainly open to question. To have these powers expire at a specific time regardless of the economic conditions that exist at that time, may not only be unwise, but it may be disastrous. Unfortunately, the political realities of life did not allow amendments in the Banking and Currency Committee that might have greatly improved this legislation. This means that we will have to keep a close watch during the next few months and if necessary revise and extend the provisions of this bill far in advance of its expiration.

None of us knows what the future will bring. None of us can foretell in advance exactly what the effect of this legislation will be. It is for these reasons, that it is important that this bill provide flexibility and that it leaves the final decisions on rate ceilings as well as other action contemplated to responsible officials who can with expertise follow daily events closely and adjust properly to the economic situation of the moment, according to their best judgment in the relative absence of political pressure.

I support the bill as the best we can do at this time, but with no illusion that it, in and of itself, will provide the answer to the problems of tight money and high interest rates. These problems must be treated at their source through policies aimed at bringing demand more nearly in line with our capacity to produce or bringing our capacity to produce more nearly in line with demand.

Mr. LAUSCHE. May I make an inquiry?

Mr. MANSFIELD. Yes.

Mr. LAUSCHE. What is the specific purpose of the bill?

Mr. BENNETT. The purpose of the bill is to give the regulatory agencies more flexible authority to control the rate of interest paid on deposits, and to produce a more acceptable balance between the rates of interest paid by saving and loan associations, banks, and other financial institutions.

Mr. LAUSCHE. It does not mandatorily direct the fixing of a rate of interest lower than it is now, or higher.

Mr. BENNETT. It sets no rates. It just gives the authority——

Mr. LAUSCHE. Which are the regulatory agencies to which this flexible authority is granted?

Mr. BENNETT. Federal Reserve Board, Federal Deposit Insurance Corporation, and the Home Loan Bank Board.

Mr. LAUSCHE. Was there any discussion, in connection with this bill, of directing the regulatory agents to issue an order compelling banks to reduce the rate of interest that should be paid?

Mr. BENNETT. No.

Mr. LAUSCHE. And there is no mandatory provision in the bill?

Mr. BENNETT. There is no mandatory provision.

Mr. LAUSCHE. Mr. President, I want to state that I would oppose any effort on the part of a regulatory agency to order a mandatory reduction of interest rates payable to depositors while in all other directions interest rates are going up. But that is not in this bill.

Mr. BENNETT. It is not in the bill.

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

Mr. BENNETT. I yield.

Mr. AIKEN. Does this bill apply to State banks?

Mr. BENNETT. Those under the supervision of the Federal Deposit Insurance Corporation are involved.

Mr. AIKEN. Only those which have deposits guaranteed?

Mr. BENNETT. The Senator is correct.

Mr. AIKEN. Does it apply to credit unions?

Mr. BENNETT. No. It applies to savings and loan associations and banks.

Mr. ROBERTSON. Mr. President, I urge the Senate to approve H.R. 14026, which has been reported favorably by the Banking and Currency Committee in the identical form passed by the House, and to send the bill to the President. In his message to the Congress on the subject of inflation, the President said:

> I urge the Congress to act promptly on pending legislation to prevent competition for deposit and share accounts from driving up interest rates.

The President made this request on September 8, 1966. On September 13, the Banking and Currency Committee held a hearing at which representatives of the Treasury Department, the Federal Reserve Board, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board all requested prompt action on this bill.

Letters and telegrams from the American Bankers Association and other bankers' associations supported the bill, though most of these groups, like the Government agencies, would have preferred permanent legislation instead of a 1-year bill. The savings and loan industry were less enthusiastic. In fact, some of them oppose the bill, and most of them recommended the addition of unrelated amendments which the Banking and Currency Committee did not believe it was proper to add to the bill without thorough hearings.

The bill has two aspects. First, the so-called Ashley amendment in section 1 follows along the lines of the President's message on inflation in urging that the current unusually high interest rates should be reduced to the maximum extent feasible in the light of prevailing money market and general economic conditions. In other words, the bill, like the message, takes into consideration the fact that interest rates cannot be dealt with as isolated matters but must be viewed in the light of overall money market and general economic conditions. As the President's message indicates, under the present conditions this means that our monetary problems must be met by an appropriate combination of fiscal and monetary measures, with the exercise of restraint on the part of business, labor, and the public. These fiscal policies—tax increases and reductions in expenditures—will, of course, be handled by other committees in other legislation or by the executive branch in cutting down on authorized spending.

In addition, the bill provides a number of different measures giving the bank and savings and loan regulatory authorities—the Federal Reserve Board, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board—flexible authority which they would be directed to use to moderate the "interest-rate war" which has prevailed among financial institutions for the last year or so. The following powers would be granted:

First. The authority of the bank regulatory agencies to place limits on rates paid by banks on time deposits would be discretionary, rather than mandatory as under existing law, and the agencies would be given broader authority to define categories of deposits on which different maximum interest rates could be fixed.

Second. The Federal Home Loan Bank Board would be granted parallel authority with respect to savings in institutions under that Board's jurisdiction.

Third. In addition, in order to limit potential credit expansion by banks on the basis of time deposits and thus discourage banks in endeavors to draw savings from other uses, the bill would give the Federal Reserve Board authority to raise requirements for reserves that member banks must maintain against such deposits to a maximum of 10 percent, compared with the existing maximum of 6 percent—the existing minimum of 3 percent would not be changed.

Fourth. Finally, in order to broaden the scope of Federal Reserve open market operations in regulating the supply of reserves available to the banking system, the Federal Reserve banks are authorized to buy and sell debt obligations of Federal Government agencies.

I should like to emphasize that these powers are all discretionary. No mandatory ceilings on interest would be imposed by the bill. On the contrary, the bill simply broadens and extends the present discretion now vested in these three regulatory agencies.

I should also like to emphasize the fact that this bill is directed at the competition by commercial banks, mutual savings banks, and savings and loan associations for the public's saving's and at the rates of interest or dividents paid by these financial institutions to the savers who invest their savings in these institutions. The bill does not deal directly with interest rates charged by banks and savings and loan associations for mortgages or other loans, nor does it deal with the rates of interest paid by the Government or by private borrowers on bonds or other obligations they issue.

The bill requires the three regulatory agencies to consult with each other before making changes in the maximum interest rates payable, though, of course, each agency must act in exercise of its own statutory responsibility after these consultations.

The provisions of the bill are to be effective only for a year from the date of enactment. The committee recognized that this was a very short period, particularly in the light of the leadtimes involved. Nevertheless, the committee felt that it would provide an adequate time to test out the value of the new provisions. The next Congress will have an ample opportunity to review the matter and extend the law if this seems desirable next year.

The ACTING PRESIDENT pro tempore. The question is on the third reading of the bill.

The bill was read the third time, and was passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1601), explaining the purposes of the bill.

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

GENERAL STATEMENT

H.R. 14026 in its initial section calls upon the Secretary of the Treasury, the Federal Reserve Board, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board to exercise their powers so as to bring about a reduction in interest rates to the maximum extent feasible in the light of conditions prevailing in the money market and the economy in general. Like the President's anti-inflation message of September 8, 1966, the bill seeks to reduce or eliminate the harmful effects of the current unusually high interest rates, recognizing at the same time that these high interest rates are primarily the result of an imbalance between recent exceptionally large demands for credit and the supply of funds available for lending—an imbalance which cannot be solved by monetary measures alone, but can only be satisfactorily cured by an appropriate combination of fiscal and monetary measures, together with restraint exercised by the private sectors of the economy.

To enable the regulatory agencies—the Federal Reserve Board, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board—to prevent undue increases in, or changes in the structure of, interest rates that might endanger the stability of the economy, and to assist in bringing about any feasible reduction in the current high interest rates, the bill would authorize those agencies to regulate competitive practices among banks and certain other financial institutions in their endeavors to attract savings.

(1) The authority of the bank regulatory agencies to place limits on rates paid by banks on time deposits would be discretionary, rather than mandatory as under existing law, and the agencies would be given broader authority to define categories of deposits on which different maximum interest rates could be fixed.

(2) The Federal Home Loan Bank Board would be granted parallel authority with respect to savings in institutions under that Board's jurisdiction.

(3) In addition, in order to limit potential credit expansion by banks on the basis of time deposits and thus discourage banks in endeavors to draw savings from other uses,

the bill would give the Federal Reserve Board authority to raise requirements for reserves that member banks must maintain against such deposits to a maximum of 10 percent, compared with the existing maximum of 6 percent. (The existing minimum of 3 percent would not be changed.)

(4) Finally, in order to broaden the scope of Federal Reserve open-market operations in regulating the supply of reserves available to the banking system, the Federal Reserve banks are authorized to buy and sell debt obligations of Federal Government agencies.

The bill also provides that any changes in maximum rates payable made by any regulatory agency shall be made after consulting with the other regulatory agencies with similar powers over other financial institutions.

Provisions of the bill are to be effective only during a period of 1 year from the date of its enactment. The committee recognized that the shortness of this period may raise difficulties in administering these provisions, but it was felt that there would be adequate opportunity next year to review the situation and consider the advisability of granting permanent authority or modifying it as may be deemed desirable.

BACKGROUND

Authority to impose maximum limits on interest rates payable on time deposits by banks was first granted to the Federal Reserve Board in the Banking Act of 1933. Later, similar authority over rates paid by nonmember insured banks was vested in the Board of Directors of the Federal Deposit Insurance Corporation.

It appears from conditions preceding the passage of this legislation, that its main purpose was to prevent banks from engaging in competitive practices that might endanger the solvency of individual banks and the soundness of the banking system. At the same time banks were prohibited from paying any interest on demand deposits. It was felt that practices engaged in by banks in preceding years to attract deposits, together with deterioration in quality standards of assets acquired by banks to maintain earnings, had been in part responsible for the disastrous banking difficulties of the early 1930's.

For many years after the passage of this legislation, the abundance of funds available for lending, together with slack borrowing demands, resulted in such low market interest rates that limits established under the regulation had little or no significant effect. In the meantime, savings and loan associations grew rapidly; they assembled a large volume of personal savings and invested the proceeds in home mortgages.

In the course of time, credit demands expanded relative to the available supply of savings, and interest rates generally tended to rise. Banks became more active in competing for savings funds, and the ceilings on rates they could pay became effective in limiting their ability to compete for deposits.

During the past 5 years, the ceilings on rates payable by banks on time deposits have been gradually raised to levels at which the banks could be more effectively competitive with other institutions and forms of investment. The volume of time deposits at banks has grown rapidly, and in the past year or more their growth has exceeded that of other deposit-type savings institutions as shown in the following table. At the same time, interest rates on other types of investment have increased even more rapidly. As a result, savings and loan associations, with large volumes of assets acquired when interest rates were lower, have been in a less favorable competitive position. Partly because of the importance of such associations in supplying mortgage funds, as well as because of strong competing demands from other types of borrowers, the volume of funds available for home mortgages has sharply diminished in the past year.

Savings in selected media

[In billions of dollars]

End of year	Total [1]	Savings associations	Mutual savings banks	Commercial banks [2]
1945	98.9	7.4	15.3	29.9
1950	122.7	14.0	20.0	35.2
1955	161.1	32.1	28.1	46.3
1960	217.0	62.1	36.3	67.1
1964	321.4	101.8	48.8	113.2
1965	353.3	110.3	52.7	131.0
1966, June 30 [3]	362.0	111.5	53.5	137.5
Increases:				
1945–64	222	94	33	83
1965	31	9	4	18
1966, 1st half [3]	9	1	1	6

[1] Includes credit unions, U.S. savings bonds, and postal savings, not shown separately.
[2] Time and savings deposits of individuals, partnerships, and corporations.
[3] Preliminary estimate.

This situation and its threat to the availability of funds for maintaining an adequate volume of homebuilding has necessitated a review of regulations and legislation affecting the distribution of savings among the various types of investment demands. Under existing conditions with tendencies toward expansion of demands in excess of productive capacity and consequent inflation of prices, it is not advisable or feasible to meet all unsatisfied credit demands through monetary expansion. The problem of maintaining stable economic growth, with equitable distribution of resources among various demands, involves restraints on excessive expansion along with structural arrangements for allocating available supplies of credit. This task may be accomplished in large part through the operation of the interacting market forces of demand, supply, and price changes. To some extent, however, legislative changes are needed to facilitate desirable structural adjustments and avoid undesirable changes.

The aim of this bill is to facilitate needed changes and to discourage undesirable shifts in the volume and flow of savings in meeting credit demands.

THE PRESIDENT'S ANTI-INFLATION MESSAGE

During the past 2 years the economy has been marked by rapidly increasing demands for credit from all sources, public and private. The supply of savings available for lending has not risen nearly fast enough to meet all these demands, though the volume of credit actually supplied has been rising substantially—even faster than the increases in output of goods and services would warrant, with resulting upward pressures on prices of raw materials and consumer goods and services. The result of the imbalance between the demand for and the supply of credit has been a rapid increase in interest rates during the past 2 years to the highest levels of the past 40 or 50 years. This increase in interest rates has been due in part to reliance almost entirely on monetary restraints to control the inflationary effects of expanding demands for credit. It has had particularly severe effects on special segments of the economy, such as the housing market and homebuilding, which are dependent on large supplies of credit at moderate rates, on small businesses, and on low-cost student loans. While unusual efforts have been made to alleviate the problems of these individual segments of the economy, these efforts have not been directed at the basic causes of the problem—the imbalance between the total demands for credit and the supply of credit that can be supplied without inflationary consequences.

The President's anti-inflation message, and the proposals relating to taxation and government expenditures contained in that message, are directed at underlying causes of the problem, as is the directive contained in section 1 of H.R. 14026.

The powers which H.R. 14026 will give to the regulating agencies will not cure the basic imbalance between the demands for credit and the supply of credit. However, judicious and discreet exercise of these powers will do much to prevent the pressures on interest rates from producing harmful results in the economy. In addition, the powers given in H.R. 14026 will enable the regulating agencies to moderate the "interest-rate war" between various financial institutions which has itself served to stimulate interest rate increases beyond those called for by economic factors.

ANALYSIS OF THE BILL

The first section of the bill provides that the Secretary of the Treasury, the Federal Reserve Board, the Federal Deposit Insurance Corporation, and the Federal Home Land Bank Board—the agencies primarily concerned with fiscal and credit policies—shall exercise their powers to bring about a reduction of interest rates to the maximum extent feasible in the light of conditions prevailing in the money market and the economy in general. This section thus expresses the sense of Congress that the economic policies of the Government as a whole should be directed toward a reduction of interest rates, which are at the highest levels in more than 40 years, insofar as this can be accomplished without jeopardizing price stability or continued economic growth.

This provision was added to the bill by an amendment offered on the floor of the House by the Honorable THOMAS L. ASHLEY. In explaining the purpose of his amendment, Mr. ASHLEY stated that "all agencies of the Government, whether concerned with monetary or fiscal policy, should be directed to mobilize their resources in a combined effort to alleviate the high interest rate conditions that now face us." He added that "a major part of the problem is the fact that we have relied so exclusively upon monetary policy rather than a mix of monetary and fiscal policy to dampen an overhot economy." On the same day that the House passed H.R. 14026, the President delivered to the Congress a message announcing steps that would be taken under existing law, and proposing changes in the tax law, to employ fiscal measures more effectively in restraining excess demand that poses a threat to price stability.

Monetary policy should be used to restrain inflationary pressures; if supplies of money and credit were to expand sufficiently to finance the extraordinary demands that have been pressing on an economy operating close to capacity, an inflationary spiral would surely set in. But, as the President has recognized, monetary policy alone may not assure stability. Or to maintain stability in the face of heavy credit demands, monetary restraints may result in such high interest rates as to depress unduly certain activities. Recently high interest rates appear to have drawn funds from homebuilding while proving inadequate in restraining business investment in plant and equipment, one of the strongest forces feeding the exceptional demand for bank credit. This uneven impact of Government economic policy should be corrected through a better balance of monetary policies and fiscal policies, including in the latter expenditure controls, debt management, and tax policies. The Ashley amendment should prove helpful in bringing about the adoption of policies to accomplish these objectives.

Section 2 of the bill would effect the following changes in the provisions of section 19 of the Federal Reserve Act:

(1) The Federal Reserve Board would be authorized to fix reserve requirements against time deposits between the limits of

3 and 10 percent, in lieu of the existing limits of 3 and 6 percent.

(2) In its present form, section 19 authorizes the Board to modify reserve requirements "in order to prevent injurious credit expansion or contraction." As explained in the House report on the bill, this phrase was omitted to negate any suggestion that it limits authority to make changes in reserve requirements designed to encourage shifts in the structure of bank deposits and assets, as contrasted to expansion or contraction in the volume of credit.

(3) The 13th paragraph of section 19 now requires the Board to prescribe maximum permissible rates of interest that may be paid by member banks on time and savings deposits. H.R. 14026 would make this authority of the Board discretionary rather than mandatory.

(4) Before imposing, changing, or removing maximum limitations on interest rates payable by member banks, the Federal Reserve Board would be required to consult with the Board of Directors of the Federal Deposit Insurance Corporation and the Federal Home Loan Bank Board. This requirement to consult applies as well to the other regulatory agencies affected by the act. It supplements their broader responsibility to exercise their powers on the basis of appropriate consultation with other interested agencies, such as the Treasury—particularly mentioned in section 1 of the bill—the Council of Economic Advisers and the Bureau of the Budget.

(5) In its present form, section 19 specifically enumerates criteria governing the establishment of maximum rates of interest on time and savings deposits. H.R. 14026 would add to the list of permissible criteria enumerated and would authorize the Board also to prescribe interest rate limitations "according to such other reasonable bases as the Board may deem desirable in the public interest."

The principal changes are those concerning criteria for establishing different rates by categories of deposits. These are needed to forestall avoidance of the Board's existing rate-control regulation (regulation Q). On July 15, the Board amended regulation Q to establish a maximum rate of 5 percent on time deposits with multiple maturities (4 percent for those maturing in less than 90 days). The Board has informed the committee that lower ceilings were imposed on multiple-maturity deposits in an effort to differentiate between so-called consumer CD's and the larger denomination, money market CD, on which a ceiling of 5 percent would be unrealistic under present competitive conditions in domestic and international money markets. At the same time, the Board called the committee's attention to the shortcomings of this method of differentiating between the two kinds of CD's, and requested that section 19 be broadened in order to provide more flexibility in establishing different ceilings for different kinds of deposits. Unless the broader authority is granted, the present 5-percent ceiling might be widely breached by banks offering single-maturity CD's in smaller denominations at higher rates of interest in an effort to attract savings funds. This could touch off the kind of destructive rate war among thrift institutions that the bill is designed to prevent.

Authority to establish higher reserve requirements against time deposits was requested by the Board in recognition of the fact that banks have made increasing use of large-denomination, negotiable CD's to attract short-term money market funds, as well as smaller denomination consumer CD's with extremely attractive withdrawal options, thereby attracting funds that otherwise would have lodged in demand deposit balances, which bear higher reserve requirements, or in other types of depositary institutions. Funds attracted to commercial banks in this way can prove highly volatile when cash needs or the attractiveness of interest rates or other terms available on other instruments cause shifts of funds from banks—and it has to be recognized that such shifts will undoubtedly occur in the future.

The Board has recently raised reserve requirements to the statutory maximum on most time deposits and has requested authority to alter reserve requirements on appropritae categories of time deposits over a range more comparable with that now applicable to demand deposits. Several different effects of any increase in time deposit reserve requirements should be distinguished. First, it would raise the proportion of bank resources tied up in nonearning assets, and to that extent would produce a small increase in the cost of such time deposits to the banks. Second, the increased reserve balance held by each member bank to satisfy the higher reserve requirement would represent a small increase in what is effectively a restricted liquidity reserve of the bank. Finally, any change in time deposit reserve requirements could also serve to increase or decrease—as the case may be—the general availability of bank reserves, and could thereby assist, in coordination with other Federal Reserve instruments, in implementing general monetary policy. In view of the wide differential between existing reserve requirements on demand deposits and those now permitted on time deposits, there is an inducement for banks to make arrangements whereby depositors are encouraged to shift their balances without really changing the essential monetary nature or rate of use of the balances. Properly employed, judicious adjustments in time deposit reserve requirements could assist in altering the willingness of banks to attract time deposits and their capacity to withstand any subsequent liquidations thereof.

Rate ceilings are made discretionary rather than mandatory so that they may be applied in times such as those we are now experiencing, but may be suspended in less troublesome times when they are no longer needed. This provision follows a recommendation of the President's Committee on Financial Institutions in its report of April 11, 1963. Its reasoning is set forth in the following excerpt from that report:

"On balance, the Committee believes that the case for continuous regulation (of interest rates on time deposits) has less force today than in 1933. Nevertheless, recognizing the possibility of a recurrence of the need for maximum rates, the Committee does not propose that interest rate regulation be completely abandoned. Rather, it should be placed on a standby basis and extended to other depositary-type institutions. The very existence of such standby authority would help to prevent excessive increases in rates paid.

"The Committee envisages that such standby authority would be invoked by the responsible supervisory agencies only when they deem it necessary either to prevent institutional practices in the payment of interest and extension of credit that were inconsistent with the safety and liquidity of a significant number of institutions or to supplement other governmental policies to promote the objectives of the Employment Act of 1946."

Section 2 of H.R. 14026 would also change the sequence and the language of a number of provisions of section 19 of the Federal Reserve Act, in order to simplify and clarify those provisions. The following are two examples of such amendments made by the bill:

(1) The first paragraph of section 19 would be amended by omitting an enumeration of various terms that the Board was authorized to define, substituting therefor a general provision that the Board may "define the terms used in this section"; and an unnecessary proviso is deleted.

(2) The last paragraph of section 19 is deleted, along with a proviso in section 8 of the Second Liberty Bond Act; these two provisions simply cancel each other, and their repeal will help to simplify and clarify the Federal statutes.

Section 3 of the bill would make changes corresponding to those applicable to the Federal Reserve in the authority of the Federal Deposit Insurance Corporation to establish limits on interest rates payable on time deposits by insured banks not members of the Federal Reserve System.

Section 4 of the bill would for the first time give the Federal Home Loan Bank Board clear legislative authority to place limits on rates of dividends or interest that may be paid on shares, deposits, or withdrawable accounts by all institutions insured by the Federal Savings and Loan Insurance Corporation and by members of the Federal home loan banks except those insured by the Federal Deposit Insurance Corporation. The authority granted—limited to a 1-year period—would be parallel to that which may be exercised by the Federal Reserve Board and the Federal Deposit Insurance Corporation over insured commercial banks. This authority is in accordance with recommendations made by the Commission on Money and Credit and by the President's Committee on Financial Institutions.

It was made clear at the hearing that the bill would authorize, but it would not require, the regulatory agencies to establish differentials in the maximum interest and dividend rates that may be paid by savings and loan associations and other thrift institutions as compared with commercial banks. The need for such differentials at any particular time, and the extent and degree of difference would under the bill be left to the discretion of the regulatory agencies.

Section 5 of the bill provides that rate regulations in effect when the bill is enacted shall remain in effect until modified or rescinded.

Section 6 of the bill would extend the range of securities that the Federal Reserve is empowered to buy and sell in the open market, to include all obligations issued or guaranteed by any agency of the United States. The Federal Reserve banks may now purchase and sell a number of Federal agency obligations in the open market, because the obligations are fully guaranteed by the United States by statute or by operation of law in accordance with an opinion of the Attorney General of the United States (42 Op. Atty. Gen. No. 1 of Apr. 1, 1961). These include certain obligations of the Export-Import Bank, District of Columbia Armory Board, Federal Housing Administration, Commodity Credit Corporation, and the Maritime Administration. The bulk of these and the other issues currently eligible, however, are small in size and do not include the major agency issues traded in the market.

The principal agency issues in terms of aggregate size and market activity are Federal intermediate credit bank debentures, Federal home loan bank notes and bonds, Federal land bank bonds, bank for cooperatives debentures, and Federal National Mortgage Association debentures and certificates of participation. Aside from short-term (6 months or less) Federal intermediate credit bank obligations, none of these issues are eligible for System transactions, even though from a "market" point of view there is little to distinguish them from those issues that are either explicitly guaranteed or covered by the Attorney General's opinion. In fact, these currently ineligible issues could probably be bought and sold by the System in

substantial volume with less risk of disrupting market conditions than could the currently eligible issues.

Making all agency issues eligible for System purchase or sale would increase the potential flexibility of open market transactions and could also serve to make these securities somewhat more attractive to investors. While public acceptance and understanding of these issues has grown, there may still be a lingering public hesitation in some cases to acquire and hold some of these issues because of diverse and complex legal and administrative factors. If all the issues were eligible for System operations, this could act as something of a common denominator of market acceptability and would tend to establish a more uniform market background for the various agency issues.

By authorizing System transactions in agency issues, the bill would place them on the same footing as direct obligations of the U.S. Government so far as System open market operations are concerned. As with direct Treasury debt, System decisions as to whether, when, and how much to buy or sell of agency issues would have to be made with a view to the need for supplying or absorbing reserves as indicated by the stance of monetary policy and in light of developments in the markets, including the need to cope with disorderly market conditions, should they emerge. In any event, it would be important, as at present, to avoid any semblance of "rigging" the markets or "pegging" the interest rates for any particular issues, for such actions would give rise to official dominance of the markets that would run counter to many of the broader objectives of Federal financial policies and might in fact harm rather than aid the propitious functioning of the market for such securities.

GLENIVAN C. SIMPSON

The resolution (S. Res. 303) to pay a gratuity to Glenivan C. Simpson was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Glenivan C. Simpson, niece of Granterson S. Clark, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

THOMASINE C. THOMPSON

The resolution (S. Res. 304) to pay a gratuity to Thomasine C. Thompson was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Thomasine C. Thompson, widow of William A. Thompson, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

AUTHORIZATION TO PRINT ADDITIONAL COPY OF CERTAIN PUBLICATIONS FOR THE GENERAL SERVICES ADMINISTRATION

The bill (S. 3809) to authorize the Public Printer to print for and deliver to the General Services Administration an additional copy of certain publications was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3809

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Printing Act of January 12, 1895 (28 Stat. 601), as amended by the Act of June 17, 1935 (ch. 267, 49 Stat. 386; 44 U.S.C. 215a), is hereby amended by striking that portion of the first sentence preceding the colon and by inserting the following in lieu thereof: "There shall be printed and delivered by the Public Printer to the General Services Administration for official use, including use by the Presidential Library established for the President during whose term or terms the documents were issued, three copies each of the following publications which shall be chargeable to the Congress:". The Act is further amended by striking the word "two" where it appears in the last phrase of that portion of the first sentence following the colon and inserting in lieu thereof the word "three".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1602), explaining the purposes of the bill.

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

S. 3809 would authorize the Public Printer to supply the General Services Administration with one additional set of such publications as issued, which its National Archives and Records Service (Office of Presidential Libraries) would make available to the Presidential Library established for the President during whose term(s) the documents were issued.

During fiscal year 1966 two copies each of 8,551 items were received by the General Services Administration pursuant to 44 U.S.C. 215a. The Public Printer advises that on that basis the additional set of publications which S. 3809 would provide for Presidential Libraries would cost approximately $1,900 per year.

EXPANSION OF PROGRAM OF GRANTS-IN-AID TO THE REPUBLIC OF THE PHILIPPINES FOR HOSPITALIZATION OF CERTAIN VETERANS

The Senate proceeded to consider the bill (H.R. 16330) to provide for extension and expansion of the program of grants-in-aid to the Republic of the Philippines for the hospitalization of certain veterans, and for other purposes, which had been reported from the Committee on Labor and Public Welfare, with an amendment on page 2, line 19, after the word "disabilities" to insert "if they enlisted before July 4, 1946, and".

The amendment was agreed to.

Mr. ELLENDER. Mr. President, may we have an explanation of the bill?

Mr. MANSFIELD. The report has not been printed at the moment. The bill was reported unanimously by the Committee on Labor and Public Welfare.

Mr. ELLENDER. I certainly would like to know what the bill provides.

Mr. MANSFIELD. I will ask that the bill be passed over.

Mr. LAUSCHE. Mr. President, it is my understanding that a bill has been introduced that would require the Government of the United States to provide hospital and medical services to Filipinos who did not serve in World War II but who have served the Philippine Government since then. The medical and hospitalization services would be provided regardless of whether the disability had any connection with the military service.

Mr. ELLENDER. Would that be in addition to what we now provide?

Mr. LAUSCHE. I do not know whether this is the bill for that purpose, but I think it is.

Mr. ELLENDER. I ask that the bill be passed over.

Mr. MANSFIELD. Mr. President, may we have the amendment read again?

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

The legislative clerk read as follows:

On page 2, line 19, after the word "disabilities" insert "if they enlisted before July 4, 1946, and".

Mr. LAUSCHE. The language must have been changed. I think the bill ought to be passed over.

Mr. MANSFIELD. Mr. President, I ask that the bill go over.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

Mr. MANSFIELD. That concludes the call of the calendar.

COMMITTEE MEETING DURING SENATE SESSION TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be permitted to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. DIRKSEN. Mr. President, I have been asked to object to that request.

Mr. MANSFIELD. Mr. President, I ask that the previous request and the action thereon be rescinded.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be permitted to meet during the session of the Senate today.

Mr. DIRKSEN. Mr. President, I was asked to object.

The ACTING PRESIDENT pro tempore. Objection is heard.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate go into executive session.

The motion was agreed to; and the Senate proceeded to consider executive business.

EXECUTIVE MESSAGES REFERRED

The ACTING PRESIDENT pro tempore 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 COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Arthur J. Goldberg, of Illinois, FRANK CHURCH, U.S. Senator from the State of Idaho, CLIFFORD P. CASE, U.S. Senator from the State of New Jersey, James M. Nabrit, Jr., of the District of Columbia, and William C. Foster, of the District of Columbia, to be 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, 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;

Robert R. Bowie, of Massachusetts, to be Counselor of the Department of State;

J. Robert Schaetzel, of Illinois, to be the representative of the United States of America to the European Communities, with the rank and status of Ambassador Extraordinary and Plenipotentiary;

W. True Davis, Jr., of Missouri, to be Executive Director of the Inter-American Development Bank;

John M. McSweeney, of Nebraska, a Foreign Service officer of class 1, to be Envoy Extraordinary and Minister Plenipotentiary to Bulgaria;

Reynold E. Carlson, of Tennessee, to be Ambassador Extraordinary and Plenipotentiary to Colombia;

Robinson McIlvaine, of Pennsylvania, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Guinea; and

Glenn W. Ferguson, of Maryland, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Kenya.

The ACTING PRESIDENT pro tempore. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

The Chief Clerk read the nomination of Stephen N. Shulman, of Virginia, to be a member of the Equal Employment Opportunity Commission for the remainder of the term expiring July 1, 1967.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

NATIONAL MEDIATION BOARD

The Chief Clerk read the nomination of Howard G. Gamser, of New York, to be a member of the National Mediation Board for the term expiring July 1, 1969.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE PUBLIC HEALTH SERVICE

The Chief Clerk proceeded to read the nominations in the Public Health Service beginning George E. Goodman, to be surgeon, and ending Joel P. Kollin, to be senior assistant sanitary engineer, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 6, 1966.

The ACTING PRESIDENT pro tempore. Without objection, the nominations in the Public Health Service are confirmed en bloc.

Do Senators desire that the President be immediately notified of the confirmation of the nominations?

Mr. ELLENDER. I so ask.

The ACTING PRESIDENT pro tempore. Without objection, the President will be so notified.

LEGISLATIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate resumed the consideration of legislative business.

CIVIL RIGHTS—CLOTURE MOTION

Mr. MANSFIELD. Mr. President, I send to the desk a motion and ask that it be read.

The ACTING PRESIDENT pro tempore. The motion will be received, and the clerk will read it.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the motion to proceed for the consideration of H.R. 14765, an act to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

MIKE MANSFIELD, PHILIP A. HART, JOSEPH S. CLARK, WAYNE MORSE, CLAIBORNE PELL, ROBERT F. KENNEDY, PAUL H. DOUGLAS, JENNINGS RANDOLPH, J. K. JAVITS, HARRISON WILLIAMS, EDWARD KENNEDY, GAYLORD NELSON, WILLIAM PROXMIRE, BIRCH BAYH, DANIEL INOUYE, EUGENE J. MCCARTHY, WALTER F. MONDALE, JOHN O. PASTORE, STEPHEN M. YOUNG, THOMAS H. KUCHEL, ROBERT GRIFFIN, HUGH SCOTT, CLIFFORD CASE, HIRAM L. FONG, JOSEPH D. TYDINGS, HENRY M. JACKSON, THOMAS J. DODD.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. MANSFIELD. In view of the unanimous-consent agreements relative to today, tomorrow, and Monday, is it correct to state that the vote on the motion will come 1 hour after the Senate meets on Monday?

The VICE PRESIDENT. Unless there is another unanimous-consent agreement, it would.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the hour be equally divided between the distinguished minority leader and the majority leader, or whomever they may designate.

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

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

Mr. MANSFIELD. I yield.

Mr. PASTORE. I was wondering. In connection with the previous motion there was a unanimous-consent agreement to take the vote at 6 o'clock.

Mr. MANSFIELD. The Senator is correct, but that was unusual and it was a convenience to the Senate.

Mr. PASTORE. Mr. President, many of us have commitments over the weekend and we may be delayed in getting back because of fog or other reasons. I intend to get back on Monday and, of course, I shall, but there may be circumstances beyond my control.

What harm would it do to change the unanimous-consent request and to make it for 3 o'clock or 4 o'clock in the afternoon, to give us a chance to get back?

Mr. MANSFIELD. There would be no harm, but I do not think we should play loose with the rules too often. There was a real reason, because of the large number of absentees, to make the previous request. I would not like it to become a habit. I think that the rules should be adhered to.

Mr. PASTORE. I do not want it to be a habit, but a Senator may find himself in a position where he is not able to get back. I do not know of any harm in it. There would be no harm done to make it 3 o'clock.

Mr. MANSFIELD. I would go this far and this far only.

Mr. President, I ask unanimous consent that the hour begin at 1 o'clock and that the vote be held at 2 o'clock.

The VICE PRESIDENT. Is there objection? Hearing no objection, it is so ordered.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES

The VICE PRESIDENT. In accordance with the previous notice the Senate will now stand in recess subject to the call of the Chair, for the purpose of attending a joint meeting with the House of Representatives to hear the very distinguished President of the Philippines, Ferdinand E. Marcos.

At 12 o'clock and 15 minutes p.m. the Senate took a recess, subject to the call of the Chair.

Thereupon, the Senate, preceded by its Secretary (Emery L. Frazier), its Sergeant at Arms (Robert G. Dunphy), and the Vice President, proceeded to the Hall of the House of Representatives to hear an address delivered by His Excellency, Ferdinand E. Marcos, President of the Republic of the Philippines.

(For the address delivered by the President of the Republic of the Philippines see today's proceedings in the House of Representatives.)

At 2 o'clock and 3 minutes p.m., the Senate, having returned to its Chamber,

reassembled, and was called to order by the Presiding Officer (Mr. HARRIS in the chair).

ROUTINE MORNING BUSINESS

Under the order entered yesterday September 14, 1966, the following routine morning business was transacted.

JUSTICE FOR THE JEWS IN THE SOVIET UNION

Mr. KUCHEL. Mr. President, today at the beginning of the holidays of Rosh Hashanah, Jews all over the world remember their brethren in the Soviet Union.

Living under Communist oppression, the Jews of the Soviet Union have never been allowed freely to exercise their religion, nor have they been given the full cultural freedom, which has been for years a favorite boast of Soviet propaganda.

Last month the Jewish Federation-Council of Los Angeles in a letter enclosing a petition signed by a thousand Americans and addressed to the Ambassador of the Soviet Union called for justice to the Jews of his country. I quote one eloquent paragraph:

> Memory is all too vivid as we look back in horror and disbelief at the holocaust that destroyed six million European Jews. Our hearts are heavy, for we fear the loss of three million more of our brethren. In the past Russian Jewry provided the wellsprings for much of our religious and cultural life, so essential to Jewish survival, and we fear that these may dry up because of continued restrictive governmental policies and attitudes. They suffer discrimination not experienced by other minorities in Russia.

We all know of the great contribution to the culture of the world made by these people.

The Soviet Embassy rejected out of hand any real concern for its Jewish citizens. I quote a portion of its reply:

> Since your letter and its enclosure can be interpreted only as a deliberately (sic) hostile act towards the Soviet people we are returning them to you.

Mr. President, this callous disregard for the problems of 3 million citizens of the Soviet Union should not pass unrequited. All Americans condemn the intolerant antireligious attitude of the Soviet Union, as expressed by its Embassy.

Americans, who believe in freedom of faith and expression are not deceived by diplomatic doubletalk. The Soviet Constitution supposedly provides for freedom of religion; but it has not lived up to that provision. If we cannot accept Soviet promises in a vital matter of conscience, how can we accept them in any other commitment? The world has a right to expect that justice be done to the Jews of the Soviet Union.

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

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

JEWISH FEDERATION-COUNCIL OF GREATER LOS ANGELES,
Los Angeles, Calif., August 24, 1966.

His Excellency ANATOLIY F. DOBRYNIN,
Embassy of the Union of Soviet Socialist Republics, Washington, D.C.

DEAR SIR: We herewith submit to you petitions, containing signatures of some 1,000 American Jews in Los Angeles, who, in Temples, on the occasion of Tisha B'Ab (July 26th), a day of traditional mourning and remembrance, felt it important to give voice to their concern for the dire plight of fellow Jews in Soviet Russia.

Memory is all too vivid as we look back in horror and disbelief at the holocaust that destroyed 6 million European Jews. Our hearts are heavy, for we fear the loss of 3 million more of our brethren. In the past Russian Jewry provided the wellsprings for much of our religious and cultural life, so essential to Jewish survival, and we fear that these may dry up because of continued restrictive governmental policies and attitudes. They suffer discrimination not experienced by other minorities in Russia.

In the name of humanity we plead for an end to second class citizenship for Soviet Jews. Let them live as citizens and as Jews without fear or hindrance.

On behalf of members of the Jewish community of Southern California:

Dr. MAX W. BAY,
President, Jewish Federation-Council.
Judge ISAAC PACHT,
Chairman, Community Relations Committee.
Mrs. LEO HIRSH,
Chairman, Community Relations Committee's Sub-committee on Soviet Anti-Semitism.

EMBASSY OF THE UNION OF SOVIET SOCIALIST REPUBLICS,
Washington, D.C., September 2, 1966.

Dr. MAX W. BAY,
Jewish Federation-Council,
Los Angeles, Calif.

SIR: Acceptance of your letter of August 24 and of the petition with signatures is hereby refused by this Embassy.

Expression of "fear of loss of three million brethren" in the U.S.S.R. which comes in one breath with references to the destruction of millions of Jewish people by German fascists during World War II sounds as an outrageous insult to the Soviet people, Jewish citizens among them, who shed their blood for the liberation of Europe from Nazi Germany thus saving other millions of people, including Jews, from physical annihilation.

Your letter, judging by all, is not a result of mere lack of information about the real role which Jewish people play in the life of the Soviet Union. You, Dr. Bay, evidently unlike most of those who signed the petition, must be well aware of the real situation in this respect, just as of the difference between Jews by their religion and Jewish people by their origin, as well as of the difference between Judaism—which is like any other religion on decline in the Soviet Union with its basicly materialist philosophy—and Jewish culture which is appreciated and encouraged in the U.S.S.R.

Since your letter and its enclosure can be interpreted only as a deliberately hostile act towards the Soviet people we are returning them to you.

Sincerely,

IGOR BUBNOV,
First Secretary.

DEATH OF ALONZO J. HARRIMAN, INTERNATIONALLY KNOWN ARCHITECT

Mrs. SMITH. Mr. President, one of Maine's most outstanding citizens, Alonzo J. Harriman, passed away this past Friday, September 9, 1966. He was undoubtedly the foremost architect in the history of Maine. His firm was recognized as one of the leading architectural firms in the United States and he was recognized as an international leader in the field of architecture.

But he had an even more significant greatness than his professional brilliance and achievement. That more significant greatness was in his personal character. I have never known a kinder person than Alonzo Harriman. There was not the slightest pettiness or meanness in him. I never heard him say an unkind word about anyone. I am sure that this did not mean that there was no one who disappointed him or whose acts he did not approve. Rather, he was a living symbol of that wise adage that if you cannot say something kind and nice about a person then do not say anything.

Yes, Alonzo Harriman was a great man who carried his greatness with kindness and humility and with a reticence that bordered on shyness. He was a devoted husband and father. He was a dedicated man to his profession and his firm.

Undoubtedly, he should have thought more of himself and retired from active participation in his firm in the interest of his health. But he decided otherwise and continued to carry the heavy load of his firm and thus literally give his life to his profession and without the slightest whimper.

I cannot do justice in words to Alonzo Harriman. I was, indeed, most fortunate to have him as a very good friend and to be closely associated with his wonderful wife, Mrs. Pearl Harriman, and him for many years. His passing is truly a deep loss to me—and it is to the State of Maine and to the architect profession—in almost as marked a degree as it is to the members of his family.

Because the Lewiston Journal of September 9, 1966, carried an excellent summary of his life, I now read that summary:

ALONZO J. HARRIMAN DIES AT 68; INTERNATIONALLY KNOWN AS LEADING ARCHITECT

Alonzo J. Harriman, 68, internationally known architect, died early Friday morning at Central Maine General Hospital, where he had been a patient the past few days. He had been in failing health in recent years. His home was at 88 Shepley St. He was treasurer of Alonzo J. Harriman Associates, Inc 292 Court St.

The firm he founded in 1938 is considered one of the leading 100 in its field in the United States. These 100 do approximately 10 per cent of all architectural work in the country.

A native of Bath, he was born July 6, 1898, son of Charles A. and Nellie D. Coombs Harriman. He was graduated from Morse High School, Bath, and from University of Maine and received his master's degree from Harvard University.

B.S. FROM MAINE

His B.S. degree from Maine in 1920 was in mechanical engineering. During summers, he worked at Bath Iron Works for a time as a draftsman. He had wanted originally to be a shipbuilder. Seeking to fulfill his knowledge in the art of shipbuilding, he also worked as a machinist, a riveter, a fitter, and as a member of trial crews. For a year after his graduation, he worked in the boiler shop of the big plant.

In 1921, he shifted to building design and construction when he found in 1921 there was a lack of work to be found in shipbuilding. When the war emergency came along, his knowledge of ship construction, design, and operation stood him in good stead. He had five years of structural engineering experience as he was nearing 30 but preferring to be an architect-engineer rather than an engineer, he went to Harvard, emerging in 1928 with a M.A. degree in architecture.

RETURNS TO MAINE

Returning to Maine, he went into partnership in Lewiston-Auburn with Harry S. Coombs and designed schools, institutional and municipal building. In 1939, he established his own firm, an office which consisted of two men and a secretary. It now has grown to approximately 100 persons.

By members of his profession, he was considered as a conservative, who subscribed to basic principles rather than to traditional practices.

In 1947 Harriman was approved by the War Department as designer of all buildings for the huge bomber base at Limestone now known as Loring Air Force Base. This commission was only one of a long series which various governmental departments accorded him. During the World War II years and those immediately preceding, he designed facilities or expansion of Bath Iron Works and the huge South Portland shipyards as well as housing projects, industrial plants, hospitals, schools, municipal buildings and residences, total construction costs which ran into millions of dollars.

PROTECTION SYSTEMS

His firm designed fire protection systems at many airports, numerous high schools throughout the State, including Lewiston High School, and numerous structures for the New England Tel. and Tel. Co., including that in Lewiston.

In 1961, Bates College awarded him an honorary degree, doctor of fine arts. The citation called attention to his award shortly before of a fellowship in the American Institute of Architects for "outstanding service to the profession and service to the Institute"; also to his being designated by the Architectural Forum as "one of the first hundred leading architects in the United States." Buildings erected and remodelled on the Bates campus in the past 20 years were his work.

The Harriman firm also designed many of the buildings at the University of Maine and other State institutions.

SEVERAL STATES

Harriman was a registered architect and engineer in Maine and Massachusetts, also a registered architect in New Hampshire, Rhode Island, and New York; a member of the National Council of Architectural Registration Board and State of Maine Architectural Registration Board.

In 1962, he was awarded a signal honor, being named a delegate to the United Nations Educational Scientific and Cultural Organization meeting on school buildings in London. From 1959 to 1961, he was a director of the American Institute of Architects, representing New England. From 1961–1963, he was chairman of committee on schools and educational facilities of the American Institute of Architects. He was a past president and secretary of the Maine Chapter, American Institute of Architects. From 1950 to 1958, he served on the AIA National committee on school house construction; from 1964 to 1967, he was a director of the Building Research Institute.

AN AWARD

In 1947, he received an award at the Exhibition of Contemporary Architecture held in connection with the sixth Pan American Congress of Architects. At the 1952 regional convention of the American Association of School Administrators in Boston, the Harriman plans for a Bar Harbor elementary school received a blue ribbon, the highest honor given. In 1955, he received honorable mention for the Westerly schools, Westerly, R.I., given in National school competition. The New England Council of Architecture gave him the 1957 centennial award for the Millinocket elementary school.

In 1963, the General Services Administration in Washington, selected Harriman designs as examples of the government's new approach to architecture.

The Harriman firm dates back to 1870, when it was then known as Stevens and Coombs. Philip A. Gatz of Auburn has been closely associated with the firm, in recent years its president.

TELEPHONE BUILDINGS

The Harriman firm has designed 33 New England Tel. and Tel. Co. buildings throughout the State from Aroostook County to York. Harriman designed locally the Washburn and Sacred Heart schools in Auburn and Lewiston High School, Montello Junior High School, St. Joseph's School, Martel and Pettingill school additions. A partial list includes more than 100 schools; also 10 academies in Maine plus a dormitory at Phillip Exeter Academy.

Harriman designed from 1947 to 1966, 12 Bates College buildings, 13 at University of Maine, seven at Farmington State College, three at University of New Hampshire, and one at St. Joseph's College, North Windham; 11 structures at Pineland School at Pownal; the CMG Hospital nurses' residence and alterations and an addition now under construction; also numerous other hospitals in Maine.

His local designs included, among many others the Central Maine Youth Center, First Church of Christ Scientists, Lewiston Public Works garage, Farm Bureau Insurance Co. office building.

Buildings bearing his stamp include since 1947 to date everything at Jackson Memorial Laboratory, Bar Harbor; four buildings at Worcester Foundation for Experimental Biology at Worcester, Mass.; science building at Plymouth State College, Plymouth, N.H., post offices and office buildings at Augusta, Bangor, Presque Isle, and Rockland, the new Kennebec Journal plant in Augusta, St. Rose de Lima Church in Chisholm.

He was a trustee of Oak Grove Seminary, Vassalboro, member of Maine Historical Society, The Society of the Four Arts of Palm Beach, Fla., High St. Congregational Church, Harvard clubs of Boston and New York City, Cumberland Club of Portland, and Augusta Country Club. He was a director of the Canal National Bank.

Surviving are his widow; a son, Charles P., Falmouth; and four grandchildren.

MONDALE SPOTLIGHTS LAKES

Mr. METCALF. Mr. President, last month Life magazine published an editorial which begins:

There is a good chance that 1966 will be remembered as the year when Americans finally got fed up with pollution.

The Senate, reflecting this mood, has taken a giant step in the passage of S. 2947, authorizing over $6 billion in Federal grants to communities to combat water pollution.

But recently Senator WALTER MONDALE pointed out that despite the size of our programs, we have given little attention to the increasing accumulation of pollution in our lakes. To compensate for this omission, Senator MONDALE has introduced a bill with provision for Federal grants to States and communities for pilot programs designed to develop new or improved methods for the prevention, removal, and control of pollution and siltation in lakes.

The Minneapolis Tribune has commented that:

While there is some Federal spending which currently should be curtailed because of inflationary pressures, we heartily endorse the Senator's recognition of a need to do more to preserve our lakes.

The St. Paul Pioneer Press observes that while the Congress has started an attack on pollution in the Great Lakes, "of equal importance is the preservation of the invaluable national recreational resources represented by thousands of other important lakes such as are found in Minnesota, Wisconsin, and elsewhere. The Mondale bill points out a hopeful course of action toward this end."

The New York Times also has recognized man's need for clean, clear water as a solvent for worries and problems, and suggests that, perhaps we have begun to learn this at last.

There is no doubt as to the validity of the need. What is in question is whether it will be given adequate attention as Senator MONDALE has urged.

I ask unanimous consent that the editorials from the Minneapolis Tribune, the St. Paul Pioneer Press, Life, and the New York Times be printed in the RECORD.

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

[From the Minneapolis Tribune]

FEDERAL AID FOR OUR NATION'S LAKES?

Our Nation's lakes—a priceless heritage described with affection in a New York Times editorial reprinted elsewhere on this page—are, in too many instances, "decaying and in danger of becoming extinct because of pollution and siltation."

The words quoted are from remarks by Sen. MONDALE of Minnesota in introducing legislation for an experimental federal program for prevention, removal and control of pollution in lakes, of which the nation has some 100,000.

While there is some federal spending which currently should be curtailed because of inflationary pressures, we heartily endorse the senator's recognition of a need to do more to preserve our lakes. His indicated cost, $5 million to get the program going, is a mere drop in the national fiscal budget, compared to the yearly losses the American people suffer as more people, houses, boats, etc., overtax our lakes.

"Throughout the nation, lakes are suffering from the pollution epidemic; they are smothering to death in organic waste and untreated poison,' MONDALE said. The senator pointed to programs to convert salt water, to treat sewage, to clean up rivers,

etc., but said only "minimal attention has been given to pollution in lakes. There is no program of federal assistance to the states for the full-scale cleaning of polluted lakes, and without assistance the states cannot handle this problem."

Such a program undoubtedly would, in the future, carry a potential for substantial federal spending—and for pork barrelitis. But American population growth—with its urban concentrations and its pressures on outdoor facilities such as national parks and beaches—demands that our lakes be saved for present and future generations.

[From the St. Paul Pioneer Press]

TO SAVE DYING LAKES

Minnesota's marvelous heritage of lakes is too much taken for granted. Here, as in neighboring Wisconsin, the public looks on lakes as a God-given asset surely destined to provide beauty and recreation to a fortunate people forever.

Unfortunately, that is not true. Many lakes, especially those near towns and cities and those heavily developed for summer cottage use, are slowly deteriorating. Some are dying. What nature bestowed with lavish hand, man is gradually defiling. Pollution, silting and a vast expansion of aquatic weed growth threaten many bodies of once clear, clean water. Preventive and revitalization measures are possible, but little has yet been done in this direction.

Senators WALTER MONDALE of Minnesota, QUENTIN BURDICK of North Dakota and PAUL DOUGLAS of Illinois are urging Congress to finance a national series of pilot lake-saving projects and experiments. The cost would be comparatively small as public expenditures go. The eventual rewards could be great.

"Throughout Minnesota and the nation," said Senator MONDALE in introducing his bill, "lakes are suffocating to death in sludge, organic waste and untreated poisons. New and improved methods of prevention and cure are needed. Extensive experimentation and research are required. The federal government should take the lead in this, encouraging states and local governments to participate."

His proposal is for a series of 90 per cent federal financing grants for pilot projects. One such undertaking is already in progress at Lake Tahoe on the California-Nevada border. Once considered among the world's most beautiful and unspoiled bodies of water, Tahoe is rapidly deteriorating as a result of housing and commercial developments. Similar deterioration is already far advanced in hundreds of Minnesota and Wisconsin lakes. The process is slow and gradual, but once started it gains headway remorselessly unless definite steps are taken to cure the illness and restore former conditions.

Congress in the past 10 years has established and expanded programs for protection of rivers and even for desalinization of salt waters. It is beginning to attack long-continued pollution of Lake Erie and Lake Michigan. Of equal importance is the preservation of the invaluable national recreational resources represented by thousands of other important lakes such as are found in Minnesota, Wisconsin and elsewhere. The Mondale bill points out a hopeful course of action toward this end.

[From Life magazine, Aug. 12, 1966]

OUR AIR AND WATER CAN BE MADE CLEAN

There is a good chance that 1966 will be remembered as the year when Americans finally got fed up with pollution. For 350 years we have poured filth into every body of water that we control and into the air above. Now, voters are proving at the polls that they have had enough. And what's more, they are assuming—correctly—that it is technically and financially feasible to do something about pollution problems long considered insoluble.

Last month the Senate passed a water pollution control bill that will cost $6.4 billion over the next five years. The vote was 90–0 and there was hardly any debate. At the same time, a companion air pollution bill ($196 million over three years) was passed without a nay.

No people, even Americans, are literally consumers. We are users. We eat things, wear them, operate them or burn them. We change their form, then pour them into the air as smoke and fumes, or funnel them into sewers that lead to the rivers we are killing and the lakes that are becoming mammoth cesspools.

There might be some logic to the fouling of our environment if air and water somehow appeared from mystically pure sources, flowed past us once, and disappeared, to be replaced by fresh supplies. Alas, there is just so much air above the earth and water on its surface. We cannot create more—but can only find ways to use it more sensibly.

New Yorkers, during the drought of the past five years, became suddenly aware of the waste inherent in foul waters. While emergency drought regulations silenced many air conditioners, browned lawns to straw and banished water glasses from restaurant tables, the Hudson River was daily carrying 11 billion gallons of undrinkable, uncleanable water past the city and dumping it into the ocean. There was no real drought in New York last year. There was plenty of water but pollution had made it unusable.

We have always been able to find new sources of pure water, but those days are about over. Right now we use 400 billion gallons daily, 57 percent of all that is available. By the end of the century, we will be using 900 billion gallons a day—far more than the total supply. We will have to reuse all of our water, perhaps a dozen times over in major cities.

Air pollution is perhaps more dangerous than filthy water, if for no other reason than that it is not so obvious. With the classic exception of Los Angeles, where a fluke of climate makes the problem visible, most of the poisons we breathe cannot be seen. Los Angeles may get the attention, but New York City, on an area basis, actually pumps eight times as much junk into its air.

Some pollutants lead a double life, first fouling the air, then filtering into water systems and food crops. Donald E. Carr, in his book *Death of the Sweet Waters*, points out that six billion pounds of lead have been burned and spread over the country since lead alkyls were first added to gasoline as an anti-knock measure in 1923—and that the concentration of lead in the blood of Americans is 100 times normal. It should be remembered that lead compounds were favorite poisons of the ancient Romans.

The political muscle that is developing from the outrage over pollution has had scattered but notable success across the country. It helped elect William Scranton to the governorship of Pennsylvania, when he supported tough controls on strip mining operations that pour mine acids into the state's streams. Detergent makers were forced to find new formulas when housewives found that tapwater running with a built-in foaming head.

New York voters last year supported by a four-to-one ratio (the largest margin ever on a spending measure) a referendum that would allow the state to spend $1.7 billions of their money to clean up the Hudson. Californians have pushed so hard for control of air pollution that the federal government has decided to use California standards for the mandatory smog-control devices that will be built into all American cars starting in 1968.

But while the states are reacting to the demands of their citizens with isolated pollution controls, they are not moving fast enough even to keep up with the yearly increase in pollution that we face.

On water pollution, the Senate measure is the only likely means for catching up—and eventually getting ahead of the problem of pollution. The bill does not suggest bypassing the states by offering federal money to do the bulk of the job. Instead, it would provide 30 percent of the cost of sewage treatment plants, with the states and local governments paying the rest. In a sense, the bill would jog the states into leadership by offering to pay 50 percent of construction costs when several states agree to work together with local agencies to clean up a river system that cuts across their boundaries.

The amount of money involved in the new bill—$6.4 billion spread over the next five years—is a measure not of pork barreling but of the size of the job that has to be done. Most estimates of the cost of cleaning up our streams and lakes—not to some idyllic level of purity that would allow us to drink from any of them, but simply to the point where the water will continually be usable by people or industry—come to over $40 billion. The Senate bill would put the federal government in readiness to do its share. But the money would not be spent until the states and local units agreed that theirs was really the major responsibility.

The air pollution bill matches many of the provisions of the water bill. Its price tag is lower—$196 million—but it also recognizes that the chief federal role is to stir local action, to provide a rational set of standards, and to ensure training and research in long-neglected fields.

It is unfortunate that the Senate bills did not include a provision suggested by many experts in the field—the so-called "Ruhr Plan." The heaviest concentration of industry and population in West Germany lies along the Ruhr River. Users of its water are allowed to dump refuse back into the river—but they are charged a stiff fee for each pound of pollution they add to the stream. As a result, the Ruhr's waters are almost pure enough to drink throughout the length of the industrial basin.

Many industries in America have long argued that they cannot afford effective pollution controls—and remain competitive. That view won't sit well with the American taxpayers who are now faced with the $40 billion bill for cleaning up past pollution. No businessman expects to get his plant buildings for nothing—or the raw materials that go into his product. Neither should he expect somebody else to clean up—or try and live with—the refuse of his manufacturing process.

The air and water pollution bills are expected to come to the floor of the House later this month. Despite their expense, they should be passed. There are rivers that can be saved if we act now, and lakes that could be made fit for swimming again—and for all of us, perhaps a few years added to our lives if the air we breathe can be made less poisonous.

[From the New York Times]

LITTLE LAKES FOR LEISURE

Big pond, small lake, the naming doesn't matter. It is water, fresh water cupped in a hollow among the green hills, cool haven from summer's heat and hurry, a priceless heritage. All over America we have been rediscovering the little lakes, and with care and wisdom we can save them from the fouling that has made sewers of our rivers and has ruined so many beaches.

What is such a lake? It is a green shore lapped by clean, clear water. At night it is

filled with stars and moonlight. Dawn and it is gauzed with mist. Sunrise begins to lift the mist and the water dances and glitters as the morning breeze begins to clear the air. Noon and it is lazy as the damsel flies along its shore. Warm afternoon brings swimmers to its beaches, and small sailboats make their quiet, leisurely way like exotic butterflies. Evening and fishermen are out for a last cast or troll. Sunset fades, but dusk lingers.

Man is not an aquatic animal, but set him down on the shore of such a lake and he becomes amphibious, a leisurely swimmer or sailor or fisherman. His tensions begin to ease and wash away. Clean, clear water is a solvent for worries and problems. Perhaps we have begun to learn this, at last.

TWENTY-FIFTH ANNIVERSARY OF DEFENSE DEPOT, OGDEN

Mr. BENNETT. Mr. President, today, the Defense Depot, Ogden, Utah, will celebrate its 25th anniversary. During the last quarter century, this installation has served as a key supply base for the Western United States and for our troops abroad. In addition to its military role, the defense depot has made a major contribution to the economic and community life of the city of Ogden, and now employs 3,813 military and civilian personnel.

Over the years this depot has been in operation it has had several changes of name and mission assignments. The installation was officially activated on September 15, 1941, on a site containing 1,681 acres of land, located approximately 2 miles northwest of downtown Ogden, Utah. At the time of its completion during World War II, it was the largest quartermaster depot in the United States, and contained 45 miles of railroad, 57 miles of roadways, possessed more than 5 million square feet of warehouse space, and almost 13 million square feet of open storage space. The present buildings on the base would require more than $125 million to replace.

The 25-year-old military installation on Ogden's West Second Street, received its eighth change in name to Defense Depot, Ogden, on January 1, 1964. Prior to that time the depot operated under Army command and was known as the Utah Army Depot.

There were several excellent reasons for the choice of Ogden as a site for a supply depot to serve our forces in the Western United States and in the Pacific-southeast Asia areas. Ogden, is Utah's second largest city and is located near the meeting point of the first transcontinental railway at Promontory, Utah. It is located astride both east-west and north-south railroad lines and is almost equidistant from the three major Pacific ports of embarkation; Seattle, San Francisco, and Los Angeles.

The area is also served by four major transcontinental highways and has ready access to both civilian and military airports for shipment of priority cargo. However, even more important than geography, are the human resources of skilled and semiskilled manpower which are available in Ogden and the surrounding communities.

This area has long been regarded as one of the highest quality labor markets in the United States.

During World War II, the Korean conflict, and in the periods following cessation of hostilities, the Ogden Depot was a key installation in the U.S. military supply system. Today the depot is continuing to perform a major role in moving supplies and equipment to our fighting men in Vietnam and other areas in the South Pacific.

As the Defense Depot, Ogden, marks its quarter century of service, I want to raise my voice in praise and extend congratulations to all the military and civilian personnel who have contributed to the success of this outstanding defense supply mission. The people of Utah can justifiably take pride in a job well done, and look forward to the continuation of the vital role of this installation in the defense efforts of our Nation.

HIGH HOLY DAY MESSAGE BY RABBI DAVID L. GENUTH, TEMPLE BETH EL, SHAKER HEIGHTS, OHIO

Mr. LAUSCHE. Mr. President, it is my pleasure to share with my colleagues the opportunity to read the beautiful high holy day message from Rabbi David L. Genuth of Temple Beth El, Shaker Heights, Ohio. It is most impressive and reveals genuine deep feeling and simplicity. I ask unanimous consent that it be printed in the body of the RECORD.

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

HIGH HOLY DAY MESSAGE

(By Rabbi David L. Genuth)

The Days of Awe, also known as the High Holy Days, are festivals of a rather special character. The High Holy Days are observed not because of a historic event; rather, it is a period of spiritual accounting. It calls for an evaluation of our life and work before a living and personal God.

Other Hebrew holidays—Passover, Pentecost, Tabernacles—are national and historical feasts, commemorating epoch-making events in the annals of our people. The new year is of universal significance. On Rosh Hashanah we celebrate the birthday of the world and the creation of man in the image of God. All men are descendants of one couple, Adam and Eve. In pure theology and in lofty ethics, Judaism was and will always be a universal creed. The universal character finds expression and indeed forms the keynote of the sublime liturgy of the day which emphasizes the doctrine of God's universal sovereignty and God's love for all his children.

A moving prayer for these all-inspiring days reads: "Cause Thy fear, O Lord, our God, to rest upon all Thy creatures, and Thy dread on all that themselves before Thee, that they may all form one band to do Thy will with a perfect heart." And further on: "O Lord our God and God of our Fathers, reign over the whole world in Thy glory. Be exalted over all the earth in Thy splendor. Shine forth in Thy majesty and might over all the inhabitants of the earth, so that everything that is formed understand that it is Thou who has formed it, and may everyone, that has breath in his nostrils declare, 'The Lord God of Israel is King, and His Sovereignty prevails over.' "

Before the sounding of the Shofar, we recite the 47th Psalm, the last verses of which are as follows: "God reigneth over the nations; God sitteth on His Holy Throne. The nobles of the people are gathered together, the peoples of the God of Abraham (declaring) that unto God belong the shields of the earth. He is indeed exalted."

In our secular New Year, which we celebrate on January 1, we like to be amused or entertained; on our Religious New Year, we would rather be reminded of our place in the world and in our relationship to our fellow men. During our two days of Rosh Hashanah and the Day of Atonement, we constantly emphasize at-one-ment with God and with our fellowman.

There is a legend in the Talmud which so beautifully explains the idea of the holiday. "When a man walks, an angel walks in front of him and shouts, "Make place for the image of God, adore the Artist who conceived and created man."

Today, even in our blessed America, a new skepticism has emerged. Today it is the Humanity of man that is no longer self-evident. The theologians who are preaching God is dead philosophy and are removing a personal God and a living God from our lives, are weakening the values of human beings. One scientist characterized man as nature's sole mistake. Man is being denounced and condemned by artists, philosophers, and theologians. No wonder that in our daily newspaper, we constantly read such stories that a student killed 15 people or a father murders his five daughters. People are watching crime and are just turning their backs and showing complete disinterest in their fellowman. The spirit of unrest—the strikes—dissentions of labor and capital—the riots in our great cities are all the result of our losing the special understanding of the value of man.

It is not only the world at large but in our own America, where we were once proud to say America will always be the home of the brave and the land of the free, that we are becoming completely engulfed in the seeking of pleasure, material comforts, mostly trying to seek the satisfaction of our own selfish interests.

There comes to mind the stirring challenge in the Bible: "I call heaven and earth to witness against you this day, that I have set before thee life and death, the blessing and the curse; therefore choose life, that thou mayest live, thou and thy seed."

"Choose life" has been spoken throughout history to men and nations at the point when a life-or-death decision has to be made. The challenge is more urgent and more momentous today than ever before because man has acquired skills and studied techniques which can easily eliminate him from our planet. His amazing conquests in the realm of nature may only speed his own annihilation unless he is more successful in conquering human nature. The tragedy of our age is that man learned to split the atom before he achieved a united humanity.

Finally the High Holy Days present man as the Crown of God's creation . . . that man was created in the image of God, and he was endowed with a Divine and Immortal Soul.

In the last thirty or forty years, we presented man with a concept which is not true, and therefore we corrupted him. We presented him as an automation of reflexes, as a mind-machine, as a bundle of instincts, as a pawn of drives and reaction—as a mere product of instinct, heredity, and environment. We feed the nihilisms to which modern man is, in any case, prone. This is the reason why on the Day of Atonement we read, the story of Jonah, the Prophet. He was the Prophet who tried to run away from his Divinely-given duty but could never escape. He was also the Prophet who had to learn the lesson of the High Holy Days—that human life is a gift from God, and all men are God's children.

I would like to conclude this message with an account of a meeting between Gentile and Jew in Palestine many years ago. The Gentile said to the Jew, who was a celebrated scholar in the middle of the second

century Common Era, "You celebrate festivals in your calendar and so do we. But our respective holidays never coincide. On the days when we celebrate, you go about your ordinary business; when you rejoice, we go about our ordinary affairs; and when we have a festival, you do not participate in our rejoicings. Is not there a day in the year when both Gentile and Jew have occasion to rejoice and to celebrate?" And the Sage answered: "Yes, it is on the day when rain falls from Heaven which benefits all mankind and refreshes and revives all creation."

Let us learn today our duty as children of God, and then we shall in truth be able to say with Job, "The spirit of God hath me and the breath of the Almighty hath given me life." Our lives will then attest the truth of these words, and the praise and the blessing of a blessed humanity will accompany us wherever we shall be. Amen.

WHAT SPARKED THE FIRE UNDER COLEMAN CO.

Mr. PEARSON. Mr. President, one of the companies in Kansas showing a significant economic growth in the past few years is that of the Coleman Co., Inc., in Wichita, Kans. This company, as many of my colleagues know, is responsible for a great upsurge in camping as we see it today in this country.

Probably no other single firm in the United States has a name which is more synonymous with camping than that of Coleman. For years, the famous Coleman stove has been used by campers, hikers, fishermen, hunters, and servicemen for cooking and heating purposes in literally every corner of the North American Continent and many foreign countries.

Today I call the Senate's attention to an article in the Business Week issue of August 13 entitled, "What Sparked the Fire Under Coleman Co." This story tells dramatically the history of the company and its growth in recent years with new divisions of merchandise available for the American camper and his family. Coleman is another example of Kansas firms who are growing and contributing to the economic well-being of the country.

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:

WHAT SPARKED THE FIRE UNDER COLEMAN CO.

"If this sounds like a tale of woe, it's only because it is," says Sheldon Coleman, president of Coleman Co., Inc., when he talks of his company's plight during the 1950s. While the maker of camping products and heating and air-conditioning equipment had record-breaking sales of $53.8-million and a 6.3 percent profit in 1965, and see nothing ahead but continued gains, the 1950s were indeed doleful. What is significant is that the turnaround is being led by the same man who presided when the company was in trouble.

The nucleus of Coleman Co. was founded in Wichita, Kan., 65 years ago to market and later manufacture gasoline lamps and lanterns (box, page 86). By 1950 Coleman was the world's largest producer of oil space heaters and gas floor furnaces. And it was also turning out parts for Boeing's giant B-47 Air Force bomber.

Downturn. Then, along came the postwar surge in gas and fuel oil central heating systems. During the 1950s, the space heater industry declined 90 percent; the gas floor furnace business fell 80 percent. "These two lines accounted for 50 percent of our business," Coleman reports.

And in the last half of the 1950s, the B-47 was phased out, cutting Coleman's total production about 50 percent and its sales about 25 percent. In addition, a 54-day strike in 1957 cost it $1-million. At the end of the year, Coleman's balance sheet showed a 12 percent sales dip, and a $1.77-million loss on sales of $34.9-million.

Saving grace. Despite these three blows, the company began struggling to its feet. But in 1960 it lost a patent infringement suit involving a wall heater no longer even in production, and Sheldon Coleman had to write a check for $2.8-million. "We could have settled in the beginning for peanuts," says Coleman, "but I decided to fight it. It was a matter of bad business judgment, and we got clobbered."

Luckily, Coleman was founder W. C. Coleman's son, and his family owned a sizable chunk of company stock. "If my name hadn't been Coleman," he says, "I probably would have been fired. At least, it would have been touch and go."

I. TURNING ON THE HEAT

Such candor is rare, but Coleman seems to relish his mistakes almost as much as his successes. If not for the problems, he says, his company wouldn't be where it is today.

The problems got the president off his chair. The company had been run from the top, and had grown too big and diverse for this sort of management structure. Coleman recognized this.

Thus, in 1958 he began a divisionalization program, and stepped up the company's research and development efforts. He also began thinking about acquisitions.

By 1960, the company had six operating divisions: three domestic (Outing Products, Heating & Air-Conditioning, and Special Products, which sells heating and cooling units for mobile homes), and three foreign (Canadian, European, and Export). In addition, Coleman, with the advice and consent of management, broadened his board of directors; by 1960, half of them were outsiders.

The spark. The man responsible for all this interior redesign is an outdoorsman at heart. Coleman's interest in camping goes back to his high school days, when he was also Kansas tennis champion. While at Cornell getting his mechanical engineering degree, he worked summers as a canoe trip guide in Canada.

He recently figured that over a 20-year period, he paddled his own canoe about 5,000 mi. He still goes on a couple of one-week camping trips a year, and takes an occasional weekend outing around Wichita. He is also an accomplished bird hunter, and has won awards for training retrievers. Though 64 years of age, he looks a trim 54, and seems almost surprised when his 13-year-old son whips him at table tennis.

Coleman often combines his camping with product testing, and usually comes back from a trip with ideas for engineering improvements. "My engineers kind of hate to see me come home sometimes," he says. At his suggestion, for example, the company developed a folding oven to go with its camp stoves.

II. DIVIDED WE STAND

Coleman executives like the way their boss assigns responsibility—he grants authority to carry it out. And they don't seem to mind when he pops up at a production line to see how things are going. For his part, Coleman has much praise for his management team. "We have some tigers around here," he says.

The tigers are now permitted to unsheath their claws. Like many other diversified companies, Coleman's divisions are set up as individual profit centers. Decisions are no longer based mainly on the view from the top. Says Coleman: "The great majority of decisions are made in the divisions * * * our top people are right on the firing line."

The company has also established a long-term planning program, requiring division heads to set yearly goals. "Before," says Coleman, "we had no regular planning. * * * We had so many current problems that we spent most of our time on them."

NEW GUIDES

The outside directors, says Coleman, have been particularly active in guiding the company's acquisition program. "They felt we shouldn't fuss with acquisitions until we had strengthened our internal operations and had the spare power, time, and people. They didn't feel we had reached this point until 1964, and we made our first acquisition in 1965."

Coleman says Willard F. Rockwell, Jr., president Rockwell-Standard Corp., and a Coleman director, "has been very helpful" in this regard. So has Charles H. Kellstadt, also a director of Sears, Roebuck Co., who helped set up Coleman's Mexican operations.

III. THE GREAT OUTDOORS

Coleman's hottest division is outing products, which accounted for better than half of the company's $53.8-million in sales last year, vs. about 30 percent five years ago. Built initially around the ubiquitous Coleman lantern, the line includes gasoline camp stoves, coolers and jugs, a catalytic heater (which uses a platinum-impregnated heating element), and tents and sleeping bags.

One of the biggest things going for Coleman in outing products is the red Coleman label. Its lanterns and stoves are well-known to campers, and the company guesses its products are sold in about 30,000 stores—"drug chains, discount chains, department, hardware, and surplus stores, the works," Coleman says.

"The name moved fairly rapidly from lanterns and stoves to coolers and jugs," and did "exceptionally well" in tents and sleeping bags. Still, there may be limits. "There are some very well-known names in fishing gear," Coleman notes, "and I don't think people would line up to buy our tackle just because we put the Coleman name on it."

Coleman expects this year to sell more than 2-million units of his camping gear, which he characterizes as "high-value, medium-price." His goal is a bigger share of a market that some estimate at $1-billion a year. "In five years," he says, "the Coleman name will be synonymous with a full line of camping gear."

Covering up. Coleman got into tents and sleeping bags last year when it acquired two major Western manufacturers—Canvas Specialty Mfg. Co. of Los Angeles, and the Canvas Dept. of Boise Cascade Corp.'s Textile Div.—for $2.3-million cash. It expects to sell $5-million of this equipment in 1966. "We'll be the largest manufacturer in the western U.S. this year," says Coleman, "and by 1968 we'll be the largest in the country."

Coleman's competitors among tent and bag makers are mostly small local and regional manufacturers. The main competition for this line comes from the tents and bags sold by Sears, Roebuck. Of the $69-million worth sold last year, 25 percent were bought at Sears counters; this year, Coleman tents and bags should account for about 7 percent of the market.

Coleman admits that profits on tents and bags are only 3 percent when sales hit $6-million to $8-million, a level the company has yet to reach. "There's so much value in the materials," he says. But he feels it's worthwhile to offer a full camping line, and is looking for sales of perhaps $20-million by 1968.

Rolling along. In addition to this expansion, Coleman in April acquired Milwaukee's Regis Corp. and Regis Trimline Co. in a $500,000 deal. The companies manufacture a full line of two-wheel trailers with fold-out canvas tops for sale primarily in the Midwest. Coleman plans to revamp the trailers to its own specifications, and to have the new line—priced from $600 to $1,400 retail—ready for dealer and outdoor shows in the fall.

First deliveries are scheduled for the end of the year, and Coleman expects to have national distribution by the end of 1967. Current orders indicate that New Camping Trailer Div. will do about $2-million in volume this year.

This week, Coleman drove a wedge into the Eastern market when it broke ground for a $5-million plant in Somerset, Pa. To be built in three stages, the new facility will be turning out tents and sleeping bags by yearend, camping trailers by 1967, and eventually, will supply the full line of Coleman products.

IV. OTHER TRAILS

Though Coleman admits he's pushing outing products the hardest, he's not neglecting the other parts of the business. The Special Products Div. is staying on top of the boom in mobile homes; of the some 2-million in use, Coleman figures it heats half of them, air-conditions even more. The division is also developing air conditioners, heaters, and refrigerators for camping trailers.

The Heating & Air-Conditioning Div. has suffered some from sluggish housing starts and is still Coleman's least profitable domestic division, though gains are expected as home building and modernization perk up.

Its European Div. is in deeper trouble: After making $115,000 in 1964, it lost $75,000 last year and may lose $100,000 in 1966, all because of a situation similar to that which existed in the domestic heating business in the 1950s. With the discovery of huge natural gas pockets in Western Europe, customers just stopped buying oil space heaters. In Holland, for example, heater sales dropped 40 percent last year.

The company tried to rush a gas heater into the breach, but discovered too late that it had to do costly retooling and make different models for different countries. Still, Coleman expects the division to turn a profit by 1967. "I know that the markets are there," he says. Thus, Coleman is also making a big push with outing products in Europe.

By 1970, Coleman looks for company sales to hit $100-million, thanks largely to the increasing trend toward outdoor living. "Almost everything that's happening," says Coleman, "tends to give strength to the market—more leisure time, extension of daylight saving time, improved transportation, better camping facilities. The thing is growing by itself. All you have to do is swing with it."

WHEN W. C. COLEMAN SAW THE LIGHT

In 1899, W. C. Coleman, a high-school principal turned typewriter salesman to work his way through law school, walked into a drugstore in a small Kansas town and saw the light. It was produced by a lamp with an incandescent mantle burning a mixture of compressed air and gasoline, and was sold under the brand name, Efficient.

Coleman started making his own lamps two years later, and introduced his first lantern in 1914 for sale to farmers and outdoorsmen. Since then, close to 17-million Coleman lanterns have been sold throughout the world, and some have been in service for more than 30 years.

Explorers and archaeologists as well as millions of campers, hunters, and fishermen use them. And company files tell of head hunters performing eerie rites by Coleman light, and descendants of the Bounty mutineers using Coleman lanterns to light their church and dispensary on Pitcairn Island.

On the road. The lamp Coleman saw in the drugstore was turned out by a Memphis company. Coleman dickered to sell them, and on New Year's Day in 1900, turned up in Kingfisher, Oklahoma Territory, with 16 lamps and an order book. He found, however, that most of his prospects had tried similar lamps that didn't work. He sold only two the first week, and decided that instead of selling lamps he'd sell light.

Calling himself the Hydro-Carbon Co., he started a lamp-rental business. A year later he moved to Wichita and bought patent rights to the Efficient lamp. When the manufacturer refused to make changes that Coleman thought would improve the product, Coleman started making his own lamps.

By 1908, Coleman had developed a portable table lamp (previously, gasoline lamps were permanent fixtures, like gas lights). To demonstrate his lamp's safety to leery potential customers he would light it, and then knock it over and roll it across the floor, or juggle it from hand to hand.

He renamed the company Coleman Lamp Co. in 1912, and in 1945 it became Coleman Co., Inc.

Bright light. A Coleman lantern will flood a 100-ft. circle with light equal to a 300 watt bulb. It burns a mixture of special Coleman fuel (or white gasoline) and air. Air pressure, built up by a hand pump on the side of the fuel tank, forces fuel up through a brass tube and into a mantle made of nylon threads impregnated with chemicals.

Heat from the mantle vaporizes the fuel, and continued heat causes the mantle to glow brightly. Chemicals used in the mantle will activate a Geiger counter; during the uranium boom, some fraudulent claims were salted with burned up and powdered Coleman mantles.

OMBUDSMAN

Mr. LONG of Missouri. Mr. President, a recent phenomenon which has been occurring throughout our Nation gives greater support to the need for creating an ombudsman, especially at the State and local levels.

This phenomenon is the feature columns that can be read on the pages of newspapers across the country. Citizens may get action by telephoning or writing the newspapers, which acts as a sort of ombudsman in assisting the individual with his problems. In St. Louis, Mo., the Post-Dispatch calls its column "Action Line"; the Washington, D.C., Evening Star uses the same name. The Houston Chronicle labels its version "Watchem"; and the Plymouth, Mich., Observer labels its column "The Ombudsman."

Call it what you will, it is my understanding that these columns have been extremely successful. The number of telephone calls and letters which are daily received by these newspapers is an indication of the need for assisting the individual in his difficulties with city hall.

Mr. Jude Wanniski, a staff writer for the National Observer, has written an interesting account of these action line columns. I ask unanimous consent to insert, at this point in the RECORD, an article entitled "Newspapers Play 'Ombudsman' Role," which appeared in the September 1966, edition of the Quill magazine.

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

"ACTION LINE" TO THE RESCUE—NEWSPAPERS PLAY "OMBUDSMAN" ROLE

(By Jude Manniski, staff writer, the National Observer)

Mrs. E. J. of Miami was irked when the "non-stain" carpet she bought immediately stained and the department-store complaint department merely shrugged her off.

A group of neighbors in Washington, D.C. wanted to know why none of the washing machines in the local laundromat would work and why the place was always filled with hoodlums.

A. R. of St. Louis was upset because city hall told him it could do nothing about the flooding in front of his store when it rained.

These persons, and thousands more, are getting action, or at least answers, by telephoning or writing to a type of feature column that's suddenly popping out on the pages of newspapers across the country. In the column, the newspaper acts as a sort of ombudsman, a disinterested agent helping people trapped in the thicket of government or business. The department store in Miami, for example, agreed to replace Mrs. E. J.'s carpeting; the Washington, D.C. neighbors were told that the laundromat was being closed by the police department; and the department of sanitation in St. Louis cleaned the sewers on Mr. A. R.'s street.

The name of the column varies. The Charlotte *News* calls its column "Quest." The Houston *Chronicle* labels its version "Watchem," with the letters coinciding with a special telephone number. Most other newspapers use the term "Action Line."

The "Action Line" column idea is not new; a number of papers have run such a column or variations upon it in the past. The Houston *Chronicle's* Watchem column has been in business since 1961. But since the Charlotte *News* started Quest last October, similar columns have sprouted up in such cities as Miami, Detroit, St. Louis, Akron, Seattle, Washington, Boston, Cleveland, and Chicago.

"It's like a disease," cracks Thomas Wark of the Detroit *Free Press*. "It looks like a fad," says I. William Hill, managing editor of the Washington *Star*, "but I'll bet it will be with us 100 years from now." Some newsmen believe the column could become as fixed in American journalism as the "Letters to the Editor" or advice-to-the-lovelorn columns.

Here's how the column went to work for the interests of A. R. of St. Louis:

After failing to gain satisfaction from city officials, A. R. called the *Post-Dispatch's* Action Line, recording his complaint on an electronic recording machine the newspaper has hooked to special telephone lines. A girl transcribed his complaint along with hundreds of others. A reporter sifted through them and picked several to follow up, including A. R.'s. A researcher then called the department of sanitation, where a manager in authority agreed to inspect the sewers on A. R.'s street.

The inspection revealed that the sewers were clogged, and a crew was ordered to clean them out. Action Line was notified, and the column that day contained A. R.'s complaint along with the happy news that the problem already had been solved.

The same column informed an elderly veteran he would now be admitted to a veteran's hospital. (Action Line's digging had found that his computer card had been misplaced), told a woman that the empty lot in her neighborhood would be cleaned up (Action Line persuaded county officials to inspect it), and advised other citizens that

potholes would be filled, stop signs erected, and consumer complaints reconsidered by department stores.

The elements seldom vary. A hapless citizen has a minor problem that should easily be handled by local, state, or Federal officialdom. But because he doesn't know how to present the problem, because he asks the wrong people, or because the agency involved is coasting in lethargy, the minor gripe becomes a major frustration. Action Line then throws the weight of the newspaper behind the problem and jars loose a solution.

"It's fantastic the enthusiasm it's generated," says Robert Henretty of the Akron *Beacon Journal*. When the Akron paper began its Action Line on March 6, calls came in at the rate of 50 a day. "Now they're up to 200 a day," says Mr. Henretty, "and growing steadily."

Tom Love, one of three full-time reporters handling the Washington *Star's* Action Line, believes "people are plain scared of authority. They don't want to get involved, say when some neighborhood problem comes up that means they have to call the police. So they call the newspaper instead. Or they have no idea where to go with their problem. Most of the things we take care of would be taken care of if the average citizen could get them to the attention of the right person. But he starts out talking to some clerk who couldn't care less about anything."

Editors say government officials usually cooperate, often eagerly. "But eventually we become a pain in the neck," says Dave Flowers, who handles the Houston *Chronicle's* Watchem column. "Some of the agencies get tired of handling little complaints, and in some cases a department head has been able to blockade us effectively."

The Action Line projects have proved expensive. The column requires an investment in telephone and recording facilities and a staff of full-time reporters, researchers and transcribers. To reduce costs, the Houston *Chronicle* turns over the research work to journalism school students. The Detroit *Free Press* uses the column as an internship for cub reporters, though it assigns first-rank reporters to the toughest projects.

Although the column hasn't been as successful churning up front-page news stories as some editors had hoped, it does develop an occasional "spin-off" story when an Action Line caller provides a tip to a story too big for a column item. The Washington *Star* has picked up an extra five stories a week from the telephone tips; it finds the column so productive that it has assigned a prize-winning investigative reporter, Miriam Ottenberg, to the column staff.

Nevertheless, the column has been so popular among old readers and successful in attracting new subscribers that some editors predict another dozen dailies will be introducing one before the end of the year. For the reporter, however, it's hard work. "It's a back-breaker," says the Washington *Star's* Mr. Hill. "On a regular story the reporter can finish, then put his feet on his desk and light a cigaret and relax. But with Action Line, there's always something happening."

NEW ROLE FOR A GREAT LADY

Mr. METCALF. Mr. President, there are many thousands of people in this country who have contributed so much during their lives and are now entitled to retirement.

Yet, so many of these people have put off retirement and have found a place in our society helping others to help themselves in the Peace Corps and with Volunteers in Service to America—VISTA.

Recently the Montana Standard Post in Butte featured a story about a former Butte and Great Falls teacher and psychologist who just completed a 1-year tour of service and has reenlisted for another year.

I believe this very significant, Mr. President, because Dr. Catherine Nutterville is 79 years old but is today as active as she was the day she rode a horse to a one-room schoolhouse at Fort MaGinnis, Mont.

I ask unanimous consent that the article from the July 31, 1966, Montana Standard Post be printed in the RECORD at this point and included with my remarks.

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

EX-BUTTE TEACHER VISTA STALWART—DR. NUTTERVILLE IN NEW ROLE

Dr. Catherine Nutterville, former Butte teacher and psychologist and more recently of the College of Great Falls, has re-enlisted in VISTA (Volunteers in Service to America) for another year in the Neighborhood Legal Services Project, in Washington, D.C.

A veteran educator who taught the poor in a Montana rural school house more than 50 years before the "war on poverty" was declared, Dr. Nutterville is especially remembered here for her pioneering work in teaching and testing programs for the "exceptional child"—the youngster below or above the average level.

Now 79, she still is a teacher and psychologist, but with aims and techniques geared to the new effort. Her special project, under the United Planning Organization in the nation's capital, has been and will continue to be how to explain to impoverished children "in terms they can understand" what their legal rights and responsibilities are in this current complex society.

She works in a classroom setting new to her—one of the UPO's Neighborhood Development Centers—and is also organizing the program to be administered by others throughout the city. One aspect deals with the rights and responsibilities of people who rent or buy houses. For this phase, the children had an essay contest. One aim was that as they competed they would carry the word home, so the older generation also could learn. An important point, says Dr. Nutterville, is to convince the underprivileged to see themselves as dignified human beings with a rightful place in the sun and the responsibility of contributing toward it.

RODE HORSE TO SCHOOL

Reminiscing about her beginnings as an educator in the early years of the century, Dr. Nutterville tells of teaching in a one-room schoolhouse at Fort McGinnis, Mont., to which she rode on horseback. She comments education was different then, as were the people and the times. She had 23 rural students, 6 to 18, and the big boys were older than herself. They worked together and played together in real harmony in what was a simple world—the people were poor but not "poverty stricken" and they didn't face social discrimination as have so many Washington children.

In her new work, she finds a far different world with all the complexities of color and widespread poverty. One of her personal complexities is convincing whites and Negroes alike she is not "a little old lady in a glass case", and she had to talk hard to win a field assignment during her six-week training course at Syracuse University, the teaching of three functionally illiterate adults in their homes. One of these was able to read at fourth grade level after 13 visits, which she found most rewarding. Now her efforts will be devoted to implementing her program on a broad scope through the Neighborhood Development Centers, very pleased at the prospect of the project reaching an ever-widening group.

FINDS NEW CHALLENGE

Dr. Nutterville joined VISTA in Great Falls in July 1965, because she "found it impossible to do otherwise." Helping the poor was family doctrine, and she describes the depression years in Butte as "a very subtle type of schooling." This, coupled with the teacher's ideal of service, and her strong personal urge to be in on things she considers important, made VISTA's appeal irresistible a year ago; and her 12 months work have whetted her appetite for further service.

Born in Panama, Iowa, but raised in Butte from the age of 3, she went into teaching immediately following graduation from Butte High School. She was one of the youngest applicants to pass the state examinations. Later she attended the Normal School in Dillon and the University of Montana, from which she received her master degree. In 1942, she obtained doctorates in both education and philosophy from Columbia University. Her teaching and counseling career has spanned more than 50 years in elementary and high schools and at colleges. From 1954 to 1963 she was on the staff of the College of Great Falls, in charge of teacher training, and doing counseling during the two years immediately prior to joining VISTA. She is a member of many professional organizations.

L.B.J. RIGHT TO CURTAIL PUBLIC WORKS, SHOULD CUT MORE

Mr. PROXMIRE. Mr. President, the administration's decision to hold back construction spending is the right cut in the right place at the right time. But it can and should be much greater.

I am referring to Budget Bureau Director Charles L. Schultze's statement Monday, September 12, before the House Ways and Means Committee. For months I have been fighting on the floor of the Senate to cut back Federal construction investment. Amendments I recently introduced to the independent offices appropriations bill would have substantially reduced funds for new building construction.

Now the administration has indicated through its Budget Director that Federal agencies have moved to cut their budgets by $1.5 billion, principally by postponing construction. This makes the best kind of economic sense at a time when inflationary pressures in the construction industry, including interest rate pressures, can only be described as extreme.

However, in my estimation this should only be considered as a beginning. The President's 1967 budget requested almost $9 billion for construction expenditures. Congress can make substantial cuts in this area when it considers appropriations for public works, especially Corps of Engineers and highway construction projects.

The administration cannot do the entire job. I hope Congress will give the President a mandate to put a "hold" on all but the most essential construction expenditures by refusing to appropriate funds for nonessential construction.

Because of the pork barrel, "you scratch my back, I'll scratch yours" nature of this legislation, Congress prob-

ably will not reduce this appropriation. It may increase this spending.

But the President does not have to spend that money. And he should not.

DEATH OF JUDGE FLORENCE ELLINWOOD ALLEN

Mr. LAUSCHE. Mr. President, our Nation, particularly Ohio, has suffered a great loss in the death of the Honorable Judge Florence Ellinwood Allen, Monday, September 12. She was one of the most able and distinguished jurists of our time.

Florence Allen was appointed by President Franklin D. Roosevelt as a judge of the U.S. Court of Appeals for the Sixth Circuit in 1934. She became the chief judge of the court in 1958 and later was senior judge of the court. At the time of that appointment, she was a judge of the Supreme Court of Ohio, and had served as a judge of that court for 12 years, since 1922. Previously she had been, since 1920, a judge of the Court of Common Pleas of Cuyahoga County in Cleveland.

Judge Allen was the first and the only woman to become the chief judge of a court of appeals. She was widely recognized as an eminent jurist and an authority on the constitutional law of the United States and in the broad field of international law.

She received the honorary degree of doctor of laws from 25 colleges and universities and received the Albert Gallatin Medal, the highest award of New York University, from which she received the bachelor of laws degree in 1913.

Her early ancestors were among the first 1,000 inhabitants of the land which a century and a half ago was known as "the land way out west in Ohio."

On her paternal side she was a descendant of Ethan Allen, the American Revolutionary soldier who heroically led the Green Mountain Boys in the capture of Fort Ticonderoga. Her maternal ancestors had their source in Dr. Samuel Fuller, of Mayflower time and fame. They were men and women of toil who helped to clear the forests and build our hamlets and towns.

They bore the scars of toil and war and shared in the joys that came with triumph. They were teachers in our schools, educated in the classics and the arts.

However, she need not to have called upon the noble deeds of her ancestors to add luster to her achievements. Through work, integrity, study, courage, and a gifted mind in a troubled and difficult world she brought glory to the Allen name. By force of her own character and the product of her individual toil she earned the laureled wreath of fame.

Although she was born in Utah, her forebears settled in the Western Reserve which became the State of Ohio, and she lived in Ohio, in the areas of Columbus and Cleveland, most of her life. She was one of Ohio's most distinguished citizens.

Clarence Emir Allen, her distinguished father, was a Representative from the State of Utah in the 54th Congress from January 4, 1896, until March 3, 1897. Upon the admission of Utah as a State into the Union, he was the first Representative elected to Congress. He was a graduate of Western Reserve College in Ohio, a teacher and scholar in the classics, a lawyer, and active in mining pursuits in Utah.

Upon the occasion of her retirement as an active judge of the U.S. Court of Appeals for the Sixth Circuit on October 15, 1959, when her portrait was received by the court, Chief Judge Thomas F. McAllister said:

> The heart and mind of Florence Allen will flame for generations as a beacon for thousands of young women who will take their rightful places in Government, in the practice of law, and in judicial service—and lawyers and judges yet unborn will read the words she has written, in the endless, ever-old, and ever-new quest for justice.

Judge Allen, in her early years, campaigned for the constitutional right of women to vote throughout the United States. Throughout her life, she was a champion of women, a great leader of women, and she was venerated by them throughout the United States and in many countries of the world.

Endowed with great talents, she developed and employed them throughout her life in great causes. She was a great American.

In truth, she was a kind of Renaissance woman, possessed of a great diversity of interests. She was possessed of an encyclopedic mind, humane sympathies, and noble, poetic and musical sensitivity.

She was spared of the evil of thinking too much about thoughts and not enough about feelings and things.

Moreover, she was not a captive of the rashness of present-day civilization. She was not motivated by rootless competition, speed, hurry, noise and superficial pleasures. She believed in herself, in her beloved, in her home and country. These beliefs were for her the summit of good.

Woven into her knowledge of prosaic law was a spiritual quality rooted in poetry, music, and religion. Because of these spiritual qualities she saw more widely, felt more deeply, and spoke more clearly and simply. She absorbed facts and figures as a blotter absorbs water.

The life of her achievements will remain with people for generations. Her life will be looked to as an example for others to follow.

Mr. President, I join with all who knew Judge Allen, and knew of her great contributions to mankind and her country, in mourning her loss. I have lost a great and distinguished friend.

CENSUS AND PRIVACY

Mr. LONG of Missouri. Mr. President, the U.S. Census Bureau has recently informed a congressional committee of the questions it plans to ask in the 1970 census. Serious issues have been raised as to the necessity for asking our American citizens about their race or religion.

Added to this controversy, is the proposal to create a Federal Data Center which would maintain in a single repository cradle-to-grave information about our American citizens. The Senate Subcommittee on Administrative Practice and Procedure, of which I am chairman, has recently circulated a questionnaire to all Government agencies seeking to determine what type of information the Government, in fact, maintains on our citizens. It is expected that the agencies will reply to our questionnaire no later than October 15. Shortly thereafter, a report will be issued analyzing these responses.

A recent editorial from the Wall Street Journal entitled "Census Out of Hand" discusses this entire subject. I ask unanimous consent to insert, at this point in the RECORD, the editorial from the Monday, August 29, 1966, edition of the Wall Street Journal.

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

[From the Wall Street Journal, Aug. 29, 1966]

CENSUS OUT OF HAND

How much money do you make? What's the condition of your plumbing? Does any member of your family suffer physical or mental handicaps? Did you vote in the last election? Oh, yes, just so our computer can keep track of you, what's your social security number? Failure to answer is punishable by fine and imprisonment.

No, that's not a police state. It's just the U.S. census in action, as the outlook for 1970 was described by Census Bureau Director A. Ross Eckler before a Congressional committee the other day.

Mr. Eckler, of course, defended the whole thing. He even added that the Bureau would like to ask questions about religion, but probably won't. Not many people would object, he guessed, except that publicity by opponents of the idea has made it an "emotional" issue.

The Census Bureau, Mr. Eckler assured everyone, does not make information on individuals available to outsiders or other agencies. Therefore personal records could not be used against anyone, nor could its computer tapes wind up in any national dossier bank.

Maybe so, but the story has a familiar ring. Look up what Government bureaucrats have said about wiretapping and what was subsequently revealed in court. And just how can Mr. Eckler be so confident about what his successor will do in, say 1984?

Dossier banks and computers aside, it seems to us the Census Bureau is badly out of hand. A census is necessary to reapportionment, and few citizens probably would object to most questions pertinent to legislation and other necessary government functions. But the Bureau's criterion for questions apparently is not why?, but why not?

It intends, for example, to study the spread of color television. It wants to know more about the assimilation of the foreign born. Religious questions, their advocates say, would tell a lot about interfaith marriage.

None of this has much pertinence, much less necessity, to proper government. True, it may be nice for the Census Bureau to provide such information for business and academic interests. But data often can be gathered well enough for these purposes through sample surveys relying on voluntary cooperation.

With the spread of governmental and other violations of privacy, and common decency, the Bureau's broad power of compulsion seems ripe for Congressional review. What kind of society would propose to send someone to jail for refusing to say if he voted or whether his children are retarded?

SCHOOL MILK BILL SHOULD BE PASSED BY CONGRESS BEFORE ADJOURNMENT

Mr. PROXMIRE. Mr. President, it has been 2 weeks since legislation extending the school milk program passed the House. This legislation, which was passed by the Senate on July 12, extends the milk program through fiscal 1970 and increases allowable expenditures for the program to a ceiling of $120 million a year.

As we all know, the program serves the children of the United States by providing Federal funds to reimburse local school districts for part of the costs they incur as they provide milk at reduced rates for schoolchildren. If legislation extending the program is not passed soon, the program will expire next June 30. Yet Congress probably will adjourn on or around October 15. This means that only 1 month remains for Congress to approve this child nutrition legislation and send it to the President.

The Senate should act now to either approve the House passed version of the bill or to send the bill to conference. If the latter course is taken, additional time will be needed to resolve differences between the House and Senate versions. Thus it is extremely important that the Senate act with dispatch so that the conferees will have enough time to settle differences between the House and Senate versions of the bill if, indeed, the bill is to be sent to conference.

THE POLITICS OF INFLATION

Mr. PEARSON. Mr. President, the Johnson administration has at long last officially acknowledged what every housewife, senior citizen, wage earner, farmer, and businessman has known for almost a year; this country is suffering the cost of a spiraling inflation.

Although I find a great deal that is lacking and much that is misdirected in the President's recent anti-inflation proposals, I am at least thankful that the administration has finally been forced to begin to come to grips with reality. But at the same time, I am greatly disturbed at the tardiness of these proposals.

In its constant effort "to be all things to all people," the administration has consistently chosen political expediency and ignored economic reality. And while the administration has procrastinated, the people have suffered.

Ultimately, the entire economy and all individuals are hurt by inflation, but those who can afford it the least, always suffer the most.

Possibly those who suffer the most are the elderly with their fixed and often meager incomes. Every increase in the cost of living reduces their already small purchasing power. Thus, the purchasing power of a retired citizen with a fixed income of $3,000 has dropped over $330 since 1956–59.

Inflation also strikes with particular harshness at those with extremely low incomes. Because many of these are often unemployed they must depend on Government welfare payments. But these are fixed dollar payments not purchasing power payments, thus, every general price increase serves to worsen their already depressed economic condition.

Thus, it is cruelly ironic that the very groups that are supposed to be the major beneficiaries of the administration's Great Society programs are suffering the most from the Johnson administration's inflation.

Regularly employed wage earners are also suffering. Despite the fact that wage levels are higher than ever before the actual purchasing power of those wages for the average factory worker is declining. During the month of July the purchasing power for a factory worker decreased by 1.5 percent.

The farmer is also being hard hit. The slight rise in farm prices in the past few months from extremely low levels has been more than canceled out by the rise in prices paid by farmers. Thus, the farm parity ratio has declined from 82 in February to 80 in July, and the net income to farm operators in the second quarter of 1966 is 4 percent lower than in the first quarter of this year.

The business sector, particularly small businessmen, also suffer. Business failures and personal bankruptcies are occurring at record high rates.

The administration's conduct on inflation has been that which it calculated as best designed to maximize political support. And while it would serve no purpose to advise the White House master politician, I would suggest that the administration's record on inflation has already backfired politically and will continue to do so. The American public is mature enough to recognize acts of political expediency and proud enough to resent its prolonged practice.

The Vice President, extolling the long list of multibillion-dollar spending programs backed by the administration in an address before a group of Democratic leaders offered this bit of advice. "There is an old axiom in politics: Let the people know what you have done for them and they will treat you right." The administration is not likely to try "to tell the people what it has done on inflation." Most administration spokesmen will prefer to follow the advice given to Democratic candidates by Secretary of Agriculture Freeman that they should "slip, slide, and duck any question on higher consumer prices if you possibly can," But even the most skillful political slipping, sliding, and ducking cannot obscure the record.

Mr. President, solid economic evidence of inflationary pressures has been available for months. Initially, however, the administration tried to handle the problem by publicly arguing that it simply did not exist. But during the early months of this year, at the very same time that it was publicly denying the existence of inflation, the administration moved unofficial and undercover to implement a vast array of unauthorized price and wage controls. Finally, however, these attempts became so obvious that they could no longer be denied. The administration then began to at least admit the possibility of an inflation problem.

But instead of dealing with that problem responsibly and instead of identifying the real causes of this inflation, the administration began to look around for a political scapegoat. Thus, various administration officials made an effort to place the blame for the inflation on the American farmer. This charge was so lacking in validity that the administration was forced, after considerable political embarrassment, to abandon this line.

Also throughout this period the administration was publicly and privately prodding business and labor to follow the administration's wage-price guidepost. Whatever merits these guidelines had they were compromised by the actions of the administration itself which time after time made special concessions to special groups. Thus, the wage-price guidepost has been rendered virtually useless.

Mr. President, even though the President's proposals of last week may be misdirected in several respects, it is likely that they will have a certain "cooling off" effect, although it is unlikely that they will be sufficient. It is evident, however, that whatever the cooling of effect, it will not be felt for several months. Thus, the American people will continue in the future as they have in the past to suffer the pinch of inflation. And the American voter will ask why he has had to carry the burden of this unnecessary inflation.

Mr. President, the inflationary record of the past year and the economic suffering it has caused need never have occurred had the administration had a greater faith in the maturity of the American people. However, the administration persists in acting as though the public is so fickle and uninformed that it cannot accept hard reality without an irresponsible political backlash. This is a deplorable and dangerous attitude. It is unbecoming of the American Presidency and undeserving of the American people.

ESTIMATE OF EXPORT MARKETS FOR U.S. MEATS REDOUBLED BY THE EUROPEAN ECONOMIC COMMUNITY

Mr. HARRIS. Mr. President, since mid-1964 the Senate Small Business Committee, of which I am a member, has been inquiring into the potentials and problems of exporting American livestock products, particularly high quality beef.

The committee, under the leadership of the Senator from Alabama [Mr. SPARKMAN] has felt that the growing prosperity of the 380 million people in Western Europe and the large numbers of tourists and American personnel and dependents in that area offered firm bases for penetrating and consolidating long-term profitable markets for the American beef industry.

Europeans produce very little high quality, grain-fed beef. Most of the meat they consume consists of veal or beef culled from dairy herds, or a limited amount of homegrown beef cattle fed on grass. Thus, the overwhelming majority of Europeans have never tasted American style steaks, ribs, roasts, or other choice cuts.

As a result, the United States, which has one-third of the world's meat production, has ranked about 12th as an exporter and shipped virtually none of our high quality meats overseas in the last 40 years.[1]

It seemed to our committee that once Europeans sampled our high quality beef products, these markets would be opened up to commercial trade in a very short time.

At first, the committee was faced with a series of very difficult barriers—which are described in our interim report of October 1965.[2] An additional problem was the doubt expressed in many quarters that these barriers could ever be overcome.

However, the committee rose to the challenge. It brought together industry and Government people concerned with this subject and encouraged everyone to think about and work toward the early elimination of these obstacles. The committee persevered in the face of unusually low prices and unusually high prices; technological and other adversities. It conducted the inquiry in a steady, thorough, and responsible manner, in an effort to formulate a long-range—5- to 10-year—approach which would give guidance to businessmen faced with decisions and risks.

The transportation companies made a welcome first move. Steamship lines announced at the hearing that they would reduce their rates on chilled beef to Europe by 25 percent, and airlines subsequently cut cargo rates on meats in two steps totaling 60 percent.

Other technological developments in sea transportation and containerization which were recently described by the Senator from Alaska, E. L. BARTLETT, permitted an experimental shipment of beef this spring by the Texas Farm Bureau to a chain of German supermarkets. The meat, which was to have lasted 1 week, was sold over the counter in 1½ days.[3]

A similar story was told by Senator SPARKMAN regarding air shipments to the new restaurant at the Paris Hilton which opened this spring and features Western-style American meats. The management of the hotel has informed the committee that the restaurant is so popular with French patrons that American guests at the hotel have difficulty getting in to enjoy its facilities. I understand that the business being done by this restaurant is substantially above the average done by other restaurants in that area.[4]

These breakthroughs are significant for many reasons. I would say by way of summary that these successes prove that the market exists and that U.S. industry—through its efficiency, teamwork, and technical skill—can participate in it profitably. The stage is now set for a great effort to consolidate and widen this participation by eliminating the barriers which penalize not only American industry but all European consumers.

Now let us consider the size of this potential market. At the beginning of our inquiry in 1964, we had only estimates to go on. Authorities in this country guessed that the gap between the beef Europeans consumed and the amount it produced might be as high as 200,000 tons a year over the next 5 to 10 years. This amount would constitute the "import gap," the amount Europeans would have to import to satisfy their demands for beef.

Following our committee's hearing in early 1965, an expert was sent to Europe to study the situation by the U.S. Department of Agriculture and American Meat Institute. At our hearing of May 1966 his report was entered into our record. It was Dr. Carpenter's conclusion that:

> Definitely there will be a great market for beef in Western Europe . . . the import gap will be in the neighborhood of (300,000 to 400,000 tons a year) but will likely widen somewhat more after 1970.[5]

In the meantime, our committee discovered another estimate, made by Dr. Mansholt, the second ranking executive officer of the European Economic Community. Dr. Mansholt predicted during a speech in 1965 that the "import gap" would be about 500,000 tons of beef by 1970. This amounted to more than double the original estimate.

But this is not the end of the story. The EEC has been engaged in reappraising its agricultural needs, in connection with arriving at its common agricultural policy. In doing so, it carefully considered the many factors which influence beef production in Europe, including price levels, dairy policy, calf slaughter, and biological considerations. The results are contained on pages 27 and 28 of the working paper known as "Supplement to Bulletin No. 5–1966 of the EEC." I ask unanimous consent that the relevant portion of this paper be printed at the conclusion of my remarks for reference purposes.

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

(See exhibit 1.)

Mr. HARRIS. Mr. President, the bulletin reports the considered opinion of the Executive Secretariat of the EEC that the import gap in 1970 will "amount to about 1 million tons of beef," other things being equal. This is the second time in 2 years that the estimate of the import gap has doubled.

Of course, we realize that not all of this demand can or will be met by U.S. beef—high or average quality. Our competitors are also hard at work. But, this meat will have to come from somewhere and there is no reason why the U.S. industry, with its tremendous "productive platform" cannot strive to service increasing amounts of this demand. At prices of $800 to $850 a ton for the bonus cuts, and lesser amounts for the nonbonus cuts, trade of this magnitude will be of considerable benefit to the cattleman as well as our national balance of payments.

Our committee is aware that most ranchers and farmers are small and family-owned enterprises. So are most of the meatpacking plants in this country. It is our hope that the small- and medium-sized businessmen will gain their full share of the growth of both foreign and domestic markets.

As a result of the committee's work, the opportunities in Western Europe are now squarely before us. As the Senator from Washington [Mr. MAGNUSON] said recently:

> Senator SPARKMAN and the Senate Small Business Committee have pointed the way.[6]

The cattle industry has a mainstay of the economy in my part of the country. It grew up with the earliest pioneers. Its growth—in all its vigor and color—are woven into the fabric of the Nation's history. At present there are 4,029,000 head of beef in Oklahoma and sales of this industry come to $340 million each year.

As a result of the conditions which I have described, the cattle industry can now look forward to a new phase. Its romance already exerts a hold on the imagination of those in places such as Western Europe. The stage is now set for more tangible relationships.

I have been proud to participate in the Small Business Committee's inquiry on this subject, and as it progresses, I will be doing all that I can to build these markets for our industry at home and abroad.

EXHIBIT 1

II. BEEF

THE SUPPLY POSITION OF THE EEC IN 1962 AND PROSPECTS FOR 1970

Beef is one of the most important agricultural products of which the Community has not so far produced enough to satisfy its own demand. In "1962"—that is the average of the years 1961/62 and 1962/63— net imports of beef (including veal) amounted to more than 5% of consumption. Total output was 3,668,000 tons, total consumption 3,884,000 tons, leaving a deficit of 216,000 tons.

Gross imports of beef, veal and live cattle have been rising and, on the average of the years 1961/62/63, amounted to 242.3 million u.a., compared with gross exports to the value of 54.4 million u.a. (Table 17).

Assuming prices remain steady, import requirements in "1970" would still have to be estimated at around 430,000 tons. The size of import requirements will be decisively influenced by the development of production, which in turn must, in the given circumstances, he regarded as closely connected with milk policy. If the milk price is favourable in relation to the beef price, farmers will raise more dairy cows. As an immediate result, meat, production, diminishes through the withdrawal of calves set

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[1] Less than ½ of 1% of all U.S meat products are exported, a volume in 1964 and 1965 of about $470 million.

[2] "Ocean Freight Rates and Other Barriers to Expanding Exports of U.S. Beef and Beef Products," Senate Report No. 939, 89th Congress, 1st Session, October 22, 1965.

[3] "The Select Committee on Small Business and Developments in Containerized Transportation," CONGRESSIONAL RECORD, July 15, 1966, pp. 15877–15879.

[4] "Breakthroughs in Exporting United States Quality Meats," CONGRESSIONAL RECORD, August 17, 1966, pp. 19785–19786.

[5] "Trends in Production, Consumption and Marketing Possibilities for Beef in Western Europe," by Dr. G. Alvin Carpenter (project No. 471201), joint U.S. Department of Agriculture, American Meat Institute, European Market Development Program, December 1965, pp. 64.

[6] "Exports of Meat and Livestock Products," CONGRESSIONAL RECORD, August 16, 1966, pp. 19483–19484.

aside for later milk production; beyond a certain increase in the dairy stock, however, the larger number of calves again raises meat production.

A second factor which has an important bearing on the development of meat production is the proportion of slaughtered calves in the total of calves born. Other things being equal, beef output is the larger the smaller the proportion of calves slaughtered. In the absence of precise statistics on the number of calves born (only the number of calves slaughtered is known), it may nevertheless be assumed that something like 40% of live calves born are slaughtered as calves in the Community. This proportion could be reduced by a long-run policy to favour meat production as against milk production. Production would be maximized to the technically feasible extent if the number of births could be increased (at present, the number of live births of calves amounts to about 90% of the number of cows) and if 85% of all calves born were reared. A proportion of only 15% of calves slaughtered, however, seems unrealistic for two reasons. First of all, in the given market conditions, especially in France, and Italy, effective demand for veal could then no longer be met; secondly, in some areas of the Community animal husbandry methods can, for structural reasons, be changed only gradually.

Even if output were increased to the technically feasible maximum, which must be regarded as unlikely, there would still be import requirements in 1970.

Unlike pigs and poultry production, beef production has its limiting factor not in fodder supply, but in the number of calves, which for biological reason cannot be appreciably increased. On the other hand, to keep more cows for the purpose of increasing the number of calves, would automatically lead to an increase in milk output unwarranted in the given milk supply position; hence it is neither desirable nor indeed, because of the manpower problem, possible (see chapter on milk and milk products).

It follows that the size of import requirements for beef in 1970 will largely depend on how the supply of calves is utilized.

Supposing the proportion of calves slaughtered remained at its present level of 40%, import requirements in 1970 would, other things being equal, amount to about 1 million tons of beef.

ACCOMPLISHMENTS OF TWO OUTSTANDING MONTANANS RECOGNIZED

Mr. METCALF. Mr. President, it is indeed a pleasure for me to note recent recognition bestowed upon two remarkable Montanans.

Barney Old Coyote, who for the past year and a half has distinguished himself as a special assistant to Interior Secretary Udall, was recently honored by his people on the Crow Indian Reservation.

Mr. President, the Crows have a time-honored tradition. In the old days the Crow who carried the pipe was the acknowledged leader of a war party or expedition.

In the eyes of his people, he still carries the pipe and he did exactly that at the head of a parade during the annual Crow celebration and rodeo.

The work here in Washington prevents Mr. Old Coyote from returning home as often as he would like, so his recent trip was something special to him.

It was actually something Barney did more than 20 years ago that prompted his people to afford him special recognition. At the age of 17 Barney enlisted in the Army Air Force and flew 50 combat missions over Europe. Because of his exploits, he is today entitled to wear 50 white weasel skins as part of the traditional garb worn by the Crows. The white weasel is sacred to the Crows and each one of the skins that he wears represents 1 of those 50 missions.

On account of the festivities on the Crow reservation is contained in a story written by Helen Peterson, editor of the Hardin, Mont., Tribune-Herald which appeared in the August 29 issue of the Billings Gazette.

Mr. President, I also wish to call to the attention of my colleagues a recent Associated Press story from Chicago about Forrest J. Gerard, a native of Browning, Mont.

Mr. Gerard has been named winner of the 1966 Indian Achievement Award. He is the tribal relations officer of the U.S. Public Health Service and the award will be presented by the Indian Council Fire, a national organization devoted to Indian interests, at a testimonial dinner in Chicago, September 24.

I am especially proud because for the second consecutive year the winner is a Montanan. Last year the award went to John Artichoker, superintendent of the Northern Cheyenne Reservation at Lame Deer.

The citation which accompanies the award Forrest will receive states:

He contributed with outstanding distinction to programs designed to advance the health and welfare of American Indians and Alaskan natives. In developing a new program within the Public Health Service, he has substantially helped to improve Indian health conditions and has secured immeasurable benefits for the Indian people.

Last year Mr. Gerard received an American Political Science Association congressional fellowship during which time he worked for the junior Senator from South Dakota [Mr. McGOVERN] and Congressman ULLMAN. Earlier this year he was awarded the Superior Services Award presented by the Department of Health, Education, and Welfare.

Both Forrest Gerard and Barney Old Coyote are making significant contributions in the public services. I am proud of their accomplishments.

Mr. President, I ask unanimous consent that the articles mentioned earlier by me be inserted in the RECORD at this point and included with my remarks.

There being no objection, the articles were ordered printed in the RECORD, as follows:

[From Billings (Mont.) Gazette, Aug. 29, 1966]

OLD COYOTE STILL CARRIES THE PIPE FOR HIS TRIBE

(By Helen M. Peterson)

CROW AGENCY.—Barney Old Coyote came home to the Crow Reservation this week to receive the honors given only to a tribal leader.

Old Coyote, who enlisted in the Army Air Force when he was 17, was honored by his fellow-tribesmen for his exploits in World War II. Off the reservation he has established a place for himself in the world of government.

The 43-year-old member of the tribe is a special assistant to Secretary of the Interior Stewart L. Udall and has the responsibility of supervising and establishing Job Corps camps throughout the United States.

Though his usual garb is a business suit, Old Coyote visits friends and relatives on the Crow Reservation as often as he can, and attends the annual Crow Celebration and Rodeo as often as possible. And when he does, he dons the traditional garb of his people. Sometimes it is only a beaded vest and tie. This year it was something very special.

Two years ago, Old Coyote received a gift of a chief's jacket of fringed buckskin from his foster family on the Sioux Reservation. As a youth, he and Gus Knox, Jr., of Rosebud, S.D., became friends. Gus's brother died, and the father, Gus Knox, Sr., adopted Old Coyote to take his place. After the death of the elder Knox, the family decided to present the father's chief's jacket to Old Coyote, and they did it with full ceremony. Hundreds of friends and relatives were invited, and the governor, senators and congressmen from South Dakota were present.

A special feature of the ceremony was the unveiling of the jacket by Alex Matthews, another friend of Old Coyote. Matthews had gained great honor among the Pawnee for his military exploits. He was a survivor of the infamous Bataan Death March.

The white buckskin jacket has deep fringe on the sleeves and is trimmed with elaborate beading. Old Coyote wore it for the first time in the parade at the Crow Fair. With it went beaded buckskin trousers and a war bonnet. And before he wore it, Barney's mother, Mrs. May Childs, made an important alteration. She sewed to sleeves and shoulders as many white weasel skins as she could obtain.

The white weasel is a sacred animal to the Crows, and many of the ancient medicine bags were made or contained a stuffed animal or its skin. Each skin stands for brave deed, and Old Coyote is entitled to wear 50 of them, for the 50 missions he flew in Europe. His costume does not yet contain the full number, but Mrs. Childs and her friends are looking for more skins, and when they are obtained, they will be added. Mrs. Childs would like to collect 100 skins, for her son is entitled to wear 50 each on jacket and leggings.

Besides riding in the parade, Old Coyote, was praised with the songs of honor of the Crows as riders gathered in a great circle around the brush arbor at the camp grounds. His relatives brought him gifts, mostly cash, which he distributed to those who had praised him.

At night, Old Coyote joined in the war bonnet dance with seven others. This is the time when each man recounts the deeds that entitle him to tribal leadership. It is followed by a give-away to the clan uncles of the chiefs.

Most of the year, Old Coyote lives in Bowie, Md., with his wife Clara, a member of the Winnebago Tribe, and their six children. After the war, he earned a degree at Morningside College in Iowa and then began working for the Bureau of Indian Affairs. He had positions at Crow Agency, Ft. Yates, N.D., and Rosebud, S.D., before he became assistant superintendent on the Rocky Boy reservation. He took his new post in Washington about a year and a half ago.

When he rode in the parade, Old Coyote carried with him two beaded pipe bags, each containing a peace pipe. This was his right because he enlisted in the army, and even after being forced down in the Caribbean, he volunteered for overseas duty.

In the old days, the Crow who "carried the pipe" was leader of the war party or other

expedition. In the modern world, Barney Old Coyote still carries the pipe for his Tribe.

EX-MONTANA MAN GETS 1966 AWARD

CHICAGO.—Forrest J. Gerard of Bowie, Md., tribal relations officer of the U.S. Public Health Service, has been named winner of the 1966 Indian Achievement Award.

Gerard, a native of Browning, Mont., is the first Blackfeet Indian to receive the award since its founding in 1933.

Willard La Mere, president of the Indian Council Fire, a national organization devoted to Indian interests, in announcing the award today, said it will be presented to Gerard at a testimonial dinner in Chicago Sept. 24.

Robert L. Bennett, an Oneida Indian who recently was appointed U.S. commissioner of Indian affairs, will make the presentation.

Bennett won the award in 1962.

La Mere said Gerard "has played a vital role in the accomplishments of Indian health programs and has secured immeasurable benefits for the Indian people."

Gerard is a former executive director of state health agencies in Wyoming and Montana.

THAILAND FIGHTS FOR FREEDOM

Mr. DODD. Mr. President, Carl T. Rowan, former Deputy Assistant Secretary of State for Public Affairs, former U.S. Ambassador to Finland, and past Director of the U.S. Information Agency, has written a very enlightening article on Thailand in the current issue of the Reader's Digest.

In it, he explains how Thailand is a key strategic target in the Communist drive to subvert the entire area, and how the Communists are making every attempt to destroy the will to resist among the Thai peasants, in particular.

The Thais are a courageous and proud people; they are keenly aware of the conspiracy being waged against them, and they are willing to meet the challenge boldly and realistically. As their Foreign Minister, Thanat Khoman, put it:

> The problem is one of peace and survival. Are we going to shy away from small threats and wait until the monster grows, wait as the risk grows, then finally face a holocaust? We in Thailand have no place to retreat to. So we will make our first and last stand here.

For those in this country and abroad who think that U.S. Armed Forces have no legitimate business in Thailand, the same Foreign Minister had this to say:

> Some Americans have doubts that it is worthwhile for the United States to fight for Asians. They argue that Southeast Asia is the wrong place and this is the wrong time to fight. To them I say that 31 years ago Britain and France said the Rhineland was the wrong place. Then Austria. But when the struggle got to Poland, they had to fight. South Vietnam today is the Rhineland of 1935. If we don't fight now, we'll have to do it later at much greater cost.

It is most heartening to read this account of a nation that is willing to accept the harsh responsibilities of the cold war and willing to fight so courageously and steadfastly for the preservation of freedom. I therefore, ask unanimous consent, Mr. President, that this article be printed in the CONGRESSIONAL RECORD. I am sure that my colleagues will find it both interesting and informative.

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

THAILAND FIGHTS FOR FREEDOM: THIS COURAGEOUS COUNTRY, PRESSURED ON ALL SIDES BY COMMUNIST THREATS, IS OUR STANCH ALLY, GIVING VITAL AID IN THE VIETNAM WAR

(By Carl T. Rowan)

(Carl T. Rowan, after four and one half years in government as Deputy Assistant Secretary of State for Public Affairs, U.S. ambassador to Finland and Director of the U.S. Information Agency, is now a syndicated columnist for scores of newspapers in the United States and abroad.)

For tourists aboard the sleek airliners that touch down at Bangkok's Don Muang airport, the bitter war that racks Southeast Asia seems a world away. In the crisp dawn that lights the Menam Plain, emerald-green rice fields gleam as far as the eye can see. Bangkok itself is golden-spired temples, pretty girls in long, clinging skirts, little boys frolicking in rain-swollen canals, modern hotels and sparkling shops where the well-heeled tourist can savor shocking-pink Thai silks and blue sapphires nestled in a cluster of diamonds. It is easy to drink deep of the delights of Bangkok, oblivious of the fact that behind this dazzling facade is a country fighting for its life.

Thailand's capital does not face the terrorist bombings that make Saigon a city of corrosive fear. Thailand is not torn by the internecine strife that has burdened neighboring Laos for years. Still, no country in Asia is more deeply involved in waging war against communist aggression in general, and Red Chinese belligerence in particular. No nation has made a bigger, or riskier, commitment than this lovely country whose name, Muong Thai, means "Land of the Free."

An armed band of North Vietnamese may see their jungle trail blow up in their faces—by Thailand's leave. Ammunition dumps, weapons depots, railroad yards and bridges in North Vietnam are pounded day after day by U.S. fighter planes and bombers—again, courtesy of Thailand, which allows U.S. air bases on her soil.

The communists know that Thailand's contribution is vital to this endeavor to thwart Mao Tse-tung's "war of liberation," and Radios Peking and Hanoi are sparing no effort to intimidate the country into assuming a posture of neutrality. Last October the North Vietnamese foreign ministry officially denounced Thailand as "a U.S. new-type colony serving the American imperialists' schemes of aggression and war in this area." The Hanoi regime issued a stern warning of the consequences of Thailand's "collusion with the imperialist aggressors." Thailand replied that she felt "no concern whatever" about Hanoi's threat.

The Thais mince no words about their right to make airfields available to the United States for mutual defense. Thanat Khoman, Thailand's foreign minister, says, "The problem is one of peace and survival. Are we going to shy away from small threats and wait until the monster grows, wait as the risk grows, then finally face a holocaust? We in Thailand have no place to retreat to. So we will make our first and last stand here."

POCKETS OF TROUBLE

"Here" is a tough place to make a stand, for Thailand is surrounded by pockets of trouble perverse enough to dishearten even the most stalwart. The Mekong River runs 887 miles along Thailand's eastern border with Laos, and in places it is so narrow that a communist infiltrator can literally skip across. In Thailand's provinces along the river live Lao-speaking people, most of whom have relatives on the Laos side. Also in these provinces are some 40,000 refugees from North Vietnam, many suspected of being sympathetic to the enemy. So the Mekong is a bridge rather than a barrier to troubles for Thailand.

To the southeast is a 240-mile border with Cambodia, whose Prince Sihanouk has become increasingly inclined toward the communists. To the west, Thailand shares over 1000 miles of border with Burma, which in recent years has more or less accommodated itself to the notion that Southeast Asia is Peking's sphere of influence.

PRIME TARGET

Thailand is a rock of solid resistance in an area which in recent years has been submitting willingly and unwillingly to communist pressures. But how effectively and how long can Thailand resist, particularly since she has been publicly designated as a prime target of the communists? Communist China has expressed "interest" in Thailand for 15 years, but it was only a couple of years ago that the ominous and well-coordinated campaign began. On October 1, 1964, the New China News Agency quoted the Thai Communist Party as praising "the correct leadership of the Chinese Communist Party" and calling for a "patriotic, democratic united front" in Thailand.

On December 8, 1964, the communist Voice of the Thai People, using transmitters located outside Thailand, announced formation of the "Thai Independence Movement," dedicated to the establishment of a neutralist regime in Thailand and the withdrawal of U.S. forces.

In February 1965, efforts to undermine Thailand's pro-Western government grew more intense when Communist Chinese, North Vietnamese and Pathet Lao news organs all began giving heavy play to a new "Thai Patriotic Front." The communists have since maintained an incessant barrage of propaganda and threats over Radios Hanoi and Peking and via the clandestine Voice of the Thai People, all shrewdly contrived to play upon the frustrations and the rising hopes of the Thai rice-field worker astride his water buffalo, a cheap Japanese transistor radio strapped to his arm.

As early as 1963, Thai officials, concerned about communist domination of the airwaves, asked the United States to install a portable, 50,000-watt station at Khon Kaen, while the Australians built a permanent station there and another at Korat. Recently the Thais concluded an agreement with the United States for the construction of a million-watt medium-wave transmitter. This station will end communist domination of the airwaves in Southeast Asia by beaming a powerful signal throughout the area—and into Communist China.

COVETOUS EYE

U.S. officials are convinced that Thai leaders mean it when they say that they will "fight to the last man rather than submit to communist rule." "Some Americans have doubts," Foreign Minister Thanat Khoman told me, "that it is worthwhile for the United States to fight for Asians. They argue that Southeast Asia is the wrong place and this is the wrong time to fight. To them I say that 31 years ago Britain and France said the Rhineland was the wrong place. Then Austria. But when the struggle got to Poland, they had to fight. South Vietnam today is the Rhineland of 1935. If we don't fight now, we'll have to do it later at much greater cost."

Thailand's stand flows out of more than 2500 years of effort to resist the Chinese. Thanat will tell you, as passionately as if he were speaking of last year's events, that "the Chinese drove us out of our homeland." He is referring to events of 2500 years ago in

Szechuan in southwestern China, where the Thais are said to have originated.

Even the humblest Thai is proud of the fact that nobody has ever colonized his country, and the fear of Chinese conquest has been passed along from generation to generation. The communists try to exploit Thailand's acute sensitivity about sovereignty by continually raising the cry of "U.S. domination." But I found no real concern on the part of the Thais. "The Americans are our best friends," Air Chief Marshal Dawee Chullasapya says. "Others came here to colonize, but the Americans came with the printing press and vaccine."

The Thais believe that Communist China views Thailand with a covetous eye because her fields produce the world's best rice, and her strategic location dominates Southeast Asia and adjacent sea lanes. Thai leaders know that there is a crucial reason why the communists view Thailand as an easy plum to pluck: the communists believe that corruption in Bangkok is so rampant, neglect of the outer provinces so great and longstanding, that with a revolutionary nudge the masses will rise up and deliver Thailand into the Chinese orbit.

RACE AGAINST TIME

To shore up those areas of national life vulnerable to communist subversion, Thailand is struggling to effect a social and economic revolution. In the top councils of government, Thais are exerting pressure on each other to spark a moral and spiritual revolution. They wish to erase an age-old custom under which high-ranking officials take, with impunity, "special privileges" that would be known elsewhere as corrupt practices. "Moral reform is essential in Thailand," Thanat told me. "If we are to retain freedom and independence, we must be strong morally as well as economically and socially."

Thais also stress the importance of their efforts to carry out peaceful social and economic revolutions in the less-developed parts of the country. Two Thai-run programs on which they are banking heavily are MDU (Mobile Development Unit) and ARD (Accelerated Rural Development).

A Mobile Development Unit is a traveling team of about 120 people who go into an area, listen to the people's gripes, then try to provide what the people want and need. MDU agriculturists, doctors, sanitation experts and engineers usually remain in an area for weeks, helping to dig wells, demonstrating the use of fertilizers, building roads and repairing bridges, constructing outhouses and distributing medicines to sufferers from ever-present diarrhea, malaria, beriberi, dengue fever and liver fluke.

MDU's originator, Marshal Dawee, states that without MDU "the Reds would be in many of the villages of the northeast today. Some of the villages are so remote that the residents don't know who their king or prime minister is. In certain villages rice has stacked up for five crop seasons because there was no way to take it to market."

These villagers now have a sense of being part of Thailand. There are frequent meetings of village leaders and government representatives at which local grievances are presented. Then MDU follows up on requests or complaints of mistreatment.

The Accelerated Rural Development program attempts to speed up the process of taking to hinterland towns and villages some of the abundance and technological skills that have heretofore been restricted to Bangkok. Since 1950, the United States has contributed more than $900 million in economic and military aid to Thailand. This year 30 percent of the $20-million expenditure by AID (Agency for International Development) there goes into ARD economic projects in the northeast.

Results have been dramatic. Friendship Highway has been built to link Bangkok to the northeast. As it stretched through the countryside, people moved along with it, starting farms and setting up communities. The United States is deeply involved in every aspect of Thailand's efforts to build up her rural areas. Whether the problem is to get more fertilizers into the northeast, to wipe out malaria or to get more doctors into the countryside, the U.S. AID mission is part of the team. The Peace Corps plays its part in rural-health and malaria-eradication projects. Perhaps nothing is emphasized more than the training of an adequate police force for the provinces. The AID mission is active in four police schools and has in three years trained 11,000 *chaiya* ("freedom fighters"), who will be the key to preventing Chinese Communist subversion.

Other free-world nations recognize their stake in Thailand. Among them are Australia, New Zealand, West Germany, Japan and Canada. Non-military loans and grants from countries other than the United States have totaled $143 million in the last three years. The Thais have virtually matched assistance granted by the United States. They have repaid more than $30 million in U.S. loans and have never defaulted on a payment.

Despite the good works of MDU and ARD, many Thais express fear that economic and social progress isn't fast enough. One of these is Police Maj. Gen. Samart Vayavananda, the former governor of Udorn Province. Samart concedes that even with more U.S. aid the problems of northeast Thailand would not be easily solved; it would still be necessary to go through the laborious process of changing age-old customs and to develop means of teaching new standards of hygiene, public health and agriculture. "But it takes so dangerously long," Samart says.

Thailand today is a military dictatorship, though perhaps the most benevolent in the world. Wise Thai leaders speak of moving soon to give the country a constitution and the 30 million people a voice in running the country. Thailand is racing to the haven of representative democracy under a constitutional monarchy before it is overtaken by communist tyranny. Whether this beautiful and brave little country wins its race will profoundly affect the political coloration of all Asia.

CONGRESSIONAL REFORM—TIME FOR ACTION

Mr. MONRONEY. Mr. President, on August 26 the Senate unanimously adopted Senate Resolution 293, to create a Special Committee on the Organization of the Congress composed of the six Senators who are members of the Joint Committee on the Organization of the Congress.

The committee was requested to provide an opportunity to the chairman and ranking minority member of each standing committee of the Senate to appear and present their views on the recommendations contained in the joint committee's final report.

The committee was then directed to receive and report legislation based on those recommendations to the Senate for action.

Since the resolution was adopted, the special committee has heard the views of three chairmen in person and has received written statements from two chairmen and one ranking member. The committee has been advised that the views of the two additional chairmen will be submitted this week.

It is my hope that these additional hearings may be speedily completed. The committee has prepared a draft bill. Legislation can be introduced and reported by the special committee within the week so that it could be considered by the entire Senate.

Mr. President, I know that this has been a busy session and that the concluding weeks of the session will be unusually full. As always, a large number of important matters are still pending on our legislative agenda.

When the resolution creating the Special Committee on the Organization of Congress was reported favorably by the Committee on Rules and Administration, the distinguished chairman of that committee and other Senators who sit on that committee expressed the hope that the leadership would see fit to schedule the reorganization bill for floor action this session. I want to express the same hope. I believe the background of the committee's work and the subject matter of its effort warrant the highest possible priority for consideration of this legislation.

First. The proposed legislation is the product of a full year and a half of study by the joint committee. Five months of hearings were held last year during which the committee heard the views of 200 witnesses, including more than 100 Members of Congress. The members and staff of each of the standing committees of both Houses presented additional information on the work of their committees. Thousands of suggestions for congressional reform, contained in the published and unpublished works of Members, political scientists, national organizations and interested citizens, have been carefully analyzed. The final report itself involved more than 40 executive sessions to mark up the committee's recommendations.

Second. This has been a joint undertaking, with equal representation from the House of Representatives. My distinguished cochairman, Representative RAY J. MADDEN, has introduced legislation in that body, and other House members of the joint committee are prepared to join in this legislation. I believe the Senate should make it clear that it will not unduly defer its consideration of such a joint undertaking.

Finally, many of our own constituents are evidencing considerable interest, curiosity, and skepticism as to whether Congress is actually willing to act on proposed organizational improvements. I have previously inserted in the RECORD a considerable amount of editorial comment from the newspapers over the country. Many more editorials have been received since that time, and I ask unanimous consent to include them with this statement. I urge the Members of the Senate to read them carefully and draw their own conclusions.

Mr. President, in about a month this session will probably have ended. A few weeks later, Members of Congress will have once again submitted our policies to the voters for an expression of approval or disapproval. I, for one, want

to be able to say that Congress did not overlook its own organizational needs in the haste of legislating for the benefit or regulation of others.

The Senate of the United States should have an opportunity to consider the Legislative Reorganization Act of 1966 before Congress adjourns in 1966.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Oklahoma?

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

[From the Greenville (S.C.) Piedmont, July 30, 1966]

QUESTION STILL HANGING: WILL CONGRESS REFORM?

When critics flay the House, the Senate both, they are joined by some voices from both august bodies. How sincere congressmen are in their desire for reform will be shown in the weeks to follow.

The Joint Committee on the Organization of Congress, representing both branches and both major political parties, has reported more than 100 proposals for streamlining Congress.

Will the congressmen vote to split the House Education and Labor Committee into two committees, despite the threatened potent opposition of Rep. ADAM CLAYTON POWELL of New York, the present committee chairman? Will it also split the Senate equivalent, the Labor and Public Welfare Committee, as proposed?

Will members of Congress remove from themselves the privilege of all patronage in the Post Office Department? Will it also eliminate patronage appointments on the Washington, D.C., Capitol Police Force?

Will they actually vote to schedule committee and floor business on a five-day workweek, eliminating the famous "Tuesday-to-Thursday Club" which delays official busines but allows committee members to spend those nice, long weekends away from Washington?

Will they actually open Congressional hearings to the public?

These are only a few of the proposed changes, but many of them take away little islands of privilege which individual congressmen guard with great vigor.

It has been 20 years since Congress has made any attempt to reform itself, but if some of these proposals are adopted it will be in better shape. The question is: Will Congress adopt them?

[From the San Diego (Calif.) Tribune, August 1, 1966]

SOME CONGRESSIONAL CHANGES WOULD BE HELP FOR EVERYONE

Proposals by a special Senate-House committee to revise some of the procedures of Congress should do much to make Congress more efficient and to end some of the frustration the public feels at times over congressional procedures.

Congress has many traditions and is a great respecter of these traditions. There are times when some of these traditions appear to get in the way of a popular project, but many times these traditions have served the country well by preventing rash action.

Some of the traditions and congressional procedures, though, are out of date. It has been 20 years since there was a major revision in congressional procedures. Congress needs periodic examinations to make sure it can keep up with the demands placed on it.

One of the approximately 100 suggestions made by the committee is to put Congress on a five-day work week. At present, Congress limits most work to Tuesday through Thursday.

Sessions of Congress would not drag on so long if it stayed busy five days a week from the opening of the session. A full work week in Washington would also cut down on many trips and outside activities of congressmen.

Another recommendation would be to have congressmen lose the patronage privilege, or responsibility, of the appointment of postmasters and rural mail carriers. This job takes too much of a congressman's time and produces more headaches for him than it cures.

The committee recommended that the main body of the CONGRESSIONAL RECORD be limited to verbatim remarks actually delivered on the floor of the House or Senate. Too many speeches have been inserted without being delivered.

Some of the other better recommendations are:

The creation of a committee in the House on the pattern of the Senate ethics committee.

The strengthening of the lobbying regulation act to provide better control of lobbyists.

The right for a majority of a congressional committee to call meetings and act on legislation if the committee chairman refuses to do so.

The granting to minority members of a committee at least three staff assistants.

These are among many worthy suggestions. Another is that there be a standing committee to study the operation of Congress, just as this special committee has done.

The list of suggestions does not constitute a major reform of Congress. There are other practices which need changing.

These recommendations, though, if adopted should do much to help Congress do its job and to help the public appreciate that job.

[From the New Bedford (Mass.) Standard-Times, Aug. 2, 1966]

GOOD HOUSEKEEPING

The Joint Committee on the Organization of Congress has devised some well-considered plans to speed congressional action, and to give the maximum possible information to the public and the Congress.

The general aim of this multifaceted and bipartisan effort is to "open up" congressional affairs so that those congressmen and senators not directly involved in some matters and the public in general can have a better grasp of national issues.

One recommendation of the special committee is to give regular committees of Congress the right to call meetings on majority decision, to eliminate proxy voting and to give a majority the right to require that a chairman report legislation to the floor—rather than pigeonhole it.

Another suggestion is that more committee meetings be open to the public (including broadcasting and telecasting), and that reports be made immediately after committees take any action.

Extensive revisions also are recommended for the internal workings of Congress. These include circulation of committee reports among all the members at least two days prior to the filing date so minority and supplementary views can be filed simultaneously. Another proposal calls for a wider division of committee assignments so more congressmen and senators can sit in key positions.

Another proposal (and this one can't be taken too seriously; it's probably only for the record) is that congressional committees meet five days a week instead of the traditional three or four.

The special committee failed to propose any changes in the controversial seniority system, under which congressmen almost automatically are elevated to committee chairmanship regardless of their compatibility with the rest of the membership. Seniority is sacred in Congress, and reform of this system is almost beyond real expectancy.

In all, the 100 revisions recommended for improving congressional operations deserve timely consideration and approval, since these are not the musings of outsiders, but the dedicated efforts of knowledgeable insiders.

[From the Detroit (Mich.) News, Aug. 13, 1966]

COMMITTEE RECOMMENDS A START—LET'S REFORM CONGRESS

As far as they go, most of the recommendations of the Joint Committee on the Organization of Congress will help Congress do its work more effectively.

New controls on lobbyists, more expense money for travel home, increased staffing, modernizing of its budget review—all these are changes which would tend to free Congressmen from too much reliance on the help of self-seeking outsiders and to professionalize their own legislative work.

If they are to write the laws which guide our increasingly complex society, congressmen must have more objective and expert help at their fingertips. Without it they will continue to yield more and more authority to the executive branch.

The public would be the main beneficiary of recommendations to open more committee hearings to the press, to establish a committee on ethics in the House, to limit the number of powerful committee memberships one man can hold, and to shift from a three-day week to a full, five-day operation.

Because the power structure of Congress enjoys things pretty much as they are, the joint committee was not even allowed to look into such time-saving changes as electronic voting. (The leaders oppose this since it would make last minute pressure on congressmen harder to apply and prevent as much unrecorded voting as now occurs.) Nor was the committee able to evaluate the controversial seniority system or the mysterious ways in which bills are scheduled for floor action.

Nor does there appear to be any congressional interest in opening to public view the now secret "markup" sessions of the committees. It is in these often clandestine sessions that the laws are actually written and that the voting separates honest men from hypocrites.

Despite a national concern over the state of congressional ethics, the committee rejected a financial disclosure proposal which would do more than anything else to solve the problem of unethical behavior and conflict of interest.

Within its limited authority, however, the committee has offered Congress many roads to improvement. Hopefully, Congress will realize that if it expects to retain its public respect and its constitutional authority, it must act soon on these recommendations.

[From the Red Bank (N.J.) Register, Aug. 8, 1966]

MODERNIZING CONGRESS

In recommending a series of housekeeping reforms for Congress, the Joint Committee on the Organization of Congress has gone surprisingly far, considering the number of off-limits signs that were posted for it when it began work in the spring of 1965. For example, the committee's report in its more than 100 recommendations, proposes:

To permit a majority of a committee to call meetings and report legislation if the chairman refuses to do so.

To require that committee hearings be open "to the maximum extent possible," and that votes taken in closed sessions be made public.

To schedule committee and floor business on a five-day work week, thus eliminating the present virtual shutdown on Mondays and Fridays.

To divest members of patronage appointments on postmasters, rural mail carriers and capitol policemen.

To tighten laws governing lobbyists.

Desirable as these changes would be, they are expected to encounter opposition in Congress. Already attacks are being made against some of the committee's simplest reorganization suggestions—among them, the proposal to split the House Education and Labor Committee. Rep. ADAM CLAYTON POWELL, the present chairman of the group, has charged that the plan represents an attempt to curb his power because he is a Negro—a claim that makes little sense in view of the fact that the reorganization report also proposes to split the counterpart Senate committee, which is headed by Sen. LISTER HILL of Alabama.

Some of the recommended innovations—such as those calling for increases in committee staffs and use of consultants, the installation of automatic data processing of budget information and the scheduling of an August recess—are intended simply for the convenience of Congress and should meet no significant objections.

Though many of the proposed reforms are useful, they should not, however, be allowed to camouflage the fact that Congress, in ordering the study, specifically excluded from the joint committee's assignment some of the areas of congressional organization and procedure that have come under the heaviest criticism—namely, the seniority system by which committee chairmen are chosen and committee memberships assigned, the Senate filibuster rule requiring a two-thirds vote to cut off debate, the cumbersome machinery for scheduling bills for floor action.

If Congress should approve most of the proposed changes, they would represent progress but not the kind of modernization of the legislative branch that has been envisioned by many critics during the 20 years since the last broad reorganization plan was adopted.

[From the Muncie (Ind.) Star, Aug. 2, 1966]

MORE EFFICIENCY IN CONGRESS

The recommendations of the Joint Committee on the Organization of Congress, aimed at greater efficiency in the operation of Congress, dwell heavily on improvements in committee procedures and the handling of the budget.

Some of the committee proposals are aimed at reducing the power of chairmen to keep their committees idle and to sit on legislation or railroad it through. Others are aimed at giving minority members a stronger role. Still others strike at secrecy in hearings, meetings and reports.

For better budget control, automatic data processing is proposed. The committee wants the General Accounting Office reorganized and modernized, it says there should be better cost projections for continuing programs and better descriptions of carryover balances. It urges better annual review of continuing programs.

These are just some of several dozen specific recommendations touching almost everything Congress does.

Looking over the list, we find little with which to quarrel. If only a small number of the more important recommendations were carried out, the work of Congress should be improved considerably.

Like so many executive agencies in the government, Congress has gone along in mostly unchanged procedures and organization arrangements while its work load has been pyramiding. Many of the old ways are quite unsuited to present conditions. But old ways are hard to change.

We hope Congress will go to work at once on putting into effect the more practical of these recommendations. As it does so, we hope it will put emphasis on measures aimed at giving the taxpayer more for his dollar, and will look quizzically at proposals for spending more money.

The joint committee has done a thoughtful job. Something should come of it.

[From the Houston (Tex.) Post, Aug. 14, 1966]

MODEST REFORM FOR CONGRESS

It has been 20 years since Congress has made any extensive changes in the way it operates and handles its business, and these years have brought great changes in the nature and volume of the work that it must perform. The need and the demand for changes in its way of doing things have become so great that they no longer can be ignored.

It now appears that the lawmaking body will have a chance before this year's session ends to do at least a modest job of reforming itself. More than 100 recommendations for assorted changes have been made by a joint committee of the House and Senate after a 16-month study. They will be incorporated in an omnibus bill, and procedures are planned to keep the measure from getting buried in an unsympathetic committee of one chamber or the other.

Although the recommended changes are numerous, they definitely are not radical. In fact, a question can be raised if they are anywhere near adequate. The committee avoided highly controversial reform proposals and stuck to those least likely to arouse resistance among the lawmakers.

Its idea, apparently, was that some changes would be better than none at all, and it is hard to argue with this approach. Still, some resistance can be expected to many, if not most, of the proposed changes, principally from those who would be affected, and without some evidence of strong public support, there is no assurance that even the moderate reforms proposed will win approval.

The resolution which created the joint committee prohibited it from making any recommendations about the rules, parliamentary procedure, practices and/or precedents of either house. This ruled out any changes in the Senate's rule on filibusters or in the power of the House Rules Committee to keep legislation from coming to a vote on the floor of that chamber.

The committee chose to interpret the limitation as also covering any change in the seniority system for naming committee chairmen. It passed over such proposals as those that all members of Congress and top legislation staff aides be required to disclose all their income and assets, that laws on the reporting of campaign contributions be changed, that the terms of House members be increased from two to four years, that the District of Columbia be given home rule to reduce the workload of Congress, and that a "watchdog" investigating committee be set up under minority party control whenever the White House and Congress both are under the control of the other party.

The Congressional Quarterly quotes Rep. JACK BROOKS of Texas, a member of the joint committee, as saying that the changes recommended were 'the best attainable, considering the mood of Congress and the fact that the committee's membership was equally divided between the two houses and the two parties."

The chairmen of all committees would have their powers reduced if the committee's recommendations are adopted. Members would be able to call meetings and report legislation if the chairman of a committee should refuse to do so. All committee members, not just those agreeing with the chairman, would be allowed to take part in the preparation of committee reports.

These reports would be made available to all members of the House or Senate prior to floor action. Proxy voting in committees would be eliminated. Restrictions would be placed on the number of committee assignments and chairmanships a senator could hold. The professional staff available to minority committee members would be expanded. Committee jurisdictions over scientific matters would be reshuffled, and a separate Senate committee on veterans affairs comparable to that in the House would be created.

And, in recognition of the growing federal role in education, new committees on education would be created in both chambers by removing education from the responsibilities of the Senate Labor and Public Welfare Committee and the House Education and Labor Committee.

This already has brought an angry protest from Rep. ADAM CLAYTON POWELL of New York, chairman of the House committee, who has charged an attempt to reduce his authority because he is a Negro. Comparable opposition can be expected from others who are affected by proposed changes.

So far as the public is concerned, the most revolutionary proposal probably is one that Congress actually work five days a week instead of Tuesday through Thursday as at present. This would permit the congressional session to end automatically on July 31 unless specifically extended by majority vote, in which case there would be a mandatory vacation during the month of August except in time of war.

All committee hearings would be made public to the "maximum extent possible," with radio and television coverage permitted at the option of the committee, coverage which now is permitted in the Senate but not in the House.

And members of the Congress would lose their authority to appoint postmasters, rural letter carriers and Capitol police on a patronage basis.

One thing that is beyond dispute is that there is need for many changes in Congress' ways of doing things if it is to continue to enjoy the respect and confidence of the public to the degree that it should. The changes recommended by the joint committee may not be nearly enough in the way of reform, but they deserve a trial. The public should demand that they be given this chance.

[From the Kansas City (Mo.) Star, July 26, 1966]

CONGRESS GETS A CHANCE TO REFORM ITSELF

It seems to us that the joint committee on improving Congress has turned in a good piece of work, given the limitations of its assignment. Whether the lawmakers, in this hectic and wheel-spinning session, will act on any of the proposals remains to be seen. Or whether they ever will, for that matter. This is one of those cases in which *only* the physician can heal himself.

Actually, Congress did make quite an effort at self-treatment in 1946, when it adopted the La Follette-Monroney congressional reorganization plan. The MONRONEY of that proposal, then House chairman on congressional reform, is the Senator MONRONEY of today who is the Senate chairman. MIKE MONRONEY of Oklahoma speaks with dedication of the need for further changes in congressional procedures, and has been known to find pertinent analogies in rolltop desks and quill pens and, for Space age comparison purposes, Model T's. If the lawmakers listen to him, or to his House counterpart, Rep. RAY J. MADDEN (D-Ind.), they will bestir themselves to action.

Certainly the Monroney-Madden committee did not go into seniority and the power of the House rules committee. It wasn't supposed to, by definition of the rules set down by Congress. Besides, the voters of Virginia, having seen fit to retire Rep. HOWARD SMITH, chairman of the rules committee (more precisely, Mr. Rules Committee), may have taken care of that matter for a while. And there was plenty to be done in the area of more or less routine modernization.

Routine, but important as a means of developing a more effective Congress. There is every reason to have an education committee in each House, as the committee proposed, and a veterans affairs committee in the Senate. We agree that the House, like the Senate, should have a committee on standards and conduct. It is a lot to ask that the legislators should impose upon themselves a 5-day work week instead of the present Tuesday-to-Thursday schedule, but it is a good idea. And a summer recess to start July 31, with the two Houses returning in September, ought to be considered. If nothing else, it would ease a headache for some younger congressmen who hear from wife and children that they never take the family on a vacation.

Then, there is a real sleeper in the proposal to end congressional participation—and patronage—in the confirmation of postmasters. They would, instead, be appointed by the Postoffice department on the basis of civil service tests. A cynic would say that it will be a long, cold day in July before Congress goes for that one. But who can say?

At any rate, these and other recommendations for the modernization of Congress—and the improvement of its efficiency as a lawmaking institution—are being presented by the Monroney-Madden committee. That is as far as a committee can go. Congress as a whole must straighten out its own problems. And therein, we suspect, lies the rub.

STEPS TOWARD PEACE

Mr. PELL. Mr. President, as our unhappy involvement in Vietnam drags on and as our military commitment in that struggle grows regrettably deeper, it seems to me especially important that we should remember that quiet, persistent, and very significant efforts toward peace are continuing without fanfare and often without the public attention they deserve. I refer not to the noisy protests of demonstrators who, though well intentioned, are so often negative in their approach; rather, I would call the attention of the Senate to the hard, constructive effort being made on several fronts to lay the long-range groundwork for peace through international dialogs that promise to increase international understanding and to diminish the areas of misapprehension and ignorance which could lead to conflict.

History will undoubtedly show that the principal impetus for all of these efforts was the pronouncement of the celebrated encyclical "Pacem in Terris" by Pope John XXIII in 1963. Men of good will and all faiths welcomed that spiritual initiative with profound hope and thankfulness because it seemed to express so powerfully the urgent moral concern of mankind in all corners of the world. There was, accordingly, widespread determination that the intention of the encyclical be implemented by purposeful action, specifically by establishing new dialogs and channels of communication which would transcend the old barriers of creed and political doctrine. Within a year, preparations were being made, under the auspices of the Center for the Study of Democratic Institutions, for an international convocation on "Pacem in Terris," which was held in New York, February 18–20, 1965. Sixty world leaders, among them the Vice President of the United States, participated in the proceedings, and there were some 2,000 invited guests. Dr. Robert M. Hutchins of the Center for the Study of Democratic Institutions called the convocation a new conversation, which it truly was, for it opened a whole new set of channels of communication about the prospects for peace.

I was privileged to have a modest role in that convocation and thus to perceive the impact which the conference had on all who participated. My own reaction is perhaps best summarized in a statement which I made in a recent issue of "Dominicana" magazine:

> The effect, which I know was apparent to all of us who participated, was to elevate to the highest degree our world concern for the survival of civilization. I know that each of us returned to our respective posts of service and duty illuminated and inspired by the pervasive spirit and intent of Pope John. And each of us therefore has been commissioned to do whatever he can, in our own small ways, to translate the great purpose of Pope John into constructive deeds and actions.

Now, I am especially pleased to note that there is continuing determination to keep alive and build upon the inspiration and illumination which flowed from that convocation in 1965. The Center for the Study of Democratic Institutions now is planning a second convocation, Pacem in Terris II, tentatively scheduled for May 28–31, 1967, in Geneva, Switzerland. Its purpose will be to develop the general theme of coexistence touched upon in the 1965 conference into more concrete foreign policy proposals, and if possible, to enlist the participation of Communist China. It is hoped that the 1967 convocation may thus reopen channels of communication that have been frozen by the Vietnam war.

A preliminary planning meeting already has been held to lay the groundwork for Pacem in Terris II, with representatives from 10 countries gathering at Geneva for this purpose last May 30–June 2. Among the representatives of the United States at this gathering were two of our distinguished colleagues, the Senator from Tennessee [Mr. GORE], and the Senator from South Dakota [Mr. MCGOVERN]. I know that we all will be looking forward to the convocation of Pacem in Terris II with anticipation and great hope.

Mr. President, it should be noted that this excellent initiative by the Center for the Study of Democratic Institutions is being supported and supplemented by several equally significant efforts from other quarters. I am particularly impressed by the cooperative and ecumenical efforts of our religious leaders, notably in the context of the National Inter-Religious Conference on Peace, which convened here in Washington last March. On that occasion, leaders of all the major faiths crossed doctrinal barriers to unite in a common appeal for peace. Over 400 religious leaders from all parts of the country were present, and the six cochairmen of the conference were the Right Reverend John E. Hines, presiding bishop of the Episcopal Church in the United States; the Most Reverend John J. Wright, Roman Catholic bishop of Pittsburgh; Dr. Dana McLean Greeley, president of the Unitarian-Universalist Association; Rabbi Maurice N. Eisendrath, president of the Union of American Hebrew Congregations; Archbishop Demetrios Iakovos, patriarch of the Greek Orthodox Church in North and South America; and Bishop John Wesley Lord, bishop of the Methodist church in the Washington area and a member of the general board of the National Council of Churches.

I was especially pleased to note that Mr. Frank K. Kelly, vice president of the Center for the Study of Democratic Institutions, was one of the participants at the Inter-Religious Conference on Peace. This is a welcome sign, I believe, that there is cooperation and full coordination between these two important efforts.

The essence of the March meeting was perhaps best summarized by the Most Reverend John J. Wright, Catholic bishop of Pittsburgh, who said in his concluding address at the conference:

> Perhaps the most significant and important characteristic of this conference has been the fact that it was interreligious . . . This meeting has found us working together for the first time in an effort to arrive at a common conscience on principles, and to provide a forum on specific application of these principles.

I understand that the proceedings of the National Inter-Religious Conference on Peace are about to be published for public distribution. In the meantime, I think it is important to note that the conference concluded with a very significant declaration, expressing the intention of the conferees to communicate their concern to the highest counsels of government. I ask unanimous consent that the text of this declaration be included in the RECORD at the conclusion of my remarks.

It is encouraging to note that there is determination here, too, to continue the spirit of the National Inter-Religious Conference on Peace and to translate it into concrete actions. Already, representatives of the conference have held informal conversations with Secretary of State Rusk, and they also are considering the possibility of convening again in an international forum sometime next year.

Nobody can promise or predict, of course, just what results may flow from these efforts. But it seems to me that it is significant and important that these efforts are continuing quietly and deliberately, regardless of the distractions or discouragements of immediate events. There can be no doubt in the minds of the leaders of the world that there is a profound and continuing determination on the part of the moral and intellectual leaders of our Nation to turn the world

toward peace. It is a determination which we in public life should not disregard, and it commends itself to the attention and encouragement of the U.S. Senate.

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

A DECLARATION OF THE NATIONAL INTER-RELIGIOUS CONFERENCE ON PEACE

(Approved by the final plenary session of the National Inter-Religious Conference on Peace, March 17, 1966)

The National Inter-Religious Conference on Peace, assembled in Washington, D.C., is testimony to a shared conviction that different religious traditions are mutually supportive in their efforts to help people find solutions to the issues of war and peace. This Conference speaks for itself. It addresses this Declaration to organized religion everywhere as well as to the general community and our government.

THE RELIGIOUS AND MORAL IMPERATIVES

Foremost is our concern that much of the discussion involving our nation's posture on foreign policy and especially on the war in Viet Nam has taken place without serious probing of the religious and moral issues involved. Members of the religious community too often seem to accept the world's belief that naked power reacting to threat, real or imagined, is all that really counts in the modern world. Our religious profession, however, does obligate us to proclaim the moral and religious dimensions in all relationships between all peoples and governments. We are called to repentance, forgiveness and compassion, to faith and hope, to working for justice, to love against hate, to the task of peace-building rather than war-making. We recognize the claims of God and His covenants with men in fulfilling His purposes in history. We cannot leave to soldiers and statesmen alone the great problems of conscience being raised in these days of conflict.

THE CONFERENCE GENERAL AREAS OF CONCERN

Our discussions involved first, confronting the changing Communist world. Changes in today's world may be seen, in part, as manifestations of Divine judgment to which we of the religious communities are challenged to respond in new ways. Our task is to press for peaceful solutions of conflicts between the United States and Communist governments that will respect the legitimate national interests of all parties. We believe our unique contribution can be expressed through personal contacts and intensive dialogue across ideological lines in order to break through the barriers which now prevent us from perceiving as, and communicating with fellow human beings who live under social and political systems different from our own.

Secondly, in discussing the People's Republic of China (PRC) and the conflict in Asia, we agreed that statements of the declared policies of the PRC, the U.S. and all other concerned parties should be carefully examined and evaluated against actual practice. Recognition of this divergence between declared and the actual policies could lead to changes that might reduce enmity between the U.S. and China. The specific changes in policy which the Conference has recommended include several unilateral initiatives that need not require agreement from the Chinese or endanger legitimate interests of the U.S. or the security of those nations and peoples who rely on the U.S.

We explored, thirdly, the forms of intervention in terms of moral responsibilities and limitations. All acts of nations having effects on the internal affairs of other states must be scrutinized carefully against a background of moral and religious judgment. When particular acts involve military force with drastic consequences for the people of the affected nation searching questions should be raised and answered concerning the possibility of substituting for unilateral intervention, United Nations or other international action. Furthermore, the claims of human beings, whether allies, foes or neutrals, as children of God must be a major factor in any moral assessment of available policy alternatives.

A STATEMENT ON VIETNAM

We, the members of this National Inter-Religious Conference on Peace,

Ever mindful of the important formal statements on the war in Viet Nam which have been made separately and recently by Pope Paul, by the Synagogue Council of America, by the National Council of Churches, by the World Council of Churches, and by other official groups,

Deeply concerned by the continuing and increasingly tragic consequences of that war,

Keenly sensitive to the moral issues involved in this entire sad situation, and especially in the consequential taking of many lives of innocent civilians,

Fully aware that the matter is complex and intense and solutions are not easy,

Do request and authorize the Co-Chairmen of this Conference to ask a number of other major leaders of American religious bodies to join with them and together to seek a personal conference with the President at the White House for the purpose of respectfully urging upon the President that he:

1. Consider respectfully an immediate halt to the bombing in Viet Nam,

2. Announce the readiness of the U.S. to join in a cease fire of indefinite duration, beginning Good Friday, 1966, with no continuation of the buildup on either side,

3. Pursue every possible avenue, including channels of the United Nations, that may create more favorable circumstances under which negotiations can begin,

4. Adhere steadfastly to the principle that there cannot be a satisfactory military solution to this problem, and until a negotiated settlement is achieved, not to permit a change in the character of the conflict through military escalation,

5. Agree to the direct representation of the National Liberation Front as well as the other concerned parties in any negotiations,

6. Maintain a determination to promote social and economic change and progress in South Viet Nam and to provide the people of that land an opportunity at an early date to choose their own government,

7. Continue providing reconstruction assistance and long-range economic development funds for Southeast Asia and

8. Direct that high priority be placed in Viet Nam upon patient, persistent peace-building programs, to overcome the dehumanizing and brutalizing effect, especially upon youth, of the twenty year war.

We do further state expressly that we have confidence that this delegation of religious leaders will make their presentation to the President with a thoughtful and understanding knowledge of the conflicting advice and pressures to which he is ever subject and of the awesome responsibility and heavy burden which he now carries in the White House. For him and all sharing his onerous responsibilities, we pledge our prayers.

We further suggest that most Congressional leaders would welcome similar conversations and representations in which the delegates here bring to bear the thinking and moral guidance which legislators need in groping with the problems of maintaining the peace of the world.

A PROPOSAL FOR CONTINUING CONFERENCE

We ask the Co-Chairmen of this Conference to continue the National Inter-Religious Conference on Peace Committee and to explore the possibilities for calling a World Inter-Religious Conference on Peace in 1967, encompassing participation of all the world's religious traditions.

We request the Synagogue Council of America, the National Council of Churches, the National Catholic Welfare Conference, and other religious bodies jointly to join us in our call for a National Conference on Religion and Peace, along the lines of the earlier National Conference on Religion and Race.

We urge all religious, inter-religious, and community groups to intensify their work for peace. We recommend regional and local inter-religious conferences.

We commend the findings of this Conference to the national religious organizations and to local membership of all religious bodies for study and—hopefully—guidance.

We urge all to pray, with us, for clarity of mind, integrity of spirit, and a deepening inter-religious fellowship, such as we have found together here that, under God, we may be guided through a night of our own making to a day when men shall know and love one another as God's children.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 2(a), Public Law 89-491, the Speaker had appointed Mr. DONOHUE of Massachusetts, Mr. WELTNER of Georgia, Mr. SAYLOR of Pennsylvania, and Mr. POFF of Virginia as members of the American Revolution Bicentennial Commission, on the part of the House.

The message also announced that the House had severally agreed to the amendments of the Senate to the following bills of the House:

H.R. 3041. An act to amend title 10, United States Code, to exempt certain contracts with foreign contractors from the requirement for an examination-of-records clause;

H.R. 11979. An act to make permanent the Act of May 22, 1965, authorizing the payments of special allowances to dependents of members of the uniformed services to offset expenses incident to their evacuation, and for other purposes; and

H.R. 15005. An act to amend title 10, United States Code, to remove inequities in the active duty promotion opportunities of certain officers.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled 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 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.

MARY T. BROOKS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (S. 3553) for the relief of Mrs. Mary T. Brooks.

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.

HOUSING SECTION VIOLATES PROPERTY RIGHTS OF EVERY AMERICAN CITIZEN

Mr. BENNETT. Mr. President, apparently, in spite of the failure to secure cloture yesterday, the advocates of H.R. 14765 want to continue the discussion. The weaknesses of the bill have been presented to the Senate by many men much more able than I. Probably the most serious criticism that can be made of the bill is that it is of very doubtful constitutionality. Not being lawyer, I must yield to my colleagues who are to make the basic points against the bill in this field. All I can do is reinforce what they have had to say.

Since it has been obvious for some time that the bill could not be forced to a vote through cloture, many of the proponents of the bill have turned from a discussion of its merits to an attempt to fix blame for its defeat. One favorite device has been to try to lay the whole burden of their failure on the shoulders of the minority leader. Two years ago when another civil rights bill was up, the final burden of carrying it for the administration rested on these same shoulders. I voted with him for that bill. That bill had substantial merit; this one is so bad that even with his great personal devotion to civil rights, the minority leader has not accepted it and in the spirit of fundamental loyalty to constitutional rights on which our country was founded and with great courage, he has chosen to lead the opposition.

RIOTS HAVE CAUSED PUBLIC INDIGNATION

In my opinion, the responsibility for the defeat of this bill must rest upon those who have incited, condoned, and participated in the racial riots that have been erupting in many cities and are still occurring. These leaders, both white and Negro, claim the privilege of using the power of lawlessness to threaten Congress into passing a bill of doubtful legality. The whole atmosphere of this exercise, from the riots to the bill, is that the end justifies the means. Having fallen into the pattern of a civil rights bill every year, each new one must be pushed further beyond the responsible limits of sound policy and practice. I think it is past time when Congress should slow down and lift the problem out of the political realm, giving more careful attention to the long-range implications of its action, both on the great majority of the American people as well as on any racial minority.

SUPPORT OF PRIOR CIVIL RIGHTS BILLS

Let me say at this point that I fully believe in protecting the rights of minority groups and that my record in support of prior civil rights bills in the Congress will substantiate this fact. However, we reach a point in the course of events where we must weigh the demands of minority groups against the constitutional rights of the majority of our population, and determine what is just and right as against that which might be socially desirable. Because one man wants or desires something which his neighbor has, does not give him the right to possess it. The Ten Commandments clearly sets forth that a man has no right to lust or covet after that which belongs to his neighbor.

POWER VERSUS FREEDOM

The advocates of legislation such as that contained in title IV, argue that freedom involves the right to live wherever one chooses, or to buy whatever one wishes to buy. This is a fallacious argument and a tortured usage of the term "freedom." If I have the right to live wherever I might choose, then someone else must have the duty to permit me to do so. If I prefer my neighbor's home to my own, do I have the right to force him to sell to me? Obviously, I do not possess any such right in free country under a constitutional form of government. Anyone who claims to possess any such right is patently wrong, and is talking about power not freedom.

In a free country no one has a right per se to buy. What he has is a right to offer to buy. Likewise, if a proposed seller is a freeman, he has the right to offer to sell or to refuse to sell as he may see fit. It is an elementary rule of law that a completed sales transaction occurs in a free country, only when a willing and able buyer bargains with a willing and able seller and they negotiate on terms which are mutually satisfactory. Such would not be the case under title IV. It would destroy the freedom of one man and place power in the hands of another by forcing the sale or lease of private property. To speak of this power as freedom is a gross distortion of the constitutional principles on which this great Nation was founded.

LET US NOT BE FOOLED

Let us not misunderstand and let no one be misled into believing that this bill will satisfy the basic needs of minorities or of those who are in the ghettos. Their real needs are for jobs, or training for jobs, if they are not properly trained. Their real needs are proper education, ability to purchase adequate housing, and solutions to other basic problems of income. Measures like this bill are not going to encourage the basic individual initiative of all American citizens, including those who live in the ghettos, to get out and earn a living and to make a way for themselves in America. Private endeavor, not government compulsion has been the touchstone of greatness of our Nation.

The fundamentals of our Nation's ghetto problem are not really dealt with in this legislation. Let us not try to fool anyone into believing that all civil rights problems are going to come to an end if this bill is passed, any more than they did when Congress enacted bills on civil rights in 1957, and 1960, 1964, and 1965.

This bill will not in its present form accomplish its advertised objectives. This is not going to bring about the millennium or the solution of the plethora of problems relating to the ghettos today. This is not going to settle the riots.

Now, we are told that this is one bill that must be passed—and passed now. And it must be passed substantially in its present form.

I just wonder what happened to the administration that is calling upon us to pass it hurriedly and pass it now. What happened to the administration between January, when the state of the Union message came up, and May 2, when the actual proposed legislation came up? Where then was the rush? Where was the emergency? Certainly, if this bill were the answer to the problem, who is most responsible that the problem is still with us today? Is it not the administration that waited from January, February, March, and April, to even bring a bill to the Congress of the United States with its recommendations?

Must not the administration share a large part of the responsibility?

So I say the emergency nature is not and has by past inaction not been recognized by the administration.

TITLE IV MOST OBJECTIONABLE

Title IV of H.R. 14765 is the most objectionable part of the bill.

This title embraces the most dangerous attack on the right of private property which has ever been seriously attempted in this body.

By enacting this title, we shall be seeking to deny large numbers of Americans the right to dispose of their own property as they see fit.

Of course, this invasion of the right of private property would be made, under this bill, broadly speaking, only with respect to homes and living quarters. I fail to see where this makes the case any better. In a way, it makes the matter worse, because one of our most sacred traditions, which we inherited from and share with the British, is the idea that a man's home is his castle.

Let no Senator be misled into accepting the idea that all the evils of title IV will be visited only upon those who are in the business of building, developing,

selling, renting, or leasing dwellings. Of course, that is what the bill says; but the bill contains a section entitled "Definitions" under which it is provided that anyone shall be deemed to be in this business of building, developing, selling, renting, or leasing dwellings if he has, within the preceding 12 months, participated as either principal or agent in three or more transactions involving the sale, rental, or lease of any dwelling or any interest therein.

So, a woman who runs a boardinghouse and rents three rooms during the year is in the business; a man who gives up a job in one State, and moves his family in a rented trailer to a job and home in another State, let us say a man employed in the construction business, and thus might actually have rented three buildings within a year, will be deemed under the language of this bill to be in the business of building, developing, selling, renting, or leasing dwellings.

Senators can multiply examples as they choose; I am sure the idea has been made clear by the examples I have given.

Most of the penal restrictions on property owners are contained in section 403, and this section has a subsection which says it shall not apply to any property owner with respect to the sale, lease, or rental by him of a portion of a building or structure which contains living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner himself actually occupies one of these living quarters as his residence.

RIGHTS OF ALL SHOULD BE PROTECTED

Of course, if the right of private property is to be protected, then it must be protected for all men, whether or not they own one-family or four-family dwellings, and whether or not they live in such dwellings. But quite aside from that point, the exemptions provided in the subsection I just referred to do not really amount to as much as one might think.

In the case of a roominghouse, if there are more than three roomers, the exemption would not apply, because each separate room rented would count as one in totaling up the number of living quarters in the building. In the case of a man who moves out of his home into an apartment, or into a hospital, or a sanitarium, or a home for the aged, and seeks to rent the now-vacant dwelling, the exemption would not apply.

Statistics are not available on just how many homeowners would benefit by the exemption contained in the subparagraph to which I referred. But certainly the number of homeowners not exempted by this subsection is far greater.

Not only does title IV seek to interfere unjustifiably and unconstitutionally with the right of private property; it goes further and provides for enforcement of this interference through a blanket authorization of civil actions in Federal district courts which cannot fail to bring with it, if this bill is enacted, the worst court congestion this country has ever seen.

LAWSUITS WOULD MULTIPLY

Lawsuits are authorized to be brought in Federal court without regard to the amount in controversy. Actions to enforce involuntary sales are authorized to be brought by private individuals, on their own election, without meeting any standards of proof, and without the payment of any fees or costs or the posting of any security to provide compensation if the action is found to be without merit.

While it is true that the authority to bring these actions without the payment of fees or costs depends upon court approval of an application, there is no requirement for any showing of fact, with respect to the merits of the case, when the application is filed. One of the bases upon which I would think a court would act favorably on such an application would be an affidavit of inability to pay. Court appointment of an attorney, also authorized by this bill, would free the instigator of the suit entirely and forever from the payment of any attorney's fees. The action would cost him nothing. But, of course, to defend the action, the homeowner would have to bear the entire cost in trouble and in money.

How many actions do you think would be brought in your State, in your county, in your own hometown, if this bill becomes law and legal actions of this particularly vicious and harassing and vengeful type are made possible without any financial detriment, or even financial risk, to the plaintiff? Whatever the estimate you make, it is likely to prove too low.

NO GENUINE CONSTITUTIONAL BASIS

The proponents of H.R. 14765, state that title IV, the open housing title, is bottomed on the commerce clause and the 14th amendment. It is said that because building materials and home furnishings move across State lines, because people move their residence from one State to another, because mortgage money is borrowed outside the State, and because disputes and disturbances interrupt the interstate movement of persons and things, the business of buying and selling private dwellings is therefore interstate commerce and subject to regulation by the Federal Government, in spite of the fact that these dwellings are firmly fixed to a particular piece of land in a particular State. If this is so, then interstate commerce means something more than the courts have interpreted it to mean. Heretofore, the courts have said that interstate commerce ends when goods come to rest in the State of destination. While it is true that the Supreme Court in the recent case of Atlanta Motel against United States diluted that rule when it upheld the public accommodations title of the 1964 Civil Rights Act, it did so only with reference to commercial establishments which were using interstate goods for profitmaking resale. Here, we are talking about private dwellings where interstate goods have left the channels of commerce and have changed their status from personalty to realty. Only by the most devious and artful rationale can the interstate commerce clause be urged as a proper constitutional connecting link.

Neither can the 14th amendment operate as a constitutional basis unless we are to ignore or repudiate its explicit language. That language reads in part:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

In times past, the courts have uniformly held that the proscriptions of the 14th amendment apply to State actions only and not to actions by private citizens. Even the decision in Shelley against Kraemer, on which the proponents of this legislation rely most strongly, clearly states:

> That amendment erects no shield against merely private conduct, however discriminatory or wrongful.

In the face of such plain constitutional language and such unequivocal interpretations by the courts, the proponents have strained mightly to have housing discrimination by a private citizen relate back to some action by the States. One sentence from their so-called constitutional memorandum illustrates their argument:

> Perhaps the principal impetus to housing discrimination * * * was legal recognition and judicial enforcement of the racially restrictive covenant.

Prior to the Supreme Court's decision in Shelley against Kraemer in 1948, State courts recognized the validity of such covenants in real estate deeds. This, the proponents argue, constituted State action. Such action promoted the pattern of residential segregation which became established prior to 1948. These patterns, the argument continues, encouraged private citizens to discriminate in private sales, and this private discrimination had continued down to the present. Therefore, they say, when a private citizen discriminates in the sale of his private home today, it is because of State action 20 years ago, and accordingly the 14th amendment should be invoked.

During my short life I have owned three homes. The deed to none of them contained a restrictive clause. If the rationale is made that because restrictive clauses existed with the color of law 20 years ago, certainly they did not apply to the homes I have owned over this period.

Another sentence from the memorandum is revealing:

> A further reason for congressional intervention is that housing discrimination * * * is maintained today, not by a series of independent individual decisions, but by pervasive customs, practices, and attitudes that have the practical force of law. In these circumstances, the coercive effect of the custom may be treated as constitutionally equivalent to official action.

As I read that statement, it says there is no reason for a Congress, there is no need for State legislatures; all we have to do to create law in this country is to have a group of people in a particular community seem to be acting the same way, seem to be taking the same point of view on a particular problem, and the fact that they seem to be taking the same view, without any demonstration that there was an actual agreement

among them, creates the situation, to use the words again, "constitutionally equivalent to official action."

I cannot think of any way in which an idea can be strained and distorted more effectively.

To paraphrase that sentence would be to say that the customs, practices, and attitudes of private citizens are the same thing as State action, and therefore, whenever a private citizen discriminates in the sale of his home, the 14th amendment against State action justifies congressional action against the private citizen. Such a threadbare thesis, I submit, indicts the very proposition it intends to justify. It is its own best witness to the poverty of its logic. It exposes the frustrations of those who have searched the Constitution vainly for the authority they want to change the property laws which this Nation has honored since its founding.

Not only is there nothing to be found in the Constitution to justify this change, there is much to be found which reasons against it. As Mr. Justice Douglas, hardly a conservative extremist, has said:

The Bill of Rights, as applied to the States through the due process clause of the 14th amendment, casts its weight on the side of the privacy of the home.

Indeed it does. The third amendment protects private homes against the quartering of soldiers. The fourth amendment protects private homes against unlawful searches and seizures. The 9th and 10th amendments reserve to the people all unenumerated rights and all powers not delegated to the Federal Government.

Having considered the legal foundations on which title IV is predicated, let us now consider the content, application, and consequences of the title. Who is covered? What is covered? What are the consequences of coverage?

COMPREHENSIVE ANALYSIS OF BILL

One of the best analyses which I have seen in regard to H.R. 14765, was prepared by the National Association of Real Estate Boards, and was forwarded to me in a letter from Alan L. Emlen, chairman, Realtors' Washington Committee, under the date of September 1, 1966. At this point, I should like to read Mr. Emlen's letter into the RECORD. It is addressed to me. He says:

DEAR SENATOR BENNETT: This Association has had an opportunity to study Title IV of the bill, H.R. 14765 the Civil Rights Act of 1966 as approved by the House on August 9, and is of the opinion that it is more oppressive and onerous than the original measure introduced in the Senate and House of Representatives at the request of the Administration.

We arrive at this conclusion after weighing most carefully the amendments added by the House Judiciary Committee and subsequently The House of Representatives. The amendments have been hailed by their sponsors, and a considerable segment of the press and public as representing a so-called "watered down" version of Title IV. We set forth herein the basis for our belief that Title IV in its amended version is a more oppressive version than the original measure.

Our comments on the changes made by the House must be viewed in the light of the powers, both expressed and implied, which repose in the Fair Housing Board established pursuant to section 408 of H.R. 14765.

For example, H.R. 14765 is hailed as a bill which would preserve the traditional and impregnable concept that "a man's home is his castle". This would be done by permitting the home owner freedom of choice in selling his home and permitting him to engage the services of a licensed real estate broker. However, the home owner's freedom of choice would become a reality, under Title IV, only if he conveyed specific written instructions to his broker indicating the owner's exercise of preference in choosing those with whom he would contract. The Fair Housing Board by regulation could require that such instructions, in addition to being in writing must be in affidavit form and filed with the Fair Housing Board. Freedom so circumscribed is not freedom in the American tradition.

Can you see a man who has suddenly been notified that his boss is moving him to another city, he has got to sell his home, he advertises it, and—this is almost unthinkable—the next morning, a buyer appears at his doorstep, accompanied by a real estate agent, and he has to say to him, "No, I can't sell to you until I file in writing with the Fair Housing Board a list of the instructions that I am going to give to the broker under which the house can be sold"?

This is by no means an exaggeration of the power vested in the Fair Housing Board or the Secretary of Housing and Urban Development who, with full subpoena power, could launch an investigation of any individual even in the absence of a written complaint that an act of discrimination had occurred.

Now with respect to the specific substantive changes made by the House.

1. THE CHILDREN'S AMENDMENT

The prohibition against discrimination because of the number of children or the age of such children will result in a change in the method of determining rents and will inevitably react against the interests of families with children. Under section 403(a)(1) a property owner would be unable to deny the rental of a two bedroom apartment unit to a family with four or six children. We have discussed this amendment with officials of our affiliated Institute of Real Estate Management and they are unanimous in the belief that should Title IV be enacted in the form in which it passed the House that all rentals would be based on the number of persons occupying the premises, whether they are adults or children. This would avoid the penalties of Title IV and would result in high rents for families with children.

Under paragraph (3) of section 403(a) a property owner would be unable to advertise that he has units available for rent with a preference for adults only or for elderly persons.

While I was in Utah last, I became involved in a problem in which some of the members of my family had to find a home for an elderly woman. I was interested in seeing how many advertisements there were in the papers which specified that the people had rooms for rent for men only. I suppose, if title IV were enacted, that would be a violation of the law.

Probably the mildest one word description of the children's amendment is "fantastic". If paragraph (2) would prevent a property owner from basing rent on the number of persons occupying the premises, then the children's amendment would inevitably destroy the rental housing industry. Multifamily financing is speculative at best and investors would not participate in multifamily construction in the light of the provisions of Title IV even were the children's amendment to stand alone.

2. MAKING AN ORAL STATEMENT INDICATING PREFERENCE

The House added some rather significant language to section 403(a)(3) by proscribing the "making" of an "oral" statement indicating any preference, limitation, or discrimination, etc. It is one thing to prevent the publication of a written advertisement indicating a preference; it is decidedly more significant to proscribe the "making" of an "oral" statement by a real estate broker. For example, a statement to a Jewish family that a house in question is conveniently located near a Jewish community center could subject a broker to action by HUD, the Fair Housing Board, or the courts, or all three.

I wonder if it would be legal to inform a possible renter or buyer with a family that the house was located only a block and a half from a school.

3. FAILING TO USE BEST EFFORTS

The House also added in section 403(a)(4) penalties for a broker "failing to use his best efforts to consummate any sale, rental, or lease because of race, color, religion, or national origin". This makes the paragraph, in effect, a malpractice statute directed at the real estate broker. Members of licensed professions may be penalized through civil action for negligence but there is no state licensing law or federal administrative rule or regulation which even suggests a penalty for the failure of a business man or professional to "use his best efforts". If a member of a minority group were to list a home with a broker and the broker were to fail to sell the home within the life of the listing contract, the member of the minority group would have a cause of action under this paragraph in addition to any rights he might have under the listing contract. This is not anti-bias language; this is truly language designed to oppress a segment of the business community and is a major count in our indictment of the House approved bill as a measure more onerous than the original bill introduced at the request of the Administration.

4. THE "CATCH ALL" PROVISION

Paragraph (7) was also added by the House. This makes it unlawful to "engage in any act or practice the purpose of which is to limit or restrict the availability of housing to any person or group of persons because of race, color, religion, or national origin, or number of children or the age of such children." This is a blanket provision which would give HUD, the Fair Housing Board, the Attorney General and the courts jurisdiction over any act which does not come within the proscriptions in the preceding paragraphs of section 403(a). The penalties for acts of criminal contempt arising out of any violations are such as to dictate a greater degree of certainty so that a person might be apprised that if he pursues a certain course of action he would be subject to the penalties of law. When one reflects on the powers vested in HUD and the Fair Housing Board under section 409, the mandate of paragraph (7) of section 403(a) is clear and unmistakable that any member of a minority group (that is of a minority to which the broker, builder, or owner, does not belong), must receive preferential treatment in order to avoid the consequences of civil or criminal contempt.

5. DAMAGES

The original section 406(c) was amended by the House presumably in order to remove the possibility of any assessment of damages for "humiliation, mental pain and suffering" and "$500 punitive damages". However, the

new language accomplishes the same oppressive purpose with the use of seemingly milder language. Thus the new language provides that the court may award "actual damages to the plaintiff". However, damages for humiliation, mental pain and suffering have been held to be "actual damages". The new section 406(c) also provides for liquidated damages to be determined by the amount which "the defendant has received or agreed to receive as compensation for services during the course of which the discriminatory housing practice occurred". Does this mean the builder's profit on a housing development, the salary of the rental agent, the commission earned by the broker or salesman? Could the action of a seeker of housing accommodation or a broker demanding the use of facilities of a real estate brokers office or the facilities of a multiple listing service (see section 403(6)), result in liquidated damages to the extent of the earnings of the broker or the net income of the multiple listing service?

6. THE FAIR HOUSING BOARD

We view the provisions of section 408 creating the Fair Housing Board and vesting the Department of Housing and Urban Development with broad investigative powers as so onerous as to outweigh any of the ameliorating provisions inserted by the House Judiciary Committee and later the House in its consideration of Title IV.

When this section was approved by the House Judiciary Committee the Fair Housing Board was hailed by its sponsors as a conciliatory mechanism which would keep controversies out of the courts and reduce litigation to a minimum. Yet the word "conciliation" does not appear in section 408 nor is there any language which even implies that conciliation is its objective.

It is modeled after the National Labor Relations Board yet the investigative powers vested in the Secretary of Housing and Urban Development includes powers of subpoena and investigation even in the absence of a complaint. Section 408 incorporates by reference numerous provisions of the United States Code relating to the National Labor Relations Board and presumably brings into play the numerous court decisions; for these will surely be interpreted as widening the powers of HUD and the Fair Housing Board as these decisions did for the National Labor Relations Board.

It would be extremely naive for anyone to assume that Title IV, as approved by the House, represents even a modicum of satisfaction on the part of the proponents of an all encompassing forced housing law. Should Title IV, as approved by the House, be cleared by the Senate and signed into law, the ink will not be dry on the President's signature before the Civil Rights Bill of 1967 will begin to take shape.

Thus in our considered opinion the Senate is not being asked to vote on a final so-called compromise version of an open occupancy statute, but in reality a first installment. Enactment of Title IV involving new construction and multi-family housing does not remove the homeowner and the owner of a one- to four-family rental structure from the target area; indeed, the enactment of the limited Title IV will serve as the catalyst for perennial concerted efforts to enlarge its scope to bring all homeowners and owners of rental property within the reach of the Federal Fair Housing Board's writ.

If we have any doubt of this, we should consider the action the Senate took yesterday in practically eliminating all exceptions to the minimum wage bill.

When the bill was originally passed, many people were excepted. However, there are now probably only a few hundred thousand.

I continue to read from the letter:

The United States Senate stands athwart the ambition of those who would tempt the United States Supreme Court to rewrite the Constitution so as to make an American an unwilling partner to a contract involving the disposition of his privately-owned residential real property. Rejection of Title IV by the Senate will sound a most heartening note—a note unheard for more than a generation—that there are some deeply-rooted Constitutional guarantees that cannot be erased even under the apparently magic tocsin of "civil rights".

Respectfully yours,

ALAN L. EMLEN,
Chairman,
Realtors' Washington Committee.

Up to this point, I have discussed my objections to title IV of the bill. Let me turn for a moment to certain other features of the bill which I think are objectionable if not unconstitutional.

TITLE I—FEDERAL JURIES

Title I contemplated elimination of discrimination from Federal juries. However, the proposed means for achieving this end represents a patent example of "throwing the baby out with the bath water." By eliminating the use of the traditional preliminary questionnaires, persons normally disqualified or exempt from jury duty will be placed in the "master jury wheel," selected, and required to come to court only to be excused. This will not only cause a waste of time in an already slow judicial process, but will also result in a spiraling of court costs.

Still more objectionable is the selection process of Federal juries. On the one hand, the bill requires jurors to be selected at random from voter registration lists, while on the other it recognizes that a juror must be able to read, write, and understand English. Inasmuch as the 1965 Civil Rights Act abolished literacy tests for voters, it is a foregone conclusion that many voters—voters whom this bill contemplates being selected for jury service—will nevertheless be disqualified as illiterate. This will cause more wasted time and will create bitter disappointment which may likely be manifested by further unrest and even riots in the street.

Under both the Federal and State constitutions, jury service has traditionally represented a duty imposed only when a citizen meets certain qualifications, whereas voting represents a right. The citizen may exercise his voting right wisely or foolishly—indeed may ignore it completely. But no such individual willfulness or personal impunity attaches to the jury burden. The duty and right in these cases are simply not analogous.

TITLE II—STATE JURIES

Title II seeks to deal with alleged discrimination in State jury selection. For over 100 years it has been illegal for States to discriminate by reason of race. Consequently, title II represents an unwarranted and unneeded invasion into States rights. Section 201 declares that no State may base jury selection on "economic status." This would invalidate the requirement in many States that jurors be property owners.

It has always been recognized that jury duty could be imposed by the State only if the citizen met the State's qualifications. For instance, 10 of the 13 Original Colonies required their jurors to hold property, either real or personal. Today's litigation far surpasses that of the 18th century in complexity; yet, the administration's bill would require less responsibility from a State's jurors than was demanded in 1789.

TITLE III—INJUNCTIVE POWER

In title III, the Attorney General would be empowered with authority to institute his own action unsupported by formal complaint, whenever, he feels he has "reasonable grounds," whatever that means. The remedy he would seek is the injunction, the most powerful and often the most abused of all legal remedies. This would give the Attorney General power to intervene without a formal complaint based on something as vague as "reasonable grounds." This provision is a stark contradiction of our Anglo-American concept of jurisprudence based on the "preponderance of evidence" and trial by jury.

It has always seemed a little incongruous to me that the men who support a bill which contains such broad injunctive power for the Attorney General fight very hard to protect labor unions from any use of such injunctive power.

This bill would make sweeping changes in both the Federal and State jury systems without any adequate consideration of the effects or desirability of such changes. The bill would create new crimes in language so vague and complicated that no one can say for certain just what it means. This bill would invite and actually subsidize, a flood of litigation consisting substantially of nuisance injunctions and grudge suits.

LAW GROUPS NOT CONSULTED

These changes would be brought about without ever having sought or considered the views and opinions of the American Judicature Society, or the American Bar Association, or the Administrative Office of the U.S. Courts, or any judicial conference.

This bill embraces the principle that a man may be punished, may have sanctions applied against him, may be deprived of substantial rights, without a trial by jury. This is contrary to all the basic principles of justice which we hold dear.

As a nonlawyer, I admit I am not qualified, as I said in the beginning, to give final and valid opinions on the constitutionality of such drastic revisions in basic law. However, it seems to me that the dangers are so obvious that even those of us who are not trained in the law can see them. Thus, it seems that the proposed change would strike fear in the hearts of every property owner in the United States of America.

Mr. President, without any hesitancy I voted against cloture on H.R. 14765 yesterday and will do it again on Monday, when it comes up. I do so with complete faith that the majority of the people of my State of Utah, as well as the people of the other 49 States, would oppose this legislation if they could see it clearly and could get an oportunity to understand it.

I hope this bill will be rejected, and that in the course of the discussion, the understanding of the dangers involved will become so clear to the American people that if and when it is brought up again in 1967, the will of the people will be made known to us more clearly and more swiftly than has been the case today. I hope that this bill not only will be overwhelmingly defeated, but also that it will be confined to that limbo which all such bills so richly deserve.

Mr. President, I yield the floor.

Mr. HART. Mr. President, I wish to make one comment on the closing note of the Senator from Utah.

The will of the majority of the Senate having been freely demonstrated yesterday that we want to take up this bill, I hope very much, that respect will be paid to that majority attitude in the Senate on Monday, also.

Mr. BENNETT. The Senator from Utah is inclined to make the observation that this bill, which is presumably intended to protect the rights of a minority, is, in the Senate, running up against another law which protects the rights of a minority. So I think we are on both sides of that problem.

Mr. FANNIN. Mr. President, for the third time in 3 years, the Senate is confronted with a civil rights bill. Whatever justification there may have been for the previous legislation, there is clearly none for the bill we are asked to consider now.

It has been a long, hot summer. We are now into the ninth month of this session. As a practical matter, the calling up of this civil rights bill is a senseless and empty gesture.

It is time for plain talk, Mr. President. We ought to dispose of the few essentials that remain on our agenda and adjourn.

It strikes me as the height of irony that we should be required to repel an assault on our Constitution here at home while we are engaged in a grim struggle against Communist aggression in southeast Asia.

Surely, the administration must recognize by this time that the overwhelming majority of the American people oppose any further tampering with our Constitution.

Surely, the administration is aware of prevailing sentiment, both in the Senate and among the people of this country, regarding the sanctity of private property.

And surely the administration must know that even if this bill were passed, it would not provide improved housing for those who need it.

Why, then, are we being subjected to this exercise in futility? It is a politically inspired and politically motivated maneuver calculated to appease—at least temporarily—a small but vociferous minority.

If the object of the administration in pressing this legislation at this time is to force a public expression of views by Members of the Senate, then let me say that I welcome that challenge.

So that there will be no mistake, I want to say that I am utterly opposed to this bill in its entirety.

With or without the open housing section as amended by the House of Representatives—and regardless of any attempt that may be made to make it more palatable with semantic changes—I shall remain firmly opposed to its consideration.

I am in complete agreement with many of my colleagues on both sides of the aisle, that fundamental constitutional principles would be violated by this legislation.

Each Member of the Senate is under a sworn obligation to uphold the Constitution of the United States. Each of us must approach legislative decisions on the basis of his own understanding of the language and intent of the Constitution and according to the dictates of his own conscience.

I shall resist this legislation because I am firmly convinced it does violence not only to the Constitution but also to one of the most cherished concepts of a free people.

Just before the American Revolution, John Dickinson wrote the following words:

> Let these truths be indelibly on our minds—that we cannot be free without being secure in our property—that we cannot be secure in our property if, without our consent, others may, as by right, take it away.

John Adams expressed it even more succinctly when he said:

> Property must be secured, or liberty cannot exist.

There can be no compromise on this principle. It is not something we can tinker with.

Even so, let us assume for purposes of discussion that no constitutional issues were involved in this bill. Many valid arguments against it would remain. Among them certainly is the question of timing.

This Nation is now experiencing a sordid period of upheaval and turmoil that is ripping the fabric of our entire social order. Ugly outbreaks of racial violence and mass rioting are exploding around the country with sickening frequency.

Laws that are supposed to protect citizens against attacks on their person or property are being violated with impunity—and those responsible for the outrages are rarely punished.

To our sorrow and anger, we have witnessed what happens when unprincipled demagogs and agitators are permitted and even encouraged to arouse racial passions.

We have seen what happens when false hopes are fanned among the disadvantaged elements of our population by scheming leaders bent on political or personal profit.

It must be said that some of the highest ranking leaders of the Nation, including some Members of Congress, are not without blame in this situation. No matter how well intentioned, their repeated efforts to solve moral problems by legislative action have contributed to social unrest and disorder.

Passage of this legislation would not reduce racial tension, Mr. President. On the contrary, it would further inflame an already dangerous public climate.

It should be obvious by now that the American people deserve a respite from this constant and often hypocritical harping on racial matters. In the slang of the ghetto, everybody ought to "cool it."

Instead, this administration is insisting that the Senate must stage another dreary and pointless performance in the sanctified name of civil rights.

Few Americans are deceived by all of this, and I earnestly hope the administration will soon realize it.

Mr. President, I should like to read a resolution that was passed by the Arizona Association of Realtors, in Phoenix, Ariz.:

> A RESOLUTION OF THE ARIZONA ASSOCIATION OF REALTORS, PHOENIX, ARIZ.
>
> Whereas the Arizona Association of Realtors has officially gone on record as being opposed to racial, religious or ethnic discrimination in all areas, particularly in the ownership and enjoyment of real property, and are committed to that end, and
>
> Whereas the Arizona Association of Realtors has always espoused the right of all men, regardless of race, color or creed, to contract for, own and enjoy their homes, upon which right our great country was founded and has prospered, and
>
> Whereas the principles of freedom to contract, by all our citizens, is seriously endangered by certain legislation now introduced into the Congress of the United States, and
>
> Whereas the right of our citizens to own, enjoy and contract for private real property has been the main bulwark in our battle against Communism, it being a fact that nowhere on earth has a country fallen under Communist domination until that country had first deprived its people of those rights: Now therefore, be it
>
> *Resolved,* That the Arizona Association of Realtors considers Title IV, H.R. 14765 as introduced into the House of Representatives, and Title IV, S. 3296 as introduced into the U.S. Senate, to be abhorrent to the fundamental truths upon which our democracy has endured and prospered; be it further
>
> *Resolved,* That the right of freedom to contract is sacred to all men and legislation designed to deprive any citizen of that right is not in the public interest and is detrimental to the long range interests of minority groups.
>
> Therefore, the Arizona Association of Realtors, in the interest of justice for all, strongly urges the defeat of Title IV, in both H.R. 14765 and S. 3296.
>
> Unanimously adopted on this, the twenty-first day of May, One Thousand Nine Hundred and Sixty-Six, A.D.
>
> KEITH WINN,
> *President.*
>
> Attest:
>
> W. J. B. SCHIMFESSEL,
> *Secretary.*

Mr. President, I have another resolution that was passed by the Tucson Board of Realtors, Inc., of Tucson, Ariz. The resolution reads:

> A RESOLUTION OF THE TUCSON BOARD OF REALTORS, INC.
>
> Whereas the individual members of the Tucson Board of Realtors are pledged to protect the individual right of real estate ownership and to widen the opportunity to enjoy it; and
>
> Whereas the Tucson Board of Realtors has officially adopted a Statement of Policy as

being opposed to racial, religious or ethnic discrimination in all areas, particularly in the ownership and enjoyment of real property, and are committed to that end; and

Whereas the Tucson Board of Realtors espouses the right of all men, regardless of race, color or creed, to contract for, own and enjoy their homes, upon which right our City has prospered; and

Whereas the principles of freedom to contract, by all of our citizens, is seriously endangered by certain legislation now introduced into the Congress of the United States: Now, therefore, be it

Resolved, That the Tucson Board of Realtors considers Title IV, H.R. 14765 as introduced into the House of Representatives, and Title IV, S. 3296 as introduced into the United States Senate, to be abhorrent to the fundamental truths upon which our democracy has endured and prospered, and upon which truths our City has remained the abode of free men; be it further

Resolved, That the right of freedom to contract is sacred to all men and legislation designed to deprive any citizen of that right is not in the public interest and is detrimental to the long range interests of minority groups.

Therefore, the Tucson Board of Realtors, in the interest of justice for all, strongly urges the defeat of Title IV, in both H.R. 14765 and S. 3296.

Adopted this 9th day of June, 1966, Tucson, Ariz.

BUDD KRONES,
President.

Attest:

EDWARDYNE HENDERSON,
Secretary.

Mr. President, I wish to read an editorial that was published in the Arizona Republic newspaper of August 10, 1966, entitled "Civil Rights Act of 1966."

CIVIL RIGHTS ACT 1966

Last spring, President Johnson proposed a bill to ban racial discrimination in the sale or rental of all housing.

This extreme proposal was sidetracked when the House Judiciary Committee recently moved to exempt from federal legislation 60 per cent of the nation's housing units. Now the Civil Rights Act of 1966 has settled down to a battle to see whether the remaining 40 per cent of public housing can be brought under federal law.

The irony is that the other sections of the proposed Civil Rights Act have overwhelming support. These include sections to end discrimination on state and federal juries, to permit injunctions against anticipated racial violence, and to broaden criminal laws against racial violence and intimidation.

These sections are, by definition, worthy of congressional support. The only arguable question is whether the federal government is legally or morally right to outlaw racial discrimination in the sale or rental of large apartment houses, and individual homes built and sold by commercial real estate interests.

Admittedly the major objection to the anti-discrimination proposal—that a man's house is sacrosanct, and therefore should not be subjected to federal interference or legislation—is no longer applicable. Under terms of the compromise agreement, individual home sales by the owner, and owner-occupied apartments and boarding houses of four family units or less, are exempted.

But what about the person who moves into a new house before he can sell the house he just moved from? Is it fair to prevent him from selling his home to anyone he wants, and to open him up to federal prosecution, simply because he is no longer living on the property he wants to sell?

Inasmuch as the right to sell is as important as the right to buy, is it fair to prohibit a homeowner from discriminating—that is, deciding to whom he will sell his property—simply because he employs a real estate broker (brokers are still prohibited from any discriminatory practices)?

This is the dilemma. For the greater portion of the civil rights bill is just, fully deserving of congressional support. But should a congressman vote for a bill which while predominantly equitable, contains obvious encroachments on the right to own private property and to dispose of that property as one sees fit?

There is no easy way to answer that question, despite congressional oratory designed to convince listeners that justice clearly lies solely on one side. But it is worth noting that by rejecting the extreme proposal offered by the administration, the majority of congressmen indicated that they still retain respect for private property. As well they might, since historically it has been a bulwark against government despotism.

Mr. President, I wish to refer to another editorial published in the Arizona Republic newspaper of Sunday, June 5, 1966, entitled "Law and Private Property."

LAW AND PRIVATE PROPERTY

Sen. EVERETT M. DIRKSEN, whose efforts figured heavily in passage of previous civil rights legislation, has courageously declared that he will not compromise his opposition to the administration's proposed law banning racial discrimination in the sale or rental of housing.

Those who favor such a law are busy depicting opponents as everything from racists to materialists far more concerned with property rights than with "human rights" (without stopping to consider that the right to own property is a paramount human right). What they ignore is that the Supreme Court historically has held that no man has the right to determine the conditions under which another man can sell or dispose of personal property.

As California Supreme Court Justice Thomas P. White said in his dissenting opinion on that state's Proposition 14, "Nothing in the federal Constitution gives one citizen the right to acquire property from another who does not wish to sell it to him even if the refusal is based on race or religion."

Despite the noble banners under which advocates of "open housing" parade, an attempt to prohibit discrimination by race, color or creed in the sale or rental of any building constitutes a direct assault on individual freedom. And it is an assault which should concern even those who are most actively pushing for the law.

For a government powerful enough to prevent a citizen from disposing of his property as he sees fit, even if he sees fit to rebuff a particular racial or religious minority, is powerful enough to prevent a citizen from even acquiring private property. It is no exaggeration to say that the distance from the one law to the other is very short indeed.

What, after all, is "private" about property one cannot do with as he pleases? Does not freedom imply the freedom to make a fool of oneself, just so long as in the process of making a fool of himself, one does not injure innocents?

From the time of Aristotle, every source of law—natural, customary, and conventional—sanctioned private property. The great documents of the democratic revolutions—in the 17th and 18th centuries, in France, England, and America—consider property rights as being equal to such other liberal rights as freedom of speech, press, and assembly.

Johns Hopkins Prof. Gottfried Dietze has noted that it wasn't until this century that social legislation, originally attacking free property on humanitarian grounds, came to restrict property on pseudo-humanitarian grounds. More recently, legislation interfering with private property has been passed without any pretense of ethical motives; the individualistic concept of property is increasingly being replaced by a social one.

We side with Senator DIRKSEN, who said: "I do not believe there can be any compromise on the constitutional right of an individual to decide for himself to whom he wants to rent or sell his property. The federal government has no legal right to interefere."

To which we would add only that the federal government has a moral right not to interfere.

Mr. President, Thurman Sensing is a syndicated columnist and under the headline "Sensing the News—Threat to the Home," he writes as follows:

SENSING THE NEWS—THREAT TO THE HOME

(By Thurman Sensing)

For centuries, law in the Anglo-Saxon world has regarded a man's home as his castle. Long experience with tyrannical rulers taught English-speaking people that a home is deserving of special protection in the eyes of the law. It is at the threshold of one's home that tyranny must be resisted. This has been the reasonable conclusion of millions of freedom-loving people over many generations.

But if the Johnson administration has its way, a man's home will be just another unit of housing subject to federal supervision and regulation. To be sure, to some Americans it may sound right to have a law that bans discrimination in the sale or rental of private homes. Filled with the synthetic idealism created by the "civil rights" movement, they may conclude that government can and must make the ultimate decisions governing private property. But people who have this idea, in effect are proposing that cherished ideals of personal freedom be abandoned in an effort to conduct a social crusade.

Americans have a right to conduct personal crusades for causes, no matter how unwise they may be. But it is wrong for the public to countenance the sacrifice of fundamental freedoms in the advancement of these fashionable political causes.

The sale or rental of a home is a very personal decision. For most people, their home is a cherished possession. They may have spent many years building and improving it. They don't therefore, want to sell or rent to just anyone. In seeking a buyer or a tenant, the homeowner may have one of a hundred different ideas as to who is the ideal person to rent to or sell their property.

The owner of a piece of residential property may feel that he has an obligation to his neighbors. Many neighborhoods are close-affairs. People living near each other on a street may have developed friendships over the years. They may be united in an effort to improve their neighborhood, to keep it free of undesirable citizens who lack a sense of responsibility. When these owners rent or sell, they want to be sure that the people who occupy their home will fit into the neighborhood and contribute to the happiness and well-being of old friends.

But the Johnson administration shows no concern for these legitimate desires and real concerns of American owners. The Great Society cares not a whit for the feelings of people in such a situation. A home is just a unit of housing to the federal planners. And the homeowners' interests are to be treated with the contempt that is customary in the handling of the ordinary citizen by the entrenched bureaucrat and social planner.

The Johnson administration plan for regulating the sale and rental of private property is more than thoughtless and inconsiderate, however. It is a fundamental invasion of historic rights. Senator EVERETT DIRKSEN, Republican, of Illinois, has termed the plan unconstitutional. So it is. Certainly, the American design of government makes no allowance for a system of federal inspectors

charged with ruling on a homeowner's action in selling or renting his property.

This housing provision of the Johnson administration's "Civil Rights" legislation could be enforced only through the exercise of injustice. Why is that? Because federal inspectors or appraisers of sale and rental transactions would have to read a motive into every refusal to sell or rent. The federal bureaucracy is powerful all right, but it has no competence in searching the hearts of people. No official in truth can determine whether Mr. X declined to rent or sell to Mr. Y because of this or that reason.

It is time for the country to again recognize that property rights are human rights. If a man can't decide what he wants to do with his home, he hasn't any significant freedom. The Great Society's home sale and rental proposal simply doesn't belong in a free society.

Mr. President, I should also like to read into the RECORD what Mr. Justice Joseph Story of the U.S. Supreme Court said, in 1829:

That government can scarcely be deemed free where the rights of property are left solely dependent upon the will of a legislative body without any restraint. The fundamental maxims of a free government seem to require that the rights of personal liberty and private property should be held sacred.

Mr. President, on May 13 of this year in the Wall Street Journal, there was published an editorial entitled "Civil Rights Wholesale."

I should like to read that editorial into the RECORD:

When he sent the latest civil rights message to Congress, President Johnson said new legislation must be on a broad scale rather than restricted to specific problems like voting. This week Chairman CELLER of the House Judiciary Committee was if anything more emphatic: "We must deal in wholesale and not retail measures."

We find the reasoning dubious, even dangerous, and the so-called open housing provision of the new Administration bill tells why. It's wholesale, all right.

The provision would prohibit discrimination in the sale or rental of any house or vacant land intended for housing anywhere in the country. Allegedly aggrieved persons could bring punitive damage suits in Federal court. In addition, the Attorney General would be authorized to bring civil suits to ensure compliance or to intervene in private suits.

That some people do refuse to sell a house solely on racial grounds is not in question, and perhaps they are wrong-headed. On the other hand, plenty of homeowners evidently don't take that consideration into account. But whatever the specific case, the open housing provision is demonstrably unfair to the majority of Americans.

It means any homeowner could be caught up in costly, lengthy, litigation, trying to prove that he didn't refuse to sell because of race. In view of the notorious "block-busting" tactics—where real estate operators deliberately zero in on a white neighborhood—that have already been employed in various places, it is a bludgeon that could be used to punish most unjustly a great many people and disturb the peace of whole communities.

On the level of principle, the open housing provision tears to shreds the traditional right of a homeowner to sell or not sell for his own private reasons or simply on impulse.

You may agree or disagree with the action of the California Supreme Court in overturning a state constitutional amendment prohibiting the state from abrogating a person's right to sell or rent as he, in his absolute discretion, chooses. The point is that the amendment was originally approved two to one by California voters, and the reason for the large margin is that it expresses what the U.S. has always, until recent years, regarded as a fundamental human right.

The California court insisted that the right to acquire and possess property of every kind without discrimination "is now beyond dispute." If so, what of the right of everyone to dispose of property however he sees fit?

Beyond that question, it must be asked where the Federal Government gets the authority to sweep into a private home and tell the owner what he has to do. Senator DIRKSEN calls the Federal open housing proposal absolutely unconstitutional, and common sense argues that he is on sound ground.

The Administration counters, in part, that it is Constitutional because of the interstate commerce clause. What's the connection? Because some of the items in the construction or furnishing of the house probably crossed state lines? This kind of contention twists that poor clause beyond recognition and should be beneath the dignity of any Government official.

Perhaps the most depressing aspect of such legislation is the social philosophy from which it emanates. Suddenly it's all wrong to pursue the ancient aspirations of succeeding and excelling. Wrong to want to move to a place where the neighbors will be congenial, or to get away from one where they are not. Wrong to want anything beyond the horizon of the lowest common denominator. No wonder some individualists feel like stopping this world and getting off.

Governmental authorities, we have frequently said, have an obligation to do what they can to ensure that Negroes enjoy the same rights as all other citizens. They have no right to discriminate against the majority. And when they try to legislate personal decisions, they do wholesale injury to a free society.

I should also like to refer to an editorial by James J. Kilpatrick in the Washington Star of January 20 of this year, entitled "Civil Rights and Private Property." It reads:

In his State of the Union address a week ago, the President proposed three civil rights measures of profound importance. The first has to do with jury selection, the second with the creation of certain new federal crimes. This is the third:

"I propose," said Johnson, "legislation resting on the fullest constitutional authority of the federal government, to prohibit racial discrimination in the sale or rental of housing."

It is useful to remark, in passing, upon the President's careful choice of words. He implicitly recognizes, or so it would appear, that he has raised a grave question of law. Just how full is this "fullest constitutional authority of the federal government" in the sale or rental of housing? What power does the Congress have to pass a law regulating any of the terms and conditions by which a man sells or rents his own home?

In the conservative view, the answer is plain. The Congress has no power whatever in this field. But it may be that many liberals share this view also, for here the President creeps up on a massive invasion of personal rights that liberals have cherished no less than conservatives.

This is a far different matter from "public accommodations." In writing Title II of the Civil Rights Act of 1964, the Congress had at least an arguable rationale under the commerce clause. Thus the Heart of Atlanta Motel could not discriminate against tourists traveling in interstate commerce; and Ollie's Barbecue in Birmingham could not pursue a policy that, cumulatively, would affect the sale of beef and pork from Missouri. The legal reasoning behind the "equal opportunity" section of the 1964 act extends the theory of wage and hour legislation under the commerce clause.

The mind boggles, however, at the thought that the commerce clause might somehow be invoked to prevent discrimination in the sale of a house. There may be a national commerce in tourists, and a national commerce in meat, and even a national market in labor, but the sale of a house is about as local as commerce can get. It would require a fantastic revolution in the law to hold that because bricks, wires, pipes, nails, and shingles move in interstate commerce, the sale of a private dwelling house therefore becomes subject to federal regulation.

A more likely approach would extend the thinking behind the late President Kennedy's famous executive order of Nov. 20, 1962. This undertook to prohibit racial discrimination in the sale, rental, use or occupancy of four classes of housing. These included (1) housing owned or operated by the federal government; (2) housing provided "in whole or in part with the aid of loans, advances, grants or contributions made by the federal government"; (3) housing provided "in whole or in part by loans insured or guaranteed" by federal agencies, and (4) housing provided as a result of federally subsidized slum clearance or urban renewal projects.

The executive order of 1962 exempted the sale of private homes under conventional financing. It stopped short of controlling ordinary loans by banks and by savings and loan associations. Now the assumption is that Johnson's new bill will seek to extend the theory of Kennedy's executive order, by outright legislation, to any financing touched by federal deposit insurance or by general federal regulation.

Can so remote and tenuous a federal interest be converted into an operative federal power to compel the integration of apartment houses and neighborhoods? A great many constitutional authorities doubt that any provision of the Constitution can be stretched to this extent.

While much of the Kennedy order may be defensible under the power of Congress to regulate federal grants and loans, the 1962 order remains subject to attack as an executive invasion of the legislative power. Remarkably, the 1962 order never has undergone full-scale judicial review. Johnson now proposes a statute, not a further executive order, but any federal law that attempts to link mere deposit insurance to the sale of private property will set off an explosive controversy. Even those persons most sympathetic to the needs and aspirations of the Negro may want to hesitate before embracing this concept.

It has been settled since Buchanan v. Warley, in 1917, that no power of government can prevent a man from selling his house to a Negro buyer if he wishes. The landmark case of Shelley v. Kraemer merely reinforced this rule. These were wise decisions, in the purest tradition of private property rights. What is now proposed is to turn this doctrine around, and to invoke the powers of government to compel a man to sell his house to a Negro buyer against his wishes.

Granted, this is not a novel idea. A score of states have adopted "open occupancy" housing laws to this general effect. But these are state laws, resting upon a different constitutional basis. A federal law involves other powers, sets other precedents, and opens very different doors to federal control over the decisions of Americans everywhere.

Mr. President, I refer now to another editorial, by Holmes Alexander, a well-known syndicated columnist, entitled "As

I See It—Something's Wrong." It reads as follows:

Most of the great statesmen between the Revolutionary and Civil wars regarded Negro slavery as a moral and political evil, but not so great an evil as American disunion.

One difference between those days and these is that the dominant statesmen, headed by the President and the floor leaders of both parties in both the legislative houses, have gone over to the radical position of the antebellum separationists and abolitionists. There is now a willingness throughout the national political leadership to enact legislation that cannot fail to disrupt the traditional ways of living.

Every extension of enforced equality between the races has brought disunity, North and South—not so great a disunity as we had in the War Between the States, but civil disorder in the streets, federal troops in action, and a general breakdown of respect for persons and property.

There is a great deal of historical precedent for believing that nations can tolerate, and benefit, from radicalism that presses for political reform from a minority position.

But when radicalism becomes the juggernaut of a legislative majority, when debate is all but useless and opposition is wholly in vain, we come to a situation where the parliamentary system bogs down and lawmaking is almost done by proclamation and decree.

The paradox is that the dominant statesmen today are not serving the general population which elected them, and which pays their salaries, which holds property, which cherishes the rights of privacy and which lives by law and order.

Something is topsy-turvy in our democracy when the great captains are acting for a mere corporal's guard of mendicants—and when the rest of the country stands by and lets it happen.

Mr. President, I refer now to an article entitled "On the Right—Chaos and the Civil Rights Bill," by William F. Buckley, Jr., which was published in the National Review of May 31, 1966. The article reads as follows:

A year ago it went the rounds almost as a joke—"What will be the civil rights act for 1966—what can they think of next?" Last year's voting rights bill was declared constitutional by the Supreme Court, to the surprise of many people who simply couldn't, and can't, understand how Congress ever acquired the right to void the states' literacy laws. Now the Administration is backing a civil rights bill which would prohibit discrimination by race, color or creed in the sale or rent of any building.

It was all too much for Senator DIRKSEN who exploded with frustration at the committee hearings and asked how on earth the Congress, under the interstate commerce clause, acquired the right to supervise the sale or rental of a house "rooted to the very ground." Unsmiling, our Attorney General carefully explained that houses are very likely built from wood or bricks or stone which were hewn, fabricated, or cut in some other state. He might have added that the bathtub probably came from out of state, and that the house may use electricity generated far, far away, two or three or even four states down the road.

It isn't surprising, if one recalls that two years ago a civil rights bill declared that a tiny hotdog stand in the center of a state engages in interstate commerce because the mustard or whatever comes in from out of state, and so falls under the regulation of the Federal Government.

Meanwhile, in California, the State's Supreme Court has invalidated what goes there under the name of Proposition 14. Said Proposition was submitted to the voters in 1964 and was passed 2–1. It invalidated the so-called Rumford Act, and forbade any future legislation whose effect was to impinge on the right of the individual, in his entire discretion, to sell or rent his property to whomever he chose. The State Court invalidated Proposition 14 on the grounds that if one carefully studies the sweep of recent Supreme Court decisions touching on the rights of minorities, one is driven to the conclusion that Proposition 14 is in effect the denial, without due process, of rights of those minorities.

It is all rather startling, because if the California court reasoned correctly, then the pending civil rights measure in Congress would appear to be basically unnecessary except to stipulate procedure and penalties. If it is already unconstitutional to decline to rent an apartment to someone on account of race, color or creed, then one hardly needs fresh federal legislation to affirm that illegality.

The mind boggles—because Congress is proceeding as if it had every right to grant exemptions in the pending measure. There is the matter of "Mrs. Murphy's Boarding House."

Mrs. Murphy is the code name for a retired lady living anywhere who has five rooms to rent in her little boarding house, wants internal harmony above all, and therefore seeks homogeneous clients—say all Jewish, or all Irish, or all white, or a Negro, or whatever. Congress is greaty disposed to protect Mrs. Weaver, even though Mr. Robert C. Weaver, Secretary of Housing and Urban Development, is dead set against her—"Any exemptions," says Mr. Weaver, "would weaken the bill." Which is like saying that any heat will detract from the cold. Mr. Weaver didn't raise the teasing question lodged by the action of the Supreme Court of California, namely, if it is unconstitutional to affirm the right of the individual to rent or sell as he pleases, how can Congress exercise the right to protect Mrs. Murphy? According to one cast of thought, Mrs. Murphy simply doesn't have that right under the 14th Amendment to the Constitution, and if that is the case, what is a mere Congress doing, deliberating whether to protect that "right"?

The difficulty with legal speculation nowadays is that sophistry is in the saddle. If a house—squat, old, rooted in the soil of central Kansas—can be hesto-presto converted into an interstate business, why, Earl Warren can be converted into a strict-constructionist, and the Supreme Court into a guardian of the Constitution.

A half dozen judges of the Supreme Court, in a series of decisions dating back into the nineteenth century and culminating in the famous Cream of Wheat case, have explicitly said that no man has the right to determine the conditions under which another man can sell or dispose of his own property. As recently as two years ago, I do believe it would have been inconceivable that the Federal Government would be addressing itself to so-called open-housing legislation.

Ten years before that, the betting would have been that the Supreme Court would overturn state open-housing laws. To judge from the referendum in California, there isn't much doubt that the old right is still cherished by the overwhelming majority of the voters. But people, traditions, logic—all of these have become impudent distractions. What, one wonders, will be the civil rights act of 1967? Let alone 1984?

Mr. President, I refer now to a bulletin of the National Association of Real Estate Boards. This bulletin was released under date of July 15, 1966.

It is entitled "'Softened' Title IV of Civil Rights Bill More Oppressive Than Original Version, Emlen Testifies."

The bulletin reads:

Although Title IV of the proposed Civil Rights Act of 1966 supposedly has been "softened" by the House Judiciary Committee, it is in fact more oppressive in the denial of human rights than in the original version, a representative of the National Association of Real Estate Boards warned today.

Testifying before the Senate Subcommittee on Constitutional Rights, Alan L. Emlen, Philadelphia, chairman of the Realtors' Washington Committee, said the Committee-amended version of Title IV uproots Constitutional guarantees surrounding rights of property ownership while purporting to be anti-bias legislation.

He said Title IV is now primarily directed against real estate brokers and their salesmen, and, in effect, would deny their professional services to an owner who insists on freedom of choice in the sale or rental of his property.

"I am not sure what the authors of this proposal have in mind," said Mr. Emlen, "whether it is forced open occupancy or the destruction of the real estate brokerage business. In any event, they will not accomplish the former and they have made a good start on the latter."

He said the provisions of Title IV which establish a Federal Fair Housing Board, if vigorously enforced, would result in the subpoena and investigation of millions of home and rental property owners.

"I cannot believe that this proposal was fully comprehended by the House Judiciary Committee when it was adopted in the waning moments of the Committee's rush to report the bill," Mr. Emlen said.

He said Title IV, with the House changes, has been hailed as "a modest measure" exempting the home owner and the owner of a one- to four-family structure where one unit is occupied by the owner.

"The exemption is more one of form than of substance," declared Mr. Emlen. "Every complaint against a broker will invariably involve the subpoeaning of the home owner to disclose the substance of any written or oral instructions to his agent.

"What does it avail a home owner to be exempt if his employment of a broker may involve his being subpoenaed by a functionary of the Department of Housing and Urban Development to reveal the substance of his agreement with his agent, and later his forced appearance before the Fair Housing Board?" he asked.

Mr. Emlen cited these examples as to how government enforcement action could be used if the bill becomes law:

"A broker advises a prospect that the home he is considering to purchase is near a parochial school. He has apparently violated Section 403(a)(3) which prohibits the making of an oral statement that 'indicates any preference, limitation, or discrimination based on race, color, religion or national origin.'

"A developer is interviewed by the local press and advises that his new low cost housing development is designed primarily to take care of families displaced by an urban renewal project. The project area is populated by members of the Negro race. The developer is now caught in the tentacles of Section 403(a)(3) . . . His crime? A housing development for low income Negro families!

"A member of a minority race, religion, or ethnic group requests an opportunity to inspect a house listed for sale. The home owner arbitrarily declines to make the house available for inspection. The broker has the burden of proving that the failure to show

the dwelling is not based on racial, religious, or ethnic discrimination."

Finally, said Mr. Emlen, Title IV would destroy the hard-won professionalism of the Realtor in America.

"A broker who is not a member of a real estate board could demand access to the files and records of the board's multiple listing system," he pointed out. "His application for membership in the board had been denied previously because of lack of credit standing and insufficient level of professional competence.

"The Attorney General files suit, and the burden is on the board to prove that its rejection of the application was not based on race, religion, color, or national origin.

"Thus is laid the foundation for the injection of federal power into every professional and business association in the United States."

Mr. President, for many reasons I feel that this legislation would be extremely detrimental to the people of our country, and would work perhaps more hardships on the minority groups than on others.

Mr. President, I yield the floor.

Mr. EASTLAND. Mr. President, let me say that this bill should have been taken down. The Senate has much work ahead of it, and the failure to impose cloture should have been evidence enough that this legislation lacks support.

The fact that a bare majority voted for cloture should not obscure the fact that these four votes were a far cry from the two-thirds needed.

There is no enthusiasm either here or in the Nation for this type of freedom-robbing legislation. The American people have seen this summer that sweeping civil rights laws only add fuel to the ambition of those who seek special advantages to elevate themselves to lofty perches above other citizens.

The panther has an appetite which is only whetted by the passage of bills designed to appease it.

The public is awakening to the futility of attempting to be fair with these demands. Like the Communist in southeast Asia, who feel they can slowly force us, step by step, to defeat, these people feel they can gain more every year.

The laws that have been passed, together with the opinions handed down by the Supreme Court, have been used by the professional agitators and the Communists to terrorize our cities, to incite violence, and to promote racial discord.

A major target of the Communists—because that is who they are—has been to hamstring our police and law-enforcement agencies.

They make use of the press to spread their antipolice propaganda and to raise the shopworn cry of police brutality.

I have obtained a copy of a card which is being secretly issued to demonstrators by the so-called Student Nonviolent Coordinating Committee. I would like to read this card to you. It is titled "To Our Faithful Members, Secret Information To Be Read and Learned":

"What to do if you are about to be arrested by the white police:"

1. If you are to be arrested in a public place Do Not fight or use bad language to the policeman.

2. Stand still and Do Not move. No matter what the policeman tells you to do.

3. If the policeman takes hold of you Fall to the ground and say you are hurt.

4. Try to remember all the people you might know who are watching so they can talk for you later.

5. At the police station make the police drag or carry you. Keep saying you are hurt.

6. At the police station tell the man who is in charge you want to go to the Hospital.

7. You are allowed one phone call. Make it to your Group Leader. He will take care of your needs, such as Bail, Attorney, and Transportation.

Mr. President, the people who are issuing and using this card are the people who are shouting loudest for the enactment of further laws aimed at protecting their precious right to incite violence and foment revolution.

The jury provisions in the bill we are considering would practically give these persons carte blanche. They could tie up our courts in endless challenges of the jury selection system and the validity of the persons on the jury wheels.

It is well known that here in Washington the police carry what are known as rights cards which they are obliged to show to all suspects. This card advises the suspect he does not need to answer any questions.

All of this is very fine protection for the individual's rights, but what about the women who are assaulted each evening in the Washington area? What about their rights? They are not provided any special protection, and in fact, the police admit that they cannot even question suspects in these cases.

Mr. President, we are being asked to pass a bill in which the first two titles provide ridiculous legal immunities and protections to hoodlums and scofflaws.

Our police are slowly being turned into nothing more than directors of traffic, and our courts are becoming no more than a passageway to freedom for criminals.

The time has come for us to oppose such laws. We must not compromise. We must stand firm and united. If we are to protect our sacred liberties and to preserve our Nation, no man can waiver in his opposition.

Mr. President, the most sacred right is the right of trial by an intelligent jury, because an intelligent jury will arrive at truth and a just verdict. This bill would certainly infringe upon that right. This bill has been brought before the Senate without adequate preliminary consideration at any point in its progress here.

The bill was not adequately considered in the committee of the other body, and it was not adequately considered on the floor of the other body. I mean no disrespect to the other body by that statement. The record speaks for itself on that point.

Some 26 amendments were adopted in the other body, and a number of amendments were offered and rejected. But the bill still contains many errors of draftsmanship, for the cure of which no amendment has been offered. At the appropriate time, Mr. President, I propose to offer amendments to cure the more egregious of these errors.

Many important questions are presented by this bill which have never been discussed either in committee or on the floor of the other body. It would have been far better if each of these points had been thoroughly discussed, and curative amendments devised where necessary, before the bill came to the floor of the Senate. Nevertheless, the bill is here, and we shall have to deal with these matters. It may prolong the discussion of the bill somewhat, but these questions must be discussed before the bill can be permitted to come to a final vote, and since there is no place left but the Senate Chamber in which to discuss them, we must discuss them here.

Many of my colleagues will, assuredly, want to discuss some of these questions raised by this bill. So long as each of these questions is brought up and given adequate consideration, debated by the Senate, and subjected to the will of the Senate, I shall not feel obliged to discuss it further. But I intend to do my best to see that each of the important questions raised by this bill is given adequate consideration, and is subjected to the will of the Senate.

Wherever this bill needs an amendment to cure a defect, to correct a piece of bad draftsmanship, to clarify some passage or provisions of the bill which is not now clear, or to make certain some provision of the bill which is now vague or uncertain, I hope to see an appropriate amendment offered and considered by the Senate. I shall offer such amendments myself, at the appropriate time, where other Senators do not do so.

Mr. President, since we have been deprived of the benefit of a report on this bill from the Senate Committee on the Judiciary, there is need for a careful explanation of just what this bill will do; an explanation title by title and section by section.

Mr. HART. Mr. President, will the Senator yield for a brief question?

Mr. EASTLAND. I yield for a question.

Mr. HART. Does the Senator agree with me that 10 members of the Committee on the Judiciary, constituting a substantial majority of that committee, have placed in the CONGRESSIONAL RECORD about 2 weeks ago exactly the kind of report the Senator complains that he lacks?

Mr. EASTLAND. Yes, but what my friend from Michigan does not realize is that a report should be based upon hearings, upon testimony, and upon mature consideration. That is the legislative process.

The subcommittee held some hearings. There was no material consideration. I think that what my friend alleges as a report certainly could not be considered a report. Of course, it is not a committee report.

Mr. HART. Except that 10 members of the Senator's committee thought it was a full, complete, and adequate report and reflected their attitude in making their statement to the Senate.

Mr. EASTLAND. I am certain that my colleague would not seriously stand on the floor of the Senate and say that

that was a committee report; and he certainly would not say that the subcommittee had held hearings, and that as a result of the hearings had given mature study to the testimony.

Would the Senator state that?

Mr. HART. Mr. President, the chairman of our committee——

Mr. EASTLAND. Mr. President, I had yielded only for a question.

I ask unanimous consent to yield to the Senator from Michigan without losing my right to the floor, or without my remarks being considered as more than one speech.

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

Mr. HART. Let me define what was filed for the CONGRESSIONAL RECORD and the information of Senators. Ten members of the Committee on the Judiciary, based upon a record printed by that committee of some 1,800 printed pages, reported the chronological evolution of the bill, the reasons that persuaded us that each of its titles was desirable and necessary; a section-by-section explanation of the effect that these titles would have if enacted into law, and reference to the constitutional bases upon which we felt they were valid and sound.

It cannot be described as a report by the committee in the technical sense, but it most certainly is a commitment, by 10 members of the Committee on the Judiciary, that in our judgment, based on the record, this is what the Senate should do.

Mr. EASTLAND. Let me ask the Senator a question at that point. What meetings were held? The Senator said there were 1,800 pages of testimony.

Mr. HART. There were some 1,800 pages. I do not know the number.

Mr. EASTLAND. What meetings were held to consider that testimony?

Mr. HART. It is my impression that there were executive sessions of the Subcommittee on Constitutional Rights of some several days during which time, by majority action, the committee substituted the House-passed bill, adopted a series of amendments, and then reported favorably by majority vote the action taken.

Mr. EASTLAND. How many people were there? This was a subcommittee meeting?

Mr. HART. This was a subcommittee meeting.

Mr. EASTLAND. How many people were there?

Mr. HART. As a member of the full committee, but not a member of the subcommittee, I would be hesitant to answer.

Mr. EASTLAND. Was the Senator present?

Mr. HART. I am not a member of the subcommittee.

Mr. EASTLAND. Was the Senator present? The Senator has said that it was considered. Was the Senator present?

Mr. HART. I have absolute confidence in colleagues on the subcommittee.

Mr. EASTLAND. Will the Senator answer the question?

Mr. HART. I was not present, and neither was the Senator from Mississippi.

Mr. EASTLAND. Of course, I was not present, and I have not made a report or claimed that I made a report.

Mr. HART. But 10 of us consulted, conferred, and decided, and, based on this record, this is the report.

Mr. EASTLAND. How many Senators signed the report, considering those my friend says were informed on the bill?

Mr. HART. I, for one, have absolute confidence my colleagues who signed would not have done so had they had any doubt as to the wisdom of their recommendation.

Mr. EASTLAND. I shall tell my friend from Michigan, to be frank with the Senate, that that is no way to consider a bill. Here is a man who said he signed it, and that it amounts to a committee report. I hope I do not misquote the Senator.

Mr. HART. The equivalent of it.

Mr. EASTLAND. The equivalent of it, but he was not even present.

Mr. HART. The Senator——

Mr. EASTLAND. He signed something somebody told him.

Mr. HART. The Senator does not quote the Senator from Michigan with the accuracy that the Senator from Michigan would be grateful to have.

Mr. EASTLAND. Please correct me.

Mr. HART. This is the evolution of any committee report. In this instance, the report we placed in the RECORD 2 weeks ago, and which I suggest is fully informative, represents the collective judgment of 10 members of that committee, that distinguished committee, based upon a massive record and a careful review of the document that we finally filed. No member who signed would have signed absent a conviction that it made good sense. We are prepared to debate the validity of the bill, if we are permitted to debate the bill. That is the time to go into the bill chapter by chapter and verse by verse.

Mr. EASTLAND. My friend is engaged in talk. Here, he says, is something that amounts to a committee report. He said that the subcommittee deliberated. He was not present. Of the 10 people he said signed and gave their views, he does not know how many were present during these alleged deliberations of that subcommittee.

I think that the whole thing means nothing, to be perfectly fair and frank with the Senate, where we are faced with an out-of-committee report. We are faced with a bill that would destroy the ownership of property in this country. That is the way Lenin started in Russia, without consideration by one of the great committees of this body.

Mr. HART. Mr. President, it was the will of the Senate that the bill be held on the calendar, and for a very good reason. The gentleman who holds the floor, the chairman of the Committee on the Judiciary, the committee on which I am privileged to serve, would be content at the very most to see civil rights only in the history books but never in the law books. The Senator and I know perfectly well what he would do with the bill.

Mr. EASTLAND. I must agree with my friend from Michigan. Yes, what he says is absolutely correct, but the chairman of a committee is only one member of a committee. The Judiciary Committee has 16 members and the chairman has 1 vote. There is no reason in the world why the bill should not follow the normal legislative process, that we have hearings in the subcommittee, that we have consideration in the subcommittee, and that the full committee consider it and give the Senate the benefit of their report. That has not been done. The chairman wishes it were possible to impose his will on the Judiciary Committee, but nothing could be further from the truth because there have been a great many measures come out of the committee to which I have been opposed. Last year's immigration bill was one.

Mr. HART. The chairman of the committee is unduly modest. He understates his own capacity. None of us would be comfortable in pleading guilty to the fact that even when we have a majority, if there is a civil rights bill, the chairman may not be there to have the roll called. He may have difficulty in seeing certain members. His skill——

Mr. EASTLAND. My friend does me a grave——

Mr. HART. His skill in the operation of his committee——

Mr. EASTLAND. The Senator from Michigan does me a grave injustice. He knows that it is the most democratic. The Judiciary Committee is the most democratically run committee in the Senate.

Mr. HART. In the sense that it talks a lot but does nothing on civil rights, it is democratic.

Mr. EASTLAND. Everyone is recognized. No one has been refused recognition. The chairman of the committee would not try to get away with a thing like that.

Mr. HART. I think that the results of the deliberations over the years in the area of civil rights is the best evidence and speaks most eloquently of the wisdom of the action of the Senate not to turn a civil rights bill over to the Senator from Mississippi to work his will on it. I wish the Senator from Mississippi would permit a majority of the Senate to work its will on the bill. It will serve well the interests of all Americans, North and South alike.

Mr. EASTLAND. It will destroy this country. This country was founded on the free enterprise system. That means ownership of private property.

As I said, when we read the history of the Russian revolution, with gangs of revolutionaries on the streets, and the cry now for this bill which would limit the private ownership of property, history is repeating itself.

Thank God that the rules of the Senate will permit us to protect the United States which made it the greatest country on which the sun has ever shone.

It will be my purpose to provide such an analysis, which I hope may be of some use to Senators both in connection with their consideration of this measure as legislative technicians, and also in con-

nection with their struggles with their consciences over the principles which are involved here.

I hope and believe that Senators will find my analysis useful.

I do not purport to speak for the Committee on the Judiciary, nor do I claim that my analysis of this bill will be an acceptable substitute for a report from the Committee on the Judiciary. But the bill has been withheld from the committee, the Senate has thereby been deprived of a report from the committee, and there is nothing we can do about that. Under these circumstances, a thoughtful analysis by one Senator is better than none at all.

I consider it not unreasonable to hope that my colleagues will find that my analysis of this bill, if not as fully informative as they might wish, is at least stimulative of their own thinking with respect to the various provisions of the measure and the problems which they present.

We do have available to us, of course, the report to the other body from its committee, with respect to the bill as reported from that committee. Unfortunately, as I have pointed out, the value of this report as an aid to our consideration of this measure is reduced by the fact that some 26 amendments were adopted in the other body after being offered for the floor. Of course, these amendments are not referred to in the report of the committee in the other body.

This committee report is also, I am sorry to say, somewhat less than adequate as a basis for thorough consideration of this bill for at least two other reasons: First, because the report is a little like some of the decisions which have been handed down by the Supreme Court in recent years, having almost as many separate statements of views as there are members; second, because there are a number of important areas, requiring discussion in connection with any adequate consideration of this bill, which are not even referred to in the report of the other body's committee.

Mr. President, it is not my purpose to criticize the report of its committee to the other body of the Congress. What I have said already was necessary as a part of my explanation of the reasons which have led me to undertake a detailed analysis of this bill. I shall not attempt to categorize or list the deficiencies of the committee report, to which I have referred, or the apparent omissions from it.

It may be that some of the things which I shall say in my discussion of this bill will appear to challenge, or to contradict, some statement or statements which may have been made by Members of the other body, during debate on the bill, or which appear in the report to the other body from its committee. Perhaps it may even appear that in some respects I am challenging or contradicting statements which may have been made here in this Chamber.

I want Senators to understand that it is not my purpose to challenge or contradict anyone. My only purpose is to tell the truth about this bill, without regard to what may have been said, or what may have been left unsaid, in any other place or by any other person.

If any of my colleagues should wish to take issue with something I say in the course of my analysis of this bill, I make just one request of him: let him not seek to challenge my statement by quoting what someone else has said or written; let him confront me with the facts which prove me wrong, and I shall gladly admit error, and thank him for setting me right.

If I misquote the bill, I hope Senators will correct me; if I misstate any fact, I hope I will be called to account. But I ask my colleagues, in all sincerity, please do not try to draw me into an argument about what someone else has said with regard to this bill or some particular part of it. Let us not argue either over purposes, or objectives, or intentions, or hopes, or philosophies. All of these are important, but what is most important is that we shall understand this bill, and each of its passages, so far as that may be possible, before we vote upon it. If the Senate is to pass another civil rights bill, let it be a bill which says clearly and precisely what the Senate wants it to say.

Mr. HART. Mr. President, will the Senator from Mississippi yield at that point for just one question?

Mr. EASTLAND. I am happy to yield to the Senator from Michigan.

Mr. HART. I am not making a head count of the Senate with respect to the vote on Monday on cloture, but let me ask the Senator from Mississippi if he will assist us in bringing the bill before the Senate in order that, then, we may go into it chapter and verse with reference to the bill, in the proper sense and at the proper time. In other words, will the Senator help us to get the bill taken up, so that we can do this.

Mr. EASTLAND. I think this is the proper way to go about it, and at the proper time. No one studied the bill. I think the Senate needs educating. I think that the cloture rule is a rule of debate in the Senate which is very, very helpful to this country. I do not think that we ought to reach the point of mob rule in the U.S. Senate that, because Senators have a majority of the votes, they can do anything they want. To the Senator from Mississippi that does not make sense. After all, what we want to do is do the right thing, and that means mature deliberation and mature discussion.

Mr. HART. I take it the answer of the Senator from Mississippi to my question is "No," that he will not help us obtain cloture so we will be able to get into the debate on the bill and decide it?

Mr. EASTLAND. We are deciding and debating at this time.

Mr. HART. This is not the appropriate time and we do not want to play into filibustering hands by going through this business.

Mr. EASTLAND. The Senator from Mississippi is not engaging in a filibuster. It is a prolonged discussion. I hope my friend from Michigan will listen, for he may learn something. I may even educate him. In fact, we may get his vote on Monday, if he will sit there and listen.

Mr. HART. I was going to make a comment——

Mr. EASTLAND. Mr. President——

Mr. HART. Mr. President will the Chair protect the Senator's right to the floor?

Mr. EASTLAND. Wait a minute, now.

Mr. President, I ask unanimous consent to yield to the Senator from Michigan provided I do not lose my right to the floor and provided it does not count as another speech on this motion.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. EASTLAND. Now the Senator may proceed.

Mr. HART. Violating this one time the rule that those who seek to permit the Senate to discuss this bill should follow—namely, not contribute to this delaying effort on the motion to take up—I cannot refrain from making the comment that the analysis of the bill the Senator from Mississippi is making or proposes to give to us should have one correction made at this time——

Mr. EASTLAND. It is about 24 hours long.

Mr. HART. The explanation?

Mr. EASTLAND. Yes. I felt the Senator needed it.

Mr. HART. I can save the Senator a few moments of that time by making a correction right now. The bill does not tell an individual that he may not discriminate—though I wish it did—in that individual's sale of his home, unless he is in the business. Let us get that clear. That is title IV.

Mr. EASTLAND. We are going to get into that day after tomorrow.

Mr. HART. If the Senator will be given unanimous consent for one more comment——

Mr. EASTLAND. Mr. President, I make the same unanimous consent as previously.

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

Mr. HART. I really think it contributes not one bit to our understanding of the bill—if the Senator will permit us the opportunity to get the bill up so we can act on it—by the suggestion that Communists inspired the bill, drafted it, participated in it with the 10 of us——

Mr. EASTLAND. Nobody said that. I said groups who roam the streets promote this bill. That is what I said. I stand on it.

Mr. HART. There was a group that roamed the streets a couple of days ago that promote the bill. I believe they were not Communist-inspired, but I read that they hit little Negro children trying to get to school They promote the bill, but they were not Communist inspired.

Mr. EASTLAND. Do they promote the bill?

Mr. HART. They do, yes, by making dramatically clear the necessity for title V of this bill. If a child cannot get to school without running a gauntlet of clubs in the hands of people, the Senator can bet that we need this bill.

Mr. EASTLAND. I do not think that happened.

Mr. HART. Well, then, I read the papers wrong.

Mr. EASTLAND. Well, I know the Senator read them wrong. The distinguished Senator from Michigan has placed his hand, by his own statements, on the necessity for a prolonged discussion of this bill. That is, he said 10 of the members of the Judiciary Committee filed what amounts to a committee report based on hearings of a subcommittee of which he is not a member, and that of the 10 men who he said signed it, he did not know how many were members of the subcommittee, or if members of the subcommittee, heard the testimony, or, if they heard the testimony, he did not know how many of them deliberated on the meaning of that testimony.

I submit that it is certainly grounds on which to try to educate the U.S. Senate before we permit mob rule to take over here simply because the Senator has the votes, and that therefore it is right to pass something.

Mr. HART. Under the same conditions, will the Senator permit me to make a comment?

Mr. EASTLAND. Under the same unanimous consent; yes.

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

Mr. HART. For the record, 5 of the 10 members of the Judiciary Committee who signed the report in the nature of a committee report are members of the Constitutional Rights Subcommittee of the committee in question; but I am not sure how that is responsive to the incident of a few days ago when the children to whom I referred sought to go to school in bright daylight and were set upon and beaten.

Mr. EASTLAND. This bill does not deal with that.

Mr. HART. Title V of the bill deals with it; making it a Federal crime.

Mr. EASTLAND. No; title V does not deal with that. As I understand the law, the Attorney General now can bring a suit by a complaint. It is easy to get a complaint. Under the bill, he can bring a suit without a complaint. I do not think the Justice Department maintains that title means much.

Mr. HART. I think the Senator may be thinking of another title. Title V certainly makes it a Federal crime. It would include action in which an adult hits a child over the head who is trying to go to school.

Mr. EASTLAND. Title V may, but if the Senator is speaking of Grenada, Miss., those facts should stand on their own, and I do not think they are as related by my friend from Michigan.

To return to my statement, in the Senate of the United States it is seldom necessary to vote "yea" or "nay" on a bad bill without trying to improve it. Unless cloture is voted, or debate is limited by unanimous consent, every bill that comes before this body is open for amendment so long as any Senator has an amendment to offer. We shall have no excuse, as a legislative body, if we pass a so-called civil rights bill which will produce unintended results, or which will be ineffective because it is too vague and too imprecise, or which will be unenforceable because it contains conflicting provisions or makes impossible requirements, or which will have to be declared void by the courts because it is unconstitutional.

It is our job to consider all of these factors. Normally, a large part of this job would be done in committee, but this bill has not been to a committee, and apparently is not going to a committee; so we must do the whole job here.

Mr. President, it would be foolish not to recognize that there are those who, if they had their way, would make consideration of this bill by the Senate a sort of shotgun wedding.

The air is full of threats, Mr. President. These threats are about as many and as varied as human ingenuity and the circumstances of the case will permit.

Individual Members of this body have been threatened, and are being threatened today, with political reprisals, with financial reprisals, with smears and attempts at character assassination by newspaper columnists and other members of the fourth estate, with editorial attacks by newspapers and magazines or the far left and the radical left, in some cases even with physical violence, if they do not swallow this bill whole.

We are further threatened, Mr. President, with widespread racial violence, with marches and other demonstrations, with sit-ins, stand-ins, sleep-ins, and lay-in, with civil disorder and even with outright rioting, if we do not pass this bill quickly and uncritically. Also, there are some, who have labeled this bill too weak, and threaten disorders and riots if we do pass it.

There can be no doubt about this: Senators who insist upon acting like Senators, who are determined to give every provision of this bill full consideration, to be sure they understand it, and to improve it to the best of their ability before bringing it to a final vote, may be letting themselves in for trouble.

In spite of this, Mr. President, I am confident that the Senate of the United States will rise to the occasion, as it has done many times in the past.

A watching nation will see that the Senate of the United States is not a street corner mob, to be swayed by inflammatory orations; the Senate of the United States is not a rabble, to be driven this way or that by force and by fear; the Senate of the United States is not a Nazi bund, to raise its arms and voices in a "Sieg Heil" of assent to the dictates of a fuehrer; the Senate of the United States is not a herd of cattle to be stampeded by a sudden noise on a hot night: The Senate of the United States is the greatest deliberative body on earth, and it will work its will on this measure with care, and skill, and free debates, in accordance with what a majority of the Senate, in its wisdom, considers to be the best interests of this country.

I wish my friend from Michigan would listen. He said after full and free deliberation, we would come to a vote on this measure.

Mr. HART. Mr. President, I wonder if the Senator will yield for one last comment, on the condition that he may do so without losing his right to the floor.

Mr. EASTLAND. Wait a minute. The Senator forgot to put in one condition—that it be considered one speech. I yield under the same conditions as heretofore, Mr. President.

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

Mr. HART. The Senator from Michigan will continue to listen carefully to the Senator from Mississippi. But I shall observe the rule that those of us who are anxious to permit the Senate to get to work on this bill should impose on ourselves at all times during this period: no matter how tempted the Senator from Michigan may be to make comment as he listens to the Senator from Mississippi, he shall not, because if he did, he would contribute only to further delay, and would be participating unwillingly in the delaying tactics that are frustrating, apparently, the will of the majority of the Senate.

Mr. EASTLAND. The thing that impressed me most yesterday, Mr. President, was the speech of the distinguished junior Senator from Illinois, the minority leader, when he talked about the conduct of certain people in Chicago. I think that what is happening in the great cities of this country is not being considered, and that the rights of the people of those cities, which are being thrust down in this bill, are not being considered as they should. When we think of the newspaper stories of robberies, muggings, and rapes in the great metropolitan areas of this country, we must remember that those people have rights, and the Senate should take time to study the measure, instead of jumping up and voting to provide whatever these racial groups want or ask for.

Mr. President, it may not be possible for me to finish my detailed analysis of this bill today. I shall not insist upon even trying to do this, if it appears there is other and more pressing business before the Senate. I propose to apply myself to my task as time permits. In order that I may be assured of completing this analysis, and in order that there may be easy continuity for Senators, or others outside this Chamber, who may wish to read my remarks, I ask unanimous consent that if I do not finish this analysis, I may resume it whenever I can obtain recognition without interrupting another Senator, and that in the permanent RECORD, each segment of my analysis of this bill may contain a footnote or headnote, as appropriate, to indicate the following page of the RECORD at which the analysis is resumed, or the preceding page at which it was suspended.

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

Mr. EASTLAND. Mr. President, before I proceed with a section-by-section analysis of this bill, let me take a few minutes to point out, in a broad way, some of the things which will be accomplished if this bill is enacted in the form in which it has come to us from the other body.

These impending results of the bill will be referred to, at this time, in the approximate order of their importance,

rather than in chronological order as the various provisions appear in the bill.

Probably the most important attribute of this bill, in terms of its effects if enacted, is that it will curtail the rights of all the people in order to grant special privileges to a minority.

This is not a case of taking from one class or group to give to another. The rights which would be curtailed by this bill would be curtailed for members of the minority just the same as for members of the majority. All of us—all the people of this country—would suffer a weakening of one of our basic freedoms, the right of private property.

Even the minority which stands to gain special privileges under this bill, if it should be enacted, will find in time that they have made a poor trade.

Enactment of this bill will amount to a congressional declaration that private ownership of property does not include the right to dispose of it at the will of the owner, whose free will may be circumscribed and conditioned by a legislative act.

What is perhaps even worse, this proposed congressional declaration of the right to interfere with the free will of a property owner in the disposition of his property will extend into the realm of thought control. It will involve an implied assertion that Congress may not only tell a property owner how, or where, or to whom he may not dispose of his property, but may also prohibit him from even considering certain factors in deciding how he wants to dispose of it.

Mr. President, enactment of this bill will purport to create new crimes, in areas of speech, and even in areas of thought, which up to now have always been regarded as constitutionally protected under the Bill of Rights.

This bill would make it a crime to express certain kinds of opinions in any way, even orally.

This bill would make it a crime for a man to think in a certain way, because it prohibits a whole series of acts solely on the basis of the intent with which they are performed. It does this entirely without regard to the nature of the act, or whether it harms anyone else or has any other specified effect, and without regard even to whether the nature of the act was such that it could harm anyone else or have any specified effect. I shall talk of these matters in more detail later.

This bill would multiply litigation almost beyond imagining. It invites litigation. It invites picayune litigation. It invites grudge litigation. It invites speculative litigation. It provides that Federal funds may be used for subsidizing litigation. It makes this litigation easy by providing a way for the elimination of all costs to the plaintiffs.

This bill not only encourages the filing of nuisance lawsuits, it also encourages blackmail and extortion by making it possible to use court proceedings and the threat of such proceedings for purposes of intimidation and coercion.

This bill, Mr. President, contains drastic provisions for changing the Federal jury system. These provisions would bring about sweeping changes, if they should be enacted and applied. Some of these provisions are absolutely impossible of performance, as I shall demonstrate later. In some, these provisions would have the effect of destroying all the good results of generations of effort by bar associations and judicial improvement societies and courts and legislators, all working together to improve the jury system, and to improve the quality of juries.

Enactment of this bill will involve acceptance by the Congress of the concept that a "blue ribbon" jury is undesirable; that, in fact, the quality of a jury is not a factor to be sought or even considered; that what is desired in a jury is uniformity, even if that means uniform mediocrity or uniform incompetency.

This bill, Mr. President, would give vast new powers to the Attorney General of the United States, powers over such State functions as public education and the administration of public facilities.

Mr. President, those are some of the things this bill will do, which I do not think the Senate of the United States ought to sanction, and which I cannot bring myself to believe the Senate of the United States will sanction.

In analyzing a bill, one should look at the title first and last: First, to see if it contains any inherent errors; last, to see if it fairly and adequately describes the contents of the bill.

When we take our first look at the title of H.R. 14765, we find that it is faulty in at least two respects.

The third clause of this title states that one of the purposes of this bill is "to provide judicial relief against discriminatory housing practices." That is an inherent error.

It is an error, Mr. President, because the legislature cannot provide judicial relief. If this bill is passed, it will become an act of Congress; a legislative act. It may provide relief; it may provide for judicial relief; it may do both. But only a judicial body can provide judicial relief.

At the appropriate time, I shall offer an amendment to correct this error in the title.

Now let us consider the last four words of this third clause of the title of this bill—the words "against discriminatory housing practices." Here is another inherent error. If we want the title of this bill to speak accurately, it will be necessary to change it at this point, because one does not provide relief simply against anything; relief is provided to or for someone or something.

It may be possible to provide relief for an individual by giving him protection against some danger, or by undoing something which has been done; removing some pressure upon him; or by altering a condition or situation which is harmful to him; or by correcting a false record which has been made, to his detriment; or by giving him or securing for him compensation on account of injuries or damage which he may have sustained.

To be accurate, therefore, the title should not speak of relief "against discriminatory housing practices," but should speak of judicial relief for individuals damaged or in the process of being damaged, or at the very least actually threatened by discriminatory housing practices.

At the appropriate time, I shall offer an amendment to correct the title of this bill along the lines I have indicated.

Mr. President, there has not been a great deal of discussion about title I of H.R. 14765. Possibly this is because the subject of juries is rather technical. Perhaps it is because importance of title I has not been as readily apparent as the importance of title IV. But the fact is that title I deserves a great deal of attention, because the changes it would make in the Federal jury system could have an important effect on the administration of justice in Federal courts.

The appalling fact is that title I of this bill is a fantastic combination of poor draftsmanship and skullduggery, the latter including both the plain and fancy variety.

There are provisions in this title which are difficult to understand; there are provisions which are impossible of performance; there are provisions which appear innocuous, but are really booby traps. Some of the provisions in this title have not been publicly discussed up to the present time, so far as I know. They were not discussed in hearings in the other body, they were not discussed in the report to the other body from its committee, they were not discussed on the floor of the other body; and I have not heard or read any discussion of them in this Chamber.

For instance, title I of H.R. 14765, if it is enacted, will transform the position of jury commissioner into a patronage plum, paying up to $50 a day, plus subsistence and an expense account and a travel allowance. There is one of these jobs in every Federal district, and there can be one or more in each division of each Federal district.

At the present time, appointments as jury commissioner are reserved for prominent local residents of high reputation; but the new language proposed in title I of H.R. 14765 would make these jobs available to carpetbaggers, brought in from outside the judicial district or even from outside the State, subject only to the requirement that they live within the district or division during their tenure in office.

Finally, where the present law requires a jury commissioner to be appointed from among the well-known members of one of the two major political parties in the district, the new language proposed in title I of H.R. 14765 requires only that a jury commissioner shall not belong to the same political party as the court clerk.

I do not believe these changes were made by accident, or that they were devised with any other purpose than to make it possible to bring into my State, and into other States in the South, carpetbaggers from the North, possibly possibly members of the Mississippi Freedom Democratic Party or some similar racist group, to serve as Federal jury commissioners.

If it is not intended to bring in carpetbaggers to fill these jobs, Mr. President, there is no necessity of changing the law so as to make this possible.

When we vote in this body on an amendment which I shall offer at an appropriate time to change this feature of the proposed new law, we shall find out who, if anyone, is in favor of bringing in the carpetbaggers.

I shall discuss this point in more detail when I come to the proposed new section 1863 of title 28.

The amendment most deserving of consideration in connection with title I of this bill is an amendment to strike out the entire title.

The Senate will proceed, of course, with consideration of this title, section by section. We shall try to remedy the major faults of each section as we come to it. But while the bill can be improved in this way, the sweeping changes in the Federal jury system which would be brought about by enactment of this title would remain unjustified and unwise.

Whether or not the objective sought by title I is wise in principle, the practical result of enacting this title will be to create a jury system for the Federal courts which is almost completely unworkable.

Enactment of title I would run counter to the recommendations of Federal district judges and the clerks of Federal district courts.

Enactment of this title would nullify legislation passed by this Congress as recently as the 85th Congress, in September 1957.

Enactment of title I would eliminate the provision of existing law which gives a Federal district judge the right, in his discretion, to excuse or exclude a person from jury service for good cause.

Mr. President, I have said that the amendment which most merits consideration in connection with title I of this bill is an amendment to strike out the entire section; and at the appropriate time I shall offer such an amendment. Since a vote on an amendment of this nature, under the rules of the Senate, must be deferred until all amendments to the text of the title have been considered and acted upon, it will be necessary to consider the title, section by section, before the amendment to strike will be in order. Various perfecting amendments are virtually demanded by the language of this title as it has come from the other body, and I shall offer these amendments in proper order before offering the amendment to strike the title.

Now let us start through the first title of this bill, section by section, and consider where amendments are needed.

SECTION 101

At the very beginning of section 101 there is an error of draftsmanship which can prove highly confusing, and which should, therefore, be cured by amendment.

If Senators will look at the bill, they will see that section 101 specifies new language for sections 1861 through 1870 of title 28 of the United States Code. But the first sentence of section 101 refers in terms to the amendment of "sections 1861 and 1863 through 1869." Mention is not made of sections 1862 and 1870, although the language which follows this amending clause includes a new section 1862—Senators will find it beginning on line 1 at page 3—and a new section 1870—Senators will find it beginning with line 11 on page 14.

Later in the bill, Mr. President, it is provided that section 1862 of title 28 shall be redesignated title 1872; and at another place in the bill, section 1870 of title 28 is one of several sections of this title which are designated to be renumbered.

So we find that sections 1862 and 1870 of title 28 of the United States Code, as it now exists, are taken care of elsewhere in this bill. But this does not cure the fault in the amending clause of section 101 of this bill.

If this section involved renumbering some existing section of title 28 of the United States Code as section 1862, it would be faulty draftsmanship to seek to accomplish this by simply specifying the title to be renumbered and then providing that it is "amended to read as follows" and then reciting the language of the section under the number 1862. What is actually being done here is not even that simple.

What the bill seeks to do is to give the existing section 1862 of title 28 a new section number, and replace it with completely new language under the section No. 1862; and to give section 1870 of the present title 28 a completely new section number, and replace it with entirely new language under the section No. 1870.

The language of section 1861 and of sections 1863 through 1869 of the present title 28 is to be replaced, in each instance, by completely new language.

The language which appears in the proposed new section 1862 of title 28, as set forth in section 101 of this bill, is an expansion of the language which presently appears in subsection (c) of section 1863 of the existing title 28, United States Code.

But it is not proper to call the inclusion of this amended language under the section No. 1862 an amendment of section 1863; it is, at best, a transposition of part of the language of section 1863 to a new section 1862.

Senators who have been examining their copies of this bill as I have gone along will not require further explanation, I feel sure, in order to grasp the point which is involved here.

I shall not labor this point further now, but at the appropriate time, I shall offer an amendment of a wholly technical nature, to make the amending clause of section 101 of this bill speak truly and precisely with respect to just what the section is intended to accomplish.

PROPOSED SECTION 1861 OF TITLE 28, UNITED STATES CODE

Section 101 of H.R. 14765 proposes, as we have seen, enactment of various new sections of title 28, United States Code, under the numbers of existing sections of the title. The first such new section set forth is section 1861.

The declaration of policy which would be written into law by enactment of the proposed new section 1861 of title 28, United States Code, which Senators will find at lines 6 to 15, inclusive, on page 2 of this bill, is contained in two sentences.

Each of these two sentences involves a major fault of language which has the effect of making the sentence, in each case, call for something which is an obvious impossibility.

The first sentence of the proposed new declaration of policy, which begins on page 2, line 7, reads as follows:

> It is the policy of the United States that all litigants in Federal courts entitled to trial by jury shall have the right to a jury selected from a cross-section of the community in the district or division wherein the court convenes.

The particular bit of language in this sentence which makes it call for an obvious impossibility is the term "cross section of the community."

It might be possible to define "cross section" in the bill so as to make it a word of art, with some esoteric meaning in the light of which the first sentence of the new declaration of policy would not involve an impossibility. But in the absence of any such definition, the phrase "cross section of the community" cannot be read as a phrase of art, and the words "cross section" must be given their ordinary dictionary meaning.

Webster's Third New International Dictionary, unabridged, gives this definition for "cross section":

> A composite representation typifying the constituents of a thing in their relations.

It adds the example:

> A cross-section of the people.

Now, to "typify" something is to represent it by an image, form, or model. A composite representation, to "typify" a community, must embody the essential or salient characteristics of the community; furthermore, it must represent all of the essential or salient characteristics of the community, because if it is substantially different from the community in any essential or salient characteristic, it is not typical but atypical.

It should be noted that this first sentence of the proposed new section 1861 of title 28, which begins on line 7, page 2 of H.R. 14765, is not an outright declaration that all litigants shall have the right to a jury selected from a cross section of the community; it only declares it to be the policy of the United States that all litigants in Federal courts who are entitled to trial by jury shall have the right to a jury selected from a cross section of the community. Whether there is a real difference of substance, as well as a difference of form, may be open to argument. This should be made clear, and perhaps that can be done during debate on the bill.

The essential point for us to consider now, however, is not whether a declaration of policy that certain litigants shall have a particular right is the same thing as a statutory requirement that such litigants shall have the right. The essential point is the question of just what the right is that "all litigants shall have."

Clearly, it is not the jury itself or the jury panel, but the basic list of names from which the jury or the jury panel is selected, which is required to be a cross section of the community in the district or division wherein the court convenes.

In the context of the language which would be written into chapter 121 of title 28 by the enactment of title I of H.R. 14765, it is the names placed in the "qualified juror wheel" referred to in subsection (c) of the proposed new section 1866 of title 28, which must constitute a cross section of the community. This is true because this is the group of names from which the jury panel is to be selected.

But the names which are to be placed in the "qualified juror wheel," under the provisions of subsection (c) of the proposed new section 1866 of title 28, will be names drawn from the "master jury wheel" provided for in subsection (a) of the proposed new section 1864 of title 28, and this master jury wheel is to contain names selected at random from the voter registration lists.

At the time the names are selected at random to be placed in the master jury wheel, and even at the time the names are drawn from the master jury wheel, it will not be known with respect to any person whose name is selected or placed in the master jury wheel, or drawn therefrom, whether such person is in fact qualified to be a juror; nor will the age, sex, education, race, occupation, length of residence within the judicial district, prior jury service, citizenship, and physical or mental infirmities, if any, of the individual be known.

All these things are to be learned later, when each individual whose name is drawn from the master jury wheel is required to fill out a juror qualification form providing all this information.

Clearly, the only way to approach compliance with the requirement that the names placed in the qualified juror wheel shall represent a cross section of the community would be for the jury commission to consider carefully the information with respect to all of the various factors of age, sex, education, race, occupation, and so on, of each of the individuals whose names are drawn from the master jury wheel, and to make up a list of names for inclusion in the qualified juror wheel which will embody the essential or salient characteristics of all the people of the community in their relation to each other.

This means handpicking names for the qualified juror wheel on the basis of race, color, sex, and other factors; and any such handpicking involves discrimination, which this bill is supposed to eliminate.

Obviously, even if an effort is made to do this, it will be sheer chance whether this is to be possible in any instance. It can only be possible if there are to be found, among the names drawn from the master jury wheel, names of enough individuals of each age group, of each sex, of each race or color, of each occupation, and of at least each major degree of education, and each national origin, and each economic status so that a representative sample of the community can be prepared. The odds against this being possible in any case are truly astronomical.

Even if by some millionth chance raised to the nth power, this should be possible in some particular instance, how many names could be drawn from the qualified juror wheel before the list of names remaining therein ceased to be a representative sample, or in the language which is proposed for enactment in section 101 of this bill, a "cross section of the community"?

Obviously, if a qualified jury wheel containing a list of names, which is in fact a representative sample or cross section of the community, has drawn from it enough names to make up a jury panel, the names which remain in the qualified juror wheel will not be a representative sample or cross section.

In order for every jury panel drawn from the qualified juror wheel to be a true cross section, the names in the qualified juror wheel at the start will have to constitute not merely a representative sample or cross section, but a composite cross section made up of as many smaller cross sections as the number of jury panels which are to be drawn from the qualified juror wheel.

This is piling impossibility upon impossibility, and we must conclude that the policy declaration enunciated in the first sentence of the proposed new section 1861 of title 28 is not a good-faith definition of a right which litigants may have or can be given. We must conclude that it is not even an expression of hope for something which, though it may not be assured, is at least reasonably possible.

We must conclude, with respect to this expression, that it is just pious language, inserted in the bill as a possible selling point, without any real hope that it can ever be accomplished.

Even if it could be accomplished—that is, if every jury selected in a Federal court could be selected from a true cross section of the community, I am not at all sure that even the strongest proponents of this bill would like it.

As we have seen, in order to be a cross section of the community, the list of names from which the jury is selected would have to embody the essential or salient characteristics of the total population of the community.

In a community where the population is 90 percent white, the list of names from which the members of the jury panel are to be selected would have to contain, in total, the names of a group of individuals of whom 90 percent were white.

If the community is more than 50 percent Negro, as in the case of the District of Columbia, then the group of individuals from whom jurors are to be selected would need to be composed of more than 50 percent of Negroes.

Since most communities have a fairly equal distribution between the sexes, the persons whose names were on the list would have to include about half men and half women.

To be a true cross section of a community in which 10 percent of the people are illiterate, the basic list of names would have to include 1 illiterate in 10. Of course, this is rendered impossible by the requirement that persons unable to speak, read, write, and understand the English language may be disqualified for jury service.

In a community—again, like Washington, D.C.—which has a high proportion of Federal employees, a true cross section of the community would have to contain an equally high proportion of Federal employees; but this, too, appears to have been made impossible under the bill now before us, which exempts from jury duty "public officers in the executive, legislative, or judicial branches of the Government of the United States, or any State, district, territory, possession, or subdivision thereof who are actively engaged in the performance of official duties."

Much could depend, of course, upon the construction of the phrase "public officers." Perhaps, inequitable although the result would be, it might be decided that white-collar workers were public officers and so-called blue-collar workers were not public officers and therefore were not exempted from jury duty.

However that may be, I think we have gone far enough in our consideration of this matter to see that "the right to a jury selected from a cross section of the community," as specified in the first sentence of the proposed new section 1861 of title 28, United States Code, is entirely impossible of fulfillment. At the proper time, I shall offer two alternative corrective amendments.

The second sentence of the proposed new section 1861 of title 28, United States Code, which would be written into law by enactment of section 101 of this bill, declares it to be the policy of the United States that "all qualified citizens shall have the opportunity to serve on grand and petit juries in the district courts of the United States."

This has a grand sound, but the fact is that the only construction under which this declaration of policy is possible of attainment is a construction under which it is virtually meaningless.

Let us look at this sentence carefully to be sure we understand it.

The phrase "all qualified citizens" undoubtedly must be construed to mean citizens who are qualified to serve on grand and petit juries in the district courts of the United States. Now, how should we construe "opportunity," as the word is used in this sentence?

Suppose we say that this word "opportunity" means the same thing as "chance." Then the problem occurs, how do we construe "chance"?

Whether we use the word "opportunity" or substitute the word "chance," shall we construe it to mean the right to be considered qualified to serve? If so, all that the sentence declares is that all citizens qualified to serve on grand and petit juries in the district courts of the United States shall be considered qualified to serve on grand and petit juries in the district courts of the United States.

Obviously, this would be a meaningless provision; so we must search further for a proper construction.

Webster's Third New International Dictionary, unabridged, gives several definitions for "opportunity." The first definition given is:

A combination of circumstances, time, and place suitable or favorable for a particular activity or action.

This definition is followed by an illustrative sentence:

The many small rivers . . . offered unlimited opportunities for water transport.

We should note that under this definition, and in the light of the illustration given, "opportunity" connotes the possibility of engaging, at will, in the particular activity or course of action.

Another example is given under this definition: the sentence "artists are given opportunity to do creative work." Here, again, we see the connotation of ability to engage in the particular activity or action, at the will of the individual who is said to have the opportunity.

The second definition for "opportunity" given by Webster's Third New International Dictionary is this:

An advantageous circumstance or combination of circumstances especially when affecting security, wealth, or freedom (as from constraint): a time, place, or condition favoring advancement or progress.

This definition is followed by two illustrative examples, the first of which is a phrase attributed to former President Harry S. Truman, as follows: "to strike out in search of new opportunities in new surroundings."

The second example given of usage is the phrase: "sons of poor and ignorant farmers, blacksmiths, tanners, and backwoodsmen, with few opportunities".

It will be seen that this definition does not refer to an opportunity to do a particular thing or engage in a particular activity or action—such as water transport, or creative work, or jury duty—but refers rather to general advantages, or opportunities for advancement, along any line. This definition, therefore, is not applicable to the word "opportunity" as used in the sentence we have under consideration.

The next definition given by the dictionary consists simply of two words, offered as synonyms; namely, "fitness, competency." This definition, the dictionary states, is obsolete; and we have already seen how the use of this definition in construing the word "opportunity" in the sentence under consideration would force a ridiculous result.

The next definition given is this:

The quality or state of being opportune: timeliness.

Construed in this way, the word "opportunity" does not make sense in the sentence we have under consideration.

One more definition is given, which the dictionary states is archaic, to wit: "convenience or advantage of situation." The fact that this definition is tabbed "archaic" should eliminate it as a possibility in construing the word "opportunity" in the sentence under consideration; besides, a construction under which the proposed declaration of policy means only that when a citizen shall have qualified to serve on grand and petit juries in the district courts of the United States, it shall be made convenient for him to serve, or he shall be placed in an advantageous position to serve, is obviously not a satisfactory construction.

The dictionary gives four synonyms for the word "opportunity"; namely, "occasion, chance, break, and time." "Occasion," the dictionary points out, is likely to convey the notion of the period or time at which an opportunity is offered; and since this may be fleeting, "occasion" may suggest "a combination of circumstances that are urgent and quite likely to evoke action or that have evolved it."

This construction of the word "opportunity" we see clearly, would mean either that it would be urgent that every citizen who qualified to serve on grand and petit juries in district courts should so serve, or that a citizen having qualified to serve would be required to serve. Under either construction, the declared policy would be found to be an absolute impossibility, for reasons which I shall point out in a moment.

Now let us look at the synonym "chance." The dictionary states:

Chance is close to opportunity in the sense in which it is used in a particular passage attributed to the late Wendell Willkie as follows:

"The most challenging opportunity of all history—the chance to help create a new society."

Here we see that "opportunity" carries the connotation of having, or being given, the ability to do something. Given this construction, the word "opportunity" makes the sentence of the bill which we now have under consideration a very significant and meaningful declaration of policy; namely, that all citizens who qualify to serve on grand and petit juries in district courts of the United States, shall have or be given the ability to serve; that is, that it shall be made possible for them to serve. But, this too is an impossibility as I shall explain in a moment.

The next suggested synonym for "opportunity," the word "break," is described by the dictionary as "formerly a slang term and more common in the United States than in England"; and the dictionary goes on to say that "break" as a synonym for "opportunity" suggests a term of luck or:

An opportunity by luck or by an act of kindliness from one with power or influence—

And gives two examples, one of which is a phrase attributed to the late Adlai E. Stevenson:

Communist promises of a better break for the common people.

If the word "opportunity" as used in the sentence under consideration is to be given this construction, then we see that the proposed declaration of policy is that each citizen who qualifies to sit on grand and petit juries in the district courts of the United States is to be given a promise on the authority of the United States that he will be able to serve. Here, again, we have a construction which promises something that is impossible.

The last synonym offered by the dictionary is the word "time," which the dictionary states "may be used as a synonym for opportune time or occasion," citing as an example of such usage, a passage attributed to T. B. Macaulay:

An adversary of no common prowess was watching his time.

In this sense, we see that "opportunity" would mean "moment of ability to act"; so that this listed synonym adds strength to the argument in favor of a construction under which the policy proposed to be declared is that all citizens who qualify to serve on grand and petit juries in the district courts in the United States shall at that moment or from that moment be enabled to serve. Again we have arrived at an impossibility.

Reviewing all the possible constructions of the word "opportunity" as used in the sentence under consideration, it appears most likely that the construction intended by the drafters of this language is that every citizen who qualifies for jury service in the district courts of the United States shall be enabled to serve, in the sense that he shall be able to perform the act, or enter upon the course of action, either at will, or at some particular time if he then choses to do so.

Of course, the element of free will involved in this construction is negatived by the concluding clause of the proposed declaration of policy, which requires that a qualified citizen: "shall have an obligation to serve as a juror when summoned for that purpose." Nevertheless, if the word "opportunity" is given this construction, the declaration of policy is meaningful, and certainly appears to offer something that would be likely to be considered an advantage by anyone who had a desire to serve on a grand or petit jury and felt that he could qualify for such service.

Unfortunately, it is absolutely impossible that all citizens who qualify to serve on grand and petit juries in the district courts of the United States shall be enabled to enjoy such service either at will, or at any time during their lives.

The Administrative Office of the United States courts is authority for the statement that last year there were a total of 353,000 days in which petit juries were sitting in district courts of the United States, and that there were 60,000 days in which grand juries were in session in district courts of the United States.

Unfortunately, statistics were not available on the total number of petit jurors or grand jurors who served during the year; but it is possible to work with the figures which were available, to establish the absolute impossibility of permitting grand jury or petit jury service by every citizen who qualifies to serve.

We do not know how many trial days each individual jury sat; but let us assume, for the sake of argument, that each jury sat just 1 day. If this were the case and if no juror sat on more than 1 jury, then the total number of jurors who sat during the entire year would have been

12 times one-half of 353,000 or 12 times 176,500, which is 2,118,000.

We do not know just how long each grand jury sat but let us assume for the sake of argument that the average time was only 12 days. Under that assumption, since the total number of jurors on a grand jury ranges from 16 to 23, with the average not more than 20, the maximum number of grand jurors who sat during the year would have been 100,000.

These totals are substantially greater, I am sure, than the actual number of jurors who sat on either petit juries or grand juries last year; but even on the basis of these figures, we see the impossibility of providing a place on either a grand or a petit jury for each citizen who qualifies to serve.

With a total of only 2,118,000 places available during a single year, and with well over 120 million people potentially eligible for jury duty, we see that it would take more than 50 years for each of them to serve once on either a grand or petit jury. Of course, the exemption of certain classes of persons from jury service, notably members in active service in the Armed Forces, members of police or fire departments, and public officers in the executive, legislative, or judicial branches of the Government, would operate to cut down on the number of available qualified jurors.

On the other hand, the population of the United States is not static, and every year additional millions of citizens having attained the age of 21, would be eligible to qualify for service on Federal juries.

If all these annual accretions of potential jurors are ignored until all of those able to qualify the year the bill is enacted have been permitted to serve on juries, some members of what we may designate as this younger group will be 60 years old or older before they are even eligible for consideration; on the other hand, if we give everybody an absolutely equal chance to serve on a jury if he qualifies, regardless of his age, a certain number of what we may call new qualifiers each year will take places that might otherwise have been filled by qualified citizens of greater age, and the result will be that millions of Americans will live out their lives without ever serving on a Federal jury.

Of course, that is the way it is now. In the nature of things, that is the way it has to be. No expression of Federal policy to the contrary will change the facts with regard to the number of places available on Federal juries.

If there are any of my colleagues who think it is smart to vote to declare it to be the policy of the United States to do something which cannot be done, I suppose they will vote to keep this declaration in the bill. Other Senators will, I trust, support the amendment I shall offer at the appropriate time.

The phrase "all qualified citizens" as it appears at the end of line 11 on page 2 of H.R. 14765 is redundant, because under this bill citizenship is one of the criteria for qualification to serve on grand and petit juries in the district courts of the United States.

I believe the word "citizens" was used here, instead of the word "persons," in order to lend color to a possible claim that what is referred to in the proposed new section 1861 of title 28 as "the opportunity to serve on grand and petit juries" is a right peculiar to citizenship, held by virtue of citizenship, and therefore protected under the provision of the 14th amendment to the Constitution that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States."

Since U.S. citizenship is expressly named as just one of the criteria for qualification for service on Federal juries, under the language of subsection (b) of the proposed new section 1866 of title 28, as set forth on page 9 of this bill; and since it is quite clear, also, that service on Federal juries cannot be a privilege of citizenship in view of the fact that under the provisions carried in this bill there will be many millions of citizens who will be ruled unqualified for jury service, any effort to build up Federal jury service as a privilege of citizenship under the 14th amendment must fail.

Further evidence that Federal jury service is not a privilege of citizenship within the terms of the 14th amendment is the fact that many millions of citizens who are qualified for such service are declared exempt therefrom by existing law, and are similarly declared exempt in identical language, in the proposed new section 1872 of title 28 which will be found beginning on page 16 of this bill.

Furthermore, the authority which, under subsection (b) of the proposed new section 1872, is granted to chief judges of each Federal court district, to exempt other occupational classes of persons from jury service, would be without effect if Federal jury service were to be considered a privilege of citizenship; because the exercise of that right by any chief judge is expressly conditioned upon a finding that the exemption in question would not be inconsistent with sections 1861 or 1862 of title 18, United States Code, as those sections will read after enactment of this bill.

Citizens of the United States do have a privilege not to be excluded from service as Federal jurors on account of race, or color; and if this bill is enacted, it will be a privilege of citizenship not to be excluded from such service on account of race, color, religion, sex, national origin, or economic status.

I propose that the second sentence of the proposed new section 1861 be amended so as to change the phrase "all qualified citizens" to "all qualified persons" as an indication that the Senate refuses to lend itself to any effort to expand the privileges and immunities clause of the 14th amendment an effort of the kind which the Supreme Court nearly 100 years ago called an effort to centralize in the hands of the Federal Government large powers hitherto exercised by the States. For the Court to have fostered such intentions, it declared in the Slaughter-House cases, would have been "to transfer the security and protection of all the civil rights—to the Federal Government—to bring within the power of Congress the entire domain of civil rights heretofore belonging exclusively to the States," and to "constitute this Court a perpetual censor upon all legislation of the States, on the civil rights of their own citizens, with authority to nullify such as it did not approve as consistent to those rights, as they existed at the time of the adoption of this amendment."

The Court went on to say that the effect of so great a departure from the structure and spirit of our institutions would be to fetter and degrade the State governments by subjecting them to the control of Congress, in the exercise of powers heretofore universally conceded to them of the most ordinary and fundamental character. The Court declared itself convinced that no such results were intended by the Congress, nor by the legislatures which ratified the 14th amendment. I hope the Senate will not take issue with the Court on this point when it votes on my amendment.

PROPOSED NEW SECTION 1862 OF TITLE 28, UNITED STATES CODE

Section 1862 of title 28, United States Code, as proposed to be enacted under the provisions of section 101 of H.R. 14765, is not new language, except in the addition of the words "religion, sex, national origin, or economic status" subsection (c) of section 1863 of title 28 now provides that:

> No citizen shall be excluded from service as grand or petit juror in any court of the United States on account of race or color.

This provision was enacted June 25, 1948.

With respect to the words which have been added in the proposed new section 1862, I think it is possible to have some reservations.

I would question whether a member of the Black Muslims, whose religion teaches him that all white men are his enemies, should sit on a jury in a case where a white man is on trial.

I would think a prosecuting attorney in a treason case would want to challenge for cause, and have excluded from service, a prospective juror whose religion required him to oppose the death penalty for anyone under any circumstances.

In the trial of a kidnap-murder case in which the defendant was alleged to be a member of the Mafia, the prosecutor and defense counsel might agree to have excluded from the jury a naturalized citizen of recent Italian origin.

Counsel for the defendant in a libel action, where the plaintiff was a woman and the alleged libel had been published in a book in which the defendant spoke rather harshly not only of the plaintiff, but of women in general, might feel he had a right to ask that women be excluded from the jury.

If a Federal grand jury should some day indict one or more hotel owners in Las Vegas, Nev., for alleged tax evasion by "skimming," I would expect the U.S. Attorney in charge of the case to argue most seriously for exclusions from the

jury of any prospective juror whose economic status was the same as that of the defendant—that is, who was a Las Vegas hotel owner.

However, there are ways to rationalize the situation in nearly all such cases; for instance, the hypothetical Black Muslim to whom I referred could be excluded from the jury on grounds of what he *believed, without* regard to the fact that it was his religion that made him believe it; women could be excluded from the jury in the hypothetical case because of prejudice, without regard to the fact that such prejudice was based on sex; and so on through each of the hypothetical examples.

At least the new section 1862 of title 28 which is proposed for enactment by H.R. 14765 is not poorly drafted, is not absurd, and does not require something which is impossible. I shall not propose any amendment to this section.

PROPOSED NEW SECTION 1863 OF TITLE 28, UNITED STATES CODE

The new section 1863 which this bill proposes to write into title 28 of the United States Code appears to follow generally the existing provisions of law in this area, which are to be found in section 1864 of title 18, United States Code; but there are some substantial differences. They are worth examining in detail.

The existing law provides for a jury commissioner and a clerk to act jointly; the proposed new law calls for a jury commission to be composed of the clerk and a citizen appointed by the court as a jury commissioner. In other words, the new law makes the clerk of the court ex-officio jury commissioner. This does not seem to represent a substantial departure from existing law.

The proposed new law includes a proviso that the court may establish a separate jury commission for one or more divisions of the judicial district by appointing an additional citizen as a jury commissioner to serve with the clerk for each such division or divisions.

There is no similar provision in section 1864 of the United States Code at the present time, but there is a provision in section 1865 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, and not to incur unnecessary expense or undue burden to citizens of any part of the district, and that—

> To this end the court may direct the maintenance of separate jury boxes for some or all of the places for holding court in the district and may appoint a jury commissioner for each such place.

The procedure established under the proposed new provision does not seem greatly different from that now authorized under section 1865, though the reasons set forth in the existing law are abandoned in the proposed new language.

A very substantial difference is to be found, however, in the provision with respect to the jury commissioner.

The existing statute requires, in section 1864, that the jury commissioner "shall be a citizen of good standing, residing in the district," and that he shall be "well known."

The language of the proposed new section 1863 provides only that the jury commissioner "shall during his tenure in office reside in the judicial district or division." Thus, where the present law requires the appointment as jury commissioner of a "well-known" citizen of "good standing" who already resides in the district, the proposed new law would allow the appointment of an outsider, merely requiring that he shall reside in the district or division during his tenure in office.

Where the existing law requires the appointment as jury commissioner of a person who is a well-known member of the principal political party in the District opposing that to which the clerk or deputy, then acting, may belong; the proposed new law merely requires that the jury commissioner shall not belong to the same political party as the clerk serving with him.

It will be seen that the effect of the present law is to exclude from appointment as jury commissioners members of political third parties or splinter parties which do not have a substantial membership within the district. The practical effect of the existing law is to require appointment as jury commissioner of a Democrat where the clerk is a Republican, and the appointment of a Republican where the court clerk is a Democrat.

Under the proposed new language, it would be possible to appoint, as jury commissioner, a member of any political party other than that to which the clerk belongs. It would even be possible to appoint a person not a member of any political party. That latter possibility does not worry me; but I am seriously concerned about the possibility that persons from outside my State might be appointed jury commissioners, subject only to the requirement that they come into the State and live in the district or division for which appointed during their tenure in office.

I am also greatly concerned about the fact that under this proposed new language, a member of the Communist Party, or even a member of the so-called Mississippi Freedom Party might be appointed as a jury commissioner. I rather think the purpose of drafting this language, as it has come to us, was to permit such appointments.

I note that wherever the present law provides for compensation for the jury commissioner at the rate of $5 per day for each day he is necessarily employed in the performance of his duties, the proposed new section 1863 provides for paying him up to $50 per day plus reimbursement for travel, subsistence, and other necessary expenses.

I think that is out of line with reality, and it is also out of line with the increases in fees for jurors which are proposed in this bill: from $10 to $20 per day during the first 30 days, $14 to $25 per day for each day over this 30 days, and so on.

At the appropriate time, I shall offer three amendments to the language of the proposed new section 1863: one to restore the requirement for appointment of a jury commissioner, in any instance, from among residents of the judicial district; one to restore the provision of existing law which gives the position of jury commissioner to a member of either the largest or second largest political party in the district, whichever one the clerk of court does not belong to; and a third amendment to make the rate of pay for jury commissioners not $50 per day but only $20 per day, and to eliminate the provisions for reimbursement for travel, subsistence, and other expenses.

PROPOSED NEW SECTION 1864 OF TITLE 28, UNITED STATES CODE

Beginning at page 4 of this bill, on line 3, we find a proposed new section 1864 of title 28, United States Code.

This proposed new section comprises six subsections.

Subsection (a) provides for maintaining a master jury wheel in each district or division which has a jury commission. The subsection directs that the jury commission shall place in the master wheel "names selected at random from the voter registration lists of persons residing in the judicial district or division."

Then follows a proviso that the judicial council of the circuit "shall prescribe some other source or sources of names for the master wheel in addition to the voter registration lists where necessary, in the judgment of the council, to protect the rights secured by section 1862."

Section 1862, as proposed for enactment in H.R. 14765, is back on page 3 of the bill, lines 2 to 5, and prohibits any exclusion from jury service on account of race, color, religion, sex, national origin, or economic status.

It is clear, therefore, that the proviso in subsection (a) of the proposed new section 1864 of title 28, on page 4 of this bill, authorizes the judicial council of the circuit, whenever it may decide that a particular race, or color, or religion, or sex, or national origin, or economic status is not represented by enough names in the jury wheel, to provide for placing in the wheel additional names of persons of that particular race, or color, or religion, or sex, or national origin, or economic status. This is to be done by prescribing some source or sources of names other than the voter registration lists.

There is no further restriction in this subsection, or anywhere else in the bill, or where the additional names are to come from. The judicial council is left free to name any conceivable source or sources of names.

It is frightening to speculate on the possibility offered by the complete freedom which subsection (a) of the proposed new section 1864 of title 28 extends to the judicial council of the circuit, in naming an additional source or additional sources of names for the master jury wheel.

Suppose the judicial council should decide that the names of additional Negroes should go in the wheel. Could

a membership list of the NAACP, or of the Student Nonviolent Coordinating Committee, or of CORE, be designated—as a source of additional names for the master jury wheel?

There is nothing in this bill to prevent it. For that matter, if the judicial council of the circuit, in its discretion, chose to designate, as a source of additional names for the wheel, the membership list of the so-called Mississippi Freedom Democratic Party, the language now carried in this bill would appear to authorize such action.

I do not believe any Senator wants to vote to authorize the selection of names of members of a particular political party, or of a particular political action group, for inclusion in a master jury wheel; and at the appropriate time, I shall offer an amendment to change subsection (a) of the proposed new section 1864 of title 28 so that it will not authorize this.

It is significant, though not surprising, that whereas subsection (a) of the proposed section 1864 of title 28 provides for random selection of names for the voter registration lists, to be placed in the master jury wheel, there is no such requirement of random selection with respect to the selection of names from any other source or sources which may be prescribed by the judicial council of the circuit. Names from any such additional source or sources may be handpicked without in any way violating the provisions of the law as H.R. 14765 proposes to enact it. Of course, the principle of nondiscrimination in jury selection would be violated, most grievously, by any such efforts to pack a jury wheel.

It is both interesting and surprising to find that it is not even required in the proposed new section 1864 that the additional source or sources named by the judicial council of the circuit shall produce names of residents of the judicial district. Unless the courts should read into the bill an implied requirement of this nature, it would appear that the bill could be construed to authorize inclusion in the wheel of the names of individuals who are not residents of the judicial district, if these names come from a source or sources prescribed by the judicial council of the circuit.

At the appropriate time, I shall offer an amendment to make it clear that whatever their source, only the names of residents of the district or division served by the jury commission are to go into the master jury wheel.

Let me call the attention of the Senators to the fact that the provision for random selection of names from the voter registration lists of a particular judicial district or division, for placement in the master jury wheel maintained by the jury commission serving such judicial district or division, appears to be in conflict with two other provisions of the proposed new section 1864 of title 28, specifically subsections (c) and (d) thereof.

I shall explain this more fully when I get to a discussion of these respective subsections; and at the appropriate time, I shall offer amendments intended to remedy these conflicts.

Subsection (b) of the proposed new section 1864 of title 28, United States Code, which Senators will find beginning in line 14 on page 4 of the bill H.R. 14765, is concerned mainly with the number of names to be placed in the master jury wheel of each judicial district or judicial division. It calls for placement in the wheel of a number of names equal to at least one-half of 1 percent of the total number of persons of voting age residing in the district or division, unless the chief judge of the district with the concurrence of the judicial council of the circuit determines that maintenance of such a number of names in the master jury wheel is unnecessary and burdensome, and thereupon prescribes a lesser number of names to be maintained in the wheel.

The subsection carries a limitation, in a proviso, fixing the absolute minimum number of names to be placed in the master jury wheel in a district or division at not less than three times the total number of jurors actually called for jury service in the district or division during the preceding calendar year.

The provisions of this proposed new subsection might perhaps be improved in form, but they seem reasonably clear as they stand, and do not appear objectionable in any respect. Since I do not believe we should attempt, on the floor of the Senate, to correct the draftsmanship of a bill merely because we think we might be able to do better, but only where the existing fault is so great that it cries out for correction, I shall have no amendment to propose to subsection (b) of the proposed new section 1865 of title 28.

Moving on to subsection (c) of the proposed new subsection 1864, which Senators will find in the first three lines on page 5 of the bill H.R. 14765, we come again to language which does indeed cry out for correction.

This subsection appears to be in sharp conflict with the provision of subsection (a) of the same section that names to be placed in the master jury wheel shall be selected at random from the voter registration lists of persons residing in the judicial district or division. Subsection (c) requires that the master jury wheels shall contain "names of persons residing in each of the counties, parishes, or similar political subdivisions within the judicial district or division."

Now, there may be a dozen counties or parishes, perhaps more, in a particular judicial district. While it is likely that a random selection of several hundred names from the voter registration lists of persons residing within the district will include at least a few names from each individual county or parish, this is by no means statistically certain.

The only way to be certain that the wheel contains names of persons residing in each of the counties or parishes, or similar political subdivisions, within the judicial district is to check the residence addresses of the individuals whose names have been selected at random.

Now, suppose this is done, and it is found that a particular county is not represented by even one name. How, then, is compliance with the language of subsection (c) to be attained? Obviously, some names of individuals residing in the particular county or parish will have to be added to the names already in the jury wheel. But where and how are the names to be obtained which are to be added?

Simply to proceed with a random selection of names from the voter registration lists, until the drawing has included the names of one or two or three, or some other desired number, of persons residing in the particular county or parish previously unrepresented by any other name in the wheel, may make it possible to accomplish this by drawing only a few more names; but on the other hand, it is possible that hundreds of additional names might be drawn before this could be accomplished.

Would these names be added to those in the master jury wheel, thereby further unbalancing the representation of various counties or parishes? Are these unwanted names to be cast aside? Shall they be left on the voter registration lists? This bill is silent on all these questions.

An easier method, obviously, would be to select some names from the voter registration lists which are known to be in the names of persons residing in the particular county or parish which is unrepresented by any of the names in the wheel, and add these new names to the others in the wheel. But how are we to select these names? If they are selected because they are recognized as the names of residents of the particular county or parish, then obviously this is not a random selection. Furthermore, to select names in this way might open the door to possible abuses, just as would any authority be to pick the names of particular individuals for inclusion in the master jury wheel.

And of course, as I have pointed out, the principle of nondiscrimination in jury selection has been abandoned as soon as the handpicking of names is started.

Another possible way to accomplish the result required by subsection (c) of the proposed new section 1864 might be to collect in one place all the names of registered voters residing in the particular county or parish which is unrepresented by names already in the wheel, and then make a particular number of selections at random from this group of names. This would necessitate, of course, having a separate list of names of the registered voters residing in the particular county or parish.

If such lists are to be used, why not make drawings at random from the separate lists of registered voters residing in each county or parish, and then put them all together in the master jury wheel? One problem which immediately comes to mind in connection with this suggested procedure is the necessity of deciding how many names to draw from among the registered voters of each county or parish.

Shall the drawing be approximately equal, and accomplished by drawing names at random, from each separate county or parish list in turn? This might be deemed an unfair discrimination

against those counties or parishes having larger populations than some of the others, and which therefore might be expected, statistically, to have a proportionately higher number of names in the jury wheel on the basis of a random drawing from the entire list of registered voters residing within the district.

Would it be proper to attempt to draw from the list of names of registered voters residing in each particular county a number of names proportionate to the total number of registered voters in that county? This might be an acceptable solution, but does not appear to be authorized by the language in this bill as it now stands.

Furthermore, neither of these methods would comply with the requirement in subsection (a) of the proposed new section 1864 that names to be placed in the master wheel shall be selected at random from the voter registration lists of persons residing in the judicial district.

Perhaps in an effort to solve some of these problems, the drafters of this bill have included in subsection (d) of the proposed new section 1864 a provision that the chief judge of the district "shall prescribe, by rule, definite and certain procedures to be followed by the jury commission in making the random selection of names required by subsections (a), (b), and (c) of this section."

This requirement, like so many other requirements of this bill, is absolutely impossible to fulfill.

The chief judge can, of course, prescribe by rule, definite and certain procedures to be followed by the jury commission; but he cannot provide definite and certain procedures to be followed in making random selection of names, because names which are selected in accordance with definite and certain procedures are not selected at random.

Furthermore, it appears that any procedures which might be prescribed by the chief judge of the district, or which would comply with the provisions of subsection (c) of the proposed new section 1864 requiring the master jury wheel to contain names of persons residing in each of the counties, parishes, or similar political subdivisions within the judicial district, could not possibly comply with the requirement of subsection (a) that names to be placed in the master wheel be selected at random from the voter registration lists of persons residing in the judicial district.

In order to clear up these confusions and contradictions, I propose a compromise. Let us amend the language of the proposed new section 1864 of title 28 so as to remove the conflict between the provision for random selection in subsection (a) and the provisions in subsection (c) requiring the inclusion of names of persons residing in each of the counties, parishes, or similar political subdivisions within the district.

LEGISLATIVE SCHEDULE—RECESS UNTIL TOMORROW

Mr. HART. Mr. President, the majority leader has asked that notice be given that it is proposed that tomorrow the Senate consider Calendar Nos. 1569 and 1570. These are H.R. 16330 and H.R. 16367, respectively.

Mr. President, if there is no further business, pursuant to the order entered yesterday, I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock p.m.) the Senate recessed until Friday, September 16, 1966, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate September 15 (legislative day of September 7), 1966:

U.S. MARSHAL

Anthony R. Marasco, of New York, to be U.S. marshal for the southern district of New York for the term of 4 years. (Reappointment.)

IN THE ARMY

The following-named persons for appointment in the Regular Army by transfer in the grades specified, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288, 3292 and 3294:

To be captain

Rose, Gerald S. (MSC), O80336.

To be first lieutenants, Judge Advocate General's Corps

Adams, Wilsie H., Jr. (Inf), O90638.
Hug, Jack P. (Arty), O90876.
Johnson, Robert N. (OrdC), O90891.
Lewis, Jerome X., II (Arty), O90925.
Livingston, James L. (Inf), O93809.
Watkins, Charlie C. (CE), O91116.

To be first lieutenants, Medical Corps

Dean, Arthur J., Jr. (Inf), O90753.
Flannery, Eugene P. (Arty), O90801.
Segal, Herbert E. (MSC), O99589.

To be first lieutenant

Estey, Melvyn A., Jr. (MSC), O97312.

The following-named persons for appointment in the Regular Army of the United States, in the grades specified under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287 and 3288:

To be majors

Bagby, Herschel W., O1935935.
Ciricillo, Alfred S., O1885964.
Johnson, Frank G., O1935030.
Kamstra, Robert H., O2265284.
Merritt, Fred J., O1924683.
Millward, William N., Jr., O1937330.
Morton, James B., O1932110.
Reed, Ramon C., O2028744.
Richnak, Frank W., O2021116.
Shalala, Samuel R., O1936074.
Vieler, Eric H., O2028644.
Weems, Elmer J., O1936275.
White, Herbert L., O1873044.

To be captains

Allison, Samuel C., Jr., O5307768.
Austin, Thomas A., O1939977.
Barnes, Wilson E., O5208583.
Baucom, Billy J., O5310567.
Blackwood, Jerry D., O5403590.
Bowles, Gary W., O5301674.
Cripps, Donald W., O902881.
Davis, James S., O1937092.
Doray, Paul D., O1937894.
Dunnuck, Robert T., O5405059.
Evans, John A., O5403269.
Fewox, Jerome E., O5307586.
Folkerson, Donald A., O4031300.
Frith, John R., O5306522.
Griggs, James L., O5303710.
Hazlewood, Richard L., O5305091.
Houser, John W., O4010211.
Jackson, Clarence, Jr., O5208596.
Kale, Henry F., Jr., O4026384.
Kendall, Presley W., O5304990.
Kendrick, Richard P., O5305909.
Kestle, Lawrence D., O4085615.
Knutson, Richard H., O5304352.
Lett, James W., O4004135.
Martin, Donald R., O4049587.
McDaniel, Everett S., O5005215.
McLarty, William D., O5505657.
McMillon, Don, O4030924.
Mercer, Warren H., O5002281.
Myers, Melvin L., O5404094.
Oberg, Robert E., O4010906.
Partin, David W., O4031501.
Petherbridge, Curtis L., O4065339.
Phillips, Bruce C., O5208179.
Rizzo, Donald R., O4031472.
Rosler, Curtis W., O5704538.
Saul, Gordon E., O5405264.
Scheg, Leonard J., O1878411.
Sims, Robert H., Jr., O4071664.
Stevens, Ralph P., O5307408.
Summers, Ronald K., O4031436.
Sylvan, Lawrence D., O4063793.
Van Dyke, James A., O4059488.
Walpole, Richard W., O4030960.
Washington, Samuel, Jr., O4044991.
Young, Roger Q., O4037123.

To be first lieutenants

Asmuth, George W., O5530058.
Bennett, Walter D., O5311841.
Binns, Harvey L., III, O5219166.
Bradshaw, James D., O2299733.
Burlas, Joseph E., Jr., O4070018.
Butler, Arthur H., O5406169.
Cavedo, John R., O5406275.
Collier, William P., Jr., O5210730.
Corcoran, George M., O2304762.
Crockett, Darwin T., Jr., O5312261.
Cross, Edwin L., O5018087.
Demchsak, John G., O5011211.
Dickinson, Gary L., O5515099.
Dorsey, James D., O5215877.
Duggan, Robert M., O5209025.
Fang, Donald R., O5216525.
Felton, Richard O., O5314928.
Ficke, Robert G., O5514793.
Fink, Kenneth L., O5220262.
Fonner, David W., O5704816.
Fossum, Raymond O., O5705690.
Glover, William L., O5215802.
Halesky, Paul J., O5208100.
Harris, William D., O5218869.
Haupt, Jerome L., O5704995.
Haynes, Howard R., O5220439.
Head, William J., O5310762.
Hix, William M., O5413496.
Horvath, Richard L., O4060453.
Houghton, Gareth C., O5405819.
Hughes, Gary D., O5311015.
Johnson, Darryl W., O5410894.
Johnston, Eugene J., O5708273.
Jones, Colonel B., O5405756.
Joplin, Paul L., O5412395.
Kirchner, Peter A., O5221841.
Knudson, Wayne C., O5315230.
Kolch, Marvin J., O5515815.
Large, George R., O5405719.
Leadbetter, Richard A., O5010596.
Lecklitner, Alan D., O5507783.
Legare, Ben W., Jr., O5320698.
Marshall, Elbert M., O5404212.
McCellan, David M., O5016954.
McCormick, Donald R., O5531437.
McGraw, Jimmy J., O5409703.
Menezes, Ernest R., O5009387.
Mengel, Russel W., Jr., O5221278.
Milton, Larry L., O5414372.
Morris, Delton R., O5304245.
Mouw, James W., O5409335.
Murdoch, Robert V., O5314691.
O'Neil, James W., O5708296.
Painter, Dan H., O5406267.
Pearson, Samuel D., O5215585.
Perrenot, Frederick A., O5401283.
Perry, Daniel R., O5413181.
Quast, John G., O5215088.
Rasch, Robert A., O5310931.
Rawlings, Earl D., O2297286.
Richardson, Hazekiah M., O5317330.

Righter, Christopher D., O5007732.
Ritchie, Richard H., O5214215.
Robertson, Gerald E., O5512285.
Saari, Donald R., O5010996.
Sanderson, Raybon C., O5317685.
Sanfilippo, Richard S., O5310543.
Sarda, Ram M., O2310895.
Scharberg, Garry A., O5512311.
Schramm, James D., O5532192.
Sellers, Tony M., O5406367.
Smith, George D., O5406931.
Steen, Robert S., O5310066.
Strom, Roger C., O5709698.
Thornton, Robert C., O5308558.
Turner, Terry G., O5513096.
Van Newkirk, William K., O5220821.
Ward, Theron W., O5706658.
Wright, Rodney L., O5517040.
Yancy, Jimmie B., O5318068.
Young, Alvin D., O5317909.

To be second lieutenants

Allen, Ralph L., O5415792.
Allman, Douglas D., O5709905.
Bailey, Charles R., O5414827.
Bailey, Robert N., O5310566.
Bambini, Adrian P., Jr., O5327319.
Barringer, David F., O2310748.
Bradley, David K., O5535730.
Brydon, Charles F., O5024722.
Butler, Francis P., O5019445.
Cooke, Harold L., O5415782.
Deputy, Thomas M., O5532582.
Dunn, Gerald J., Jr., O5224926.
Dunnem, Alvin E., O5418786.
Fitzgerald, Kirk S., O5326881.
Girdon, Terry A., O5225084.
Godfrey, Richard P., O5406819.
Gorday, James C., O5320858.
Hampton, John W., O5319263.
Hartwig, Rodger E., O5419106.
Heisner, Ralph P., Jr., O5226840.
Jackson, Alver L., Jr., O5325278.
Jackson, James R., O5416638.
Kessel, Philip W., O5406601.
Kish, George W., O5020557.
Kulvich, Robert G., O5875385.
Lanford, Nathan A., O5415750.
Lorimer, William, IV., O5533279.
McCarthy, Gordon G., O5017945.
Nefzger, Melvin E., O5710674.
Nye, James D., O2314611.
Pollard, William H., O5710036.
Rea, Billy C., O3128274.
Reed, Ira M., Jr., O5406575.
Revello, Charles T., O5230521.
Riddle, Ronald W., O5324996.
Roberts, Rodolfo, O5826606.
Sammons, Richard G., O5710789.
Sexton, Heyward E., O5418834.
Shelton, Henry H., O5319031.
Sisler, George K., O5326482
Smith, James W., O5415906.
Spearman, Ronald K., O5419156.
Tripler, David J., O5406528.
Turi, Robert T., O5228584.
Tyson, William E., O5321415.
Vanderland, Peter A., O5227119.
Vanderwal, Wouter K., O5418924.
Wallace, Charles L., O5321283.
Watkins, David C., O5325189.
Wiese, Frederick W., O5326509.
Wilson, Lee H., O5320022.

The following-named persons for appointment in the Regular Army of the United States, in the grades and branches specified, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288, 3290, 3291, 3292, 3294, and 3311:

To be captain, Army Nurse Corps

Kingsbury, Betty J., N2295424.

To be captains, Dental Corps

Adams, Roy P., O5518993.
Bulken, James D., O5021800.
Feeney, Gerald F., O5209728.
Hipp, Benny R., O5400388.
Ishimura, Samuel M., O5800167.
Lewis, Lawrence M., O5013261.
Machuca, Julio A., O5826385.
Madison, Richard D., O5220508.
Naito, Roy M., O5216791.

To be captains, Medical Corps

Brown, James F., IV, O5001829.
Burgin, William W., Jr., O4062119.
Chenoweth, Richard G., O2309412.
Chronister, Wayne S., O2300667.
Dishman, Jess M., Jr., O5525295.
Eisenbaum, Sidney L., O5015254.
Foy, Gerald W., O5021826.
Gailliot, Robert V., O5224125.
Glendening, Thomas B., O5711686.
Grossman, Richard A., O5708951.
Guzman, Eduardo, Jr., O5319656.
Hill, Paul S., O4048188.
Houston, Samuel D., O5400406.
Kaplan, Burton H., O4069056.
Levinson, Louis E., O5014864.
Lewis, Charles W., O2305355.
Lockett, Bobby L., O2313096.
Terra, Justin C., O5239594.
Williams, McRae W., O5227683.

To be first lieutenant, Army Nurse Corps

Ellis, Barbara S., N5411392.

To be first lieutenants, Dental Corps

Edmonds, Peter P., O5007899.
Ellinger, Harley A., O5224197.
Getchonis, James A., O5014718.
Goldberg, Joel R., O5227429.
Hahn, Eitel H., O5420771.
Herrmann, John W., O5214395.
Maupin, Clay C., Jr., O5519606.
Sering, Dale L., O5519521.

To be first lieutenants, Judge Advocate General's Corps

Keene, Kenneth P., O2321941.
Robbins, Thomas Q., O5309985.

To be first lieutenants, Medical Corps

Barcia, Peter J., O5312049.
Beeler, Henry S., O5214762.
Bianchi, Anthony, O5520017.
Briggs, William A., O5212155.
Brown, Luther E., O5313771.
Brundage, Bruce H., O2316836.
Camp, Richard A., O5010182.
Caporossi, Paul V., O2316811.
Chojnacki, Richard E., O2316805.
Collin, Daniel B., O2316804.
Corder, Michael P., O5219996.
DiBella, Nicholas J., O2316908.
Escue, Henry M., Jr., O5310146.
Gibson, Eldon V., O2320779.
Haynes, Richard J., O2320780.
Herzinger, Raymond G., O5226024.
Peck, Charles A., Jr., O5227354.
Petty, William C., O5711353.
Post, Albert A., O2320669.
Rankin, Edward A., O5514106.
Robertson, Theodore R., O2320667.
Rumbaugh, James H., O2313017.
Sawyer, Robert, O5519200.
Schiele, Howard P., O2316739.
Shively, Harold H., Jr., O5219973.
Snyder, Alexander B., O2316744.
Sweet, Robert S., O2320740.

To be first lieutenants, Medical Service Corps

Collins, Robert P., O5214004.
Foster, George H., O2307917.
Giove, Francis L., O5310184.
Laaken, Bernard R., O5223729.
Manaro, Arthur J., O5305181.
O'Brien, Joseph D., O5216224.
Schwicker, Dale H., O2314342.

To be first lieutenant, Women's Army Corps

Hampton, Marian F., L5317056.

To be second lieutenants, Army Medical Specialist Corps

Heffley, Annabelle L., M2317334.
Tibble, Judith R., M2317833.

To be second lieutenant, Army Nurse Corps

Jones, Mary M., N2317171.

To be second lieutenants, Medical Service Corps

Bock, Lauren G., O5710367.
Bronson, Marion M., O2319715.
Fryer, Eugene D., O2317569.
Lohmiller, William E., O5530775.

The following-named distinguished military student for appointment in the Judge Advocate General's Corps, Regular Army of the United States, in the grade of first lieutenant, under the provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3292:

Stalnaker, Edward B., O5323787.

The following-named distinguished military students for appointment in the Medical Service Corps, Regular Army of the United States, in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Andrews, Kevin R.
Scheer, Eddie F.

The following-named distinguished military students for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, and 3288:

Adami, Frederick W., III
Ballard, Robert I. O5421632
Bessette, Harvey
Boland, Hayden E.
Bowen, Alfred T., Jr.
Bridges, Terrell D.
Broussard, Harry L.
Callaway, John H.
Campbell, Samuel E.
Camuso, Guy J., Jr.
Cording, Lewis C.
Davis, William S.
Dimuzio, David A.
Dobrogowski, Phillip A.
English, Charles H., Jr.
Figone, Robert J.
Gordon, Danny M.
Hart, Walter D., Jr.
Hennigh, Thomas L.
Hickman, Bennie D.
Higbe, Wayne J.
Humo, John T.
Jackson, Thomas M.
Johnson, Richard G.
Kellner, Wayne A.
Kinman, Leroy E.
Koehler, Alexander S. J.
Lambert, Eugene O5234594
Leon, Philip W.
Maddan, Jack H., Jr.
Marino, William J.
Martin, Richard H.
Maultsby, Calvin N.
Mayfield, Truman M.
McCorkle, Gary K.
McDonnell, Patrick J., Jr.
McLain, Frederick R., Jr.
Moller, Elmer R., III
Montgomery, Waldo W., Jr.
Morris, Lansford D.
Moss, Donald E.
Nordin, Daniel E.
O'Connor, James C.
O'Looney, James P.
Queen, John F.
Rauter, Thomas C.
Ruth, Lorry R., Jr.
Salverson, John L., Jr.
Starr, John B., Jr.
Taylor, Larry L.
Taylor, William J.
Vincent, Donald D.
Walz, Robert D.
Wescott, Donald C.
White, Dennis J.
Whitney, John L.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 15 (legislative day of September 7), 1966:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Stephen N. Shulman, of Virginia, to be a member of the Equal Employment Opportunity Commission for the remainder of the term expiring July 1, 1967.

NATIONAL MEDIATION BOARD

Howard G. Gamser, of New York, to be a member of the National Mediation Board for the term expiring July 1, 1969.

IN THE PUBLIC HEALTH SERVICE

The nominations beginning George E. Goodman, to be surgeon, and ending Joel P.

Kollin, to be senior assistant sanitary engineer, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 6, 1966.

HOUSE OF REPRESENTATIVES

THURSDAY, SEPTEMBER 15, 1966

The House met at 12 o'clock noon.

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

Unto Thee, O Lord, do I lift up my soul.—Psalm 25: 1.

O spirit of the living God, whose still, small voice still summons us to turn aside from the feverish ways of foolish men, drop Thy still dews of quietness, till our strivings cease; take from our souls the strain and stress, and let our ordered lives confess the beauty of Thy peace.

In this mood we come this day and bow our hearts at this altar of prayer. May we be led into green pastures, beside still waters, and find restoration of spirit and a renewal of our faith in Thee. Even though we walk through the valley of the shadow of death we will fear no evil for Thou art with us, strengthening us and supporting us.

Bless Thou the Members of this House that they may have wisdom and faith and courage for the experiences of this day, and may they never fail man nor Thee. So may we and other nations together find the way to peace. In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 16559. An act 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 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 bill (H.R. 13712) entitled "An act to amend the Fair Labor Standards Act of 1938 to extend its protection to additional employees, to raise the minimum wage, and for other purposes."

RECESS

The SPEAKER. The House will stand in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 3 minutes p.m.), the House stood in recess subject to the call of the Chair.

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES

The SPEAKER of the House presided.

The Doorkeeper, Hon. William M. Miller, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to conduct the President of the Republic of the Philippines into the Chamber the gentleman from Louisiana, Mr. BOGGS; the gentleman from Wisconsin, Mr. ZABLOCKI; the gentleman from California, Mr. MOSS; the gentleman from Michigan, Mr. GERALD R. FORD; the gentleman from Illinois, Mr. ARENDS; and the gentlewoman from Ohio, Mrs. BOLTON.

The VICE PRESIDENT. The Chair appoints as members of the committee on the part of the Senate to accompany the President of the Republic of the Philippines into the Chamber the Senator from Montana, Mr. MANSFIELD; the Senator from Louisiana, Mr. LONG; the Senator from Florida, Mr. SMATHERS; the Senator from Georgia, Mr. RUSSELL; the Senator from Arkansas, Mr. FULBRIGHT; the Senator from Illinois, Mr. DIRKSEN; the Senator from Iowa, Mr. HICKENLOOPER; the Senator from California, Mr. KUCHEL; the Senator from Vermont, Mr. AIKEN; and the Senator from Massachusetts, Mr. SALTONSTALL.

The Doorkeeper announced the ambassadors, ministers, and chargés d'affaires of foreign governments.

The ambassadors, ministers, and chargés d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 12 o'clock and 31 minutes p.m., the Doorkeeper announced the President of the Republic of the Philippines.

The President of the Republic of the Philippines, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of Congress, our country today is honored to have in its midst one of the world's most dynamic leaders from one of Asia's most vital countries, tied to us by true bonds of friendship.

Our Houses of Congress are also honored to convene in joint meeting to hear the message of a friend. Our distinguished guest comes to us as a veteran of our forces, a much decorated hero of epic battles for freedom and security, a statesman of high ideals, whose vision has already found responsive chords in those reaches of the world where aggression once again is on the move and where free men, once more, are rallying to the cause of freedom.

It is my great privilege, my colleagues, and I deem it a high honor, to present to you His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines.

[Applause, the Members rising.]

ADDRESS BY THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES

President MARCOS. Mr. Vice President, Mr. Speaker, distinguished Members of Congress, ladies and gentlemen, I must first thank the distinguished Speaker of the House of Representatives for his generous introduction.

When your distinguished diplomat by instinct and by necessity, Vice President HUMPHREY, extended to me the invitation of your great leader President Johnson to visit the United States in his now well-storied and effective trips to Asia, I did not expect the distinct honor of addressing a joint session of the U.S. Congress.

For there is no more noble forum than the U.S. Congress. It is the Foro Romano, the Roman Forum of the modern world. For, indeed, in our century, you are more than the voices of the American people or of American civilization. The voices that speak here speak to every man of the world. And it is here, since the 18th century, that the issues of modern times have been expressed and debated. Your decisions impinge upon the lives of the lowly and powerful alike.

Conscious of these circumstances, I come as an Asian, and I come with a message from Asia and especially my country, the Philippines.

For, in culmination of a novel experiment in government, the United States dismantled its colonial machinery in my country some 20 years ago on July 4, 1946. It is as the elected representative of an Asian nation of 32 million people whose independence and destiny in the modern world had been the subject of debate in this Hall, that I stand before you today.

I come before you as the bearer of these messages.

FIRST MESSAGE—FRATERNAL AFFECTION

The first is a message of fraternal affection from the Filipino people.

America occupies a special place in Philippine hearts. So do the American people. And we Filipinos, for our part, are proud to be counted among America's friends and allies.

I have journeyed 10,000 miles across the Pacific and continental America. I have come from Asia, from what some may describe as another world. But I feel at home in your midst.

For here in America I breathe a native air, the air of freedom that has become as much the breath of life for

our young Republic as it has been for yours for nearly 200 years.

And in this inner citadel of American democracy, in this Congress of the United States, where the vital pulse of freedom beats strong and true, my own heart is at ease.

At ease and full. For any citizen of the free world, to stand here is to remember how a great Nation was formed in liberty tempered by law. How the greatest of democracies flourished in freedom, and became, in two global wars, the salvation of the world. And now, at the summit of its power, it is called upon to lead in translating into reality the most cherished of humanity's hopes: peace with justice, in a world rebuilt upon a moral order that insures survival and growth even under the shadow of manmade total destruction.

For a Filipino like myself, to stand here is also to remember that in this kindly land lies one of the fountainheads of his own country's liberties, that from here emanated the generous impulse that made possible a new birth of freedom in the Pacific, that in a very real sense the Philippines is a sister republic of the United States.

That new birth of freedom in our island nation was but the first of many. The independence of the Philippines initiated the dismantling of colonialism in Asia, a historic process that was to extend to Africa and eventually become worldwide. To America belongs the pioneer's honor for bringing about one of the glories of our age: the vast extension of the frontiers of freedom through the emergence of so many new sovereign states.

Filipinos believe that he who does not look back to his origins will not reach his goal. This belief applies to nations as well as men. When I say that we Filipinos have a special regard for America, I look back to a Philippine-American association of more than half a century, during which a friendship was formed strong enough to endure the trials of war, and I hope rich enough in living values to meet the varied and stern challenges of peace.

THE REVOLUTION OF 1898

I look back and it was precisely this spirit of prevailing freedom in the United States, the ripeness of emancipation in your society, that made the Philippine revolutionary leaders in 1898 come into consultation and some terms of partnership with Admiral Dewey, even before a single American had landed on our shores.

The facts are in history: the agreement between President Aguinaldo and Adm. George Dewey; the consensus of opinion between the Filipinos fighting an ancient monarchy and a colonial regime and the Americans regarding the procedure of our finally realizing freedom.

THE PHILIPPINE-AMERICAN WAR

It matters not now to many what the true agreement was between American representatives and Filipino revolutionaries in Hong Kong—as to whether you promised independence, denied it, and claimed the Philippines as a purchase for $20 million—thus starting the bloody war between your country and mine of 1898 to 1902.

BATAAN AND CORREGIDOR

For you redeemed all of these with such an enlightened colonial policy that the Filipino committed himself to destruction in the frontlines of the lost battles of Bataan and Corregidor as well as the underground under American higher commanders. The frontiers of these historic places were manned by Filipino troops and Filipino officers.

It matters not except to us that after the Second World War the Filipino soldier felt disowned by you when you approved the law which provided that service of the soldiers of the Philippine Commonwealth inducted to the U.S. Army shall not be considered service in the U.S. Army for purposes of benefits and rights granted by law.

For the American leaders again listening in a spirit of fairness have openly declared an injustice had been committed and you have sought and are still seeking to right this wrong.

KOREA

So the Filipino soldier again died in the battlefields of Korea beside his American comrades for the same cause, while the Republic of the Philippines was fighting its own war of survival against the Huks, the armed elements of communism in my country who had staged their own violent national liberation movement.

VIETNAM

And today we send our sons to South Vietnam on an errand of mercy although we face the retaliation of armed communism in our own land in the midst of a financial crisis.

What matters was that you had willingly abided by the true image of America, at once providing in the Philippines a condition of the spirit of freedom: Founding throughout the country a universal educational system; replacing the feudal dispensation of the once regnant Spanish regime with civil institutions; helping the Commonwealth Government in its efforts to implement social and economic reforms, and, finally, introducing into our much-Europeanized culture, the technology, awareness, ideas, and expertise of the vigorous civilization of the new world.

And, as an Asian, may I say that this is precisely what has endeared the civilization of America to Asia. As Tagore had declared, at the turn of the 19th century, it is the modern spirit of Liberalism that makes the West relevant to us.

SECOND MESSAGE—VOTE OF THANKS

The second message from the Philippines is a vote of thanks to America.

History recalls that twice in this century America's power, wielded with courage and heroism by the American people, has provided the margin of strength needed to bring world wars to a victorious end. Twice after victory, America shunned the prospect of world domination and turned instead to the tasks of peace.

The Filipino people are thankful that the greatest military power in the world today is also the power most completely committed to the cause of world peace based on law and justice.

A distinguished historian has predicted that future generations will regard as the noblest achievement of our time, not military or scientific conquests, but the acceptance of international responsibility for the welfare of the entire human family. If this should indeed be the verdict of history, America would be entitled to claim a major share of the credit. For America has pioneered in giving reality to the revolutionary concept that rich nations should help those less fortunate than themselves, not only because it is necessary to do so in today's interdependent world but because it is right.

We in the Philippines are also thankful America has discharged the awesome responsibility of being the first and foremost atomic power in the world with restraint and wisdom. Humanity's safety and its chances for survival rest in the hands of America and we thank God that those strong hands are firmly harnessed to the uses of peace and the heart that moves them entirely worthy of its solemn trust.

THIRD MESSAGE

My third message is of greater urgency from the Philippines as well as from all of Asia.

THE WALL OF FEAR

As an Asian friend who has read the Asian mind and heart, allow me to speak in candor.

We note some hesitancy, some frustration and doubts in America today.

After you lost the mainland of China to communism, after the battles of Korea and the debacle of Dien Bien Phu, you have doubted your own strength, your own competence, and questioned your own wisdom. Even after the commitment of your sons in Vietnam, still the question is asked: "Where are we headed for?" The mothers ask, "Why must our sons die in some unknown land?"

We condole with you because we too have lost our sons in battle. We too have known the horrors of war. God grant that America will never know what we have known at first hand—Manila was the most ravaged city in the Far East after World War II, and, in the distinguished company of bombed-out shattered cities, was next only to Warsaw.

God grant that America will never see what we saw—an occupation army in full control of city and countryside.

And we know what guerrilla warfare means; we are intimate with its cruel connotations. And we know what it is to die in jungle fastnesses as well as in street corners and alleys—as your young men once knew death in Berlin and Paris, as they are experiencing now in the mud and mire of South Vietnam.

The Philippines is the only country, perhaps, which has overcome a national Communist rebellion with its own indigenous troops—without the aid of alien soldiery. And even today in the Philippines communism again has resurged as a reaction to our increased aid to the Republic of Vietnam.

You who have lost your sons in an unknown land—why such death, you ask? When will these sacrifices end, and what does the future hold for all of us?

These are your questions. Gone for our moment of history is Grotius and his vision of world order. Only you can answer these questions. I can only offer you my thoughts.

You have built around you a wall of fear—the wall of fear of Asia and all things Asian. It is the wall of fear of Asian communism. It is the wall of the unknown, the distant, the unplumbed risks, and the imagined terrors.

For a time Asia cringed in anxiety as there were suggestions that you forfeit your leadership in the Pacific because of fear.

America, the time has not yet come for you to lay down the heavy burden of leadership. Out of the bounty of your human and material resources, this great country has already given more generously to the common fund of human welfare than any other single nation in history. In the lifetime of this generation alone, America has contributed more to the security and well-being of the free world than could ever be repaid by its beneficiaries.

For America by the inscrutable judgment of destiny has become the trustee of civilization for all humanity. And America cannot escape this role.

WE ARE NOT WINNING THE WAR FOR THE MIND AND HEART OF ASIA

The summons to America is worldwide, but the area of greatest urgency is my own region, Asia. In Asia today, the issue of world war or world peace hangs in perilous balance. In Asia the future of freedom is being disputed in battlefields as well as in the minds and hearts of men—in the hamlets, the marketplaces. Last year we were losing the military war. Today the tide has turned. The military initiative has transferred to Vietnam and her allies. But we are not winning the war for the mind and heart of Asia. We are in danger of losing it.

In Asia the ultimate questions are being asked concerning man's capacity, in this atomic age, to survive his own suicidal instincts, fashion workable modes of coexistence, and eventually build that better world to which his nobler self aspires.

THE THREE CHALLENGES

Asia today challenges America and the rest of the world in three vital fields: security from aggression; economic cooperation; and the definition of the moral and political basis upon which a new, more creative, more stable partnership could be built.

VIETNAM

The war in Vietnam agitates the whole world and has brought into sharp focus the problems of Asian security. We stand with America in maintaining that aggression, whether perpetrated openly or by proxy must be deterred and defeated, that all nations, Asian or not, are entitled to freedom from fear of subversion or overt attack, that they should have the period of peace they need to attend unmolested to their urgent tasks of economic and social development.

AFTER VIETNAM

But peace or victory in Vietnam is only part of the answer to the question of Asian security. After Vietnam resurgent China poses the bigger problem. Very soon Communist China's growing military power may match its intransigence and its expansionist ambitions. This is the looming menace to Asian and world security today.

If the problem were simply a power equation, it could be solved tomorrow. But at the heart of the matter lies an agonizing dilemma.

THE DANGEROUS PERIOD OF A SECURITY GAP

To the free Asian nations rightly belong the primary responsibility for their own security and well-being. This is an inevitable and a welcome consequence of independence. It is a privilege as well as a duty. However, China's power, blatantly militant and still unrestrained by firm commitments to international law, is developing during the dangerous interim period when the other Asian states, whether jointly or alone, cannot organize adequate defensive strength and before the United Nations has perfected its capacity to maintain international peace and order. The resulting security gap invites intervention, subversion, and foreign-inspired "wars of liberation." This dangerous security gap which is the present period can only be filled by America. However much Asian nations may abhor or at best regard with distrust such non-Asian power. It is only American military power that is acceptable in Asia and great enough to deter Communist China's aggressive tendencies.

As an Asian who has made it his lifework to study and know the Asian mind and heart as reflected in the different countries, allow me to remind you that the old hard-core leaders around Mao Tse-tung are firmly and securely in power. The mantle of authority upon the demise of Mao Tse-tung will fall upon the shoulders of Marshal Lin Piao, the prophet of Mao Tse-tung still supported by Chou En-lai. This is a hard political reality. During the lifetime of these leaders at the least, it is believed by many that there is no probability of the moderation or mellowing of Chinese Communist policies. It is felt that Mao Tse-tung's version of protracted war, the war of national liberation, shall be utilized as an instrument of ideological expansion by means of an interminable wave of guerrilla action sustained by ruthless terror.

We are not against negotiations with Red China nor do we espouse a cutting of communications with them. On the contrary, we will support every effort to keep the channels of communication open and hope that negotiation can bring about a suspension of hostilities—but the military initiative just recently recovered should not be forfeited.

LIN PIAO'S PATTERN FOR CONQUEST

Marshal Lin Piao's pattern of world conquest is summed up in his terse simplification that in the world Asia, Africa, and Latin America are the rural areas while Western Europe and North America are the cities: That when the rural areas are conquered, the cities will fall as was their experience in the Chinese mainland.

AMERICAN NATIONAL INTEREST

Asia may fall but America is the ultimate target. It is, therefore, to your national interest that the plan be aborted.

HOPES FOR PEACE IN VIETNAM

For the past several months, several Asian states, the Philippines among them, have been working quietly and unobstrusively to bring about the first prerequisite to peace in Vietnam and that is to establish lines of communications between North and South Vietnam. The suspension of hostilities in South Vietnam can be attained only by the selfless obsession for anonymity by the negotiators that is required in delicate and sensitive negotiations of this nature.

To bring about peace in Vietnam will involve long, tedious, confidential, and secret negotiations. Patience and fortitude and just the right touch of sophistication and civility in the conduct of these negotiations will succeed. Publicity should come only after peace has been negotiated.

From my point of view it will not matter who will claim the credit for having brought about the successful negotiation. What matters now is that this violent, ruthless, and wasteful war must be brought to the conference table.

The effectivity and success of the quiet type of diplomacy that I propose and advocate has been demonstrated in the dismantling of the confrontasi between Indonesia and Malaysia in which the Philippines had a modest share.

Even in this modern world for the success of conciliation the most important factor to regard in Asian diplomacy is that no nation or leader or diplomat loses face in the negotiations. Losing face is still an unpardonable offense to an Asian.

AN ASIAN POLITICAL FORUM

Perhaps in this juncture it is now timely to speak frankly of the possibility of an agrupation of Asian states constituting the ECAFE under the United Nations into a political forum which can defuse or even settle any crisis that may arise in the region.

Such an agrupation of necessity accepts again the reality of the diversity of ideology among Asian nations. But an agrupation of like-minded states would of necessity be suspect and be unable to bring about communication between conflicting countries with different ideologies and political beliefs. The establishment of the Asian Development Bank, I hope, will bring the different nations together close enough and condition them to cooperation so that they can hammer out such an arrangement.

AMERICAN POWER ON TERMS ACCEPTABLE TO ASIAN NATIONALISM

The crux of the problem for America is to bring American power to bear in Asia on terms acceptable to Asian nationalism. It is a difficult but not an impossible task. Communist China's attacks on Korea, Tibet, and India had alerted neighboring countries to a devel-

oping pattern of expansionist design. The unsuccessful, Communist-inspired coup d'etat in Indonesia last year projected this design into the forefront of Asian consciousness. The result was a greatly heightened realization that Communist China, soon to become a nuclear power, has everybody's security problem requiring, for its solution, the cooperation of everyone.

THE NEW FACTOR—CHINA A COMMON SECURITY PROBLEM TO ALL ASIAN NATIONS: AMERICA'S DETERRENT POWER A NECESSITY

This new factor in the Asian solution is just beginning to be discerned and has not yet fully developed and cannot be appreciated outside Asia. It is among the most significant and heartening developments in the region in that one of its meaningful aspects is the possible growing desire for regional cooperation not only in the economic and social fields but possibly also in the political and security matters.

Another is the enhanced awareness that for the present and the years immediately ahead, Communist China's neighbors cannot expect, singly or together, to "balance" China's crucial margin of nuclear power without the assistance of non-Asian countries like America. There is in consequence a new disposition to regard America's deterrent power in Asia as a necessity for the duration of time required by the Asian nations to develop their own system of regional security supported by what they hope would have become a greatly strengthened United Nations.

THE THREE CONDITIONS OF ASIAN COOPERATION

It is a mood, both realistic and hopeful. Regarded with understanding and consideration, it could offer a wider basis for Asian cooperation than America has been able to achieve in the past. Three conditions are indispensable to the realization of that broader association. It must be based not on the narrow ideological alinements of the cold war but on the inescapable reality of Asian diversity. It must work with the tide of Asian nationalism instead of running counter to it. And it must be constructive in spirit and purpose, looking beyond victory in Vietnam to the creation of a milieu of justice and a rule of law under which all Asian nations could achieve their maximum potential for peaceful growth.

NOT TOO SOON TO EXPLORE THE POSSIBILITY

The experience of Vietnam suggests that it is not too soon to explore the creative possibilities of this new approach. To function in Asia without full Asian support is to build on shifting sand. The greater the power projected from outside into Asia, the more compelling the need that it should operate in harmony with Asian aspirations, toward goals compatible with Asian independence and dignity.

THE CHALLENGES TO AMERICA AND ASIA

America's deepening appreciation of this need for a genuine basis of understanding and common purpose with Asia coincides with the growing desire in the region for security from aggression of all kinds, open or disguised, Asian or non-Asian. The challenge to America is to extend to Asia the defensive shield of American power in forms consonant with Asian freedom and self-respect. The challenge to Asia is to discard the dry meatless bone of mysticism and fatalism, for the lifegiving substance of aspiration and endeavor; to leave the past behind, recognize today's need for energetic self-reliance and dignified maturity; to make common cause against aggression, and meet America halfway in a joint undertaking to make the future secure for all.

AMERICAN DISENGAGEMENT FROM ASIA

After the United States recognized the independence of the Philippines in 1946, the American Government reluctantly yet realistically accepted the triumph of Communist power in the Chinese mainland as an accomplished fact. Still later, the Allied occupation of Japan, which was essentially an American operation, was formally terminated. All these developments added up to a recognizable policy of American disengagement from the affairs of Asia.

EUROPE-FIRST POLICY

In Europe, the trend was exactly the opposite. To the challenge of Soviet power following the end of the Second World War, the United States and its European allies countered with NATO. In rapid succession, the Soviet attempt to drive the Western Allies from West Berlin was deflected by the Berlin airlift, and the Communist threat against Greece and Turkey was nullified by the Truman doctrine. America made it abundantly clear that it was not prepared to see Western Europe overrun by Soviet power.

Thus, American policy in the period after the war conformed more or less to the Europe-first doctrine that had dominated Allied strategy during the war. The Filipino people, who were the main sacrificial victims of that wartime strategy, were deeply concerned that a similar strategic concept would govern the postwar policy of the United States. In 1949, from this same rostrum, President Elpidio Quirino, the second President of the Republic of the Philippines, called upon the United States to respond to the Communist menace in Asia with a Pacific equivalent of NATO. His appeal fell on deaf ears, however, and the following year he was compelled to convoke in Baguio City, on his own responsibility, and without American support, the first Conference of Southeast Asia.

KOREA—THE U.N.

Within months after the holding of the Baguio Conference, the Communists struck in Korea. President Truman, who had firmly challenged Communist ambitions in Europe while acquiescing to a policy of disengagement from Asia, suddenly realized that Communist power was reaching out boldly toward Asia. Under the banner of the United Nations, the United States and 15 other States, including the Philippines, joined forces to repel the Communist invasion of South Korea.

THE SEATO

Out of the bitter experience of the war in Korea, the Southeast Asia Treaty Organization—SEATO—was born. This happened in Manila in 1954, 4 years after President Quirino had first advocated the establishment of an anti-Communist alliance to serve as the Asian equivalent of NATO. At the same time, the United States entered into mutual defense alliances with the Philippines, Japan, Australia, and New Zealand. All these things were done under the much-scorned but now surprisingly topical Dulles doctrine of "brinkmanship" and "massive retaliation."

THE SALIENT ELEMENTS OF AMERICAN POLICY

The salient elements of American policy emerge from this brief recital of recent events. The first is that, following the end of the Second World War, there was a deliberate attempt to orient American policy away from Asia and the Pacific toward Europe and the Atlantic. The second is that American policy in Asia has been essentially passive in character, developed and pursued mainly in response to Communist initiatives in subversion, aggression, and conquest. In short, the United States has been a reluctant participant in the affairs of Asia.

UNLIMITED COMMITMENT IN EUROPE, LIMITED COMMITMENT IN ASIA

That reluctance did not spring from a new spirit of isolationism among the American people: It sprang rather from the feeling that prevailed among the makers of American foreign policy at the time that while the United States could undertake a virtually unlimited commitment to defend Europe, it could only accept a limited commitment to defend Asia. This was duly reflected in the differing obligations accepted by the United States under NATO and SEATO. American awareness of closer racial and cultural affinities with Europe probably justified this attitude in a situation where American power was, in any case, inadequate to police the world as a whole.

VIETNAM JUSTIFIED NEITHER BY AFFINITY NOR U.N. KOREA EXAMPLE

Today, we face the fact of massive American involvement in Vietnam—in a struggle which can neither be explained on the basis of recognized affinities nor justified by the example of the previous United Nations action in Korea.

HISTORY—UNITED STATES WAS FIRST PACIFIC POWER BEFORE IT WAS AN ATLANTIC POWER

History, however, may provide both explanation and justification. One elementary fact of American history is that the United States was a Pacific power long before it became an Atlantic power. President Washington's injunctions against "entangling alliances" and President Monroe's promulgation of the doctrine that bears his name insured America's virtual isolation from European affairs. This isolation lasted a long time, and America did not become an Atlantic power until after the First World War.

COMMODORE PERRY AND JAPAN, PHILIPPINES HAWAII, AND ALASKA

By contrast, the United States became a Pacific power just before the Civil War, when Commodore Perry opened feudal Japan to the modern world. This was followed at the turn of the last century by the acquisition of the Philippines, Hawaii, and Alaska, and by American support of the open door policy in China. American rule over the Philippines, the war in the Pacific, and the American occupation of Japan confirmed and strengthened the status of the United States as a Pacific power.

The American presence in Vietnam makes sense only when viewed in the historical context of the development of the United States as a Pacific power.

To recall this chapter of American history is not, of course, necessarily to justify the motives that brought the United States to Asia. The truth is that the American Republic, having isolated itself from the affairs of Europe and having had no share in the spoliation of Africa, was obliged to turn to Asia, across the Pacific as the object of its belated imperialist attentions.

NO MORE IMPERIALIST AMBITIONS IN ASIA

Today, having relinquished control of the Philippines and terminated the occupation of Japan, the United States can truthfully disavow any surviving imperialist ambitions in Asia. The presence of American bases and American troops in South Korea, Japan, Okinawa, and the Philippines could be justified as aiming solely to deter or repel any encroachments of Communist power in these areas.

REPEAT THE AVOWALS

This point should be made indubitably clear in the case of the American presence in Vietnam. Americans and their Government should never tire repeating that the United States is in Vietnam for the purpose of assisting that nation in defending its independence and territorial integrity. They should give every assurance that they are not in Vietnam, or anywhere else in Asia, for the purpose of political hegemony or economic gain. This, President Johnson has repeatedly done.

Such avowals of American purpose would correspond to the deepest aspirations of the non-Communist Asian nations themselves. Their common hope and desire is to be given an opportunity to consolidate their independence, to translate it in terms of a better life for their citizens, to determine and shape the destiny of their country without outside interference of any kind. To achieve these goals, these non-Communist nations realize that they need the umbrella of American power to shield them from Communist infiltration, subversion, and aggression. Without attempting to establish new or enlarged military alliances, it should be possible for the United States to provide this protection for all those nations that desire and ask for it.

DOES AMERICA HAVE A NEGATIVE RECORD IN FOREIGN AFFAIRS?

Does America have a "negative" record in foreign affairs? The record shows that the East-West confrontation in Europe has been stabilized and that Communist influence is in retreat in Asia and Africa. As late as 2 years ago, nonalinement or Communist-leaning neutralism was the prevailing policy among Asian states. Today, Ceylon, India, and Indonesia have virtually abandoned their old, familiar stance of neutralism and become firmly anti-Communist. Pakistan appears to be desisting from its open flirtation with Communist China, while the Communist Parties of North Korea and Japan have declared their independence of Peking.

BENEFITS FROM AMERICAN PRESENCE

I personally know for a fact that the American presence in Vietnam provided—though quite unintentionally—encouragement and support to those who successfully resisted the attempted Communist takeover in Indonesia. It is certain that the U.S. 7th Fleet in the China Sea as well as American airpower in the area rendered inoperative the so-called Peking-Djakarta axis which the Indonesian Communist Party might otherwise have invoked in the extremity of its disastrous debacle in Java.

In effect, and almost without realizing it, we are even now already reaping valuable dividends from the American presence in Vietnam. Those benefits are certain to multiply as the non-Communist neighbors of China understand that their security is guaranteed by the umbrella of American power. The assurance that has been given by President Johnson that this protection will not suddenly be withdrawn tomorrow, thus leaving them to the mercy of Chinese communism, is an indispensable factor in maintaining the stability of southeast Asia.

DOMINO THEORY

The so-called domino theroy which many experts tend to discount, may be an oversimplification. But it is certainly correct to argue that a country like Thailand, for example, is hardly likely to depend for its security on an American Army that has been defeated or has withdrawn under fire from Vietnam. Thailand would have to adjust to Chinese hegemony in Asia and its attitude would be shared in varying degrees by Laos, Malaysia, India, Pakistan, Japan, and the Philippines.

OBJECT—"CORDON SANITAIRE"

Our object must be to hold the line in Vietnam and, at least, to roll back Communist power behind the 17th parallel. This being achieved, we shall have provided a necessary basis for joint action among the southeast Asia nations themselves in order to insure their collective security.

When this has been done, American military power could withdraw to existing bases in the outlying islands and archipelagos: Japan, Okinawa, Taiwan, and the Philippines. Together with the U.S. 7th Fleet, this line of defense off the Asian mainland could be rendered completely impregnable, while offering needed support to any mainland nation that may be threatened by Communist power.

With this "cordon sanitaire" effectively established around the eastern and southern flanks of Communist China, the latter might then realize that it could more usefully harness its energies to the enormous task of satisfying the needs and improving the livelihood of its 700 million people. Or it could turn around and begin looking over and across the 5,000-mile front which it shares with the Soviet Union. But that would be another story.

There was reason to say in mitigation of Communist China's avowed policy of universal revolution, that is, of abetting and assisting "people's wars" abroad, that while the rulers of Peking are violent in their speeches, they are remarkably nonviolent in their actions. In recent weeks, however, many of the statements of the Chinese Communist leaders as well as some of the actions which they have tolerated or encouraged, appear to verge dangerously on the irrational. Prudence dictates that we should beware lest the fanaticism behind their words translates itself into fanatical action, and lest their irrationality in domestic matters merely foreshadows irrationality in foreign affairs.

No Asian country or government desires the destruction of Communist China. We who are its neighbors realize that we must coexist with China and the Chinese people. We need to adjust to the overwhelming fact that it exists in our very midst. But, equally, Communist China must accept the obligation to coexist peacefully with its neighbors. This means that it must abandon and forswear its policy of exporting violence and fomenting disorder amongst its neighbors.

Until we receive assurances to this end, the policy of the military containment of China must continue.

WINSTON CHURCHILL ON GREATNESS

It was Winston Churchill who said, as he rallied the battle-weary people of Britain during the last war, that the true measure of a nation's greatness is what it can do when it is tired. On the basis of this criterion, the United States may not, because of divided counsel at home, because of increasing fatigue from endless responsibility, or because of impatience with difficult allies, lay down the heavy burden of power and, in effect, resign as the leader-nation of the free world.

It is not easy for someone not an American to say these things to Americans at a most trying moment in their history. It would behoove an outsider to keep discreet silence on questions that have so deeply divided Americans. Having served in the U.S. Armed Forces during World War II and as a guerrilla officer during the Japanese occupation, I cannot be indifferent to the grief of thousands of Americans and Vietnamese whose brothers, sons, and husbands are fighting and dying in Vietnam.

Though I have spoken of our stake in Vietnam in terms of a battle of ideologies and a contest for power, I do not forget that the values involved in that struggle are profoundly human. Because the stakes are high, even decisive, involving the very future of freedom in

Asia and, ultimately, in the world as a whole, including this country, we should like to see the hand of America remain steady and sure on the wheel of power and responsibility. We should like to be reassured that this great country, its people and Government, shall never act upon the agonizing issues of our time in disgust or anger, or from a feeling of tiredness or a sense of panic, but in the knowledge that they are confronted with responsibilities that must be met, tasks that must be accomplished, and battles that must be waged with all the courage and wisdom at their command.

THE PARALLEL IN THE ECONOMIC FIELD—MAXIMUM SELF-HELP AND THE ECONOMIC DEFICIENCY

A parallel situation obtains in the economic field. Here, too, the primary responsibility rests with the Asian countries themselves. Economic and social development on a scale commensurate with the aroused expectations of their own people is a task deserving of their greatest effort and utmost dedication. Maximum self-help should be their watchword dictated as much by self-respect as by sheer necessity. But here, too, even heroic national exertions may yet leave between success and failure, between poverty and prosperity, a vital margin—the economic gap which only assistance from outside can fill at this stage. And as in the field of security, foreign aid, though needed and desired, must be extended without the harsh demands that remind Asia of its past enslavement and with some sophistication if not idealism, in ways compatible with Asian nationalism.

THE LINKS OF ECONOMICS TO SECURITY

The links of economics with the problem of peace are less obvious but no less real. Poverty is not only a fertile seedbed for Communist dictatorship and other extreme solutions; it is also the open gate to foreign-inspired subversion and the open road to "wars of national liberation." When it afflicts a region as vast and as populous as Asia, it becomes a major threat to world peace.

ASIA AND THE DREADFUL POTENTIAL OF TRIGGERING A WORLD WAR

One-half of mankind living in abject want or at bare subsistence levels constitute an enormous drag on world prosperity. Itself already a "sea of troubles," impoverished Asia also has the more dreadful potential of triggering another World War, offering as it does an almost irresistible temptation for foreign intervention. And in the growing economic bipolarization of the world into rich nations becoming richer and poor nations becoming poorer—one of the most serious long-term threats to international security—Asia with its population explosion, its unsatisfied wants, and its deeply rooted grievances against the past, would be a major factor for all of humanity.

Much is already being done through existing organizations, within as well as outside the United Nations, to meet Asia's need for economic aid. More is required to fill that vital margin between failure and success which even the most devoted application of self-help cannot bridge. Increased capital investments and more effective technical assistance are essential. But more important in the long run is the enhancement of the feeling of partnership between the nations giving aid and the nations receiving it.

THE MORAL BASIS OF ECONOMIC ASSISTANCE

Precisely because there is no shortcut to economic development, the human factor should be kept constantly in view. The moral basis of economic assistance should never be forgotten in the preoccupation with its material superstructure. A sense of joint involvement in one of the great enterprises of this century is needed to sustain both the rich and the poor nations during the long, difficult journey toward the goal of a better life for all envisaged by the United Nations Charter.

THE MORAL ASPECT OF PARTICULAR RELEVANCE TO ASIA

The moral aspect of economic cooperation is of particular relevance to Asia. The nations of Asia give high priority to economic progress. But their deepest hunger is not of the body; it is a hunger of the spirit: the desire, after centuries of colonial bondage, for the fullest attainable measure of human equality and human dignity.

THE LONGINGS OF ASIA

This is the reason why the American Declaration of Independence still transmits a living message to the peoples of Asia, why they hold Lincoln the emancipator in such high regard, and why they have been so deeply moved by Roosevelt's proclamation of the four freedoms, Kennedy's ringing summons to a global alliance for the upliftment of the human condition throughout the world; and that is why President Johnson is called the liberator of Asia with his solemn promise of military security and his challenge to a social revolution.

THEY MISJUDGED ASIA

They misjudge Asia who believe that the material factor will be decisive for Asia's future. And they malign Asia who imagine that Asian nations are craven opportunists, intimidated by brute strength and ever ready to join the winning side. America's Philippine experience belies both beliefs. And if an Asian leader were to be asked to choose between indignity and hunger, he would unhesitatingly choose hunger. And his people would go hungry with him.

ASIA IS AN ANCIENT CIVILIZATION

For Asia is an ancient civilization; and its culture is essentially shaped by philosophy and religion and its actions moved by its ethical precepts. And when we react to the West, it is its materialism, its scientific power that we confront and the signs of enervation of its spirit. We discover a prosperous society, advanced in its technology and living by the fundamentals of power and the machine and by its material excesses.

But even here we perceive the fact of conflict arising from the inability of peoples to accommodate the yearnings of purely human values to be projected in this materialistic culture. And indeed in our world, we witness not merely total war but also the acceptance of the totalization of doom. Beneath the overt unresolved conflicts of nations is the reality of human conflict—man against his culture because it has not been able to accommodate entirely his values and even man against himself.

THE HUMAN CONDITION IS A DIALECTIC

The human condition is a dialectic and man himself has forfeited the inner harmony of his own nature.

Between the conceptions and actions of our civilization is a great divide of discordant facts. We have a politics, for instance, openly declared on democratic principles, but we witness the reality of inequality in our times; the fact of the subversion of the self-determination of nations; the disintegration of international law itself because of the inability of nations and powers in the international community to live by the postulates of the rule of law. The system of Grotius and the efforts of internationalists to enlist reason and an ordered postulate of justice in the settlement of disputes have found no concrete actuality.

And yet, it cannot be denied that in our century the evidence of material advancement and the prosperity of peoples is more true than at any other period of human history. The conclusion, therefore, is undeniable: that man cannot be sustained by the actuality of materialism; that he does not live by bread alone, and that it is only when wealth identifies itself with the spirit that it justifies itself.

AMERICAN LEADERSHIP NOT ONLY MILITARY BUT SPIRITUAL

American leadership has never been solely military; more accurately, it has consistently been spiritual.

THE MARSHALL PLAN, AND SO FORTH

Your Marshall plan to a devastated Europe; your corps of peace volunteers to Africa and Asia; your concern with the democratic rehabilitation of Japan, an enemy country, even your economic aid to developing societies, and your readiness to come to the defense of nations beleaguered in their just fight for sovereign rights—this is not America, the military imperialist, but the same America which saw in the conditions of the Philippines, my country, the prospect for a democratic experiment in Asia, the dismantling of the colonial machinery that was to end the enslavement of many peoples of the world.

In Vietnam are the savagery and ferocity, the treachery and bloodness of war. Yet, there America has identified itself with individual fulfillment, with freedom, with nobility of the soul, with social justice.

For all the iron and steel you have piled on solid ground, Vietnam remains a vision and spirit which posterity, given the perspective of time, will be able to judge in its true light.

THE RELEVANCE OF REASSERTION OF AMERICAN LEADERSHIP

There is, therefore, the relevance of a reassertion of American leadership—a leadership based on the concepts of this new society as it was defined by your Founding Fathers and reiterated in the American Declaration of Independence—a leadership that is bold and vigorous in

its liberalism, cutting across the distances between peoples which were created by misunderstanding, ignorance, and differences of human conditions and, just as your Founding Fathers had ventured out to the open seas so much feared for their imaginary terrors and false depths of risks, let America once more break through the wall of fear of Asia which has kept peoples apart and nations divided.

THE AMERICA ENSHRINED

This is the America which the old world had enshrined in its liberalism; the new society which immediately found acceptance from the disenchanted nations of Europe and Asia at the turn of the 19th century—the image of the new world that had bewitched Dutch sailors' eyes and the migrating vision of those who took flight from the tyranny of monarchies—the green light of the 20th century that has heretofore been a beacon of the lost ideals of our times.

This is what has ennobled the image of America.

HOW CAN AMERICA REACH THE HEART OF ASIA?

To those who ask how America can reach the heart of Asia, I say: let America speak from the depths of its own heart: with the voice of Jefferson, with the compassion of Lincoln, with the vision of Roosevelt, with Kennedy's clarion call to a crusade in behalf of the weak, the oppressed, and defenseless; for a world of hope, lawful order, and growing freedom; let America speak through President Johnson's challenge for the social revolution that would transform human society without violence to human rights.

America, speak to Asia in the words of President Johnson when he said:

By peace in Asia I do not mean simply the absence of armed hostilities. For where men hunger and hate, there can be no peace.

I do not mean that peace of conquest. For humiliation can be the seedbed of war.

And I do not mean simply the peace of the conference table. For peace is not written merely in the words of treaties, but in the day-by-day works of builders.

The peace we seek in Asia is a peace of conciliation: between Communist States and their non-Communist neighbors; between rich nations and poor; between small nations and large; between men whose skins are brown and black and yellow and white; between Hindus and Moslems and Buddhists and Christians.

It is a peace that can only be sustained through the durable bonds of peace: through international trade; through the free flow of people and ideas; through full participation by all nations in an international community under law; and through a common dedication to the great tasks of human progress and economic development. Is such a peace possible?

With all my heart, I believe it is. We are not there yet. We have a long way to journey.

Addressed in these accents, Asia will listen. Confronted with this challenge, Asia will respond.

LAST MESSAGE

My last message to you is hard for me to articulate.

Let me bare my heart to you. I have come not as an enemy. I have contributed my modest share in the payment of the price for the liberties and ideals which we all cherish.

It is precisely because of this that I have been hounded by loud persistent criticisms that I am much too pro-American in my policies. Perhaps I am—emotionally so. For I was one of the many who gambled everything—life, dreams, and honor—on a faith in and the vision of America, when all was lost as the Stars and Stripes for the first time in history was trodden to the ground in Asia. I have faith in your objectives in Asia and am deeply convinced that democracy such as ours in the Philippines can thrive in an ocean of neutrals and Communists but only if you keep true to and abide by the image of fairness that is America.

And the truth is all of Asia watches how America will treat her most loyal and steadfast ally. The whole world watches if America will mete out justice to the Filipino veterans. There are rumblings among my people. Far too many of them, including some of our intellectual leaders, have long ago lost faith in your sense of fairness. Without necessarily heeding the importunings of our Communist enemies, they are harsh critics and have given up hope of American justice. They claim American policy desires only the permanence or predominance of American power in Asia regardless of what happens to the individual Asian and that you could not care less who lost his head to the tyrant provided that tyrant was your tyrant. They cry "American help is self-help; America is a friend in need, her need."

And it is paradoxical that after the Second World War we have had to endure American ridicule for our claims to equal rights under the veterans laws of this country. We are unprepared for the rebuffs that we received but even less prepared for the hostility in the attitudes of some of your executive officials who have had to deal with us. Our former common enemy, Japan, had been patient and understanding. From you, our Allies, we expected nothing less. But we did not get it.

Sometimes I have stood alone or with a few loyal comrades as of old, beleaguered by a sea of opposition as I reaffirmed loyalty to the American image.

So, upon the kind invitation of your great President, I have come to you with leave of my people. When I sought their counsel, they told me: "Go, young man of many dreams and many scars, go to your friends. Go but once and no more." I can hear them say still: "Go with our misgivings for we know only too well the Americans' disdain for state visitors who go to their land with promises of loyalty to their ideals and global objectives but with their palms and hands stretched out for aid. Do not beg for alms or aid for we do not solicit charity.

"But tell them loyalty is not for sale. There is no price tag for faith except justice.

"Go and tell them this. If, after they have heard you, they remain unmoved, then with sorrow and grief tell them we are prepared to close this unfortunate chapter of Philippine-American history. With dignity, the Philippines shall stand alone as we have done in the past, fighting off the terrors of our enemies. If we are overwhelmed, then Asia is lost to communism but we would have had our share of conflict. And if we fall, we shall have fallen with pride and shall have died with honor."

But the critics were more cruel. And even the veterans scoff at our own scars in battle. One of these scars I received in trying to save an American comrade. "Where is he now?" they ask. "He is dead like many of our dreams."

Yes, my American comrade died in my arms. We were surrounded and we had to break out. He fell and, as he tried to crawl to safety, I returned to him, to fall at his side—Filipino and American blood commingling in Philippine soil.

As I cradled him in my arms to a foxhole, he died with the words: "Tell them back home, you who will live, my only regret in dying is that America has failed us."

I, the Filipino, assured the American, as if this would assuage his dying, "No, America does not forget and will not fail us."

Many years are past. Time should have muted the tone of confidence and the tyranny of circumstance should have eroded the memory but still today, I say to you as I have said to my people: "America does not forget. America will not fail us."

At 1 o'clock and 42 minutes p.m., the President of the Republic of the Philippines, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper, Hon. William M. Miller, escorted the invited guests from the Chamber in the following order: The members of the President's Cabinet, the ambassadors, ministers, and chargés d'affaires of foreign governments.

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses hereby dissolved.

Accordingly, at 1 o'clock and 45 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock and 30 minutes p.m.

PROCEEDINGS HAD DURING RECESS TO BE PRINTED

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the proceedings during the recess be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the business in

order under the Calendar Wednesday rule for next week be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PROGRAM FOR THE BALANCE OF THIS WEEK AND FOR NEXT WEEK

Mr. GERALD R. FORD. 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 to the request of the gentleman from Michigan?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, I have asked for this time for the purpose of inquiring of the distinguished gentleman from California [Mr. Moss] the program for the remainder of this week and the program for next week.

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

Mr. GERALD R. FORD. I yield to the gentleman from California.

Mr. MOSS. Mr. Speaker, it is intended to seek unanimous consent to go over from adjournment today until next Monday.

Mr. Speaker, the program for next week is as follows:

On Monday we will have the call of the Consent Calendar.

There are 12 suspensions which are as follows:

H.R. 8678, Pictured Rocks National Lakeshore, Mich.;

H.R. 17488, Veterans' Pension Act of 1966;

H.R. 16557, relating to national service life insurance issued to military forces of the Commonwealth of the Philippines;

H.R. 15183, adjusting the status of Cuban refugees to that of lawful permanent residents of the United States;

S. 3510, Connecticut River National Recreation Area;

H.R. 16715, Manpower Development and Training Amendments, 1966;

House Joint Resolution 1169, International Conference on Water for Peace;

S. 3423, Wolf Trap Farm Park, Fairfax County, Va.;

S. 2287, authorizing a 5-year hydrologic study and investigation of the Delmarva Peninsula;

H.R. 14136, authorizing increase in fee for migratory bird hunting stamp;

S. 1474, creating a bipartisan commission to study Federal laws limiting political activity by officers and employees of Government; and

S. 3035, establishing a program for the preservation of additional historic properties throughout the Nation.

For Tuesday and the balance of the week the program is as follows:

There will be the call of the Private Calendar.

Also—

H.R. 17788, Foreign Assistance Appropriation Act, fiscal year 1967;

H.R. 17787, Public Works Appropriation Act, fiscal year 1967;

H.R. 17195, Reserve Forces Bill of Rights and Vitalization Act of 1966—open rule, 2 hours' debate;

H.R. 14604. Authorizing study for a Capitol Visitors' Center—open rule, 1 hour debate; and

H.R. 11555, the Chamizal Memorial Highway—open rule, 1 hour debate.

And, Mr. Speaker, of course, conference reports may be in order at any time and any additions to the legislative program may be announced later.

Mr. GERALD R. FORD. Mr. Speaker, I thank the gentleman from California.

Mr. GROSS. Mr. Speaker, I wonder if the gentleman will yield?

Mr. GERALD R. FORD. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I wonder if the gentleman from California, the acting majority leader, could give us any information this week as to the possibility of sine die adjournment?

Mr. MOSS. Mr. Speaker, if the gentleman from Michigan [Mr. GERALD R. FORD] will yield further, I would refer the gentleman to the fond hope which I have expressed in response to a similar inquiry just a week ago.

Mr. GROSS. I like fond hopes but I cannot do very much planning on a basis of fond hopes.

Mr. MOSS. We share a common dilemma.

Mr. GROSS. I hope the gentleman next week, when he announces the program, will be prepared to give us some idea of when we might expect to go to a sine die adjournment, or at least a recess, or whatever is planned for us.

Mr. MOSS. I assure the gentleman that I share that hope.

Mr. GROSS. I thank the gentleman.

ADJOURNMENT TO SEPTEMBER 19, 1966

Mr. MOSS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. Moss]?

There was no objection.

PROVIDING SPECIAL ALLOWANCES TO DEPENDENTS OF UNIFORMED SERVICES TO OFFSET EXPENSES INCURRED IN EMERGENCY EVACUATIONS

Mr. RIVERS of South Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk 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, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, lines 4 and 5, 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'."

Amend the title 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."

The SPEAKER. Is there objection to the request of the gentleman from South Carolina [Mr. RIVERS]?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, would the gentleman from South Carolina [Mr. RIVERS], the chairman of the House Committee on Armed Services, tell the membership what the Senate amendments are to the House version?

Mr. RIVERS of South Carolina. If the gentleman will yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. RIVERS of South Carolina. The bill which the House passed was passed as permanent legislation. The Senate limited it to 5 years so that we may have another review. We felt that this was not a bad idea and accepted their proposal. This will give us a chance to review it after 5 years and we decided, after consultation with the gentleman from Massachusetts [Mr. BATES], to accept the amendments.

Mr. GERALD R. FORD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

REMOVING INEQUITIES IN THE ACTIVE DUTY PROMOTION OPPORTUNITIES OF CERTAIN OFFICERS

Mr. RIVERS of South Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 15005) to amend title 10, United States Code, to remove inequities in the active duty promotion opportunities of certain officers, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

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 period 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."

Amend the title 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."

The SPEAKER. Is there objection to the request of the gentleman from South Carolina [Mr. RIVERS]?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, would the distinguished chairman of the House Committee on Armed Services inform the House what the Senate amendments are?

Mr. RIVERS of South Carolina. Mr. Speaker, this bill passed the House unanimously.

Almost every year we have to pass an act with reference to increasing the number of Air Force officers serving on active duty in the grades of lieutenant colonel and colonel with a resultant increase in the number of Air Force officers in lesser grades who may be promoted.

The purpose of the House bill, therefore, was to permanently provide Air Force officers with generally the same promotion opportunities as is provided in other branches of the service.

The Senate amendment concurs in the House action. However, rather than making this authority permanent, as the other services are, the Senate amendment provides that the increased authorization to the Air Force officers serving in the various grades would only go until June 30, 1972.

The Senate action will, therefore, accomplish the purpose and objective of the House-passed bill with, however, the additional requirement that Congress will be required to act once again on this problem in 1972 rather than having it permanent, and we accepted the amendment.

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

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. GROSS. Do you mean that the promotions would be rescinded after the end of the temporary period?

Mr. RIVERS of South Carolina. No, just the authority to exceed the legal limit expired. Almost every year we bring up a bill of this nature and we felt we would obviate that necessity by making it permanent. The other body did not agree with our view.

Mr. GROSS. The temporary nature of the bill is due to the fact that the other body wants to make a study of the entire promotion system throughout the military.

Mr. RIVERS of South Carolina. That is what they say they want to do, and we would like to see that done. We have urged this. We have agreed to the year 1972, but we would like to see it permanent.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF CEREMONY UNVEILING PORTRAIT OF SPEAKER SAM RAYBURN

Mr. ROBERTS. 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 Texas?

There was no objection.

Mr. ROBERTS. Mr. Speaker, it is my pleasure to invite my distinguished colleagues of the House to a ceremony when we will pause once more to pay tribute to that great American, the late Speaker Sam Rayburn.

At 11 o'clock a.m., tomorrow, Friday, September 16, the 26th anniversary of Mr. Sam's first election as Speaker of this House, a portrait of him will be presented. This ceremony is being held in the Interstate and Foreign Commerce Committee room of the Rayburn Building.

This lovely portrait is the work of that noted Texas artist, Tom Lea, of El Paso.

The entire Sam Rayburn Portrait Committee composed of Judge R. Ewing Thomason, the Honorable Frank Akard, Judge Eugene Worley, Judge Paul Kilday, and myself, and speaking not only for those of us who have the current pleasure of representing the people of the great State of Texas in this House, but also many of those former Texas Congressmen who were honored to serve side by side with Speaker Rayburn, we welcome you to join us on this momentous occasion.

EXEMPTION OF CERTAIN CONTRACTS FROM EXAMINATION-OF-RECORDS CLAUSE

Mr. PRICE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 3041), to amend title 10, United States Code, to exempt certain contracts with foreign contractors from the requirement for an examination-of-records clause, with the Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, strike out lines 16 to 20, inclusive, and insert "Comptroller General or his designee is not required—

"(1) where the contractor or subcontractor is a foreign government or agency thereof or is precluded by the laws of the country involved from making its books, documents, papers, or records available for examination; and

"(2) where the head of the agency determines, after taking into account the price and availability of the property or services from United States sources, that the public interest would be best served by not applying subsection (b).

If subsection (b) is not applied to a contract or subcontract based on a determination under clause (2), a written report shall be furnished to the Congress."

Page 3, strike out lines 8 to 14, inclusive, and insert "for the omission of such clause—

"(1) where the contractor or subcontractor is a foreign government or agency thereof or is precluded by the laws of the country involved from making its books, documents, papers, or records available for examination; and

"(2) where the agency head determines, after taking into account the price and availability of the property or services from United States sources, that the public interest would be best served by the omission of the clause.

If the clause is omitted based on a determination under clause (2) a written report shall be furnished to the Congress. The power of the agency head to make the determination specified in the preceding sentences shall not be delegable."

Page 3, strike out all after line 24 over to and including line 4 on page 4 and insert "not required for the omission of such clause—

"(1) where the contractor or subcontractor is a foreign government or agency thereof or is precluded by the laws of the country involved from making its books, documents, papers, or records available for examination; and

"(2) where the agency head determines, after taking into account the price and availability of the property or services from United States sources, that the public interest would be best served by the omission of the clause.

If the clause is omitted based on a determination under clause (2), a written report shall be furnished to the Congress."

Mr. PRICE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. PRICE. Mr. Speaker, H.R. 3041 passed the House on the Consent Calendar on August 16, 1965. On September 1 of this year, the Senate passed the bill with amendments.

Under the bill, the head of an agency could exclude the examination-of-records clause from a contract or subcontract with a foreign contractor or foreign subcontractor. Before the clause could be excluded, the agency head must determine that inclusion of the clause

would not be in the public interest, and the Comptroller General, or his designee, would have to concur in this determination. Moreover, this finding must be in writing and it must clearly indicate why the requirement for an examination-of-records clause would not be in the public interest.

The concurrence of the Comptroller General or his designee would not be required where the contractor or subcontractor is a foreign government or an agency thereof, or where the laws of the country involved preclude the contractor from making his books, documents, papers, or records available for examination.

The Senate adopted amendments providing that in those cases where the concurrence of the Comptroller General is not required before the examination-of-records clause can be excluded, the head of the agency must take into account the price and availability of the supplies or services from U.S. sources before determining that inclusion of the examination-of-records clause would not be in the public interest. In addition, the Congress must be furnished a report explaining the reasons for any such determinations.

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

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

THE PRESIDENT'S PROPOSALS FOR COMBATING INFLATION

Mr. PEPPER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. PEPPER. Mr. Speaker, President Johnson has sent to us several recommendations which he believes will assure the continuing health of our economy. I believe that we should act on these recommendations promptly and affirmatively, for I share both the President's sense of urgency and his conviction that these are the appropriate measures to take at this time.

The progress made by the American economy during the last 5½ years has been the envy of the world. It is unparalleled in history. We have more production, better wages, higher profits, and more employment than ever before. We also have the dangers which go with prosperity. We must exercise every care if we are to avoid a runaway inflation followed by the inevitable boom and bust.

As the Members know, we have been acting to safeguard our prosperity since the beginning of this year. By such measures as the increased payroll taxes for social security, the restored excise taxes, and the speedup in corporate tax payments, we have succeeded in removing about $10 billion of purchasing power from the economy. We have held down Federal spending. As the President also points out, since January 1 of this year, we have taken in more money than we have spent. Rising prices and the shortage of both labor and money in critical areas make it quite clear, however, that we still have not done enough.

The President, therefore, proposes to take strong measures to reduce and defer Federal expenditures. He asks for cooperation from the Congress in holding down appropriations, and I urge that we give him that cooperation.

He recommends that the 7-percent investment tax credit be made inoperative from September 1, 1966, until January 1968. I believe we should accede to that request. The investment credit was devised to stimulate investment in plant and equipment, and it has succeeded magnificently. In fact, it has succeeded too well and neither industry nor the money markets can keep pace with the demand. This is the source of much of our problem; the least we should do is to suspend the bonus which encourages excess expansion.

The President has also recommended that we suspend the accelerated depreciation on buildings and structures for the same length of time, and for the same reason. Accelerated depreciation allowances encourage the construction of commercial and industrial buildings just as investment tax credit stimulates machinery and equipment outlays. In the present state of our economy, the effect is to contribute to inflated building costs and inflated interest rates.

The President has also urged the Federal Reserve Board and our commercial banks to lower interest rates. The present high rates have not succeeded in slowing down the type of economic activity which is causing most of the difficulty, but it has succeeded in penalizing very large segments of our industry and commerce and placing a growing burden on the shoulders of millions of families.

I believe that the policies outlined in the President's message will contribute to a better balanced, more equitable set of economic restraints. I believe the actions he proposes for the Executive should be applauded. And I believe that the requests and the recommendations he makes to the Congress should be promptly honored.

THE BATTLE OF LAKE ERIE

Mr. VIGORITO. 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 Pennsylvania?

There was no objection.

Mr. VIGORITO. Mr. Speaker, last Saturday, September 10, marked the anniversary of one of our Nation's greatest military victories. It is unfortunate that so many Americans let September 10 pass unnoticed.

Saturday marked the 153d anniversary of the Battle of Lake Erie, which has captured the imagination of naval scholars and American patriots for generations.

The American victory gave control of the Great Lakes to the United States, a vitally important matter in the War of 1812. The victory made certain that the huge territory now made up of the western part of Pennsylvania, northern Ohio, northern Indiana, northern Illinois, and all of Michigan, Wisconsin, and Minnesota would be part of the United States, not Canada.

In the Battle of Lake Erie, Oliver Hazard Perry became one of America's most famous heroes. Perry's flagship, the *Lawrence,* was subjected to the concentrated fire of the enemy. First one gun and then another was dismounted. The masts were broken. The rigging of the vessel was rent away. The sails were torn to shreds. The *Lawrence* lay helpless in the water.

On deck American sailors lay dead and dying. During the 2½ hours that Perry faced his British antagonists, his men were reduced to a handful. Entering the action, the *Lawrence* had had more than a hundred men and officers. By the afternoon of September 10, 1813, 83 of these were either dead or wounded.

Yet still Perry held out. Soon only the commander and 13 others remained uninjured. All the ships of his fleet were now engaged. Perry now pulled down his battle flag, but left the Stars and Stripes still flying. With four of his seamen, he removed his battle flag and pennant to a boat, in which, under heavy fire, they rowed to the vessel *Niagara,* fighting more than a half mile away.

Now Perry gave the order to swoop down upon the enemy's line. He cut the British fleet's formation in two. Thirty minutes of broadside after broadside and all was over.

The British commander, Barclay, soon surrendered. There were 40 dead in his squadron, and 94, including himself, were wounded. The American casualties were 27 killed and 96 wounded.

From his ship, the *Lawrence,* to which he had returned to receive the formal surrender of the British, Perry sent his famous message to Gen. William Henry Harrison, the commander of the American Army in the Northwest: "We have met the enemy, and they are ours."

This stunning victory of the nondescript American fleet under Perry off Lake Erie's Put-In-Bay was the major naval engagement on the Great Lakes in the War of 1812. It insured American control of Lake Erie. The American Northwest was secured forever free from British power.

Today, on the lakefront at Erie, stands Perry's historic flagship, the *Niagara.* Proud and tall, it stands as a symbol of American heroism, of American determination to forever fight for what is right, forever fight to be free. Let us emulate those qualities which Oliver Hazard Perry and his brave men so ably demonstrated on September 10, 1813.

AMERICAN LEGION COMMENDS TACTICAL AIR COMMAND

Mr. PRICE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include a resolution.

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

There was no objection.

Mr. PRICE. Mr. Speaker, all of us know about the serious and commendable work which the American Legion accomplishes each year at its annual national convention. While studying the resolutions relating to national security adopted by this year's national convention held here in Washington, I was most impressed by the timeliness of one of the resolutions which commended the Tactical Air Command for its reaction in the present emergency.

We have warm praise for the U.S. Army, the U.S. Navy, the U.S. Marine Corps, the U.S. Coast Guard, and our gallant allies for their efforts in Vietnam. We believe that their professional attainments in the present conflict will stand high in the annals of warfare. But we think that the Tactical Air Command deserves special praise, for this important arm has not always received deserved attention in past years when dollars were short. TAC came into the present emergency with much of its equipment out of date and its strength in aircraft and personnel minimal. According to figures released by the Office of the Secretary of Defense the United States has lost 477 tactical airplanes in North and South Vietnam, and the gallant performance of the men and crews deserves our highest praise and greatest appreciation. We agree with the American Legion in commending the Tactical Air Command.

Our Secretary of Defense has brought startling efficiencies to the management of our armed services. We often hear that exploitation of computer techniques will allow us to attain victory in Vietnam simultaneously with the firing of the last artillery shell and the loss of the last airplane. We hope that all concerned will remember that the demands of world leadership will certainly require that our arms in all fields be maintained at adequate levels for the demands for the years ahead. We members of the Armed Services Committee are concerned about tactical aviation and intend to lend our support to the Secretary of Defense to see that the Tactical Air Command is adequately manned in personnel and equipped with the modern aircraft, including tactical airlift aircraft, which will be necessary to meet the challenges of our responsibilities.

We owe much to the American Legion for its stand in support of the Tactical Air Command, and I am inserting its resolution in the CONGRESSIONAL RECORD:

RESOLUTION 264 (MARYLAND)—TACTICAL AIR COMMAND OF THE U.S. AIR FORCE COMMENDED

Whereas the present emergency in the Far East has furnished much experience relating to the constitution and control of essential tactical air forces needed for such operations; and

Whereas the American Legion has expressed much concern regarding these matters; and

Whereas this recent experience re-emphasizes the importance of the policy position on this matter previously maintained by the American Legion; and

Whereas present battlefield experience re-established the importance of getting and maintaining mastery of the air above the battlefield, providing interdiction isolating the battlefield, providing close support to ground elements in battle, and in maintaining unified control of these air elements; and

Whereas the Tactical Air Command of the U.S. Air Force has demonstrated clearly again its capacity to meet the tests of actual warfare: Now, therefore, be it

Resolved by the American Legion in National Convention assembled in Washington, D.C., August 30, 31 to September 1, 1966, that the Tactical Air Command be commended for its reaction to the present emergency; and be it further

Resolved, That all efforts be made to equip the Tactical Air Command with adequate numbers of modern aircraft and adequate personnel at the earliest possible date.

U.S. DELEGATIONS TO U.N.

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, on Tuesday next the 21st session of the General Assembly of the United Nations will be convened. Last year the gentleman from New Jersey [Mr. FRELINGHUYSEN] and I were nominated to represent the Congress. This year as is the custom the two delegates are from the other body, the Honorable FRANK CHURCH and the Honorable CLIFFORD P. CASE, whose appointments by President Johnson were confirmed by the Senate yesterday.

Following is a list of the delegates and alternates of the United States to all the U.N. General Assemblies from the 1st to and including the 21st:

U.S. REPRESENTATIVES TO THE U.N. GENERAL ASSEMBLIES

FIRST SESSION, FIRST PART, JANUARY 10 TO FEBRUARY 14, 1946, LONDON

Representatives

Secretary of State James F. Byrnes.
Edward R. Stettinius, Jr.
Senator Tom Connally.
Senator Arthur Vandenberg.
Mrs. Franklin D. Roosevelt.

Alternates

Sol Bloom, Member of Congress.
Charles A. Eaton, Member of Congress.
Frank Walker.
John G. Townsend, Jr.
John Foster Dulles.

FIRST SESSION, SECOND PART, OCTOBER 23 TO DECEMBER 15, 1946, NEW YORK

Representatives

Warren R. Austin.
Senator Tom Connally.
Senator Arthur H. Vandenberg.
Mrs. Franklin D. Roosevelt.
Sol Bloom, Member of Congress.

Alternates

Charles A. Eaton, Member of Congress.
Helen Gahagan Douglas, Member of Congress.
John Foster Dulles.
Adlai E. Stevenson.

SECOND SESSION, SEPTEMBER 16, 1947

Representatives

Secretary of State George C. Marshall.
Warren A. Austin.
Herschel V. Johnson.
Mrs. Franklin D. Roosevelt.
John Foster Dulles.

Alternates

Charles Fahy.
Willard L. Thorp.
Rev. Francis B. Sayre.
Adlai E. Stevenson.
Maj. Gen. John H. Hilldring, U.S. Army, retired.

THIRD SESSION, SEPTEMBER 21, 1948, PARIS

Representatives

Secretary of State George C. Marshall.
Warren R. Austin.
John Foster Dulles.
Mrs. Franklin D. Roosevelt.
Philip C. Jessup.
Benjamin V. Cohen.

Alternates

Ray Atherton.
Willard L. Thorp.
Ernest A. Gross.
Francis B. Sayre.
Dean Rusk.

FOURTH SESSION, SEPTEMBER 20, 1949, NEW YORK

Representatives

Secertary of State Dean G. Acheson.
Warren R. Austin.
Philip C. Jessup.
Mrs. Franklin D. Roosevelt.
JOHN SHERMAN COOPER.

Alternates

Benjamin V. Cohen.
Charles Fahy.
Wilson M. Compton.
John D. Hickerson.
Ruth Bryan Rohde.
John C. Ross.

FIFTH SESSION, SEPTEMBER 13, 1950, NEW YORK

Representatives

Secretary of State Dean Acheson.
Warren R. Austin.
Mrs. Franklin D. Roosevelt.
Senator JOHN J. SPARKMAN.
Senator Henry Cabot Lodge, Jr.
John Foster Dulles.

Alternates

Benjamin V. Cohen.
JOHN S. COOPER.
Ernest A. Gross.
Edith S. Sampson.
John C. Ross.

SIXTH SESSION, SEPTEMBER 6, 1951, PARIS

Representatives

Secretary of State Dean Acheson.
Warren R. Austin.
Mrs. Franklin D. Roosevelt.
MICHAEL J. MANSFIELD, Member of Congress.
John M. Vorys, Member of Congress.
Philip C. Jessup.

Alternates

JOHN SHERMAN COOPER.
Ernest A. Gross.
Benjamin V. Cohen.
Annan Lord Strauss.
Channing H. Tobias.

SEVENTH SESSION, OCTOBER 14, 1952, NEW YORK

Representatives

Secretary of State Dean Acheson.
Warren R. Austin.
Mrs. Franklin D. Roosevelt.
Senator Theodore Francis Green.
Senator Alexander Wiley.
Ernest A. Gross.

Alternates

Philip C. Jessup.
Benjamin V. Cohen.
Charles H. Sprague.
Edith Sampson.
Isador Lubin.

EIGHTH SESSION, SEPTEMBER 14, 1953

Representatives

Secretary of State John Foster Dulles.
Henry Cabot Lodge, Jr.
James F. Byrnes.
Mrs. FRANCIS P. BOLTON, Member of Congress.
James R. Richard, Member of Congress.

Alternates

Archibald Carey, Jr.
James D. Zellerbach.
Henry Ford II.
Dr. Charles W. Mayo.
Oswald B. Lord.

NINTH SESSION, SEPTEMBER 21, 1954

Representatives

Secretary of State John Foster Dulles.
Henry Cabot Lodge, Jr.
Senator H. Alexander Smith.
Senator JAMES W. FULBRIGHT.
C. D. Jackson.
Charles H. Mahoney.

Alternates

James J. Wadsworth.
Oswald B. Lord.
A. M. Ade Johnson.
James P. Nash.
Roger W. Straus.

TENTH SESSION, SEPTEMBER 20, 1955

Representatives

Henry Cabot Lodge, Jr.
Brooks Hays, Member of Congress.
Chester E. Merrow, Member of Congress.
Senator JOHN O. PASTORE.
Colgate White Darden, Jr.

Alternates

Robert Lee Brokenburr.
Laird Bell.
Jacob Blaustein.
James J. Wadsworth.
Oswald B. Lord.

ELEVENTH SESSION, NOVEMBER 12 TO DECEMBER 21, 1956; JANUARY 2 TO MARCH 8, 1957

Representatives

Henry Cabot Lodge, Jr.
Senator William F. Knowland.
Senator HUBERT HUMPHREY.
Paul G. Hoffman.
Ellsworth Bunker.

Alternates

James J. Wadsworth.
Richard Lee Jones.
Frank C. Nash.
Edward S. Greenbaum.
Mary P. Lord (Mrs. Oswald B.).

TWELFTH SESSION, SEPTEMBER 17, 1957

Representatives

Henry Cabot Lodge.
A. S. J. Carnahan, Member of Congress.
Walter H. Judd, Member of Congress.
George Meany.
Herman B. Wells.

Alternates

James W. Wadsworth.
Irene Dunne.
Philip Klutznik.
Mary P. Lord.
Genoa S. Washington.

THIRTEENTH SESSION, SEPTEMBER 16, 1958

Representatives

Henry Cabot Lodge.
Senator MICHAEL MANSFIELD.
Senator BOURKE HICKENLOOPER.
Herman Phleger.
George McGregor Harrison.

Alternates

James J. Wadsworth.
Marian Anderson.
Watson W. Wise.
Mary P. Lord.
Irving Salomon.

FOURTEENTH SESSION, SEPTEMBER 15, 1959

Representatives

Christian A. Herter.
Henry Cabot Lodge.
James J. Wadsworth.
JAMES G. FULTON, Member of Congress.
CLEMENT J. ZABLOCKI, Member of Congress.
George Meany.
Walter S. Robertson.

Alternates

Charles W. Anderson, Jr.
Erle Cocke, Jr.
Virgil M. Hancher.
Mary P. Lord.
Harold Riegelman.

FIFTEENTH SESSION, SEPTEMBER 20, 1960

Representatives

James J. Wadsworth.
Senator GEORGE D. AIKEN.
Senator WAYNE MORSE.
Francis O. Wilcox.
Mary P. Lord.

Alternates

Zelma Watson George (Mrs. Claiborne).
Arthur F. Lamey.
Frederick Blake Payne.
Charles Rosenbaum.
Frances E. Willis.

FIFTEENTH SESSION (RESUMED), MARCH 7, 1961, TO APRIL 2, 1961

Representatives

Adlai E. Stevenson.
Francis T. P. Plimpton.
Charles W. Yost.
Mrs. Franklin D. Roosevelt.
Philip M. Klutznick.

Alternates

Jonathan Brewster Bingham.
John H. Morrow.
Charles P. Noyes.

SIXTEENTH SESSION, SEPTEMBER 19, 1961

Representatives

Adlai E. Stevenson.
OMAR BURLESON, Member of Congress.
Mrs. Marguerite Stitt Church, Member of Congress.
Francis T. P. Plimpton.
Arthur H. Dean.

Alternates

Charles W. Yost.
Clifton R. Wharton.
Philip M. Klutznick.
Jonathan Brewster Bingham.
Gladys Avery Tillett (Mrs. Charles).

SEVENTEENTH SESSION, SEPTEMBER 18, 1962

Representatives

Adlai E. Stevenson.
Senator ALBERT GORE.
Senator GORDON ALLOTT.
Francis T. P. Plimpton.
Arthur H. Dean.

Alternates

Charles W. Yost.
Philip M. Klutznick.
Jonathan Brewster Bingham.
Carl T. Rowan.
Marietta P. Tree (Mrs. Ronald).

EIGHTEENTH SESSION, SEPTEMBER 17, 1963

Representatives

Adlai E. Stevenson.
Mrs. EDNA F. KELLY, Member of Congress.
WILLIAM S. MAILLIARD, Member of Congress.
Francis T. P. Plimpton.
Charles W. Yost.

Alternates

Mercer Cook.
Charles C. Steele.
Jonathan Brewster Bingham.
Sidney R. Yates.
Jane Warner Dick (Mrs. Edison).

NINETEENTH SESSION, DECEMBER 1, 1964 TO FEBRUARY 18, 1965

Representatives

Adlai E. Stevenson.
Senator RUSSELL B. LONG.
Senator FRANK CARLSON.
William C. Foster.
Francis T. P. Plimpton.

Alternates

Charles W. Yost.
Franklin H. Williams.
Gladys Avery Tillett (Mrs. Charles).
Richard N. Gardner.
Charles P. Noyes.

TWENTIETH SESSION, COMMENCING SEPTEMBER 21, 1965

Representatives

Arthur J. Goldberg.
Charles W. Yost.
BARRATT O'HARA, Member of Congress.
PETER H. B. FRELINGHUYSEN, Member of Congress.
William C. Foster.

Alternates

James M. Nabrit, Jr.
James Roosevelt.
Eugenia Anderson.
William P. Rogers.
Frances E. Willis.

TWENTY-FIRST SESSION, COMMENCING SEPTEMBER 20, 1966

Representatives

Arthur J. Goldberg.
James M. Nabrit, Jr.
Senator FRANK CHURCH.
Senator CLIFFORD P. CASE.
William C. Foster.

Alternates

James Roosevelt.
Eugenia Anderson.
Patricia Roberts Harris.
George L. Killion.
Harding F. Bancroft.

THE URGENT NEED FOR AN URBAN AFFAIRS COMMITTEE

Mr. RYAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. RYAN. Mr. Speaker, as one who has long urged the creation of a standing committee on urban affairs, I was heartened to read the editorial in yesterday's New York Times supporting the creation of such a committee.

"If urban problems merit the creation of a Federal department," the editorial pointed out, "they also justify permanent congressional committees."

When I introduced my resolution—House Resolution 637—to establish an Urban Affairs Committee on January 12, I pointed out the benefits of creating a single committee whose staff and members would be primarily concerned with urban problems. We are fast becoming a nation of cities, and cities present many of our greatest problems as well as much of our greatest promise. They deserve the full attention of a committee of Congress.

Originally I had thought that this would be an appropriate subject for the consideration of the Joint Committee on

the Reorganization of Congress. Therefore, on March 1, I, along with 29 colleagues, sent a letter to the cochairmen of that committee, asking that it "give favorable consideration to the establishment of a new standing committee to be called the Committee on Urban Affairs." Some outside witnesses, including the National League of Cities, made similar proposals.

When the joint committee made its report on July 28, it agreed that "the phenomenal growth of urban areas, the enormous problems this growth has spawned, and the current and probable future expansion of Federal programs to deal with these programs, signified by the creation of a new Department of Housing and Urban Development, point to the need for specialized congressional recognition of this increasingly significant area of public policy." This statement would seem to suggest a flat endorsement of the concept of a separate committee to handle urban affairs. Instead, however, the committee recommended only that "the Banking and Currency Committee shall be redesignated the Committee on Banking, Housing, and Urban Affairs." No jurisdictional changes were proposed.

Since the committee issued its report, the demand for a standing committee on urban affairs has begun to intensify. Some 15 Members of the House have now introduced resolutions similar to my House Resolution 637. In his testimony before the Senate Government Operations Subcommittee on Executive Reorganization in the other body, Senator ROBERT F. KENNEDY recommended that such a committee be formed. Then, on September 8, Senator HARRISON WILLIAMS introduced Senate Resolution 302, to establish a Senate Committee on Urban Affairs. His resolution was cosponsored by Senators BREWSTER, EDWARD KENNEDY, PELL, and RIBICOFF.

Not surprisingly, then, the creation of such a committee was a subject of some interest at the meeting on urban America which was held here earlier this week, and was endorsed by the mayor of New York in his speech to that gathering.

Now that the discussion of this significant proposal has begun in earnest, it is time that we in this House did something about it. The rules of the House should be amended to create a standing committee on urban affairs.

The Times editorial, which cogently makes the case for such a committee, follows:

[From the New York Times, Sept. 14, 1966]

CONGRESS AND THE CITIES

It is a commonplace among mayors and others familiar with municipal affairs that they cannot hope to solve their problems, largely national in origin, without Federal help on a massive scale. Yet the Federal Government has been so slow to recognize its responsibility that at the hearings before Senator ABRAHAM RIBICOFF's subcommittee last month there were no accurate figures available on how much Washington was currently spending on aid to cities.

Robert C. Weaver, Secretary of Housing and Urban Development, estimated that expenditures were $28 billion a year, while Attorney General Nicholas deB. Katzenbach put them at $13 billion. Something is wrong when no one in the Administration knows just how much is being spent and just what it has to show for its outlays.

Mayor Lindsay has joined his voice to a number of others that have been raised in support of a constructive proposal that could be of great value in dealing with urban problems. It is that Congress establish standing committees on urban affairs in both the Senate and the House.

If urban problems merit the creation of a Federal department, they also justify permanent Congressional committees. Many Federal policies have contributed enormously to the difficulties in which the cities now find themselves. Thus Federal mortgages, housing and highway construction measures have all contributed to the mass exodus of middle-income families from the central cities to the suburbs. And Federal welfare policies have had a great deal to do with the influx of poverty-stricken migrants into the city slums. The cities are the focal point of the national fight for civil rights, for improved housing and education.

Both houses need permanent committees with adequate professional staffs to study the great social and economic forces—and the policies—that are transforming our cities. Seventy per cent of our population now lives in them and the prospect is that this concentration will continue to increase. The cities loom as the nation's biggest problem. Congress will not be in position to find solutions unless it is equipped for the task.

PLEA TO STOP SPREAD OF ATOMIC WEAPONS AMONG NONNUCLEAR POWERS

Mr. FINDLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. FINDLEY. Mr. Speaker, I have asked for a special order today for the purpose of reviewing a proposal in the newspapers today, including the New York Times, on behalf of 290 citizens. They are identified as the Educational Committee To Halt the Imminent Spread of Atomic Weapons among nonnuclear powers. They make an astonishing and, to my view, a very unwise and dangerous proposal which would have a very adverse effect upon NATO and cause deep concern within West Germany.

THE NEW YORK WORLD JOURNAL TRIBUNE

Mr. KUPFERMAN. 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 New York?

There was no objection.

Mr. KUPFERMAN. Mr. Speaker, at long last, the New York World Journal Tribune is with us.

An amalgam of three famous newspapers—the New York Herald Tribune, the Journal American, and the World Telegram and Sun—our new newspaper seems to have inherited the leading and outstanding features of the previous papers.

No matter what the relative merits of the present newspapers that served us so well during the recent strike, the New York Daily News, the New York Post, and the New York Times, it is always good to have a different point of view and a different approach, and so the New York World Journal Tribune will round out a needed fourth force for New York City.

Hopefully, the newspaper will be successful, not only in its format and content, which already meets this promise, but also in earning capacity so that there need be no fear of termination.

I know that my colleagues in all of the 50 States will join with me in happy contemplation of the fact that a new newspaper has been born in the greatest city in the world.

AMERICAN REVOLUTION BICENTENNIAL COMMISSION—APPOINTMENT OF MEMBERS

The SPEAKER. Pursuant to the provisions of section 2(a), Public Law 89-491, the Chair appoints as members of the American Revolution Bicentennial Commission the following Members on the part of the House: Messrs. DONOHUE, of Massachusetts; WELTNER, of Georgia; SAYLOR, of Pennsylvania; and POFF, of Virginia.

ANTIRIOT LEGISLATION

Mr. MCEWEN. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama [Mr. BUCHANAN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. BUCHANAN. Mr. Speaker, when the 1966 civil rights bill was being debated before the House, I joined in the passage of an antiriot amendment to this bill introduced by the distinguished gentleman from Florida [Mr. CRAMER]. It now seems likely that the civil rights bill will not be passed into law in this Congress.

The continuing riots in major cities around the United States, however, point up the continuing need for legislation along the lines of the Cramer amendment which passed the House by the overwhelming vote of 389 to 25. Consequently, I am happy to join with Mr. CRAMER and other colleagues in introducing this legislation and urging its speedy passage by the House.

BROCK CALLS FOR HOWE'S RESIGNATION

Mr. MCEWEN. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. BROCK] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. BROCK. Mr. Speaker, 2 days ago I warned the House that a draft bill existed within the Office of Education and Department of Health, Education, and Welfare that would redraw local school district lines on a metropolitan areawide basis and encourage schoolbusing and pairing through the use of billions in additional Federal aid. I warned that this legislation would operate under the metropolitan section of the pending housing bill.

A few hours later, U.S. Education Commissioner Harold Howe called my statement "ridiculous and untrue."

Yesterday the gentleman from New York, Congressman PAUL FINO, released the text of just such draft legislation. The Secretary of Health, Education, and Welfare admitted its authenticity, but excused it as just one of several plans under discussion.

Mr. Speaker, I call on President Johnson to repudiate this draft bill and everybody associated with it. I call on him to let the Congress know how many other draft schoolbusing bills exist. Since when must the administration operate under a veil of secrecy regarding our Nation's schools? Since when have they needed to hide their programs for this Nation from its citizens?

Commissioner Howe denied the existence of his plan for national schoolbusing, only to be embarrassed by its revelation the very next day. Such actions are inexcusable for a major official of this administration. In light of Mr. Howe's apparent refusal to tell Congress the truth, I hope that the President will ask for his resignation.

POLITICAL EXPEDIENCY

Mr. MCEWEN. 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. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, we all know that President Johnson's anti-inflation message as it came to the Congress was "too little and too late."

But an editorial in the St. Louis Globe-Democrat for Wednesday, September 14, 1966, points out very well, I think, another aspect of this message. Entitled "Political Expediency," it goes on to say that everyone knows that the President's proposals will "do virtually nothing to cap the inflation spiral."

Under leave to extend my remarks I include the editorial:

POLITICAL EXPEDIENCY

When the President poured a little water on the overheated economy by moving to rescind industrial expansion tax credits, everyone knew it would do virtually nothing to cap the inflation spiral. But it gigged no one, except a few industrialists.

This is an election year, and Mr. Johnson's act was considered by political pundits shrewd politics.

What the nation needs is hard-nosed decision to siphon the water out of overspend money, especially government prodigality. But political temporizing is accepted as routine, expected, inevitable.

Government by political expediency has not been a fixation solely of the present Administration. It was evident in the conduct of many Presidents. Lyndon Johnson just happens to be an expert in this field, partly because of his consensus safari, partly because he is a master politician.

Commentators and critics considered it simply a governmental realism that no taxes would be levied before the November ballot—though afterward, look out.

Without conscious cynicism, they found little or no fault with the Administration for deliberately vague pledges to curtail federal expenditures, which they know will not occur.

There was nothing abnormal in letting the country continue, with only vocal remonstrance, on an inflationary binge, spending like leave-famished sailors suddenly on the town.

Expediency in administering government is the syndrome of modern politics. Use of power for vote-getting is now more pronounced than ever, because there is more federal power. Half of each administration's term are election years, and Washington veers more to polishing election apples than doing what is best for the nation.

Perhaps lack of determination to set an unpopular but wiser course for the country is responsible for much of Mr. Johnson's slump in popularity reported by poll-takers. This could be true in the Vietnam war issue, as well as in domestic problems.

Politics is not an evil factor in the presidency; overweighting politics for expediency's sake can be bad and self-defeating.

Lyndon Johnson wants to be a great President, as Americans wish their President to be. Such a niche in history and national esteem calls for courage and decision to do what is right and needed—not merely to follow the beckoning, easy lures of political expediency.

THE ADMINISTRATION AND THE FIGHT AGAINST INFLATION

Mr. MCEWEN. Mr. Speaker, I ask unanimous consent that the gentlewoman from New Jersey [Mrs. DWYER] may extend her remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mrs. DWYER. Mr. Speaker, for many months now, many of our colleagues have been calling public attention to the dangers of inflation. We have proposed specific steps to fight high prices and we have urged the administration to get about the business of protecting the people. Now, months later, the administration has proposed to act.

I would hope, therefore, that the Congress—including our colleagues on both sides of the aisle—will devote immediate attention, and on a completely nonpartisan basis, to the administration's belated but comprehensive anti-inflation program.

Although the administration is at least 6 months late in recognizing the serious effects of high prices and high interest rates and the real threat of further inflation, it has now come full circle in seeing the danger and in responding to it in terms which many of us have been urging on the administration for many months now.

Just this past weekend, in my own district, I took the opportunity again to talk with many of my constituents and to visit several stores and supermarkets in order to better understand exactly what inflation is doing to people. Inflation is not simply a theory. It is harsh reality. It is taking precious dollars out of the pockets of people who can least spare them, and it is steadily lowering the living standards of people already existing on marginal incomes.

We would be less than consistent and true to our obligations, therefore, if—now that the administration has in effect conceded that we were right all along—we gave to its recommendations anything but earnest, immediate, and objective consideration.

This does not mean that we should rubberstamp the administration's program or approve all its recommendations without change. On the contrary, such proposals as those to suspend temporarily the 7-percent investment tax credit and the use of accelerated depreciation are inherently controversial and should be carefully studied to determine their effect on our common objective: a steadily growing economy with stable prices.

Our problem now is to make certain that the remedy fits the sickness, that the administration's anti-inflation policies will effectively arrest rising prices and interest rates without going so far as to force the economy into a decline and bring on a recession and growing unemployment.

As I have suggested in several speeches and statements this year, the sensitive nature of a full-employment economy makes it imperative to use both the right tools and the right timing to fight inflation. The administration's excessive delay in making up its mind to fight inflation has increased the danger that its tools or its timing, or both, may be inappropriate to the need.

But this is a danger that Congress must explore immediately. We must consider two possibilities, basically: that the forces of inflation have become so thoroughly installed that the administration's relatively moderate anti-inflation program will not be sufficient, and, on the other hand, that inflation may already be reaching its peak and that by adopting policies to hold down the economy the administration may only accelerate a downturn already in the making.

As the authoritative publication, Business Week, pointed out in its editorial this week:

What clearly is required now is the kind of fiscal restraint that will slow down the growth of demand in the U.S. economy without causing an equivalent slowdown in the growth of productive capacity.

The formulation of a balanced program to deal with the present strains—and one which will take effect with maximum speed—is now the prime requirement of national economic policy. As between the proposed suspension of the 7-percent investment tax credit and a reduction in nondefense Federal spending, for instance, the latter would obviously have a more immediate and effective impact on restraining demand.

In any event, however, we can only welcome the administration's newfound awareness that inflation is here and that it is painful and its apparent determination to control it. Among the policies and recommendations announced by the President and other administration spokesmen are several which I have repeatedly urged upon the administration and which I especially welcome.

For example, the President's decision to reduce by 10 percent, or about $3 billion, the lower priority portion of his Federal Budget will help assure that there will be no budget deficit this year to add inflationary pressure to the economy—if the administration follows through on its promise, and Congress acts accordingly.

By the same token, his recognition of the need to pay for current expenditures out of current revenues during an inflationary period represents a very encouraging development.

Of particular importance is the administration's suspension of the sale of special kinds of Government securities, including participation certificates which have been a major factor in forcing interest rates, or the cost of money to borrowers to record high levels. For those of us who vigorously opposed the Sales Participation Act when the administration forced it through Congress earlier this year, the administration's action confirms our prediction that use of the participation device would only push up interest rates and eventually add to the taxpayer's burden—a high price to pay for the sole purpose of obscuring budget expenditures.

In this and related respects, the administration is recognizing that its excessive reliance on monetary policy—higher interest rates and tighter money—has unbalanced the economy. While monetary policy, properly used, can help control inflation, it cannot carry the whole burden. In the present situation, it has failed to stop higher prices and has unfairly penalized homebuyers and small businessmen as well as threatened to halt the balanced growth in the economy.

As the President has now pointed out, inflation imposes a cruel and unjust tax on all the people. This inflation has caused sustained price increases in food, services and industrial production. It has weakened the competitive strength of American industry in world trade. It has hurt our delicate balance-of-payments position. And it has robbed the tens of millions of Americans who depend on fixed incomes.

The responsibility now belongs to Congress to consider the administration's policy in good faith and on its merits and to reach agreement on a course of action that will control inflation and at the same time permit the economy to sustain the kind of prosperity that will benefit all.

FINO CHALLENGES JOHNSON TO DISAVOW PROPOSED "EQUAL EDUCATIONAL OPPORTUNITY ACT OF 1967"

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. FINO] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. FINO. Mr. Speaker, yesterday I held a press conference to disclose the administration's secret "Equal Educational Opportunity Act of 1967." I think that the Members of this House will be interested to read this incredible document.

I am putting in the RECORD the following sequence of events: First, the statement made by Representative BROCK alleging Office of Education plans for metropolitan areawide school redistricting and busing; second, the denial by Education Commissioner Howe, who said the charge was ridiculous; third, my speech on the Equal Educational Opportunity Act of 1967; fourth, a copy of the key sections of the Equal Educational Opportunity Act; fifth, Secretary Gardner's denial, and sixth, my further commentary.

I challenge the administration to come clean. Secretary Gardner has said that my document is one of several drafts of legislation being considered. Let the administration show us the others—if there are others. Probably they are worse. This talk of other drafts is a red herring. This bill I disclosed is the bill. Its budget figures are detailed. It was just ready to go to the Bureau of the Budget.

Let anyone who doubts all this read the statements of Harold Howe. He has said:

If I have my way, schools will be built for the primary purpose of economic and social integration.

How could this man have the gall to label Representative BROCK's charge as "ridiculous and untrue" when his top assistants had prepared the bill I disclosed containing just the points BILL BROCK had raised? Commissioner Howe is a political liar engaging in tricking the Congress.

I think that the President has an obligation to repudiate this deception and doubletalk on the part of his social planning underlings. Otherwise the Republican Party will be obliged to assume that while the voice is the voice of HEW, the hand is the hand of Johnson. If the President disapproves, let him demand the resignation of Mr. Howe.

The material referred to follows:

BROCK ASKS DISCLOSURE OF METRO BUSING BILL

Congressman BILL BROCK (R-Tenn) today on the Floor of the U.S. House of Representatives demanded that the Johnson Administration make public the existence of draft legislation to use the Metropolitan Development title of the pending housing bill (S. 3708) to introduce a multi-billion dollar national school busing scheme.

Congressman BROCK said, "The 1967 Education bill already has been drafted and submitted to the Secretary of Health, Education, and Welfare, and apparently is destined to become 'must' legislation for the 90th Congress. The real test, 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 multi-billion dollar program designed to achieve 'Racial Balance' 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 busing next year.

"For these reasons it is imperative this draft legislation 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 tiddly winks. Using Metro as the statutory foundation, the Johnson Administration will ask for:

"1. Metropolitan area-wide rezoning of school attendance areas, without regard to existing state or county lines, to compel racial balance in public schools;

"2. Busing of suburban school children 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.

"3. Complete obliteration of present school district boundary lines, with free transfers between school districts.

"4. 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," Congressman BROCK concluded.

Congressman BROCK also inserted in the RECORD an article in the Washington Post on September 9th by Robert Novak and Rowland Evans entitled the "Education Bomb-

shell", which summarized the proposed legislation and its impact.

U.S. Education Commissioner Harold Howe II, questioned about BROCK's charge, told United Press International it was "ridiculous and untrue."

"The Office of Education has no intention of rewriting history or of compelling of school busing or in the redrawing of school boundary lines," Howe said.

"The Office of Education firmly committed to the principle of local control of public schools," he said.

STATEMENT OF CONGRESSMAN PAUL A. FINO, REPUBLICAN, OF NEW YORK, ROOM H-202, U.S. CAPITOL, SEPTEMBER 14, 1966

Gentlemen: Thank you for coming here today.

I have here in my hand a document which can only be referred to as "radical." It is a memorandum detailing the Administration's proposed $6 billion "Equal Educational Opportunity Act of 1967." The memo is a product of a high level task force, and has already gone to HEW Secretary Gardner.

In a nutshell, the proposed legislation would set up a multibillion dollar effort to force racial balance in the nation's schools. The billions of dollars proposed to be spent would be used for programs such as construction of schools to serve mixed communities, redrawing school district lines, school busing programs, pupil exchanges between suburbs and slums, revision of textbooks to stress the contribution of minority groups, and so forth. I will discuss all this in some detail in just a moment.

This measure apparently has the White House stamp of approval. It is taken in large measure from a June White House Conference called "To Fulfill These Rights." The radical proposals suggested were summed up as "Equal Educational Opportunity." One member of this radical council was Floyd McKissick, the head of CORE and a vigorous spokesman for "black power." I am amazed that the reach of "black power" is long enough to design Administration legislation.

The immediate importance of the proposed 1967 legislation is that it lets the cat out of the bag concerning the Administration's plans to use the "metropolitan planning" title of this year's omnibus housing bill as a weapon to reshape both housing and education across the nation.

As ranking signer of the minority views in the House Banking Committee report on the omnibus housing bill, I pointed out to the House that the "metropolitan planning" section of the bill was a Trojan Horse for rampant federal coercion. Now we have indisputable proof.

I want to make my position crystal clear. I have always supported omnibus housing bills since I came to Congress in 1953. I have also always supported civil rights legislation. Notwithstanding some doubts, I voted for the open-housing section of this year's civil rights bill. But this bill is too much. And "Metropolitan planning" is too much. This is not a question of civil rights. It is a question of civil privileges. I am for equality, not unbridled privileges. And I am convinced virtually every American regardless of party, share my opposition to school bussing and elimination of neighborhood schools.

Now for the bill. The title is the "Equal Educational Opportunity Act of 1967." The bill has six titles. Besides enacting new laws in the field of education, the bill would amend two other laws—one existing—the Civil Rights Act of 1964—and one proposed, the metro planning section of this year's omnibus housing bill (S. 3708).

Of the six titles, four are fairly non-controversial ones dealing with education. I will not comment on them. The other two are bombshells. Taken together, they constitute the most radical legislation ever drawn up in these United States.

Title II of the so-called "Equal Educational Opportunity" bill sets up a program of federal aid for school construction. But unfortunately, the only way a community gets such aid is to tie it in with one of the busing or pairing schemes under Title III or to surrender school districting control throughout an entire metropolitan area.

Let me read you the explanation the social planners have for giving federal money in support of school construction. I quote:

"The program is aimed particularly at the facilitation of more flexible education programs, in conjunction with educational innovations such as those supplementary services and arrangements which can be funded under Title III of the Elementary and Secondary Education Act. In addition, reduction of de facto segregation would be encouraged by combining grants under this title with extra cost grants for construction projects designed to achieve integrated education under Title III of this legislative package."

What this means is simple. Only communities using Title III money for pairing, busing of pupils, pupil exchanges or textbook revision would be able to get school construction grants.

Now let me read you the explanation of how the Administration seeks to use the "metropolitan planning" section of the 1966 omnibus housing bill to compel metropolitan area-wide school redistricting and busing. Section (d) of Title II provides that bonus educational facilities grants will be given to communities that plan schools and school districts on a metropolitan area-wide basis. Let me read to you how the planners condemn themselves out of their own mouth:

"Supplementary grants providing an additional 20% of the project cost would be made to projects which fit into metropolitan area plans. This increased federal share would provide an incentive for joint school planning in metropolitan areas. This proposal is patterned after the proposed supplementary grants for planned metropolitan development contained in Title II of the Senate-passed 'Demonstration Cities and Metropolitan Development Act of 1966.' If enacted into law, that legislation could simply be amended to include school construction projects assisted under this proposed program in the definition of an eligible 'metropolitan development project' in the same manner as libraries assisted under the Library Services and Construction Act and hospitals assisted under the Public Health Service Act are covered in the pending legislation. The location and scope of educational parks should be an important component of any comprehensive metropolitan area-wide planning."

In other words, the Metro section of the pending Housing bill will be used as the foundation for this multi-billion dollar scheme. When this section of the housing bill comes to a vote within the next few weeks, the real question will be whether or not a majority of the members of the House will be tricked into voting for school busing. Now that this document has been revealed, I predict that Metro will be overwhelmingly rejected.

It is becoming increasingly apparent why the President feels he must maintain his present majority in the House in the November elections.

Let me mention a few of the specific "racial balance" proposals set forth in Title III of this bill. These are the plans specifically proposed to revamp education throughout the United States. Number one—school busing. Number two—redistricting of school districts to achieve racial balance. Number three—pairing of schools. Number four—suburban and slum pupil exchanges. Number five—revision of school textbooks on behalf of minority groups.

Make no mistake about it. This bill specifically proposes that de facto segregation be made illegal and federal grants given to fifteen programs of overcoming de facto segregation in the schools.

This is an incredible document. Read it. See for yourself. Back in June, a White House conference advocated putting poverty and housing funds into the metropolitan planning kitty in addition to education. Perhaps that is what they want to do next. This is the "Great Society" in action. This is why the President wants a Democratic Congress. This is why we need more Republicans in Congress. This battle is not over. Thank you.

EQUAL EDUCATIONAL OPPORTUNITY ACT OF 1967—DETAILED EXPLANATION AND JUSTIFICATION

TITLE II: CONSTRUCTION OF SCHOOL FACILITIES

Purpose

To help meet the pressing need for modern school facilities, especially in central cities and rural areas where outmoded facilities exist in conjunction with high concentrations of disadvantaged children. The program is aimed particularly at the facilitation of more flexible educational programs, in conjunction with educational innovations such as those supplementary services and arrangements which can be funded under title III of the Elementary and Secondary Education Act.

In addition, reduction of de facto segregation would be encouraged by combining grants under this title with the extra-cost grants for construction projects designed to achieve integrated education under title III of this legislative package.

Program

(a) Survey of construction needs by State agency: Grants for an initial inventory of facilities would first be made so that within the first 6 to 9 months of the program a complete and reliable inventory of educational facility needs would be available. This inventory would then form the basis for establishing priorities as to the areas of greatest need within each State before the project approval process begins.

(b) Basic grants for construction projects: These grants would build an estimated 110,000 classrooms over a 5-year period. Funds would be allotted among the States on the basis of relative per capita income and State educational effort. The basic grant could not ordinarily exceed 50 percent of the cost of construction.

(c) Administration of grants: State educational agencies would assign priorities to project applications on the basis of objective need criteria, with preference for projects designed to alleviate segregation or racial imbalance. The Commissioner of Education would have final approval authority before a project could be funded under this title.

(d) Supplementary grants: Supplementary grants providing an additional 20 percent of the project cost would be made to projects which fit into metropolitan area plans. This increased Federal share would provide an incentive for joint school district planning in metropolitan areas. This proposal is patterned after the proposed supplementary grants for planned metropolitan

development contained in title II of the Senate-passed "Demonstration Cities and Metropolitan Development Act of 1966" (S. 3708). If enacted into law, that legislation could simply be amended to include school construction projects assisted under this proposed program in the definition of an eligible "metropolitan development project" in the same manner as libraries assisted under the Library Services and Construction Act and hospitals assisted under the Public Health Service Act are covered in the pending legislation. The location and scope of educational parks should be an important component of any comprehensive metropolitan areawide planning.

(e) Loans: While outright grants should be restricted to special construction needs which impose heavy burdens upon the resources of local educational agencies and the States, the Federal government can, with minimum budgetary impact, assist schools which undertake to spread out the cost of constructing facilities by facilitating the marketing of long-term bonds and by lowering the interest rate for local educational agencies. For example, rapidly expanding middle-income communities are in a better position to afford the construction of needed school facilities than other areas, but the rapid development of an area does impose a fairly sudden impact of school-age children. While able to afford the facilities, such communities nevertheless find it desirable to spread the cost over a long period of time.

Furthermore, even in the case of projects which do receive Federal grants for a share of the cost of construction, few construction projects will be funded without requiring substantial local funds. Accordingly, in most cases, a part of the cost of most projects will have to be obtained by borrowing. The maximum maturity of school bonds—the spread-out period—is rather short compared to the long-term loans which institutions of higher education can obtain under the Higher Education Facilities Act and the College Housing Program.

In addition, the interest rate on school bonds is now significantly higher than the "ideal" of 3 percent.

It is therefore recommended that a school bond support program be devised using the procedures of the Federal National Mortgage Association. FNMA may now issue debentures to secure funds from private investors with which to purchase home mortgages in its secondary market operations at a ratio of 15 times its capital and reserves (i.e., the net cost is one-fifteenth of the mortgage purchased). In view of the similar ratio on the sale of participation certificates in Federal loans (a 5 percent reserve, or a 20-to-1 ratio of loans to net cost), a special fund or account could be administered by FNMA through which school bonds would be purchased out of funds secured by the sale of FNMA obligations equal to 20 times the appropriations deposited in the fund. The net cost to the Federal Government would be one-twentieth of the total amount of such school construction loans, assuming a 5 percent reserve requirement.

As an additional part of the program, the Commissioner of Education, would be authorized to make payments on behalf of the local educational agencies for that portion of the interest necessary to make up the difference between a 3 percent rate of interest and the rate which FNMA must pay on its outstanding debentures which provided the funds for the purchase of the school bonds.

Funding

[In thousands of dollars]

	Fiscal year 1968	Fiscal year 1969	Fiscal year 1970	Fiscal year 1971	Fiscal year 1972
Basic grants		930,000	1,108,000	1,284,000	1,274,000
Loans		200,000	100,000	100,000	
Supplemental grants		120,000	140,000	160,000	160,000
State administration (including inventory in fiscal year 1968)	57,000	10,000	11,000	13,000	13,000
Research		10,000	11,000	13,000	13,000
Total	57,000	1,270,000	1,370,000	1,570,000	1,460,000

TITLE III: GRANTS TO ASSIST SCHOOLS IN THE PROCESS OF DESEGREGATION

Purpose

To assist communities throughout the Nation to cope with problems of segregation and racial imbalance in order to facilitate racial, ethnic and socio-economic integration.

Program

(a) Educational excellence grants: Local educational agencies would be eligible for Federal grants to assist in achieving integrated education. On the assumption that integrated education involved added costs to accommodate educationally disadvantaged students, Federal grants would be offered to schools which have few or no students from minority racial or ethnic groups in order to facilitate educational integration and reduce educational disparities. As one alternative, a formula similar to that in the impact aid program (with a per pupil Federal payment multiplied by the increased number of children in integrated schools for 5 years) would provide a real incentive for schools to desegregate completely over a 5-year period.

Federal grants would be offered to school districts for use in specific neighborhoods which show promise of being able to maintain integrated education (such as Hyde Park in Chicago) or to achieve integration by attracting white students to exceptional schools currently serving predominantly Negro residential areas (including appropriate schools in urban renewal areas). The grants may be used to produce exceptional education programs, attractive to parents of all races, by supporting, *inter alia* superior salaries for master teachers, improved instructional equipment, lighted schoolhouse-community centers for around-the-clock superior programs, stipends for visiting lecturers, individualized instruction, and reduced pupil-teacher ratios.

(b) In addition to expanding training institutes to prepare local school personnel to deal with problems of racial imbalance as well as de jure segregation, title IV of the Civil Rights Act of 1964 would be amended to provide grants to support techniques appropriate to correct *de facto* segregation in individual communities. Such techniques could include:

1. Comprehensive, district-wide rezoning of school attendance areas to obtain maximum heterogeneity.

2. Pairing, grouping or clustering of adjacent Negro and white schools a division by grade level in two or more residential areas.

3. Reorganization of the use of schools; reorganizing the grades of a school; converting schools to other uses; closing schools; changing feeder patterns; grade pattern reorganization.

4. Careful site selection to locate new schools so as to maximize integration of residentially segregated student populations.

5. Increased bussing from overcrowded to underutilized schools.

6. Development of "magnet" high schools, each specializing in a different subject area with enrollment open to the entire school district on the basis of interest rather than ability.

7. Devolpment of supplemental educational centers, comprehensive community schools and shared time programs to draw district-wide enrollment as well as participation from private and parochial schools.

8. Open enrollment, voluntary enrollment and free transfers.

9. Creation of metropolitan school districts to include urban and suburban areas.

10. Suburban-Inner City pupil exchanges.

11. In-class pupil grouping to avoid racial separation, development of upgraded primary classes; remedial and compensatory programs within the framework of regular classroom structure.

12. Inservice training for teachers and other school personnel; employment of specialists to advise school personnel, parents, children and the public on problems of desegregation; improving guidance and counselling services.

13. Development of new curricular materials, particularly those including proper representation or racial and religious minorities.

14. Teacher assignment to assure faculty integration at all schools.

15. Improvement of recruitment and advancement of minority group teachers and of white teachers who are motivated to teach in ghetto schools and in transitional programs.

(c) Extra-cost grants for construction to achieve integration: Grants would be made by the Commissioner of Education (not allocated by State) to meet the extra costs of constructing new schools, including special education centers and educational parks and complexes located on the borders of ghettos under plans insuring interracial attendance of students.

Insofar as the acquisition of large blocks of land and the construction methods are more expensive than the conventional school facility the Federal government should cover 100 percent of the difference. Preference would be given to multiple school district applications, especially those joining suburban and core-city districts.

Funding

[In thousands of dollars]

Fiscal year 1968	175,000
Fiscal year 1969	275,000
Fiscal year 1970	375,000
Fiscal year 1971	375,000
Fiscal year 1972	375,000

Equal Educational Opportunity Act of 1967

[In millions of dollars]

	1968	1969	1970	1971	1972
I. Grants to local education agencies for self-assessment, planning, and evaluation	75	75	75	75	75
II. Construction of school facilities	57	1,270	1,370	1,570	1,460
III. Grants to assist schools in the process of desegregation	175	275	375	375	375
IV. Educational personnel training and staff development	25	40	50	60	60
V. Expanded pupil personnel services [1]	5	5	10	14	25
VI. Educational programs for adults	15	50	150	200	250
Total	352	1,715	2,030	2,294	2,245

[1] Amounts represent increases in the funding authorization of title V-A of NDEA; no specific funds would be earmarked for the additional pupil personnel services authorized.

[From the New York Times, Sept. 15, 1966]

FINO SAYS 1967 BILL CALLS FOR BUSING—GARDNER DENIES HE PLANS TO SEEK SUCH LEGISLATION

WASHINGTON, September 14.—Representative PAUL A. FINO asserted today—and the Department of Health, Education and Welfare denied—that the Administration was considering a bill specifically proposing school busing and redistricting school districts to achieve racial balance.

The Bronx Republican said at a news conference that he had obtained a copy of "the Administration's proposed "Equal Education Opportunity Act of 1967' " and said "this measure apparently has the White House stamp of approval."

"In a nutshell," he said, "the proposed legislation would set up a multibillion dollar effort to force racial balance in the nation's schools."

He called it "the most radical legislation ever drawn up in these United States" and said it would set up a program of Federal school construction aid.

"But unfortunately," he continued, "the only way a community gets such aid is to tie it in with one of the busing or pairing schemes" or "surrender school districting control throughout an entire metropolitan area."

Mr. FINO said the draft was "indisputable proof" that the metropolitan planning section of the Administration's urban development bill is "a Trojan horse for rampant Federal coercion."

Representative WILLIAM E. BROCK 3d, Republican of Tennessee, made a similar charge yesterday.

Secretary John W. Gardner said in a statement that the document Mr. FINO had displayed was an "unofficial discussion paper."

"We can say flatly that the Department of Health, Education and Welfare has no intention whatever of submitting legislation that would compel school busing or rezoning," Mr. Gardner added.

Mr. Gardner said his department was "reviewing many draft proposals for legislation, none of which have any official status, many of which will eventually be rejected."

He stated the department's concern with "the improvement of education throughout the nation and with the assurance of equal educational opportunity for all, but he added:

"It should be emphasized, however, that any legislation proposed by the department will embody the historic American principle of local supervision and control of public education."

FINO REPLY TO GARDNER, SEPTEMBER 14

Mr. Gardner says that no legislation will be introduced to compel busing or other methods of ending racial imbalance in the schools. The people at HEW know—and I know—that subsidies can be set up in such a way as to amount to compulsion if made a part of a metro aid package. "What I want to know is whether they are going to submit the bill I exposed."

EVIDENCE MOUNTS ON PROFESSIONAL AGITATORS FOMENTING RIOTS AND CIVIL DISTURBANCES AND HOUSE MEMBERS DEMAND ACTION ON H.R. 17642, THE CRAMER ANTIRIOT BILL

Mr. MCEWEN. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. CRAMER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CRAMER. Mr. Speaker, evidence from many sources continues to mount indicating that many of the most serious riots and civil disturbances taking place under the guise of civil rights are being engineered, encouraged and incited by professional agitators who travel the country stirring up dissension and strife.

Ralph McGill, liberal publisher of the Atlanta Constitution, recently exposed the fact that "in civil rights circles it is said that Havana money took over SNICK—SNCC"—which is substantiated by the fact that many SNICK demonstrators are found shouting Castro slogans, as well as by the Cleveland grand jury findings of Communist influence in the problems created in that city.

Ralph McGill further points out that many of the more reliable supporters of SNICK have been "replaced by the likes of New York Attorney Victor Rabinowitz, registered in Washington as an agent for the Castro government."

McGill continues:

The Federal government has been patient far too long with professional agitators who travel from State to State whipping up emotions in the name of civil rights.

Added to this information is the known fact that Robert Williams, escapee indicted in North Carolina and a fugitive from justice now embracing Castro's communism in Havana, is directing some of the efforts as the absentee head of RAM, a militant Negro group that teaches guerrilla tactics and violence on an outspoken, planned basis. Williams broadcasts his hate-America droolings from Havana and his seditious material is mailed or bootlegged into the United States for distribution—including Raoul Castro's guerrilla tactics handbook.

Stokely Carmichael, head of SNICK, is preaching that Western civilization must go, that if brick walls in place of windows are built as a precaution against rioters and looters, then "it just means we have to move from Molotov cocktails to dynamite," and that the Vietnam war is a white man's war, encouraging Negroes not to serve.

"Police brutality" is being used as a slogan to whiplash all law enforcement authorities, and as a license in many instances to violate the law with impunity, by some of the professional agitators.

All of this adds up to the need for action by Congress to serve notice that Federal authorities will not stand idly by and see the seeds of anarchy in America sown across our land by professional agitators using the civil rights cause as a haven.

It is time for Congress to enact strong antiriot legislation and to pass my bill, H.R. 17642, which is identical to the amendment to the Civil Rights Act of 1966 adopted 389 to 25 by the House on August 9. It became necessary to introduce and press for the enactment of this separate bill because of the death of the civil rights bill in the Senate yesterday.

In my opinion, Congress will be derelict in its duty if it does not act in this national crisis before adjournment. The sentiment of the country was clearly expressed in the House vote on the Cramer antiriot amendment, and the House Judiciary Committee should immediately report the bill out. I have asked the chairman to call the bill up for action immediately.

The seriousness of the situation has been evidenced by the insertions in the RECORD by myself and many other Members and by the number of antiriot bills, identical to mine, which have been introduced. It is further emphasized by the following articles:

[From the Tampa (Fla.) Tribune, Sept. 9, 1966]

THE REAL SNICK

Atlanta's race riot Tuesday is a prime example of the deliberately inflammatory conduct of some Negro leaders—and also how far out of touch these men are with the real desires of members of their race.

For the outbreak which lasted 18 hours during the afternoon and evening and left 16 injured, damaged several cars, and brought almost 70 arrests, was touched off by a false cry of "police brutality" after a white policeman shot at and wounded a fleeing Negro suspected of car theft.

Stokely Carmichael, the bellicose provocateur of "black power," quickly moved in, and sent a sound truck into the area to pass the word that the Negro had been shot to death while handcuffed to the policeman.

Yet a U.S. Senate study released just this week, based on surveys of Negroes in the "ghetto" areas of Watts, Harlem, Chicago and Baltimore, indicated the average Negro lives in a condition of near-anarchy which he deplores. Instead of being concerned with "police brutality," what he wants is much more police protection from a tyrannical

minority; instead of bussing his children into white areas to end "de facto" segregation, he wants better schools—and better housing—where he is.

That such thoughts would never occur to Carmichael, the head of the Student Nonviolent Coordinating Committee, is shown by the chronology of events in Atlanta Tuesday.

The Negro suspect, Harold Louis Prather, was shot at 1:10 p.m. as he fled Detective R. H. Kerr's attempt to arrest him. Prather staggered to his mother's home, where within five minutes a mob of 200 Negroes formed to prevent his arrest.

Kerr called for help; by 1:30 p.m. 50 policemen had dispersed the crowd and Prather had been sent to a hospital. At 1:45 Carmichael arrived, fresh from a demonstration at City Hall. By 2 p.m. two of his Snick aides brought in a sound truck, plastered with Carmichael's "Black Panther" symbol; by 2:15 the truck was cruising the area asking Negroes to come to a street intersection to give evidence of Snick's version of the shooting—that Prather had been shot while handcuffed.

By 3 o'clock the truck was at the intersection and taking statements. At 4 Carmichael returned to lead a demonstration of about 200 Negroes shouting "Black power, black power." Fifty policemen— all Negroes—arrived at 4:21 to control the crowd; they were met by a barrage of rocks, stones and bottles. Fifty more policemen were called, and the growing crowd was brought under control but refused to unblock the intersection.

The crowd grew to 600, and resisted the pleas to disperse of Mayor Ivan Allen Jr., who, when he attempted to speak from the top of a car, was toppled from it by rioters who rocked the vehicle. At 6 he ordered the street cleared; police dispersed the mob with shotgun blasts fired in the air and with tear gas. By 6:30 the area was cleared, but sporadic overturning of cars and other disorders continued until 10:30.

Does this kind of thing represent the wants of Negroes the Senate Subcommittee headed by Sen. ABRAHAM RIBICOFF of Connecticut, found in its survey (conducted by trained local Negroes)?

No, in Harlem and Watts especially, and in smaller degree in Chicago and Baltimore, the prime need cited by the Negro residents was for stopping crime in the streets. In none of the four areas, when they were asked for a listing of the ghetto's worst problem, was "police brutality" even mentioned. In Harlem, the study found, the primary complaint was inadequate numbers of police, in Watts, of a failure of police protection.

But if Stokely Carmichael and his black power cohorts continue using false accusations of police brutality as a rallying cry for disorder, their effect can only be a breakdown rather than an improvement of police protection wherever Snick operates.

We think Senator RIBICOFF's committee study is a genuine reflection of the real wants of a vast majority of Negroes everywhere. And we think, too, that Atlanta Police Chief Herbert Jenkins reflected the real Snick in his assessment of it after Tuesday's riots.

"It is now the *Non-student Violent Committee*," he said. "We must and will deal with it accordingly." The responsible Negroes for whom the Ribicoff study speaks will do well to deal with Snick in like manner.

[From the Tampa (Fla.) Times, Sept. 12, 1966]

BLACK POWER WITH A RED BASE

Black power met its match in Atlanta last week. Its prime spokesman, Stokely Carmichael, has been jailed and Carmichael's Student Non-Violent Coordinating Committee (Snick) is under condemnation from liberals and conservatives alike. A residue of violence and bitterness lies in the wake of Snick's activities, but the organization now is generally recognized for what it is by most people in Atlanta.

Carmichael can claim the support of only a handful of Atlanta Negroes. The rest, including Julian Bond, have turned their backs on him. Bond earlier this year was refused a seat in the Georgia Legislature because of his ties to Snick and statements critical of the war in Viet Nam.

Ralph McGill, liberal publisher of the Atlanta Constitution, has charged Snick with a Jekyll and Hyde personality. He recalled the organization's role in freedom marches as involving some "of the sweetest, bravest people of those days." While we might not agree with that assessment, we certainly can support Mr. McGill's conclusion that "SNCC is no longer a student movement. It is not now a civil rights organization. It is openly, officially committed to the destruction of existing society."

The Atlanta publisher, writing in his front page column, suggests that Stokely Carmichael's black power may, in fact, be Red.

He recalls that last fall SNCC was broke, down and out. But suddenly it had money to burn. And what Ralph McGill calls "the sweetest, bravest people" were replaced by the likes of New York attorney Victor Rabinowitz, registered in Washington as an agent for the Castro government.

In civil rights circles, reported McGill, it is said that Havana money took over Snick. That hasn't been proved but it is true that Snick demonstrators are found shouting Castro slogans.

If Ralph McGill's information is correct, Snick and its troublemakers represent something more serious than a simple riot in the name of civil rights. This is a case of insurrection and should be treated as such.

The Federal government has been patient far too long with professional agitators who travel from state to state whipping up emotions in the name of civil rights. Strong sentiment for an end to this activity is evinced in the words of a Northern congressman, Rep. WAYNE HAYS, Ohio Democrat. He told fellow House members Thursday, "Carmichael and his anarchist group belong behind bars and the quicker we get him there the better off this country is going to be." HAYS said that if there is a law against crossing state lines to incite riots, Attorney General Katzenbach should enforce it.

The quick action taken in Atlanta to douse fires lighted by the Carmichael crowd should set an example for the rest of the nation. There has been some timidity, some hesitation on the part of police in other cities to enforce law and order in race riots out of fear of being labeled "brutal." But mob brutality has become so rampant in this country that any force exercised by police to quell a disorder will win more praise than condemnation.

No one, white or colored, need fear police "brutality" if he is tending to his own business and obeying the law. But those who try to impose their will by force invite force in return.

This opinion is shared not only by conservatives who long have deplored violence in the streets. Liberals such as Atlanta's Ralph McGill who supported the freedom marches now are beginning to sense the danger of continuing contempt of the law and rights of others. Concluding a recent column, he warned, "If (SNCC) is out to destroy society, it cannot expect society to remain passive under attack."

There is even a liberal "white backlash."

[From the Tampa (Fla.) Tribune, Sept. 9, 1966]

MILITANT NEGRO LEADER PREACHES WESTERN CIVILIZATION MUST GO

(Under Stokely Carmichael, the Student Nonviolent Coordinating Committee has done a dramatic about face since the days when it helped thousands of Northern white students to fight for civil rights in the South. Last week, Carmichael stumped Northern cities and found receptive audiences in Negro districts. Here's a comprehensive report on his message as developed on the tour and previously.)

(By Austin Scott)

NEW YORK.—The applause within the Harlem church was frequent, almost deafening. Even from the street, through heavy wooden doors closed to keep out whites, cries of "that's right," and "preach, brother," could be heard.

But many of the remarks tumbling rapidly from the lips of the slender young Negro behind the pulpit microphone were sharply at odds with the religious setting.

"This country is moving to destroy black people," he shouted to waves of applause. "We cannot afford to be part of the American system. . . . We have to destroy Western civilization. . . . Integration is just a trick bag. . . . Nothing counts but power. . . . We have to hook up with the people of the third world. . . ."

The bundle of thoughts that 25-year-old Stokely Carmichael hurled at his listeners also included a great deal of love—love of black people for themselves, their families, their communities, their culture.

But despite his statement in an interview July 6 that black power does not mean anti-white, love was clearly reserved for non-whites.

"We got to start loving ourselves because we are black," he said. ". . . we don't have to lose our blackness to become equal with white savages . . ." his cheering audience rocked the wooden floor with stamping feet.

On his first extensive tour of Northern slums as chairman of the Student Nonviolent Coordinating Committee, handsome young Stokely Carmichael found a receptive audience for "black power," his battlecry for Negro militance and self-determination.

He said shortly after he was elected in June that civil rights movements "weren't even talking to black people in the ghettoes but were in fact gearing their programs to what white liberals thought should be done.

"For once," he said, "we've gotton enough strength to talk to our black people who need to be talked to. Everybody in the country talks about them. No one talks to them." That's what he is trying to do.

His Harlem audience happened to be a fund-raising rally. It might as well have been the cheering crowd in Jersey City, N.J., the night before, or the standing-room only crowd in a stuffy, second floor room in Newark, or the thousand Negroes who blocked a Philadelphia street.

Trinidad-born, but raised in Harlem and the Bronx, Carmichael is one of the new SNCC leaders whose roots are in the valleys of the big cities, not the dusty villages of the rural South.

While his radical statements catch the headlines, they are by no means all that Carmichael is trying to say to "black people"—he shuns the word "Negro," using it as a term of derision.

He preaches that Negroes must analyze the world around them, must understand the workings of both foreign policy and the white businessman next door, must save their money and use it to help themselves.

And, as he promised shortly after becoming head of SNCC, he tries to rally black people around the issue of their color.

"Black people in this country are oppressed for one reason," he said early in July, "and that's because of their color . . . their rallying cry must be the issue around which they are oppressed, as it was for unions."

He hammers at the theme: Black people must "come together," young Negroes must

stop "cuttin' each other on Friday and Saturday nights," older ones must stop "hustlin' off each other," unemployed must stop "drinkin' that cheap rotgut wine and that cheap whisky."

"We have to develop in our community such love and such respect for each other that every mornin' it's gonna be good mornin', brother, good mornin', sister," he told the audience in the heart of north Philadelphia's slums.

And in Harlem, ". . . we've got to say to our little . . . children, you're beautiful. With your black, nappy hair and your broad nose and your diaper hanging, you're beautiful. We've got to say it to ourselves."

Such statements bring waves of applause, even from Negroes who admit that much of what Carmichael says scares them.

"I don't go along with him on Viet Nam," said a middle-aged mother at a Newark rally, "but he's right on this. We got to come together."

An animated speaker who leans toward his audience to drive home points—alternately shouting and whispering in a heavy Negro dialect he reserves for speeches—Carmichael delivers essentially the same message everywhere, varying it to encompass local problems.

Although he once said black power has to involve white cooperation at some level, his speeches now do not hint at cooperation. "We have to understand," he says, "that we are going to build something they are out to destroy."

"This country is antiblack, and we must be against the things they're for."

His line of reasoning is similar to that of the late Malcolm X. Carmichael says Malcolm influenced him greatly.

Carmichael often starts with a statement that there is no difference between black people in African colonies and Negroes in the United States, because white men are exploiting both.

"Our friends are going to be the people who are fighting to destroy Western civilization," he said in Philadelphia. "We've got to hook up with our nonwhite brothers across the world because they are fighting a system that oppresses and exploits them, the very same thing we are fighting.

"They must become our brothers. So we can't fight in Viet Nam if we wanted to, because our brothers are trying to get rid of the man and it's our job to help them bring the man to his knees."

The argument follows a line which Carmichael said earlier would be a psychological vehicle for black people, but would not be intended as a call to take over the country.

Asked several months ago whether he saw nonwhites coming together to become a dominant segment of the world's population, he said:

". . . The reality is that Western civilization has dominated this world ruthlessly, but that in all the emerging nations in Africa, when the Africans took over you saw no white signs and no colored signs. You haven't seen white people excluded anywhere . . . nobody in SNCC wants to take over this country. He wouldn't know what the hell to do with this monster. We just want to get white people off our backs."

Once Carmichael has outlined his reasoning, he outlines the methods he thinks Negroes must use.

Instead of civilian police review boards, "which we aren't going to control anyway," he suggests ending alleged brutality by making "the captains of our precincts responsible to us . . . you can bet we'll end brutality."

He often says everything in a Negro community should be controlled by its residents.

"You are 52 per cent (of the city's population), he shouted to an audience in Newark. "There's no reason why you can't have a black mayor, a black school board, a black city council. Then you can tax hell out of these white businesses and get the money you need . . ."

To a Harlem audience he said:

"We have to control our communities . . . Harlem belongs to us. It is ours. We should not only rule it, we've got to own it, lock, stock and barrel.

"We've got to move to keep our resources in our community." We can't even accept their nonsense about the individual. We can't afford to let one black man own a store in Harlem and put that money in his pocket and move into the suburbs . . . we've got to have a group of people own that store and use the profits to develop our community!"

To gain such control, he recommends third political parties, like the Black Panther party he helped organize in Lowdon County, Ala.

"Nothing else matters in this country but who controls," he says, and then to illustrate his point, he adds:

"Two weeks ago, the Agriculture Department made a survey and found out that the chain stores like A&P and Safeway charge more money for rotten food in ghetto areas.

"They just found out, and we been knowing that all our lives. And they tell us looting can't accomplish anything.

"They been building a new store every single day with the money they looted from us all these years:

"It ain't looting that's the issue, it's who has the power to make their looting legal . . . we got to talk about power!"

Understanding Carmichael is sometimes complicated by statements which he says should not be taken at face value, since, he insists, he is not talking to whites at all.

"They're building stores in Cleveland with no windows," he told a Harlem audience. "I don't know what they think they'll accomplish. It just means we have to move from molotov cocktails to dynamite."

Asked if he should be taken literally, he shook his head no.

"I think black people know what I'm talking about," he said.

Asked if he cared about white reactions to such statements, he replied, "No, we can't care anymore . . . because I think to care is to say what white people want you to say, would be to accept the solutions they suggest. And we can't accept them. And you don't have to explain to black people what you mean."

Carmichael moves easily through the Northern ghettoes. Dressed sometimes in a neatly-pressed business suit, sometimes in an African toga, he wanders through audiences, clasping strangers warmly about the hands and arms, hugging antiwhite poet-playwright Leroi Jones and other people he knows.

Graduated from Howard University with a degree in philosophy, Carmichael said he admires, in addition to Malcolm X, Dr. W.E.B. Dubois, the Negro writer who helped found the NAACP, and then broke with it because, he felt, it was too moderate.

Carmichael, who is not married, considers home the Bronx apartment where his mother and two sisters live, although he is on the road most of the time.

Sometimes, as in Newark, Negro politicians feel he is important enough to bring them out to his rallies.

"He's got it, baby," said one young woman in an audience where most of the spectators who appeared to be 35 or older did not join the applause. And Carmichael added his own appraisal:

"We've got some black youth out here whose eyes are opening up wide," he said. "He (white officials) can deal with the man over 30, but he's got hell on his hands under that (age)."

CRAMER CALLS FOR TAX CREDIT LAWS TO HELP CUT TEACHER SHORTAGE AND ENCOURAGE TRAINING

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. CRAMER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CRAMER. Mr. Speaker, today I have introduced legislation to clarify Internal Revenue laws and regulations to permit teachers to deduct from their gross income any proper expenses for educational purposes relating to teaching activities.

The announced intention of the Internal Revenue Service to deny a teacher as a business deduction the costs of acquiring better qualifications through further education and training is beyond my comprehension. Encouragement to better education is being provided through Federal action on many fronts. It is unconscionable that in the one area where encouragement, through the simple device of tax deductions, is an obvious need and could be accomplished through an enlightened interpretation of existing law, the Federal bureaucracy is saying "No."

Teachers who largely spend their own money for training, and who are as dedicated in their work as the members of any profession, should be encouraged in every way possible to constantly increase their knowledge which they so effectively impart to America's youth.

It is imperative that the most competent and well-trained teachers be attracted to our Nation's educational systems and that they be given every incentive to gain knowledge of new techniques and rapidly increasing and developing subject matters.

Business deductions are generously permitted for most businesses and I know of no more important business than that of training and developing the thinking of America's youth. One of the noblest of professions is that of instructing and teaching. This is a vital "business"—and one in which the people of the United States are in constant competition with the rest of the world—one which makes the dream of America work through mentally, physically, and morally developing our fellow citizens to exercise to the maximum their individual initiative, and to use their God-given inherent abilities in service to their families, their home, their country, and their Redeemer.

I call upon Congress to enact this legislation immediately and I include the text of the bill for information purposes:

H.R. 17757

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 162 of the Internal Revenue Code of 1954 (relating to trade or business expenses) is amended by redesignating subsection (f) as

(g), and by inserting after subsection (e) the following new subsection:

"(f) CERTAIN EDUCATIONAL EXPENSES OF TEACHERS—

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

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

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

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

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

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

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

"(3) DEFINITIONS.—For purposes of this subsection—

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

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

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

"(4) EXCEPTIONS.—

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

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

SEC. 2. DEDUCTIONS FROM GROSS INCOME.—Section 62(2) (relating to definition of adjusted gross income) is amended by adding at the end thereof the following new subparagraph:

"(E) EDUCATIONAL EXPENSES OF TEACHERS.—The deduction allowed by section 162(f) for the educational expenses of teachers."

SEC. 3. EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

A NEGRO ASTRONAUT

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. BURTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BURTON of California. Mr. Speaker, on this occasion as we take pride in the accomplishments of our space program and our astronauts now in space. I am prompted to place in the RECORD an editorial by the San Francisco Sun-Reporter entitled "A Negro Astronaut."

It is difficult to believe that man, who can conquer space, who can walk among the stars, remains fettered by bias and racial discrimination.

It is inconceivable to me that the accumulated wealth and knowledge of this Nation can lift man into the heavens yet find him so impoverished in spirit and earthbound by prejudice that a youth who happens to be Negro cannot meaningfully aspire to join in the conquest of space.

I share the concerns which are stated in this editorial, as I share the belief that a Negro astronaut can and should be a participant in this great adventure, whose presence would be proof that in conquering space, we have first conquered bigotry and prejudice in our own earthbound existence.

The editorial follows:

A NEGRO ASTRONAUT

Yes; some time ago we thought perhaps a Negro astronaut would be included among the heroes of the space age by going into orbit and perhaps landing on the moon. It may be remembered that there was a young Negro who was in training along with his fellow astronauts, but something happened that took him out of the space program. He said at the time that it was racial bias that removed him, but this was denied by space officials.

American youth are led to believe their possibilties are without limit, but young Negro Americans almost never think that it applies to them. Today, however, the increasing pace of civil rights and integration have given Negro youth more hope for a better tomorrow. A Negro astronaut out there in space would tremendously enhance the Negro image in America and throughout the world. Such an event would also have, with intense subtlety, a great impact upon the African nations.

Yes; let us have a Negro astronaut. The black man can be super, too.

THE BANK MERGER ACT AMENDMENT OF 1966 HAS COMPLICATED AND CONFUSED THE LAW

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, on February 8, 1966, I opposed the Bank Merger Act amendment which was being debated on the floor of this House. The proponents of the act stated that it would remove the banks from the strict application of the antitrust law. There were other reasons given in support of the measure, but the antitrust law aspect was stressed.

In my speech of February 8, I pointed out that the language of the amendment was so vague and uncertain that objectionable as the stated purpose of the bill was, it would not even accomplish what its proponents claimed for it. I stated:

> This bill will not do what the proponents think it will do. It will not settle what they believe to be questions in the law. . . . This bill raises more questions than it answers. There is only one place where these questions can be finally resolved, the courts.
>
> So in passing this bill we are not settling anything. The language is too vague to settle anything. We are merely laying the predicate for the next round of litigation. And the Supreme Court will have to be asked to tell us what we meant when we enacted the abomination we are passing today.

The observations I made about this bill have now been fully validated. The Department of Justice has placed one interpretation on the antitrust implications of the amendment, in complete variance with the proponents.

The September issue of Banking, the Journal of the American Bankers Association, in an article, "Congress, Justice—and Mergers," clearly demonstrates this wide difference of opinions over what we did when we enacted the bill.

To repeat what I said last February, the new confusion in the law created by the 1966 amendment will have to be resolved by the courts. Passage of the bill was a disservice to the banks as well as the public.

With unanimous consent I am inserting a copy of the article from the September 1966 issue of Banking:

(NOTE.—Here are the comments of several Congressmen on the Justice Department's apparent belief that Congress did not mean what it said in the Bank Merger Act of 1966. In Banking's August issue a similar comment from Representative WILLIAM B. WIDNALL (R., N.J.) appeared.)

CONGRESS, JUSTICE—AND MERGERS

SENATOR WALLACE F. BENNETT

The Justice Department interpretation that the Bank Merger Act can be used to apply the antitrust laws to banks with more force than before is surprising to me only because it is in direct opposition to what I consider to have been the intent of Congress in the enactment of the Bank Merger Act amendments earlier this year.

The Department has been charged with a responsibility and it is expected that it would attempt to interpret any legislation in such a way as to give it maximum authortiy.

I was a member of the Banking and Currency Committee of the Senate when the 1960 Bank Merger Act was passed. We intended at that time that banking factors be considered at least equally along with the anticompetitive effects that might be a result of a merger. This was upset by the court and it was the specific intent of the amendment passed this year to restate the original desire of the Congress, in light of the court decision.

The legislative history and background along with the language of the amendment should leave no doubt that it was the intent of the Banking Committees of both Houses as well as the majority of the members of both the House and the Senate that bank mergers should be judged by special stand-

ards in which consideration must be given both to competitive factors and to the convenience and needs of those to be served. Even though competition may be substantially reduced, mergers may still be approved if the convenience and needs of the community clearly outweigh the anticompetitive effect.

The Attorney General suggested amendments during the consideration of the legislation that would have made his power stronger, as they are now claiming it is. It is significant that the Congress turned down the Attorney General's recommendations in passing the amendment.

It may well be that the courts will be required again to interpret the language of the amended Bank Merger Act, but I think that the intent of Congress in passing the amendments needs no interpretation.

SENATOR JOHN SPARKMAN

The Justice Department has attacked a new merger by two Philadelphia banks, one of the first mergers approved under the new standards set forth in the Bank Merger Act Amendments of 1966. In its pretrial brief the Justice Department argues both that the new law "does not affect the applicability of the antitrust laws to bank mergers"—that this case "is *U.S.* v. *Philadelphia National* all over again, only that the names have been changed," and that "the antitrust laws apply not only with equal, but more force, than before."

The Justice Department overlooks Section 3 of the 1966 law, which specifically authorizes the two Philadelphia banks whose earlier merger was thrown out by the Supreme Court to reinstitute their application and have it acted upon under the new standards of the new law without prejudice by reason of the earlier proceedings. It is not often that Congress specifically overrules a Supreme Court decision. Section 3 makes it clear that the 1966 amendment does so.

The Department of Justice, in a letter dated May 18, 1966, opposing a proposal to insert the same provisions in the Bank Holding Company Act Amendments of 1966—adopted by the Senate by a 64 to 16 vote—admitted that "Congress . . . passed the 1966 Bank Merger Act amendment in order to assert a Congressional intent that bank mergers should not be treated in exactly the same way as other mergers."

The basic issues here are clear. I commented on them at greater length than space now permits in the July 1965 issue of BANKING.

Banking is a highly regulated industry, because of its relation to our money supply and the growth and development of our entire economy. We cannot ever again permit the paralysis of business and commerce which resulted from the wave of bank suspensions in the early 1930s. Under the dual banking system banks cannot spread across the country like industrial firms. Bank charters, bank branches, bank mergers, interest on deposits, bank investments, and bank reserves are strictly regulated. Searching bank examinations enforce these regulations.

Like other regulated industries specifically exempt from Section 7 of the Clayton Act, banks have been required since 1960 to get permission to merge from Federal regulatory agencies, and approval of the merger could only be granted after consideration of both competitive and banking factors with the final result depending on the public interest. The 1960 Bank Merger Act reflected a clear Congressional intent not to apply to banking the harsh rule of Section 7 of the Clayton Act that the demonstrable benefits of a merger are irrelevant. This was what the Supreme Court did in the 1963 Philadelphia case when it rewrote the statutes passed by Congress and held that all "anticompetitive mergers, the benign and the malignant alike," were prohibited.

The Supreme Court's refusal to follow the Congressional intent led the Congress to amend both the Bank Merger Act of 1960 and the antitrust laws so that a single standard would be applied to bank mergers. The new provision requires careful consideration of competitive factors by the banking agencies and the courts, but it does not stop with the competitive factors. They are not to be controlling. The new provision specifically authorizes a merger which might substantially lessen competition if its anticompetitive effects are "clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served."

REPRESENTATIVE THOMAS L. ASHLEY

From all indications, the Department of Justice has chosen to misconstrue the intent of the Congress when it adopted the new Bank Merger Act. In its brief in a Philadelphia merger case, the Department claims that the new act can be used to apply the antitrust laws to banks "not only with equal, but with more force than before." In a previous case, the Department stated that the new law made "no substantial change in the substantive antitrust law" applicable to bank mergers. In plain language, the Justice Department knows better.

It knows, as does anyone who had taken an interest, that the new Merger Act was passed as a result of a surprise decision by the United States Supreme Court in an earlier Philadelphia case holding for the first time that the Clayton Act applied to bank mergers. This was clearly contrary to what Congress understood and intended in 1960 when the original Bank Merger Act was passed.

In the earlier Philadelphia case, the Supreme Court had said:

"A merger the effect of which 'may be substantially to lessen competition' is not saved because, on some ultimate reckoning of social or economic debits and credits, it may be deemed beneficial. . . . [Congress] proscribed anticompetitive mergers, the benign and the malignant alike, fully aware, we must assume, that some price might have to be paid."

Bound by this decision of the High Court, the Federal District Judge hearing the Manufacturers Hanover merger case expressed the resulting law in these terms:

"Thus, the Bank Merger Act would appear to sanction agency approval of a merger, even though it violated the antitrust laws, if, on a balance of all the designated factors, the agency decided that, nevertheless, it was in the over-all public interest. A court however, would be obliged to invalidate a merger found to violate the antitrust laws even though it served the public interest."

The whole purpose of the Bank Merger Act of 1966 was to reassert the basic premise, subsequently misconstrued by the Supreme Court, of the 1960 act, namely, that banking services—furnishing the very life blood of the economy of any community—have a legitimate claim to consideration as being "in the public interest," and must be weighed both by the regulatory agencies and the courts against any diminution of competition which may result from a proposed merger.

Going back to the language of the district judge in the Manufacturers Hanover case, the purpose and intent of Congress in passing the 1966 act was to underscore that part of the statement which in substance reads ". . . the Bank Merger Act sanctions agency approval of a merger, even though it violates the antitrust laws, if, on a balance of all the designated factors, the agency decides that, nevertheless, it is in the over-all public interest."

The Justice Department, presumably considering itself a higher judge, takes the position that a merger must be invalidated regardless of the fact that it is in the public interest if it results in a lessening of competition.

The record is abundantly clear and I am confident that the courts in future cases will look to the intent of Congress rather than the assumed prerogatives of the Department of Justice.

REPRESENTATIVE WILLIAM S. MOORHEAD

The Department of Justice apparently claims that the Bank Merger Act of 1966 can be used to apply the antitrust law to banks, "not only with equal, but more force, than before."

This seems passing strange in view not only of the general language of the 1966 act, but also by the fact that the Congress expressed the fact that it had a contrary intent by legislatively reversing the three bank merger decisions.

REPRESENTATIVE RICHARD L. OTTINGER

The claim by the Justice Department in a recent brief, in the Provident National Bank and Central-Penn National Bank cases, that the Bank Merger Act of 1966 applies antitrust laws more stringently and rigidly to banks than before, is certainly a sharp reversal of its position. The Department vigorously opposed the bill while it was being considered by the House Banking and Currency Committee on the ground that we would be emasculating antitrust law application to banks if we passed it.

In point of fact, it was precisely because the Justice Department had been applying antitrust laws to banks too rigidly that the bill was passed. In a number of cases, the Department had moved against mergers of small, nonviable (though not failing) banks on the grounds that merger would quantitatively reduce competition, in situations where the merged bank could in fact provide better competition for its larger-size competitors and provide much better banking services to the community affected. In this type of situation, the committee felt the Justice Department, the regulatory agencies and the courts should be required to consider "the convenience and needs of the community to be served," and this was the major addition.

Other changes were made to restrict the arbitrary power of the Justice Department—not enhance it. The Department was required to bring action against a merger within 30 days or be forever barred from doing so in the future. Previously, the Department could move at any time, years after a merger was consummated—and the merging banks could never have security against such actions. This was frequently used by the Department as a club against merged banks.

The Justice Department, the regulatory agencies and the courts were for the first time directed to use the same rules for judging a merger. The Attorney General was required to advise the responsible regulatory agency involved of his opinion on the merger in advance of determination.

Let's examine the Department's claims, as reported in the press:

"The Department claimed that under the new laws a court is 'required' to use the antitrust laws in judging bank mergers." That's the truth, but not the whole truth. The court is required to use the antitrust laws but it is also required to weigh them against the convenience and needs of the community to be served. If the former is clearly outweighed by the latter, the court is required to approve the merger despite its antitrust law findings.

The Department claims the burden of proof rests on the banks and regulatory agencies to prove the overriding effect of the

convenience and needs of the community to be served. The statute, however, is silent with respect to burden of proof.

The Department noted the bill provides "specifically" that any action brought under the antitrust laws arising out of a merger transaction shall be commenced within given time limits, and it concluded thereby that we intended that future banks should be subject in the future to antitrust suits. That's certainly true, but I fail to see how it furthers the Department's argument. The committee never purported to be abolishing the application of antitrust laws to banks—we just sought to abolish their misuse and misinterpretation.

The brief used the requirement that anticompetitive effects are to be "clearly outweighed" by convenience and needs of the community to be served to make its case that we intended to strengthen antitrust application. The Department has been moving against mergers, and the courts ruling against them, despite clear showing that better service would result—indeed, there were specific rulings that improved service to a community could not be used at all to offset diminution of competition. The legislative history clearly shows the intent of the committee to reverse this situation.

THE COMMITTEE'S INTENTION

The fact of the matter is that the Bank Merger Act of 1966 was passed to overturn the Supreme Court decision in the Philadelphia case which, in the view of the majority on the committee (of which I was one), misinterpreted the Bank Merger Act of 1960 by excluding consideration of the "banking factors" therein enunciated. This is made completely clear in the legislative history and is further borne out by the provision of the act conclusively presuming not to have been in violation of the antitrust laws any merger consummated prior to the decision in the Philadelphia case. The clear and expressed intention of the committee was to exonerate banks that merged in good faith reliance on the Bank Merger Act of 1960 as interpreted by the committee, to require consideration of the banking factors rejected by the court in that case.

The intent of the committee, in passing the Bank Merger Act of 1966, clearly was to temper application of the antitrust laws to banks as interpreted rigidly in the Philadelphia case, by a requirement that the convenience and needs of the community to be served also be considered by all agencies involved and the courts.

MANDATORY PAR CLEARANCE OF CHECKS

Mr. MOSS. 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. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HANNA. Mr. Speaker, the money supply of the United States totaled $171.1 billion on June 30, 1966. Of this amount, $133.8 billion, or 78 percent, was in the form of demand deposits at commercial banks; only 22 percent was in the form of currency. In our complex, interrelated, financially oriented economy, it is vital that checks drawn on demand deposits be fully interchangeable with currency at face value. Any departure from this free interchangeability renders our vital payments mechanism defective.

Yet we find that nonpar clearance, an anachronistic throwback to a more primitive period when transfers of funds were costly and time consuming, has persisted in certain parts of the country. Nonpar clearance occurs when a bank fails to pay the full face amount of a check drawn upon it, when that check is presented by mail for payment. The check is "clipped" by an amount representing a fractional percentage of the face value. The innocent recipient of a $200 check drawn on a nonpar bank may find that his own bank credits him with only $199.80, for example. The members of the public who are first exposed to this practice find it shocking and repugnant, and rightly so.

Charges to cover the expenses of servicing checking accounts should be levied on the holders of those accounts; these holders enter into agreements with their banks at the time deposits are first made, and any prospective depositor can shop among banks to secure the most satisfactory arrangement. The situation is quite different when the recipient of a check drawn on a nonpar bank is involuntarily assessed, not only to cover the cost of servicing the checking account, but also often to provide additional revenue for the drawee bank.

Fortunately, most commercial banks in the United States clear all checks drawn on them at par. It is clear, of course, that had this not been the case, the public outcry against nonpar clearance would long since have forced an end to the practice. However, as of the end of 1965, 1,492 banks or 10.9 percent of all banks, and 300 additional banking offices, still operated on a nonpar basis. These were all located in 15 States, and were concentrated in 6 States each having over 100 nonpar banks.

The practice of "check clipping" imposes unfair burdens on both the general public and the great majority of banks which do not make such charges but which nevertheless have to act as collecting agents when handling checks drawn on the nonpar banks. A most important reason for outlawing the practice is the burden it places on the efficiency of the check collection processes. Checks drawn on nonpar banks have to be handled separately from other checks and the additional costs of such handling have to be passed on to the payees or absorbed by the handling banks. The question whether collecting banks may lawfully absorb such charges has been given two diametrically opposite answers by the Federal Reserve Board and by the FDIC. The Federal Reserve has taken the position that its member banks may not absorb exchange charges—except in very limited amounts—because to do so would amount to an unlawful payment of interest to their checking account customers. The FDIC takes the opposite position that insured nonmember banks may absorb such charges without limit. The result of these conflicting rules has been to place member banks, the great majority of which are national banks, at a serious competitive disadvantage in relation to nonmember banks.

In past public discussions of nonpar clearance, it has become clear that virtually everyone is against the practice except the nonpar bankers themselves and their friends. The economic motivation for the attempt of nonpar banks to perpetuate the practice is evident. According to one study, exchange charges represented about 4 to 5 percent of total operating revenue of nonpar banks in a recent year. However, studies also show that the proportion of total income obtained by nonpar banks from conventional service charges on their checking accounts is well below the same figure for par banks. Moreover, it appears that the proportion of earning assets to total assets was lower for nonpar banks than for par banks. This demonstrates that reliance on securing easy revenue from exchange charges leads to the less efficient use of funds by nonpar banks.

The time has come to eliminate this burden on interstate commerce, this confusion of regulations, and this serious competitive inequality between member and nonmember banks. The most direct way of eliminating it is to make it unlawful for any federally insured bank to pay checks drawn on it at less than par. In view of the longstanding interest of the Congress and the Federal executive department in establishing a universal par-clearance system for checks, it is certainly not unreasonable to ask State banks, as a condition to their receiving the benefits of Federal deposit insurance, to join the great majority of banks with respect to check collection. The practice of charging exchange represents an unnecessary and uneconomic cost to the Nation. In effect, other banks, the business community and all citizens are being taxed to support the practice of a relatively small percentage of banks which are using anachronistic laws to levy unreasonable charges. The inequities in such a situation are apparent.

The proposed bill provides for a transition period of 1 year during which nonpar banks will be able to make up for the loss of exchange charge revenue by placing realistic and competitive service charges on their own demand accounts and also by making more efficient use of their funds.

H.R. —

A bill to require all insured banks to clear checks at par

SECTION 1. Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by the addition of a new subsection (k) as follows:

"(k) Every insured bank shall pay all checks drawn on it at par and shall make no charge for the payment of such checks and remission therefor by exchange or otherwise. For each violation of this subsection by an insured bank, it shall be subject to a penalty of not more than $100, which the Corporation may recover for its use."

SEC. 2. The second proviso in the first paragraph of Section 13 of the Federal Reserve Act (12 U.S.C. 342) is hereby repealed.

SEC. 3. The amendments made by this Act shall take effect one year after the date of enactment.

THE HIGH HOLIDAYS, 5727

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. ANNUNZIO] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, September 15 and 16, 1966, mark the festival of the New Year in the Jewish religious calendar, Rosh Hashana, the opening of the year 5727, and the commencement of the 10-day period called the high holidays. This period concludes with Yom Kippur, the Day of Atonement, occurring this year on September 24. This is, for the Jewish people, a time for reflection upon the past year, of repentance for things ill done or undone, of good resolutions for the coming year, and for a renewal of hope and joy.

I should like, on this occasion, to extend my greetings and best wishes for the holiday season to my many friends of the Jewish faith and tradition, and to express my grateful appreciation for the great contributions the Jewish people have made and are making to Western culture and to mankind's aspirations for moral courage and intellectual freedom.

The terrible sufferings and the tremendous number of deaths of the Jews under Nazi persecution should be well remembered by us all as a warning of the terrible lengths to which anti-Semitism and other racial and religious prejudice can go.

In this connection, I call to the attention of my fellow Members of Congress, and of the people of the United States of America, the pending proposal that Congress should make it clear to the Government of the Soviet Union that we condemn the persecution of the Jews and urge that Government to live up to its own constitutional guarantees of freedom of religion.

This proposal I have embodied in a concurrent resolution, House Concurrent Resolution 177, pending in the present Congress but not yet acted upon. As stated in this resolution—

> Abundant evidence has made clear that the Government of the Soviet Union is persecuting Jewish citizens by singling them out for extreme punishment for alleged economic offenses, by confiscating synagogues, by closing Jewish cemeteries, by arresting rabbis and lay religion leaders, by curtailing religious observances, by discriminating against Jews in cultural activities and access to higher education, by imposing restrictions that prevent the reuniting of Jews with their families in other lands, and by other acts that oppress Jews in the free exercise of their faith.

There is little we can do about this tragic situation within the Soviet Union. But I fervently believe that at least we can and should speak out, with the fullest force of our official position, so that the persecuted Jews of the Soviet Union may know that their sufferings are not ignored and so that the Government of the Soviet Union may be formally brought before the bar of world opinion, under indictment for yet another violation both of human justice and decency.

I hope and pray that the coming year of the Jewish calendar may bring favorable developments in this and other difficulties confronting the Jewish people, and that the blessings of health, happiness, and prosperity may come to the Jews of America and of all the world.

THE NEGRO AND LABOR

Mr. MOSS. 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. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, one of the most highly respected veterans in the civil rights movements is Mr. A. Philip Randolph.

One of the most highly respected veterans in the labor movement is Mr. A. Philip Randolph, a vice president of the AFL–CIO and president of the Brotherhood of Sleeping Car Porters.

He, therefore, possesses the best credentials to speak of both movements and their interrelationship. This he has done in a splendid Labor Day broadcast over stations of the American Broadcasting Co. network.

I include Mr. Randolph's comments as a part of my remarks and I commend them to the attention of all of my colleagues:

> Eighty-four years ago, in 1882, the Knights of Labor celebrated the first Labor Day in our nation's history. In the wake of the great Civil War, the Knights organized integrated union locals in the South and ran Negroes for public office. Southern oligarchs finally used racism as a weapon to destroy those early southern trade unions.
>
> It is only fitting that we pause today to recall the dream of that early movement. For that dream of a Negro-Labor alliance is even more relevant today than it was 84 years ago.
>
> We must pause also to remember that the modern civil rights movement owes much to the labor movement. Our recent civil rights gains were based largely on the economic progress the Negro registered with labor's help in the 1940's and 1950's. The Civil Rights Act of 1964 and 1965 could not have been passed if the labor movement had not worked around the clock—concentrating its expert lobbying on Congressmen whose constituencies were not substantially Negro. The Negro non-violent movement owes a great deal to Gandhi and Thoreau, but it is also indebted to the American labor movement for much of its techniques—for example, the boycott, mass picketing and most important, the sit-down strike.
>
> Today, thanks to the monumental sacrifices of civil rights workers, the support of labor and religious groups, the Negro has at long last won his juridicial rights. But in many areas of the South, he is still too unorganized and too intimidated to use his vote effectively.
>
> He is also too poor to use integrated facilities and too poor to buy homes in newly integrated suburbs. In fact twelve years after the historic Supreme Court decision outlawing segregated schools, more Negro children attend all black schools than in 1954. Moreover, the slums are more dilapidated and joblessness among Negro teenagers is increasing.
>
> The only institution in this society whose economic programs coincides with the needs of the civil rights movement is the labor movement. Full and fair employment, a higher minimum wage, housing subsidies and democratic economic planning are the answers to Negro impoverishment—and let me add, to white impoverishment as well. They are the basic plans of the AFL–CIO economic program.
>
> The American Federation of Teachers is vigorously organizing Negroes. The AFL–CIO has guaranteed the funds needed to organize the migrant laborer, and the Industrial Union Department has opened community grievance offices in Chicago to help Dr. Martin Luther King organize. Labor's fight for the repeal of 14(b) will help the Negro. In the right-to-work states, not only do Negroes earn less than white workers, but they are falling further and further behind.
>
> In the area of political action, the goals of the labor movement and the civil rights movement are one and the same. When both movements joined hands, Dixiecrats were defeated in Tennessee and Virginia. When they were divided and did not coordinate efforts in Alabama, racist-reactionaries won.
>
> And thus we see that social justice (the objective of the civil rights movement) and economic reform (the objective of the labor movement) have become inextricably intertwined in our lifetime. A separation between organized labor and the Negro struggle can only encourage the growth of reactionary currents in American political and cultural life. Alone, the civil rights movement cannot win jobs, better housing and decent schools. Alone, the labor movement does not have the power to defeat anti-labor legislation and to protect workers' rights.
>
> The Negro-Labor alliance is our strongest weapon against the coalition of reactionary Republicans and Dixiecrats who would deprive the Negro of his civil rights, who would drag organized labor back to the 19th Century and who would repeal social progress. The political power of this reactionary coalition must be shattered. It must be shattered in Congress where the seniority system and the lingering disenfranchisement of Negroes enables it to exercise a strangle-hold over Congressional committees. No sooner was Representative HOWARD SMITH of Virginia defeated, than was he replaced as Chairman of the House Rules Committee by an ardent Mississippi segregationist.
>
> It must be shattered on the local level where right-wing groups are launching a reactionary counter-revolution against the civil rights revolution. It must be shattered in the right-to-work states where it perpetuates a permanent depression economy. The reactionary coalition which denies us a substantial minimum wage, which denies us rent-subsidies and which diminishes and demeans the war on poverty, can only be smashed by a strong Negro-Labor alliance. For when the masses of white workers join black workers in the streets and at the polls, we will be well on the way to the democratic political revolution which will free all Americans from minority rule.
>
> We must not only proclaim the need for an alliance, we must prove to the advocates of black power, to the worker who fears for his job and his home, to the depressed and alienated white poor, that progressive social change is possible. We must join in the fight for an end to poverty.
>
> Let me say here that too many Americans are ignorant of labor's role in the fight against poverty, which is the fight for economic democracy. Between 1960 and 1965, after-tax corporate profits rose 67%, as compared with a rise of only 33% in wages, salaries and fringe benefits. Eastern Airlines

alone since 1964 has increased its profits by 100%. Let these facts be borne in mind by those who were outraged by the airline strike and by the final settlement of 6%. I contend that the machinists' strike, which sought to divert enormous corporate profits into workers' wages and fringe benefits, struck a blow on behalf of the war on poverty.

For when wages and salaries lag behind profits, income is distributed upward. Consumer purchasing power falls behind productivity, and the end result is rising unemployment and poverty. In the face of fantastic corporate profits, guidelines which would restrict wage increases to 3.2%, endanger the whole economy and create special hardships for workers at the bottom of the ladder.

This is only one example of how our economic policies contradict the war on poverty. Training and community action programs will avail us little if the wage-profit gap continues to spread. Yet, the 1964 tax cut had an effect of increasing corporate after-tax profits by $3 billion—more than the cost of the entire federal war on poverty. And still there are those who would tell us that we lack the resources for a war on poverty, that domestic social spending must be slashed because of the war in Vietnam! They would have this war borne upon the bent shoulders of the poor.

I am proud that these voices of reaction are most sternly resisted by the American labor movement—at the collective bargaining table and, when there is no other recourse, in strikes and picket lines.

At the planning meeting for the White House Conference, "To Fulfill These Rights," I proposed a 100 billion dollar Freedom Budget, a massive investment to destroy the slums and eliminate poverty.

The Budget attacks all of the major causes of poverty-unemployment, and underemployment, substandard pay, inadequate social insurance and welfare payments to those who cannot or should not be employed; bad housing, deficiencies in health services, education and training; and fiscal and monetary policies which tend to redistribute income regressively rather than progressively. The Freedom Budget leaves no room for discrimination in any form because its programs are addressed to all who need more opportunity and improved incomes and living standards, not to just some of them.

Let me interject a word here to those who say that Negroes are asking just for another handout and are refusing to help themselves. From the end of the 19th Century up to the last generation, the United States absorbed and provided economic opportunity for millions and tens of millions of immigrants. These people were usually uneducated and a good many could not speak English. Yet the economy could profitably employ them. They had nothing but their hard work to offer and they labored long hours, often in miserable sweatshops and unsafe mines. But the industrial revolution had need of muscle power and immigrants could learn gradually and move up the ladder to greater skills. There were thus economic trends which helped people escape poverty. And then perhaps, the most decisive act of self-help on the part of that older generation was to organize the trade union movement. Unions not only struggled and won collective bargaining rights in the shop, they joined with the middle class of reformists and the religious men of conscience and all partisans of social change.

Today, it is absolutely necessary that we go beyond the games of the past, and guarantee a real right-to-work. For the American economy has become much more sophisticated than it was a generation ago. It needs scientists and engineers much more than muscle power.

Negroes who have been driven off the farm into a city life for which they are not prepared, cannot be compared to the immigrants of old. The tenements which were jammed by newcomers were way stations of hope. The ghettoes of today have become dead ends of despair. We must guarantee full and fair employment—it can no longer be a question of pious statements of public intent which lead only to a deeper frustration. Twenty-two years late we must return to the idea of a legal obligatory guarantee of work. There have been too many vague promises.

The President's Commission on automation reported that there are 5,300,000 public service jobs unfilled right now in health education, beautification and the like. One of our top priorities should be training to fill them.

We have just had a debate over extending minimum wage coverage to the poorest of the poor. Opponents of that wage have said that if employers of stoop labor in the fields were required to pay a decent living wage, or if the salaries of hospital employees were raised, these occupations would be destroyed because the employer would be motivated to mechanize. I see no reason why these occupations should be preserved, so long as useful and humane work can be found for those displaced. Let us not treat the unemployed and under-employed as a burden, but as a reservoir of talent, who, if only given a chance, could make this society a better place to live in for all.

I can anticipate arguments which say that this program of massive spending discriminates in favor of the black man or the poor generally. That is not true. It is only the first installment in giving those least able to pay at least the public assistance in housing that we have lavished on the rich.

After World War II, the GI Bill of Rights was instituted to help veterans go to school. It would be a wise social investment to pay the veterans of the ghetto to go to school today. And let us invest so that after we have torn down the slums and built new housing, schools and hospitals, we can fill their shells with teachers aids, doctors, nurses, hospital aids, artists and actors and their apprentices. We can build new towns, but not as hideouts for the white middle class where social problems and responsibilities are ignored. We can plan new towns from the ground up as integrated, productive communities.

We have before us the fantastic potential to celebrate the second century of America's existence by the abolition of ghettos and slums.

And I submit that this glorious dream is possible only if the civil rights and trade union movement work together hand in hand.

FEDERAL HELP IN THE RELOCATION OF RAILROAD TRACKS

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. DENTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DENTON. Mr. Speaker, I have today introduced legislation calling for Federal help in the relocation of railroad tracks that run through cities and towns and for the construction of railroad overpasses and underpasses.

I believe that this legislation is necessary and timely. Last year, according to the National Safety Council, there were 1,660 deaths due to railroad crossing accidents. There were some 6,000 nonfatal injuries from such accidents.

And if you have ever had the misfortune to be delayed by a long freight train at a grade crossing, you know how inconvenient that can be.

Since most all railroads today are involved in interstate commerce, I believe that the Federal Government has not only the right, but the duty to do something about this danger to our citizens. There is more than a convenience factor involved in railroad crossings being blocked by long trains when an ambulance or other emergency vehicle is delayed unnecessarily. I believe that the savings in human life and suffering will more than offset the cost of this program.

THE ATTERBURY JOB CORPS CENTER

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. DENTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DENTON. Mr. Speaker, from time to time in the newspapers I receive from my district I run across articles which I feel are of interest to many persons who probably do not receive these Indiana papers. Recently a series of such articles came into my office.

This series of three articles deals with the Atterbury Job Corps Center and the Job Corps program. It was written by Frank A. White and widely circulated throughout the State in Mr. White's column, "The Hoosier Day." I believe that Mr. White has done an excellent job of looking at the Job Corps program in an objective and factual way. This series of articles does much to dispel the fallacious charges being made by many people in an effort to repudiate and discredit the efforts of the Federal Government and the Great Society programs. I heartily recommend this series of articles for reading by my colleagues—indeed by all Americans.

Mr. Speaker, under unanimous consent I insert these articles here as an extension of my remarks:

THE HOOSIER DAY

(By Frank A. White)

While a security officer at Camp Atterbury Job Corps Center, was making out a pass, John (Jack) Mehaffey, associate publisher of the Franklin Star, remarked to me:

"We are about to get a first hand look at one of the biggest break throughs of the school drop-out problem, or one of the biggest political boondoggles of our age."

I am aware that if the present rate of school drop-out continues, we will by the end of this year have some 8 million drop-outs in the USA. Also, much of my information about the Atterbury Job Corps had been bad. It ranged all the way from exorbitant cost to the FBI arresting some corpsmen for sex offenses.

We went to see the Atterbury Job Corps project for ourselves. It is my hope, whether you agree or disagree with my observations,

that you go to Atterbury to draw your own conclusions. Two hour tours of Atterbury Job Corps are held commencing at 10 A.M. and 2 P.M. on Tuesdays and Thursdays. Several civic clubs, such as Lions, Rotary and Kiwanis, hold evening meetings there on arrangements that include "Question and Answer" sessions.

It is a "new ball game" throughout for Atterbury Job Corps in this fast moving world. Some of the biggest corporations in the USA have become concerned about the "unemployed" and "unemployable" youths, most of them school drop-outs.

On April 6, last, Westinghouse signed a contract with the Federal Office of Economic Opportunity, for exhaustive study and now has complete administration of Atterbury Job Corps.

Atterbury is a gigantic dormant army camp, erected to train troops for World War 2 and Korea. It is 31 miles south of Indianapolis, in gently rolling, wooded country, approached by a network of modern highways. It is ringed by the towns of Edinburg, Franklin and Columbus, and is but a few hours drive from Louisville.

It totals 40,000 acres, replete with hundreds of 1½ story barracks and buildings, wooden structures, weather beaten, but with premises kept clean and neat. Our National Guard uses it for training purposes and Job Corps men have been building a Vietnamese village for the Guard. With limitations, the State Division of Natural Resources uses part of the camp for hunting deer and fishing.

Poignant memories flooded me at Atterbury. When I last saw it, the camp swarmed with Khaki clad G.I.s. The enormous Wakeman General Hospital, part of the complex, was filled with wounded of World War 2. During the conflict, my G.W. (Good Wife) had charge of working girls who in the evening danced with soldiers under auspicies of the USO. Her army of pretty girls was called Liberty Belles. Mrs. Clarence A. Jackson had charge of a counterpart—the Cadettes and the two groups numbered more than 600 girls. There were ghostly memories of the hastily trained 106 Lion Division that went overseas at Christmastide to be slaughtered in the Battle of The Bulge.

Atterbury Job Corps took over the gigantic Wakeman General Hospital. The nearby Nurse Quarters are dormitories now. A sum of 4 million dollars has been spent rejuvenating the buildings. They are newly painted in pastel colors, inside and out, floors polished, and kept neatly.

You can stand in Wakeman and look down a corridor that seems a mile long. Some say there are 13 miles of corridors at Atterbury. The project utilizes other buildings, including a fieldhouse, and gym equipped to handle basketball, wrestling, boxing and other indoor sports. There is a platform stage for movies, indoor TV rooms, outdoor recreation area, including an Olympic sized swimming pool. There is a library.

I was surprised to learn the present enrollment of Atterbury Job Corps is in excess of 1,700 youths. That is as big as a goodly sized college or university. It is anticipated that the enrollment at Atterbury Job Corps will be in excess of 2,400 by November.

No one knows the future of the gigantic Atterbury Job Corps project, but it has been approached with an idea of permanency for training youth.

THE HOOSIER DAY

(Second of series by Frank A. White)

Indiana Atterbury Job Corps, with 1,700 enrollees, run by Westinghouse Corporation for the Office of Economic Opportunity, is the second of the gigantic projects of reclaiming school drop-outs and unemployed youth.

The first was at Camp Kilmer, N.J., started when Secretary of Defense Robert McNamara suggested such use be made of surplus army installations.

Enrollees of Atterbury Job Corps come from all 50 states, including Puerto Rico and the Virgin Islands. The idea is to get these frustrated youths a distance from their home towns, where they have been branded failures. They get a new start.

Under the contract, and before taking over, Westinghouse was allowed to make an exhaustive three months study of Atterbury project. Robert J. Hadden, who now is Job Corps Center Director had charge of 15 men making up the study team.

It enjoyed cooperation of the Midwest Education Foundation and the Litton Educational Systems Division that had charge in the formative stages. Westinghouse experts from Pittsburgh were rushed in for the study.

There was examination of Job Corps accounting, purchasing, property control, labor relations, employment, maintenance, office services, security and community relations.

Center Director Hadden described the typical Job Corps enrolle as follows:

"Our study showed these young men came from homes of severe poverty. Most of them had never slept between sheets; never had a bed of their own. They had to contend with the law of the streets. Many developed resistance to traditional methods of education.

"Our studies showed: Two out of three Job Corpsmen lived in slum housing; four out of 10 came from homes of families receiving some kind of family public assistance and the breadwinner in more than 60% of the families, chronically suffered long periods of unemployment.

"One out of each two came from a home where the parents had less than an eighth grade education. The average Job Corpsman has not completed the ninth grade of school and reads less better than a fifth grader. Eight out of 10 had never seen a doctor or dentist for their ills.

"These youths were the product of apathy and were failures over their short span of years. We are taking these youths who in 18 years got into desperate circumstances. At Atterbury, in nine months time, we try to raise their literacy, change their bad attidudes toward society, that they may become better, self sustaining citizens. Westinghouse screened staff and teacher corps and let some 56 go. It has now a staff and teacher personnel of 775."

The instruction is such that each individual corpsman has a chance to go as far as his potential in a field in which he has interest.

Vocational classes teach skills in six categories. They are:

1) Automotive service maintenance and repair 2) Building maintenance, repair and supervisory skills 3) Food services and preparation 4) Appliance repair skills 5) Refrigeration installation and repair and 6) Heater installation and service skills.

There are 70 skill levels so that a corpsman can advance to his highest skill potential.

We had an opportunity to meet several of the teachers and craft supervisors in our exhaustive look at operation of Atterbury Job Corps under the new Westinghouse management. Manifestly all were dedicated people. Teachers have quite a distance to come work and long hours. They work 12 months a year instead of nine. They gave up tenure and fringe benefits, as well as teacher pensions.

These teachers and skill supervisors are concerned by enormity of the school drop out problem. They feel Job Corps is a possible solution. They are deeply interested in the project, aimed at remedy of a growing economic and social problem.

THE HOOSIER DAY

(Third of a series by Frank A. White)

When Atterbury Job Corps was going through a trial and error period of a new program to reclaim school dropouts and teach them employable skills, I interviewed U.S. Senator BIRCH BAYH, Jr., at French Lick. The subject was black headlines in metropolitan papers about Corps Discipline. Senator BAYH said:

"These are not Sunday School kids. If we can't handle them now, we may expect them on welfare and in our prisons for a lifetime."

With Westinghouse, one of our great American corporations taking full management of Atterbury Job Corps, I inquired about the matter of discipline.

For the FBI to move into the Job Corps is not as bad as it might seem. Atterbury Job Corps is on government property. If a Job Corpsman purloins a carton of cigarettes, or punches a fellow Corpsman in the nose, it is an FBI case. For practical purposes, the FBI is the "Town Marshal" of the Job Corps.

There was a serious happening, involving sexual assault, but overall the clashes with the law by Job Corpsmen have been grossly exaggerated. Here is the record.

Of all young men who have been a part of Atterbury Job Corps, since it opened, only 5 percent have violated any law, either at the Center or while on pass. This is below American youth nationally, in the same age bracket. The bad image given the Job Corps does not hold when one faces the facts.

When only Indianapolis arrests are considered, only 2% of all Corpsmen have violated the law.

Of the Indianapolis school population, police estimate 2.7 get into difficulty with the law. In real numbers that is more than 3,000 arrests a year. The total number of Atterbury Job Corpsmen arrested in Indianapolis was 67.

So far in 1966, Indianapolis police records show that of all arrests for the five major crimes, 41.5% involved persons 16 to 18 years of age. Not one of these arrests involved a Job Corpsman, and in fact, of all arrests in Indianapolis involving young people, 97% were persons other than Job Corpsmen.

Westinghouse has established the most elaborate discipline set-up at Atterbury that the law allows. It is working for improvement. Atterbury Corpsmen may be sent home immediately now, awaiting approval of dismissal by Washington. The Corpsmen are worried about what others think of them. They are keenly aware some of their fellow Corpsmen break laws in one way or another, either on the Center or in town, on weekend passes.

There has been much written about the "exorbitant" cost of Job Corps program. The project and concept is costly, nationwide some $172,000 as of now. It is an attack on a gigantic social problem. Atterbury Job Corps costs $500 a month per corpsman for a year, or less time at Atterbury.

Westinghouse expects to lower that to $5,400 a year per Corpsman by June, 1967. The remark it costs as much a year for a Job Corpsman at Atterbury as were he in Harvard, is not the whole story.

Involved at Atterbury is the big sum paid to rejuvenate Wakeman General Hospital and the buildings for trade classes. The Job Corps cost involves equipment, clothing, food, pay and all other incidental expenses, not just Harvard tuition.

Questions are asked as to the pay of the Corpsmen. A Job Corpsman gets $30 a month basic pay. He must pay his federal taxes. He ends with about $7 a week, basic pay. This is used for razor blades, cookies, soft drinks and the like. In addition, $50 for every month that he successfully meets training, an additional $50 is put in escrow for him, until the date he leaves.

If he has dependents at home, he may assign $25 of that $50 per month to them. The Federal government will match this. Where there are dependents, a Corpsman might reach $105 a month total.

Most Job Corpsmen have been rejected by the Draft. However, they remain under jurisdiction of their local draft board. Of 800 Job Corpsmen finishing training, 34% joined the Armed Forces immediately. Some raised their literacy at Atterbury so they might enlist.

TRAFFIC SAFETY: WHY CONGRESS ACTED AND WHAT IT DID

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from Georgia [Mr. MACKAY] may extend his remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MACKAY. Mr. Speaker, on the eve of the most murderous Labor Day weekend in the history of the motor vehicle, Congress completed its work on two major safety bills. In this 72-hour period, 636 men, women, and children suffered violent death, and 25,000 experienced disabling injuries.

It was Friday, September 9, 1966, that the President signed into law bills which establish a National Traffic Safety Agency, and nominated the first Traffic Safety Administrator.

We who advocated a national program to build a safer traffic environment throughout the 50 States hope fervently that this new Agency will be an instrument by which we can arrest and reverse the awesome toll of lives being sustained daily.

The following questions and answers disclose why Congress acted and what it did. If we are to build a safer traffic environment, it will take unprecedented concert of action by everyone—public officials and private citizens alike.

THE BIG PICTURE

First. Why did Congress act? Death, injuries, and accidents are steadily increasing numerically and in terms of rate per miles driven. For the first time more than 50,000 persons were killed in a 12-month period—July 1, 1965, to July 1, 1966.

Second. Why did Congress define a new Federal role when this problem has been left traditionally to State and local governments? No matter how we look at it, what has been done has not been enough. Highways do not stop at the State line. Better roads, better cars, and the high mobility of people have made the driving environment national in nature. Fifty States cannot fix safety performance standards and no one State can afford comprehensive research.

Third. What specific laws were enacted? The National Traffic and Motor Vehicle Safety Act of 1966—Public Law 89-563—and the Highway Safety Act of 1966—Public Law 89-564.

Fourth. Who is charged with administering these laws? The Secretary of Commerce is directed to carry out the provisions of these laws through a National Traffic Safety Agency, headed by an Administrator appointed by the President with the advice and consent of the Senate. The Agency will be transferred to the Department of Transportation if created.

Fifth. In general, what do the laws provide? Mandatory safety performance standards for all new motor vehicles; funds for development and improvement of strong State and local traffic safety programs; and comprehensive research into the causes and prevention of traffic accidents.

Sixth. What new funds are authorized?

Total Federal spending over 3 years of $381.8 million: $51 million for setting auto safety standards, $5.8 million for tire standards, and $325 million for research and for State and local safety programs. Our losses now exceed $9 billion per year.

Seventh. How soon can we expect to get going with a National Traffic Safety Program?

The President lost no time in nominating the Administrator. The law requires interim vehicle safety standards by January 31, 1967, and States, counties, and cities can begin now to plan their participation in this new national effort.

Eighth. How soon can we expect to get results?

This will depend on the quality of the leadership of the program, the support given by Congress and State legislatures, and the response of the American people.

SAFER MOTOR VEHICLES: MANDATORY SAFETY PERFORMANCE STANDARDS

First. Why should Congress fix safety performance standards? The motor vehicle is the means for about 80 percent of interstate travel and commerce. Fifty State legislatures setting vehicle standards would, as one auto manufacturer put it, create "chaos for the industry."

Second. What vehicles are covered? All new motor vehicles including trucks. Used motor vehicles will be the subject of a report to Congress by September 9, 1967, and standards will be fixed by September 9, 1968.

Third. What is required of manufacturers and what provisions are there for enforcement? They must manufacture motor vehicles with safety features meeting standards established; certify to the dealers that each vehicle and piece of equipment conforms to the applicable safety standards; and notify the purchaser of defects affecting safety and what remedial action is needed.

The laws provides a civil penalty up to $400,000; injunctive relief; and the power of inspection to evaluate compliance.

Fourth. What are safety performance standards for motor vehicles and when will they go into effect? They are objective, practicable criteria which will provide for greater safety, such as recessed dashboards, collapsible steering mechanism, safety locks and hinges for doors, four-way signals, and so forth. The standards do not include regulations for design or styling.

Interim standards similar to those now required for Government-purchased vehicles must be set by January 31, 1967. Permanent standards must be set by January 31, 1968. Standards must go into effect within 1 year after being set.

Fifth. Who will be consulted before standards are fixed? The law provides a National Motor Vehicle Safety Advisory Council, a majority of which shall be from the general public, and representatives of State and local governments, of motor vehicle and equipment manufacturers, and dealers to advise the Agency. The Vehicle Equipment Safety Commission and other similar State or interstate agencies—including legislative committees—will be consulted.

STATE TRAFFIC SAFETY PROGRAMS

First. How will standards for State safety programs be determined? By the Agency after consultation with a 29-member National Highway Safety Advisory Committee, composed of chief executives of States and political subdivisions, highway safety administrators, industry representatives, engineers, research scientists, and members from the public at large.

Second. What will the standards cover? Driver training; effective record systems; accident investigation; vehicle registration, operation, and inspection; highway design, maintenance, and lighting; traffic control; vehicle codes and laws; surveillance of traffic to detect and correct high or potentially high accident locations; emergency services; and other aspects of traffic safety.

Third. What is the theory of the State safety programs? A national safe driving environment can be achieved only to the extent that each State and political subdivision builds its own traffic safety program based on generally uniform criteria. To accomplish State uniformity and coordination, the law requires the Governor of each State to be responsible for the administration of the program.

Fourth. What formula is provided for distributing funds? Seventy-five percent of the funds will be distributed on the basis of population and 25 percent within the discretion of the Administrator.

Fifth. What penalties apply if a State fails to participate? States failing to establish traffic safety programs according to prescribed standards by January 1, 1968, risk the loss of 10 percent of their Federal highway allotment and all funds under the safety program.

INVESTIGATION AND RESEARCH

First. Is not the Federal Government conducting traffic accident research now? Yes, but without specific congressional mandate and without much financial support. We spend $100,000 per victim to discover the causes of airplane accidents, but less than a nickel per casualty on traffic accident research.

Second. What the new congressional mandate for research? The laws direct that there shall be coordinated research, development, and testing on every facet of traffic safety; and investigation and collection of accurate traffic accident data. A decision about new research facilities will be made later.

OTHER PROVISIONS

The laws include special provision for tire safety standards; an improved National Driver Register; a comprehensive annual report to Congress on all phases of the safety programs; a study of the relationship of alcohol to traffic safety; and authorization for bulletins to citizens providing the latest information affecting their safety on highways.

CONGRESSMAN FRANK ANNUNZIO'S SPEECH TO THE 761ST TANK BATTALION ASSOCIATION

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. CONYERS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CONYERS. Mr. Speaker, I would like to bring to the attention of my colleagues a speech made recently by the Honorable FRANK ANNUNZIO of the Seventh District of Illinois. On September 3, 1966, Congressman ANNUNZIO had the honor of addressing the 18th annual reunion of the 761st Tank Battalion Association and Allied Veterans of World War II, a distinguished group of Negro-American veterans.

I commend Congressman ANNUNZIO's speech to my colleagues because it tells part of the too little known story of the role of the Negro-American soldier in World War II. The 761st Tank Battalion was the first armored unit in the history of the American Army to enter combat with Negro-Americans manning its weapons and vehicles.

Because of Congressman ANNUNZIO's strong feeling that the gallant war record of Negro-Americans should be given due recognition, he is taking the lead in obtaining recognition for the 761st Tank Battalion. Last June Congressman ANNUNZIO introduced a bill to authorize a Presidential unit citation for the 761st Tank Battalion. I have been proud to follow his leadership in working for passage of this measure before the Congress adjourns.

FRANK ANNUNZIO has a long and outstanding record of fighting for equal rights for all Americans. In 1951 FRANK ANNUNZIO, who was then the Illinois State Director of Labor, issued an order instructing his department to place all job applicants without regard to race, creed, color, or national origin.

He further ordered his department to refuse to even accept requests for the department to refer job applicants if the jobs were not open to all regardless of race, creed, color, or national origin. This initiative on his part won FRANK ANNUNZIO universal praise and numerous awards from various labor, civil rights, and religious groups in Illinois including the Chicago Council on Religious and Racial Discrimination, the Chicago Commission on Human Relations, and the Chicago branch of the National Association for the Advancement of Colored People.

FRANK ANNUNZIO's voting record during his first 2 years in Congress speaks for itself. FRANK ANNUNZIO voted for the 1965 Voting Rights Act, the 1966 Civil Rights Act, including the fair housing section, and the 1966 Equal Employment Opportunity Act. As someone who was involved in the Mississippi challenge, the effort to deny seats in the House of Representatives to the five members from Mississippi because of massive voting discrimination against Negro-Americans in Mississippi, I particularly remember FRANK ANNUNZIO's votes in support of the Mississippi challenge on two separate rollcalls in 1965.

Congressman ANNUNZIO's speech to the 761st Tank Battalion and his efforts on the unit's behalf are consistent with his long record of working to advance the cause of equal dignity for all.

The speech follows:

REMARKS BY THE HONORABLE FRANK ANNUNZIO BEFORE THE 18TH ANNUAL REUNION OF THE 761ST TANK BATTALION ASSOCIATION AND ALLIED VETERANS OF WORLD WAR II AT THE GRAMERCY INN, WASHINGTON, D.C., SEPTEMBER 3, 1966

It is an honor and a pleasure for me to be here tonight at the 18th Annual Reunion of the members of the gallant 761st Tank Battalion and Allied Veterans of World War II.

I want to welcome all of you to the Nation's Capitol, and to express my particular appreciation to Mr. Richard A. Carter, your national president and a resident of the 7th Congressional District of Illinois which I have the honor to represent, for inviting me to your banquet this evening to speak to the 761st Tank Battalion Association and Allied Veterans of World War II.

It is with real pride that I address all of you because of the outstanding contributions you made during World War II which led to the ultimate victory of the Allied forces. You gave your blood and your lives in the service of your beloved America, and the certificates of merit, the purple hearts, the silver stars, the bronze stars, and the commendations awarded to you are overwhelming evidence of your courage and your bravery. A total of almost 400 battle awards and the high praise of the War Department were bestowed on the men who served with the 761st Tank Battalion. You compiled a truly impressive record and you are a credit to the more than 20,000,000 Negroes of America. The example you have set is one which the younger generation of America can follow with respect and pride.

As you know, the 761st Tank Battalion was the first armored unit in the history of the American Army to enter combat with Negroes manning its weapons and vehicles. The Battalion was activated in April 1942 at Camp Claiborne, Louisiana. General Leslie J. McNair was the one who first conceived and advocated the idea of Negroes in the Armored Forces. Many were at first opposed to the idea, but General McNair won out. Orders were issued to organize the first Negro Tank Battalion in our history. Unfortunately, General McNair did not live to see the tremendous success of the project he initiated for he died in the bombing raids over Normandy, France, in 1944.

In October 1944, after two years of concentrated effort to build an effective fighting machine, the 761st Tank Battalion landed in France on the Normandy peninsula. The momentous day had arrived, and true to their battle cry, the brave boys of the 761st "came out fighting!"

In their first encounter with the enemy, the 761st took three towns from the Germans. The Battalion lived up to the highest expectations. The men fought gallantly in extremes of climate and terrain. Their ingenuity and ability carried them through the grimmest and most difficult situations.

In December, 1944, after the 761st had been in combat less than two months, the Commanding General of the Headquarters XII Corps, issued an official commendation. In a special memorandum to the Commanding Officer of the 761st Tank Battalion, Major General M. S. Eddy, stated:

"I consider the 761st Tank Battalion to have entered combat with such conspicious courage and success as to warrant special commendation.

"The speed with which they adapted themselves to the front line under most adverse weather conditions, the gallantry with which they emerged from their recent engagements in the vicinity of Dieuze, Morville le Vic, and Guebling entitle them surely to consider themselves the veteran 761st."

It is a matter of record that in the Battles of Morville, Metz, Obreck, Dieuze, Guebling, Tillet, and countless others, the men of the 761st conducted themselves admirably under stress and the relentless fire of the enemy.

You will recall vividly, I know, the rugged fighting at Tillet, the heavy casualties sustained by both sides, and finally, the retreat of the crack German 13th SS Panzer Division as the 761st pushed forward and turned the tide.

Such moments as this should not be forgotten. Courage and bravery of this high caliber deserves to be remembered. Indeed, the pages of American military history would not be complete without official recognition of the 761st Tank Battalion, which fought with valor in France, Belgium, Luxembourg, Holland, Germany, and Austria.

It was through the suggestion of my good friend, Honorable Vito Marzullo, the distinguished Committeeman and Alderman of the 25th Ward, that your president, Mr. Carter, first wrote to me about his efforts to secure this recognition for the 761st Tank Battalion.

I was delighted to have the opportunity to be of service, and immediately conferred with Congressman L. MENDEL RIVERS, the Chairman of the House Armed Services Committee, about the introduction of legislation to honor your Battalion. Then, on June 15, 1966, only eight days after I had received Mr. Carter's letter, I introduced H.R. 15715 to authorize and request the President of the United States to award a Presidential Unit Citation to the 761st Tank Battalion.

Subsequently, I wrote to Chairman RIVERS, and urged that early action be taken on H.R. 15715 in order that it may be enacted into law prior to the adjournment of the 89th Congress.

On August 29, Chairman RIVERS replied to me as follows:

"In accordance with the rules of the Committee, your bill was referred to the Secretary of Defense for his views and recommendations on June 17, 1966. We are awaiting this report and until it is received, no action can be scheduled on the proposal."

The Chairman also assured me that I would be furnished a copy of the Defense Department's position as soon as it is received. I want to assure all of you here tonight that I shall continue my vigorous efforts to secure enactment of H.R. 15715 in order that the extraordinary heroism of the 761st Tank Battalion may be officially recognized.

I would like to say in closing that the Negroes who served in World War II and in particular those who served with the 761st Tank Battalion made not only a magnificent contribution in the defense of our Nation, but also made a profound, more significant contribution to the social advancement of our great country.

Once and for all the shining example of the 761st broke down all barriers and all

myths about the American Negro. It demonstrated beyond any doubt the true potential of the American Negro and led to national recognition of his worth as a responsible citizen and asset in our society.

Negroes have always distinguished themselves in the service of our country. Five thousand Negroes fought in the Revolution and this led to the emancipation of Negroes in the North. Three thousand Negroes fought in the War of 1812 and this resulted in the enfranchisement of the Negro in many Northern states and the beginning of a strong movement for general emancipation. Four hundred thousand Negroes fought in the Civil War and this resulted in the emancipation of 4,000,000 Negroes and the vote was given to all of them. Ten thousand Negroes fought in the Spanish-American War, and more social and economic gains were made by the Negro. Over four hundred thousand Negroes fought in World War I and more than five hundred thousand fought in World War II.

The record of loyalty and courage of the American Negro to his country in time of war and peace is unbroken. Yours was not the first page in that record, but it was one of the most glorious pages written in American military history.

I shall do my utmost to insure that your contribution is officially recognized, and if hearings are scheduled on my bill to authorize a Presidential Citation for the 761st Tank Battalion, I plan to personally testify before the Committee in order to make the officials in Washington aware of the magnitude of your contribution during World War II.

I know that you will continue in the future, as you have in the past, to live up to the great traditions you have established in the service of democracy and of America.

Ladies and gentlemen, thank you so much for your kind attention this evening.

BAD ADVICE ON NATO NUCLEAR POLICY

The SPEAKER pro tempore. Under previous order of the House, the Chair recognizes the gentleman from Illinois [Mr. FINDLEY] for 15 minutes.

Mr. FINDLEY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

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

There was no objection.

Mr. FINDLEY. Mr. Speaker, I have taken this time in order to discuss briefly a proposal made by a group, which calls itself the Educational Committee To Halt Atomic Weapons Spread, and the statement of the committee which purports to speak for 290 citizens, including 12 Nobel Prize winners, which was carried in today's New York Times.

According to the Times story, these citizens feel that the imminent spread of nuclear weapons among nations which presently have no such weapons is a greater danger than events in Vietnam.

They take note of the approaching visit to this country of the Chancellor of West Germany, Mr. Erhard, later this month, and urge the President, prior to the Chancellor's arrival, to modify the position which he has so wisely taken in negotiations at Geneva for a nuclear nonproliferation agreement.

Under this position the United States has insisted upon the right to cooperate with NATO nations in order to establish a NATO nuclear force, which, of course, hopefully would include West Germany.

The 290 citizens who have joined together in urging modification of this position by the President are quoted as follows. They define the "obstacle" to a nonproliferation pact as "the unresolved issue of U.S. sharing of ownership and control of atomic arms with West Germany" through the North Atlantic Treaty Organization.

Mr. Speaker, at this point in the RECORD I shall place the text of this article:

PRESIDENT GETS ATOM PACT PLEA—290 LEADING CITIZENS URGE U.S. PLEDGE NOT TO SHARE WEAPONS WITH BONN

(By M. S. Handler)

Two hundred ninety citizens, including 12 Nobel laureates, warned President Johnson yesterday that the "imminent spread of atomic weapons among non-nuclear powers, by manufacture or acquisition," represented an even greater danger to the national security of the United States than the Vietnam war.

In a statement and an accompanying letter to the President, they stressed the urgency of removing the chief "obstacle" to a treaty with the Soviet Union to prevent what they described as the imminent spread of nuclear weapons to nonaligned and neutral powers.

The "obstacle" was defined as the unresolved issue of U.S. sharing of ownership and control of atomic arms with "West Germany" through the North Atlantic Treaty Organization.

LETTER SIGNED BY EDUCATOR

The letter was signed by Dr. Arthur Larson, director of the Rule of Law Research Center, Duke University Law School, in his capacity as chairman of the Educational Committee to Halt Atomic Weapons Spread. It said:

"We venture the judgment that it is in order now for the United States to adopt a firm policy, making it unequivocally clear, that it will not share its exclusive veto over the ownership and control of nuclear weapons with any other power, through NATO, or in any other form, so that Chancellor Ludwig Erhard may be so informed upon his arrival in the U.S. and so that renewed negotiations can begin with the Soviet Union with a prospect of agreement."

The West German leader will arrive in Washington Sept. 25 for talks.

The letter asserted that "before world events foreclose the opportunity, it is imperative that new initiatives should be undertaken to secure a treaty."

According to the committee's statement, "five nations already have their hands on the nuclear trigger."

Sixteen nations stand in the wings, trying to decide if they must produce their own atomic fire to escape the role of hostages of the nuclear powers," it said.

"Twelve of these countries have the scientific and industrial capacity to produce nuclear weapons within three years. Three of them could do so within months, it is believed. Fifteen of these countries are either neutral, nonaligned or allies of the West. One is a member of the Soviet bloc."

The five nuclear powers are the United States, the Soviet Union, Britian, France and Communist China.

According to Dr. Larson, India, Israel and Sweden are technologically equipped to start production of nuclear weapons within months should their governments decide to proceed.

He also said that West Germany could be included in this category.

Japan, he said, has the industrial plant and the technological skills but has so far shown very little interest in nuclear weapons.

The Soviet bloc country referred to in the statement as capable of producing nuclear weapons is believed to be either East Germany or Czechoslovakia.

The statement advised the President that "the next weeks could well be decisive."

DISTINGUISHED NAMES

The 290 signatories included distinguished figures in science, education, religion, business, law, labor, arts and public affairs.

Among them were:

Dr. Jerome B. Wiesner, Provost of the Massachusetts Institute of Technology and a special assistant to Presidents Kennedy and Johnson on science and technology; Dr. George B. Kistiakowsky, professor of chemistry at Harvard University and a Presidential special assistant for science and technology from 1959 to 1961; Conrad Aiken, author; Edward Albee, playwright; Dr. A. Doak Barnett, professor of government at Columbia University and a leading China scholar.

Dr. John C. Bennett, president of the Union Theological Seminary; Dr. Eugene Carson Blake, General Secretary-Elect of the World Council of Churches; Dr. May I. Bunting, president of Radcliffe College, and the Very Rev. Gerald J. Campbell, S.J., president of Georgetown University.

The letter and statement to the President were prepared and drafted by the Committee, which has its offices at 345 East 46th Street. Dr. Larson and several of its members met with the press yesterday at the Plaza Hotel to answer questions.

SOVIET SEES LOOPHOLE

"West Germany," the statement said, "is enjoined from manufacturing nuclear weapons but not from acquiring them under the terms of its admission to NATO. The U.S.S.R. interprets Article 1 of the U.S. draft (treaty) as providing a loophole whereby Germany, through a NATO nuclear multilateral force, will acquire and share control of atomic weapons."

The United States favors a nonproliferation treaty, the statement said, but it is also concerned with the desire of the Germans to share in control. It is this unresolved conflict over priorities that, the statement asserted, created the present deadlock.

"The President must decide which of these objectives should be paramount," it said.

Citing a Presidential statement that the United States seeks a treaty "void of any loopholes which would permit nuclear or non-nuclear powers to proliferate, directly or indirectly," the statement said that "it is our hope" the President would give greater importance to a treaty than to sharing atomic weapons with Germany or any other non-nuclear power.

THREE STEPS URGED

The letter and the statement urged President Johnson to make the following decisions immediately in the interest of obtaining a treaty:

"To affirm that the U.S. will not give up to any other power its exclusive veto over the ownership, control and use of U.S. nuclear arms through NATO, the European theater or anywhere else.

"To revise the U.S. draft nonproliferation treaty to reflect this decision in language which is clear and unequivocal.

"As a signal of its new approach, to name a top-level delegation to meet with ranking Soviet diplomats, at a time and place of mutual choice, and authorized to seek an early agreement on a nonproliferation treaty."

To convince the non-nuclear powers that their own security would be enhanced by such an agreement, the signatories proposed the following collateral measures:

Collective assurances of assistance be given by the signatory nuclear powers to the non-

nuclear powers against nuclear attack or threats of attack.

Undertakings to strengthen the United Nations peacekeeping machinery and other international security arrangements.

"Affirmation of U.S. willingness to negotiate a treaty banning atomic weapons testing underground, possibly for a trial period only, with inspection by challenge and invitation."

The signatories warned that "once the door to the nuclear club has been opened, it may not be shut again.

"Without a nonproliferation agreement, the direction of U.S. policy over the past 20 years to halt the nuclear arms race will be reversed. It is imperative, therefore, that we get down to the business of signing such an agreement."

Speaking on behalf of the signatories yesterday, Dr. Larson said:

"The spread of atomic weapons to nonnuclear countries is the most severe threat to American security today.

"Experts in diplomacy, science and defense agree on this. But, partly because of the obsession with Vietnam, and partly because of the difficulty of dramatizing the danger of nuclear spread, the level of public knowledge and concern is astonishingly low in proportion to the importance of the issue to the safety of ourselves and our children.

MULTIPLE DANGER SEEN

The spread of nuclear weapons among a great number of powers was viewed as a multiple danger to American security.

It would precipitate an expanded nuclear arms race and compel the United States to augment its own nuclear arsenal to keep its lead, it was believed.

Secondly, the spread of nuclear weapons would presumably multiply in many areas of the world the dangers of war that today are kept in check by the overwhelming American nuclear capacity.

Finally, it was believed that proliferation would diminish the ability of the United States to maintain and enforce the peace.

An Educational Committee, Dr. Larson said, was formed to bring the problem to public consciousness.

"Never was timing so vital, to an issue," said Dr. Larson.

"The world desperately needs and wants at this moment the reassurance of its own sanity that a nonproliferation treaty would afford, and the United States needs this opportunity to prove its capacity for leadership toward global security in the nuclear age."

Mr. Speaker, the statement includes this astonishing comment:

We venture the judgment that it is in order now for the U.S. to adopt a firm policy, making it unequivocally clear, that it will not share its exclusive veto over the ownership and control of nuclear weapons with any other power, through NATO, or in any other form, so that Chancellor Erhard may be so informed upon his arrival in the U.S. and so that renewed negotiations can begin with the Soviet Union with a prospect of agreement.

The full text of their statement to the President, as reported on page 12 of the Times today, includes this statement:

Members of both Houses of Congress oppose any U.S. sharing of nuclear weapons.

Now, the statement of course does not say that all Members of both Houses of Congress oppose sharing, but the implication left by this statement is that it is virtually unanimous on the part of Members of both Houses of Congress that simply is not true.

This would be a good moment for us to review our relationship of recent years with West Germany.

West Germany became a part of NATO in a dark moment in European history when the threat of Soviet attack was more apparent than it is today. West Germany chose to "put in with us," so to speak, and from that day to this West Germany has been a trusted, valued, and dependable ally of the United States.

West Germany is the only one of the 15 nations in NATO whose military forces are fully committed to NATO. All of its military forces are committed; that is, assigned and operational under NATO command, and in no other form. As a practical matter, West Germany does not have military forces today as a nation; it has these forces only as they are a part of the NATO military command.

West Germany under its constitution is forbidden to develop and manufacture nuclear weapons on its own soil. This does not preclude West Germany, of course, from acquiring them from other sources and actually owning and operating them. To this date there is no indication, no detectable sign, that West Germany wants to have its own national nuclear weapons which it can control, and yet for years the leadership of West Germany has made it plain that Germany must have the assurance of nuclear protection in this nuclear age. Under present circumstances it must rely entirely upon the commitment of the United States, under which we are pledged in the NATO treaty to come to the aid of other NATO nations, including West Germany.

The assumption is that we will use nuclear weapons to protect German homes just as we would protect our own. This was the massive retaliation doctrine under President Eisenhower.

But under Secretary McNamara this doctrine has been modified to such an extent that it is simply no longer enough. Instead of the massive retaliation doctrine, we have the theory of flexible response. Upon this Germans today must depend for protection against attack from the Soviets.

West Germany has been very patient. West Germany is a competent nation, one with a history of technological achievement and progress. I think reviewing that background and reviewing the facts of life as they exist today, West Germany has been very patient and forebearing in its present second-class status within the NATO alliance.

What this committee proposes is that the United States foreclose for all time any possibility that West Germany could ever have any part in owning or sharing the control of any nuclear weapons for its own defense. This is a slur against a dependable ally, especially the new generation which had no involvement whatever in the Nazi era.

To me this committee proposal goes in exactly the wrong direction. Instead of cutting off Germany from the possibility of participating with the rest of the NATO nations in establishing a NATO force in which Germany could have a part in developing policy, in selecting the command system, a force which hopefully would not be subject to the veto of any nation, we would indeed be moving in the wrong direction.

We should be trying indeed to establish such a NATO nuclear force instead of foreclosing it for all time.

I would like to point out to this body that the assertion of this committee to the effect that Members of both Houses of Congress oppose any United States sharing of nuclear weapons is indeed misleading. On June 1, I was authorized to speak for 21 of my colleagues in presenting a statement to the European Subcommittee of the House Committee on Foreign Affairs.

At this point in the RECORD I ask unanimous consent to place the text of this June 1 statement.

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

There was no objection.

The text of the statement is as follows:

STATEMENT OF REPRESENTATIVE PAUL FINDLEY, (REPUBLICAN, OF ILLINOIS); TO HOUSE FOREIGN AFFAIRS SUBCOMMITTEE ON EUROPE

In making these remarks I am authorized to speak for: E. ROSS ADAIR (Ind.), JACKSON E. BETTS (Ohio), WILLIAM E. BROCK (Tenn.), CLARENCE J. BROWN, Jr. (Ohio), DON H. CLAUSEN (Calif.), THOMAS B. CURTIS (Mo.), EDWARD J. DERWINSKI (Ill.), ROBERT F. ELLSWORTH (Kans.), JOHN ERLENBORN (Ill.), JAMES R. GROVER, JR. (N.Y.), CHARLES GUBSER (Calif.), RALPH HARVEY (Ind.), ROBERT MCCLORY (Ill.), ROBERT MCEWEN (N.Y.), CHESTER MIZE (Kans.), ALBERT H. QUIE (Minn.), HOWARD W. ROBISON (N.Y.), HERMAN T. SCHNEEBELI (Pa.), WENDELL WYATT (Oreg.), J. ARTHUR YOUNGER (Calif.).

News reports which were forced last week to inside pages by Vietnam headlines told of shocking European developments which could wreck NATO completely unless the United States acts quickly.

This was the news: for the past year France and the Soviet Union have been working together in nuclear research, and joint ventures in space are now being negotiated.

The world's largest accelerator, being completed near Moscow, will be open to French scientists. For their part the French will provide the world's largest "bubble chamber" for the observation of high-energy particles.

The French team will be the largest group of foreigners to work with Soviet researchers.

What are the implications?

Most obvious, France will press forward with nuclear weapons development. From research to weapons development is only a step. This should surprise no one, as it is entirely natural for any nation to develop the best possible weapons for its own national security. It was unrealistic for anyone to expect France, Germany or any nation with a tradition of scientific and aeronautic achievement, to refrain indefinitely from nuclear and space development.

France's nuclear research will be done in close collaboration with the Soviet Union. Both have much to gain. France gains access to advanced nuclear technology long denied it by United States policy. The Soviets get the use of unique French scientific achievements but more important may gain a way to circumvent the test-ban treaty.

France did not sign the test-ban treaty and has islands in the Pacific where nuclear devices will soon be tested. The Soviet Union did of course sign the treaty, but a working relationship with France would enable the Russians to get their nuclear devices tested

above ground without themselves openly violating the treaty.

The Soviets have more to gain than just technological development.

The collaboration gives them an effective new way to pursue their obvious objective of fomenting trouble within the Atlantic Alliance.

It will further encourage the separation of France from NATO, already far advanced.

It will establish a new European partnership interested partly in keeping the Germans forever from acquiring nuclear weapons, and thus it will feed new fires of discontent within Germany.

Is it realistic to expect a nation like Germany whose scientists pioneered in rocketry and atomic fission to forgo permanently the most effective military weapons? Have the Germans not accepted with patience and grace a second-class status for an entire generation after the war?

As the memory of Hitler fades it would be natural for the Germans like the French to rebel against a policy which treats them as untrustworthy and irresponsible. That day will be hastened by the new French-Soviet arrangement. Germany will be impelled to make its own deal—with the Soviets or others—to advance what appear to be its own national interests.

All this could have been prevented.

Three years ago the House Republican Committee on NATO warned that United States policy on nuclear weapons was outmoded and bound to cause trouble within the alliance. That shortsighted policy denied to our allies weapons we knew the Soviet Union possessed. At that time our Committee recommended that tactical nuclear weapons be made available to NATO nations.

The factfinding mission to Paris sponsored last June by the House Republican Conference proposed that the United States recognized the fact that France, like it or not, had become a nuclear power and we should start cooperating to the end that the nuclear capabilities of the two nations be fully coordinated. This could have been done without amending the Atomic Energy Act. The mission also proposed that steps be taken to create a "true partnership" within NATO in nuclear technology and weapons control.

Why did France turn to the Soviet Union? Was it because the United States has actively resisted all French efforts to develop nuclear weapons? Was it because we turned a deaf ear to French complaints about the NATO military structure? To a shocking extent U.S. policies have driven France into the arms of the Soviet Union. The latest in a long series of affronts was our Administration's refusal to export computer equipment France wanted for its weapons technology.

Curiously, the United States has acted as if the best allies are those which are individually weak, disarmed and dependent. Never let them have any big weapons of their own. Goodness, no! They can't be trusted. Be lord high protector for them all, and everybody will live happily ever after. Nationalism is wrong for everybody but ourselves.

This policy was doomed to failure. It ignored the natural needs and pride of every progressive nation.

Our commitment to NATO was based principally on nuclear deterrence—that is massive and immediate atomic retaliation. While this is officially the NATO doctrine and still theoretically in effect, it has actually been abandoned by the Supreme Command in favor of the concept of flexible response. Never approved by the NATO Council, flexible response became the de facto NATO doctrine when it was propounded by Secretary McNamara in a speech at the University of Michigan. The result of this was to seriously undermine the credibility of our NATO commitment. Today, how many people really believe President Johnson would press the nuclear button—thus risking destruction of U.S. cities—in order to protect Europe? Even if he would, has he convinced our allies?

The automatic character of our commitment to defend other NATO nations further came into question recently in the disclosure of correspondence in 1964 between our President and the Prime Minister of Turkey. In it, President Johnson warned that the United States might have to review its defense commitment if Turkey's planned action in Cyprus provoked Soviet attack. The language he used was curiously similar to De Gaulle's recent use of the words "unprovoked attack" in describing his interpretation of the Alliance's automatic commitment.

Recognizing the key importance of France in the Atlantic Alliance, the Republican Committee more than a year ago urged President Johnson to go to Paris for the single purpose of visiting the French President.

At this late hour, can anything be done to save the alliance from further fragmentation?

A personal trip to Paris by President Johnson still might salvage NATO, if he were prepared to discuss specific proposals which would assure NATO-wide cooperation in technology of all sorts—including nuclear matters, as well as a partnership system for making alliance policy and carrying it out, and a joint arrangement for handling worldwide matters like Vietnam.

President Johnson is the ex-officio leader of the alliance because present circumstances center all of its real authority in his hands. He alone controls the nuclear weapons on which all NATO nations depend. He personally selects the supreme commanders of the alliance. Therefore, he alone is in a position to bring about effective reforms quickly. He must act, or nothing of consequence will happen.

President de Gaulle is an astute diplomat, and this current scientific venture with the Soviet Union may actually be a move intended to bring forth a revamped NATO. If President Johnson goes to Paris with specific proposals to discuss, the mad rush toward fragmentation of the alliance could be reversed.

Even if President de Gaulle does not react favorably, much could be gained. Reform of NATO is essential no matter what course France may pursue.

In any case, does the clear responsibility of alliance leadership give the U.S. President any choice but to go? Our pride must not be permitted to stand in the way. The stakes are high, and a touch of humility might be helpful.

At the least the trip and the proposals would re-establish a basic but long neglected principle: our NATO allies should be as militarily strong and self-reliant as possible.

Until a better arrangement can be devised, we must aid our allies, individually and collectively, in acquiring the weapons and technology they feel are essential to their security.

Mr. FINDLEY. This statement, in which I was joined by 21 Republican Members of the House, lamented the nuclear policy of the United States toward France, in recent years, which actually in our view tended to drive France out of the alliance and into the arms of the Soviets for nuclear matters.

We stated that this new technological arrangement between France and Russia will further encourage the separation of France from NATO and will establish a new European partnership interested partly in keeping the Germans from forever acquiring nuclear weapons and thus will feed new fires of discontent within Germany.

I fear that if the President should take the advice of this committee mentioned earlier, and modify the very correct and wise attitude which his representatives have displayed in negotiations on a nonproliferation agreement, he would seal the fate of NATO. He would be planting seeds which will quickly flower into a monstrous development which would deal Germany out of NATO, such as France has been dealt out of NATO.

And, this most essential of our allies would fall apart. That happening, we would have a far greater danger of national proliferation of nuclear weapons than we do today. We can expect all nations to do their best in self-defense and in this era of nuclear defense, national defense necessarily requires nuclear defense.

Mr. Speaker, this thought is expressed in the final paragraph of the statement signed by 21 House Members on June 1, to which I referred earlier. I quote directly from it:

> Until a better arrangement can be devised, we must aid our allies, individually and collectively, in acquiring the weapons and technology they feel are essential to their security.

Mr. Speaker, somehow, we have got to keep our priorities in the proper order. Seeking agreement with the enemy camp; namely, the Soviet Union, the heartland of communism, on some flimsy type of agreement which could have no meaning whatever, must not be our top priority. Our first priority must be to make our friends strong, hopefully through NATO, but if need be, individually.

REPORTING TO CONSTITUENTS ON THE 89TH CONGRESS

The SPEAKER pro tempore (Mr. PATTEN). The Chair recognizes the gentleman from Washington [Mr. PELLY] for 30 minutes.

Mr. PELLY. Mr. Speaker, this is the 14th consecutive year since I first came to Congress and have had the responsibility to report to my constituents on my service as Representative of the First Congressional District.

Right now, as in a speech to the University Lions Club earlier this week, I have attempted to avoid partisanship. For example, in discussing the 89th Congress I could not overlook Vietnam, and here is a case where Republicans like myself in Congress have refused to play partisan politics on this vital issue. After all, Republicans in Congress such as myself have given full support to the Johnson administration. We have applauded efforts to secure a negotiated peace. We have said that the President had no other course than to prosecute the war.

At times, naturally, as I told the Lions Club, individuals—including myself—have felt impelled to differ and offer specific criticism.

For example, on a number of occasions, I have urged that the American people be given the full and true facts. I have asked, without being fully informed, how could the American public

properly evaluate the President's decision to counter the increased intensity of North Vietnam's oppression? How could public opinion react fairly and wisely when the United States changed policy and sent its aircraft to attack the larger petroleum depots near Hanoi and Haiphong?

Actually, the American people reacted favorably, but they should have been forewarned that this action was made necessary by a substantial increase in the infiltration of armed men and war supplies from North Vietnam into South Vietnam, made possible by the increased petroleum products mostly furnished by Russia.

They should have been previously forewarned of the fact that enemy truck movements had doubled during the first 5 months of 1966. They should have been previously forewarned that the daily tonnage of supplies moved overland from North Vietnam had increased 150 percent and personnel infiltration had increased 120 percent during 1966 to date, compared with the 1965 average.

It was petroleum that made this possible. As the August 29 issue of the U.S. News & World Report expressed it:

> Progress of the Vietnam war is one thing when measured by Washington. It's something different—and less encouraging—when measured at the scene.

So, as I say, I do not think the American people have had the full facts, and I have felt free to say so. We have had managed news. What is more, the McNamara-Pentagon propaganda machine at times has deliberately misinformed the public.

The Vietcong have modern weapons obtained from Red China—delivered by two railroad lines to North Vietnam. These railroads, until recently, were offbounds as air targets. And the network of waterways and canals—controlled by three locks, carrying bumper-to-bumper barges full of supplies to our enemy—are too. I question whether these three locks that make this traffic possible should be offbounds as air targets. I have felt free to question the limitations on these and 250 other targets that are offbounds to our bombers.

Let me emphasize that deescalation of the war, on both sides, not just ours, could best be accomplished by curbing the delivery to the enemy of strategic war material, and not just by more air attacks on military, noncivilian targets. I have strongly urged stronger economic sanctions on free world nations whose ships carry strategic cargoes to North Vietnam. I favored a firmer air attack policy to slow down the enemy's fighting and step up the chance of peace talks. I believed such a policy would reduce U.S. casualties.

But, in general, I support, and my party supports, the Johnson policy. Let me make that clear. Here is an important point I want to emphasize. Ho Chi Minh is watching our forthcoming elections. He has been telling his people—and professes to believe—that the United States is ready to quit. Radios in North Vietnam broadcast this line and statements by Democratic Party leaders such as Senators MORSE and FULBRIGHT, who urge immediate capitulation to the Communists.

As I say, Ho Chi Minh knows the majority party is divided; he knows the war is not popular; he knows we are beset with internal strife; he knows that in practically every political contest for Congress, as in my own First District, the peace candidates are campaigning for a pullout from southeast Asia.

Throughout the free world, as well as the Communist world, foreign leaders such as De Gaulle denounce America. Our war is not popular abroad and it is not popular in America.

So, as I say, Ho Chi Minh is not interested in peace talks. He expects candidates for Congress such as myself, who support the President, to be defeated. Then he won't have to negotiate with anyone. He will take over South Vietnam. America, he thinks, will capitulate.

Whereupon, the Communists will start their aggression in some new area. Thailand will be next. And then in another spot, until communism controls all of Asia.

So, this election is not a matter of a doormat or a blank check Congress, or of a Great Society with rent supplements and a guaranteed income for all—although these, too, are vital issues.

The November elections could well—with the election and reelection of Members of Congress like myself who favor getting in and winning the war—be a step toward peace.

If Ho Chi Minh, next November 8, gets the word that the United States is not going to quit—gets it straight from the ballots of the American people—he may change his tune. After all, he knows Red China wants Vietnam weary and weakened by a long war, to drop into China's hand like a ripe plum. So, Ho Chi Minh is watching the outcome of the November elections with more than casual interest.

Meanwhile, apart from Vietnam, there is not much comfort for us in the rest of the world. Things are not going well for us in other parts of the world, either.

This is the first time in the history of America that she has fought for freedom without free world support. We have failed even to persuade the free world to stop trading and aiding our enemies.

NATO is divided and disintegrating. Hardly a day goes by without an American Embassy or a library being stoned or burned and our flag insulted.

America goes on pouring its wealth into underdeveloped countries. There have been some successes, but in general, the population and mouths to feed increase faster than we can dole it out.

At home meanwhile we face spiraling inflation and possible devaluation of the dollar, due to the continuing flight of gold abroad. Our dollar is in jeopardy and many economists say that if remedial action is not taken, we face a serious depression.

The Nation's monetary gold stock is at the lowest level since 1938. At any time lack of confidence in the stable value of the dollar could precipitate foreign claims to convert their dollars into our gold. We do not have sufficient gold any longer to settle these claims, and the only alternatives would be repudiation or devaluation.

In order to maintain confidence abroad and discourage conversion of claims to gold, the buying power of the dollar must be firmed up and inflation curbed.

I do not need to repeat here that many of us in Congress have urged less domestic spending as the best means of accomplishing this objective. The minority party throughout the 89th Congress has sought to reduce appropriations and reduce spending of money we do not have for things we do not need. However, in effect, we have a one-party Government, and while we Republicans make fine speeches about waste and unneeded expenditures in domestic programs, that is about as far as it goes. We do not have the votes.

Recently, Dr. Arthur F. Burns of Columbia University, a distinguished economist, suggested that among other steps which might be taken to control economic activity, a stretchout of Government spending on nondefense construction projects would be advisable. Likewise, he suggested that our foreign aid be trimmed and our troop commitments in Europe be reconsidered.

As to the problem of inflation, as I told the University Lions Club, I personally feel this situation, serious as it is, could well change after the November elections. In the House, often, the margin of votes on spending bills or attempts to reduce the cost of programs has been slim. For example, the new rent subsidy program funds carried by only four votes. By only two votes, the House defeated an attempt to reduce the 2-year foreign aid authorization to 1 year.

It could well be that the rubberstamp complexion of the Congress could change after November. And frankly, I look for a Congress next year which will demonstrate more independence and integrity.

There is one domestic problem which deserves special mention. Right now the homebuilding and selling industry faces a major crisis which adversely affects millions of Americans. In short, absence of mortgage money has resulted in the building permit rate dropping 18 percent nationwide, as against last year. Applications for FHA-insured loans on existing homes are down 34 percent.

Throughout the country, newly married couples find it difficult to buy homes. On the other hand, people who need to sell their homes find it hard to obtain buyers who can finance the purchase; builders and workers in home construction are affected and affiliated industries are suffering and, of course, our important lumber industry is feeling the pinch.

Homebuilding and selling is the second largest industry in the Nation. Building is vital to the economy and even more so in the Pacific Northwest. I believe immediate steps must be taken to ease money for home loans and the needs of small business. Republicans in Congress are unified as to this situation.

Recent statistics show housing starts are approaching a new low of only 1

million units per year, which shows that our national homebuilding industry faces a major crisis. Actually, the trend of industry has been pointing in this direction for more than 2 years.

Homebuilders from across the country have been asked by their national association to support a bill to limit interest ceiling on bank certificates of deposit in order to release funds which they feel have been diverted from the housing market. This diversion has occurred, but the primary cause lies in actions of the Federal Government in the money market.

Specifically, the statutory ceiling of 4¼ percent on long-term Federal debt has forced the Treasury, in its debt management operations, to compete with private enterprise in our short-term money market—simply because they could not sell long-term obligations within the ceiling.

Second, due to the balance-of-payments problem, the U.S. Treasury had undertaken to keep short-term rates up and long-term rates down. This, too, has had an adverse effect on the money market, and particularly upon those industries such as homebuilding, which are extremely credit sensitive.

Third, this administration not long ago rammed a bill through Congress, allowing so-called participation sales. The purpose of this bill, the Participation Sales Act of 1966, was to allow the Government to sell certificates of interest in Government assets and to use the money on additional programs without having to include these funds in the budget. It was nothing more than a device to reduce the coming year's budget. More importantly, however, it means that again the Treasury is competing with private enterprise to the extent of some $3 billion-plus in the short-term money market. During congressional debate, administration supporters assured us that these participations would not cost more than one-fourth of 1 percent more than current Treasury financing costs. As many of us stated at the time, this statement was away off. Participations are now selling to yield better than 5¾ percent.

I must report, Mr. Speaker, to my constituents back home that all of these factors have served to dry up funds in an already critically short money market. In addition, these factors undercut efforts of our Federal Reserve System to allow a money supply which is consistent with economic growth but which would deter inflation. The supply of money is up some 6 percent over last year. Federal Reserve credit outstanding is up over 9 percent. However, due to the economic boom of the Vietnam war, and Treasury operations, loan demand is up 14 to 15 percent. The result is that homebuilding, which is so vital to my congressional district, has been hurt.

From a more positive point of view, Mr. Speaker, I have supported other alternatives. For example, I supported a bill to increase Fannie Mae borrowing authority by more than $4 billion.

Also, I, and other Republicans, supported the removal of Fannie Mae's $15,000 loan limitation. I, and other Republicans, urged that further participation certificate sales be suspended. I, and other Republicans, asked for a slash in nondefense, nonessential domestic spending—and many Democrats agreed. We urged a reduction in point discounts in connection with FHA and VA home financing. And finally, I strongly supported the idea of an Emergency Committee on the Homebuilding Crisis. There is no excuse for delaying until after the November elections for constructive action on this problem.

Mr. Speaker, I believe the main cause of the stringency in money for loans is the swollen budget of the administration in Washington. By the same token, I believe the main cure lies in cutting excessive spending on new domestic programs.

Incidentally, I still think that the Republicans in the House had a sound plan when we came out with a program to reduce spending without trying to eliminate programs. I refer to the attempt of the minority Members of the House to amend appropriation bills by reducing the overall amount allowed by 5 percent. This simply provided that Government agencies could effect economies wherever they felt it could be done. It would be entirely up to the President to eliminate waste and decide what should be done in the way of economy, without any meat-ax cut.

But we did not have the votes to put this plan into effect. Just 5 percent off of each appropriation total would have curtailed Federal spending by about $5 billion—and no one program would have been adversely affected by the cut.

In conclusion, it is always a privilege to report to my constituents. Members of Congress cannot get home as often as they would like, but when the opportunity comes, I was happy to be invited to address a group such as the University Lions in Seattle who represent the backbone of America. In doing so, I trust I was truly objective and that criticism was not motivated by partisan politics.

Again, in closing, Mr. Speaker, I say it is an important duty to report to the people back home, and this year especially so.

NINTH ANNUAL STEUBEN PARADE

The SPEAKER pro tempore (Mr. PATTEN). The Chair recognizes the gentleman from New York [Mr. ADDABBO] for 10 minutes.

Mr. ADDABBO. Mr. Speaker, on Saturday, September 17, 1966, on Fifth Avenue in the city of New York, will be held the ninth annual Steuben parade, sponsored by the German-American Committee of Greater New York. This parade is taking its place in the history of New York City beside the St. Patrick's Day parade and the Columbus Day parade as "institutions."

It is fitting that the Steuben parade, commemorating the birth of Baron Frederick Wilhelm von Steuben, falls on our own Citizenship Day. General von Steuben contributed so much to our Nation in our fight for independence that his name is almost synonymous with U.S. citizenship. All Americans, not just those of German ancestry, should and do honor this man who served our own Gen. George Washington so diligently and faithfully.

In honoring General von Steuben we pay tribute to all German-Americans who have contributed so much to this Nation. I am proud to have a large community of these patriotic people in my congressional district, and I am proud to call them my friends.

Saturday, September 17, will be a happy day in New York, and I extend to all an invitation to join in these festivities on Fifth Avenue which commence at 2 p.m., daylight saving time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HICKS (at the request of Mr. ADAMS) for Monday, September 19, and Tuesday, September 20, 1966, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered into, was granted to:

Mr. PELLY, for 30 minutes, today, to revise and extend his remarks and include extraneous matter.

Mr. ADDABBO, for 10 minutes, today, to revise and extend his remarks and to include extraneous matter.

Mr. FINDLEY, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCEWEN) and to include extraneous matter:)

Mr. MCEWEN.

Mr. SMITH of New York.

Mr. MINSHALL in two instances.

ENROLLED BILL SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

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 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.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that

that committee did on this day present to the President, for his approval, bills of the House of the following titles:

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

H.R. 11488. To authorize the grade of brigadier general in the Medical Service Corps of the Regular Army, and for other purposes; and

H.R. 13508. To direct the Secretary of 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.

ADJOURNMENT

Mr. MOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until Monday, September 19, 1966, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KIRWAN: Committee on Appropriations. H.R. 17787. A bill making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Atlantic-Pacific Interoceanic Canal Study Commission, the Delaware River Basin Commission, the St. Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and the Water Resources Council, for the fiscal year ending June 30, 1967, and for other purposes (Rept. No. 2044). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California:

H.R. 17756. A bill to amend title 38 of the United States Code to increase by 12 percent the rates of compensation payable to veterans with service-connected disabilities; to the Committee on Veterans' Affairs.

By Mr. CRAMER:

H.R. 17757. 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. DENTON:

H.R. 17758. A bill to promote safety and efficiency of travel on streets, roads, and highways and by railroad by establishing a program of grants-in-aid for rerouting certain railroad tracks which run through cities and towns, the construction of railroad overpasses and underpasses, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DULSKI:

H.R. 17759. A bill to provide for improved employee-management relations in the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FOUNTAIN:

H.R. 17760. 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. FULTON of Pennsylvania:

H.R. 17761. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. GRIDER:

H.R. 17762. A bill to amend the Internal Revenue Code of 1954 to permit a taxpayer to deduct certain expenses paid by him for special training furnished to individuals who are physically or mentally handicapped; to the Committee on Ways and Means.

By Mr. HANNA:

H.R. 17763. A bill to require all insured banks to clear checks at par; to the Committee on Banking and Currency.

By Mr. MARTIN of Alabama:

H.R. 17764. A bill to amend title VI of the Civil Rights Act of 1964; to the Committee on the Judiciary.

By Mr. MATHIAS:

H.R. 17765. A bill to amend the act of September 30, 1961 (75 Stat. 732); to the Committee on the Judiciary.

By Mr. VANIK:

H.R. 17766. 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. ADAIR:

H.R. 17767. 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. BATTIN:

H.R. 17768. 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. 17769. 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. BOGGS:

H.R. 17770. 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. BUCHANAN:

H.R. 17771. 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. FULTON of Pennsylvania:

H.R. 17772. 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. MICHEL:

H.R. 17773. 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. MIZE:

H.R. 17774. 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. RHODES of Arizona:

H.R. 17775. 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. SWEENEY:

H.R. 17776. 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. TAYLOR:

H.R. 17777. 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. WILLIAMS:

H.R. 17778. 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. KIRWAN:

H.R. 17787. A bill making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Atlantic-Pacific Interoceanic Canal Study Commission, the Delaware River Basin Commission, the St. Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and the Water Resources Council, for the fiscal year ending June 30, 1967, and for other purposes.

By Mr. DULSKI:

H. Con. Res. 1009. Concurrent resolution to urge that the President increase tariffs on papermaking machinery in accordance with the procedures of article XXVIII of the General Agreement on Tariffs and Trade; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GEORGE W. ANDREWS:

H.R. 17779. A bill for the relief of Antonio Jose Moreno; to the Committee on the Judiciary.

By Mr. KUPFERMAN:

H.R. 17780. A bill for the relief of Jacqueline Mevs; to the Committee on the Judiciary.

By Mr. MICHEL:

H.R. 17781. A bill for the relief of Mid-States Steel & Wire Co.; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 17782. A bill for the relief of Alfredo V. Castro; to the Committee on the Judiciary.

H.R. 17783. A bill for the relief of Rodolfo Respicio Dacanay; to the Committee on the Judiciary.

H.R. 17784. A bill for the relief of Rosario Pozas; to the Committee on the Judiciary.

By Mr. SCOTT:

H.R. 17785. A bill for the relief of Richard B. Jones; to the Committee on the Judiciary.

By Mr. VANIK:

H.R. 17786. A bill for the relief of Dr. Leopoldo A. Manzanilla; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Another Honor for the Duchess; Theta Sigma Phi Honors Esther Van Wagoner Tufty With Its Highest Award

EXTENSION OF REMARKS

OF

HON. ROBERT C. McEWEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1966

Mr. McEWEN. Mr. Speaker, I should like today to recognize one of America's great newswomen, Mrs. Esther Van Wagoner Tufty, and to bring to the attention of the House of Representatives the most recent of the many honors that have come to this outstanding member of the Washington scene.

Top flight journalist, astute political observer, hard digger of the facts, respected member of the press corps, able chief of a major news bureau, devoted mother, all these descriptions fit one of my closest friends, whose affectionate sobriquet is "the Duchess."

Last month, Esther Tufty was one of four women in the fields of journalism and communications to receive the coveted National Headliner of the Year Award from Theta Sigma Phi, the women's national journalism fraternity. The fact that the "Duchess" had been tapped for such recognition came as no surprise to me, for I have long been aware of her outstanding qualities as one of the leading women in her field.

The award, which is the fraternity's highest, was presented to Mrs. Tufty in Fort Worth on August 18. She was particularly cited for her preeminent stature in journalism. For three decades, she has headed the Tufty News Bureau, the largest run by a woman and one of the largest in Washington. Mrs. Tufty is a former president of the Women's National Press Club and is 1 of 50 influential women chosen by Secretary of Defense McNamara to serve on DACOWITS—Defense Advisory Committee on Women in the Services.

Other awards have included a recent one from Delta Sigma Theta, interracial women's public service organization, and another in 1963, when she received a Distinguished Service Award from the President's Committee on Employment of the Handicapped for her work on that committee and articles promoting the hiring of the handicapped.

In 1960, Mrs. Tufty was elected president of the American Women in Radio & Television. In 1965, she traveled to South Africa and Rhodesia, made two Radio Free Europe inspection trips and spoke in several foreign countries.

Esther Tufty comes from a politically prominent Michigan family, and her brother, Murray D. Van Wagoner, is a former Governor of that State. She now resides in a historic house on the banks of the Potomac River that was an original part of the Mount Vernon estate.

In addition to representing eight Michigan newspapers and two Michigan press associations in the Nation's Capital, Mrs. Tufty represents the Ogdensburg, N.Y., Journal, the Ogdensburg, N.Y., Advance-News, the Massena, N.Y., Observer, and the Potsdam, N.Y., Courier-Freeman, all published in my congressional district.

The distinguished minority leader of the House of Representatives, the Honorable GERALD R. FORD, JR., of Michigan, was talking with me just yesterday about Mrs. Tufty, and he wishes to join me in expressing words of special tribute and deep appreciation to her for her many years of unwavering dedication to the importance of a free and responsible press. GERRY FORD is well aware of the contribution made to Michigan by the Van Wagoner family, both in the field of government and in the field of journalism, and he has asked that I include his best wishes as I recognize Mrs. Tufty today.

Mr. Speaker, upon my arrival in Washington as a freshman Member of the House of Representatives more than a year ago, one of the first persons I sought out was Esther Tufty, for already I had come to know of her keen grasp of matters political, of the immense respect held for her by leading figures of government and the press, and, very frankly, I knew that she was one of those persons that every newcomer to the Congress needs to depend upon for wise counsel.

The "Duchess" has given me that wise counsel, but only when I have asked her for it. Even more, she has brought warmth and humor and good feeling into our interviews, and this has made such occasions the more pleasant for me.

I am delighted today to pay tribute to this grand lady of letters, and it is my fond and sincere hope that she will continue to provide the readers in my district with top coverage of the affairs of our Nation for many years to come.

Minshall Again Brings Traveling Office to District

EXTENSION OF REMARKS

OF

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1966

Mr. MINSHALL. Mr. Speaker, for the past 12 years it has been my privilege and honor to represent the citizens of the 23d Congressional District of Ohio in the U.S. House of Representatives.

As the Representative of this outstanding district, I make every effort not only to keep well informed on the opinions of the people through personal contact, but also attempt to be of the greatest possible service to those who have problems involving Federal departments and agencies. To help accomplish this, I maintain a year-round congressional office in room 525 of the Federal Building in downtown Cleveland.

Throughout my six terms in Congress I have made every effort to keep the people informed about the national scene. My newsletter, the Washington Report, periodically summarizes major legislative activities of the Congress and other issues confronting the Nation.

During my service in Washington, I have considered it of primary importance to be present at the Capitol whenever the Congress is in session in order to participate in committee work and to vote on legislation. Because of the intensive daily legislative and committee schedule last year and this, with Congress in almost continuous session, I have not been able to return to Cleveland as frequently as I would like.

My Appropriations Committee assignments are particularly time consuming. In addition to membership on the Department of Defense Appropriations Subcommittee, I also serve on the Independent Offices Appropriations Subcommittee, which encompasses the budgets of 22 important Federal agencies. Combined, my subcommittee responsibilities involve nearly two-thirds of the total national budget and of necessity require many hours of work in locked-door sessions on Capitol Hill and on-the-spot committee investigations.

Because so much time must be spent in Washington, I initiated a practice 12

years ago of taking a traveling office to the various communities in the 23d District. This method of meeting with the public is tremendously popular and gives me an excellent opportunity to discuss and learn at first hand the opinions and individual needs of the people.

With the expectation that Congress will not be in session during the latter part of October this year, I will take the traveling office to the people of the 23d District during the week of October 24 to make myself available to meet personally every resident who can conveniently arrange to visit me.

I wish to emphasize that these are not group meetings but office conferences for individuals which will enable each person to discuss his or her views and problems privately with me.

No appointments are necessary and I not only welcome but urge individuals to meet with me on the date and at the scheduled location most convenient to them.

Every resident of the 23d District is cordially invited to sit down and talk over issues of national concern, to discuss any problems they may have which involve the Federal Government, or just to get better acquainted. The knowledge obtained from these meetings will enable me to better represent the people of the 23d District of Ohio in the Congress.

I am most grateful for the splendid cooperation of the many officials who are making meeting places available as an aid in rendering this public service.

Following is the traveling office schedule:

Community	Location	Date	Time (p.m.)
Lakewood	Lakewood City Hall, 12650 Detroit Ave	Monday, Oct. 24	2 to 4:30.
Ward 4, Cleveland	George Washington School, 16210 Lorain Ave	do	6:45 to 9:30.
Rocky River, Bay Village, Fairview Park, North Olmsted, Parkview, Westlake.	Rocky River City Hall, 21012 Hilliard Blvd	Tuesday, Oct. 25	2 to 4:30.
Berea, Middleburgh Heights, Olmsted Falls, Olmsted Township, Parma Heights, Strongsville, Westview.	Berea City Hall, 11 Tract St	do	6:30 to 9.
Brecksville, Broadview Heights, Independence, North Royalton, Seven Hills.	Brecksville Town Hall, 49 Public Sq	Wednesday, Oct. 26	2 to 4:30.
Ward 1, Cleveland	West Tech High School, 2201 West 93d St	do	6:45 to 9:30.
Warrensville Heights, North Randall, Orange, Warrensville Township, Woodmere.	Warrensville Heights City Hall, 4301 Warrensville Center Rd.	Thursday, Oct. 27	2 to 4:30.
Chagrin Falls, Chagrin Falls Township, Bentleyville, Glenwillow, Moreland, Solon.	Chagrin Falls Village Hall, 21 West Washington St	do	6:30 to 9.
Maple Heights, Bedford, Bedford Heights, Oakwood, Valley View, Walton Hills.	Maple Heights City Hall, 5353 Lee Rd	Friday, Oct. 28	2 to 4:30.
Beachwood, Hunting Valley, Pepper Pike	Beachwood City Hall, 25511 Fairmont	do	6:30 to 9.

Representative Smith of New York Lauds Tonawandas' Post 264 American Legion Band for Long Record of Achievement

EXTENSION OF REMARKS

OF

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1966

Mr. SMITH of New York. Mr. Speaker, several weeks ago, I had the pleasure of greeting the members of an outstanding organization during their visit to the Nation's Capital. This group from my hometown, the Tonawandas' Post 264 American Legion Band, was in Washington to participate in the national band competition sponsored by the American Legion.

The band, and its director Mr. Herbert Ludwig, brought with them a fine heritage and an enviable record of accomplishment. They have been New York State champions every year since 1947. The membership of the band includes some 20 music teachers in the western New York area. The entire organization practices or performs 52 weeks a year.

In all probability, the Tonawandas' Post 264 American Legion Band is one of the oldest musical organizations in the United States. It has been in continuous existence since 1929.

The band carried a wealth of talent, enthusiasm and professional expertise into the national competition this year. They placed second behind the reigning national champions from Joliet, Ill. I hasten to add that the margin separating the top two contenders was 1.5 points, the closest margin in 21 years.

I must admit that when the members of the band visited Capitol Hill several days after the competition, I found no sign of the defeatist attitude that one might have expected. I was pleased and proud to find only a renewed spirit of enthusiasm for the coming year. Most were already setting their sights on the national competition to be held next year in Boston, Mass.

I am sure that it has been this same exuberance and strength of character that has made membership in the Tonawandas' Post 264 American Legion Band exciting, professionally rewarding and just plain fun.

I am proud to have had the honor of associating with this fine organization, and I wish them every success in the years ahead.

Mr. Speaker, the following is a listing of the names of those who made the recent Washington visit with the band:

P. Warmkessell, Beth Warmkessell, Edward Fritton, Jack Koup, Thomas Fura, Kevin Hauser, Lee Steiger, Paul Rathke, Arthur Johnson, Harold Moll, Brian Donley.

Richard Fron, R. Marquart, P. Matthel, James Scott, Dale Jacob, James Gerber, Kenneth Blish, W. Jones, Michael Mulaka, G. Tucker.

Thomas Peters, Emory Davis, Henry Gullia, James Miller, Donald McIntyre, C. VanBuren, Robert Calzavara, William Mosher, Michael Nascimben, Harold Boorman.

Richard Sequin, James Sequin, Frank Kearly, Gary Wagner, Jack Gestwick, Mr. and Mrs. Charles Hawkins, Mr. and Mrs. George Bacon, Mr. and Mrs. Carl Conrad, Mr. and Mrs. Kenneth Regnet, Mr. and Mrs. Frank Strough and family.

Allen Butcheri, Terry Butcheri, Elwood Searles, Harry Waechter, W. Nykuist, Dennis Moore, Tim Ferchen, S. Henry, Kenneth Nagel, Karl Hinterbichler.

William Bauerman, Robert Brinkman, Denton Kaltrider, Fred Hellenburg, George Heathfield, George Merrill, Albert Batt, Sally Yates, Sylvia Cowe, Mr. and Mrs. Stewart Jones and family.

Mr. and Mrs. Thomas Dunn, Mr. and Mrs. Peter Fogle, Mr. and Mrs. Leonard Chase and daughter, Mr. and Mrs. Sam Rizzo, Mr. and Mrs. Robert Morey, Mr. and Mrs. Robert Giuseppetti, Mr. and Mrs. R. Greenky, Mr. and Mrs. Don Ruggerillo and family, Mr. and Mrs. William Strough, Mr. and Mrs. Henry Spangenberg.

Mr. and Mrs. Eldon Francisco, Mr. and Mrs. Norman Beamish, Mr. and Mrs. Charles Schillo, Mr. and Mrs. Arnold Shafer and family, Mr. and Mrs. Jack Bacon, Mr. and Mrs. Ronald Gilcart, Mr. and Mrs. Raymond Cary, Mr. and Mrs. James Burke and son, Mr. and Mrs. John Giuseppetti, Mr. and Mrs. Herbert Ludwig and daughter.

Opinion Poll

EXTENSION OF REMARKS

OF

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1966

Mr. MINSHALL. Mr. Speaker, during the 12 years I have served the 23d District of Ohio in the U.S. Congress I have made every effort to keep in close touch with my constituents. My newsletter, the Washington Report, my traveling office which holds individual conferences throughout the district, and opinion polls, such as the one I am inserting in today's RECORD, are most helpful to me in maintaining contact with those I represent.

The following opinion poll is being sent to the home of every registered voter in the district, 130,000 in all. I wish to emphasize that I do not use the results of the poll as a blueprint or as a political weathervane for voting on issues, but I do derive much benefit from having the

excellent comments and response it generates.

The poll follows:

YOUR CONGRESSMAN, WILLIAM E. MINSHALL, WOULD LIKE YOUR OPINION

SEPTEMBER, 1966.

On Capitol Hill, in the jungles of Southeast Asia, on the streets of our major cities, events are transpiring which are changing the face of history. This is a year of many fast-moving issues. The Minshall Opinion Poll taken in May was most helpful to me as your Representative in Congress. The results received nationwide acknowledgment. This Opinion Poll again is being mailed to the home of every registered voter in the 23rd District regardless of political affiliation and it deals in greater depth with some of the crucial issues of our times. The reverse side of the page is available for your individual comments. Time and staff limitations will not permit me to personally respond to every return, but each will be carefully read and tabulated. Results will be released to the news media and in a future newsletter. Please complete the questionnaire and return to: Minshall Opinion Poll, 2243 Rayburn House Office Building, Washington, D.C., 20515.

	Yes	*No*	*No opinion*
VIETNAM			
1. Do you think the United States is making progress toward victory?	☐	☐	☐
2. Which most nearly expresses your point of view? (Check only one):			
(a) Continue present policy	☐	☐	☐
(b) Withdraw all U.S. forces immediately	☐	☐	☐
(c) Limit military actions and intensify peace efforts	☐	☐	☐
(d) Make all-out effort to win militarily without nuclear weapons	☐	☐	☐
(e) Make all-out effort to win militarily including nuclear weapons	☐	☐	☐
3. Do you favor a stronger policy against countries trading with North Vietnam?	☐	☐	☐
4. Should U.S. citizens be prohibited by law from giving aid to North Vietnam?	☐	☐	☐
5. What form of Selective Service System is preferable? (Check only one):			
(a) Present system	☐	☐	☐
(b) Universal military training	☐	☐	☐
(c) Lottery	☐	☐	☐
(d) Lottery with limited deferments	☐	☐	☐
6. Should selected Reserves be called to active duty?	☐	☐	☐
DOMESTIC ISSUES			
7. Are stronger civil rights laws needed?	☐	☐	☐
8. Should there be a strong Federal antiriot law?	☐	☐	☐
9. Do you think the war on poverty has been effective to date?	☐	☐	☐
10. To combat inflation, should the Federal Government:			
(a) Increase personal income taxes	☐	☐	☐
(b) Increase corporate taxes	☐	☐	☐
(c) Initiate wage-price controls	☐	☐	☐
(d) Reduce Federal domestic spending	☐	☐	☐
(e) Reduce military spending	☐	☐	☐
11. Do you favor laws to require disclosure of outside income and other assets by all public officials, including Members of Congress?	☐	☐	☐
12. As a result of the recent airline strike, do you favor new laws to prevent strikes which affect the national interest?	☐	☐	☐
13. Is a multi-billion-dollar crash program desirable to combat air and water pollution?	☐	☐	☐

14. What do you think is the principal problem facing the Nation today?

SENATE

FRIDAY, SEPTEMBER 16, 1966

(Legislative day of Wednesday, September 7, 1966)

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

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

Almighty God, who art the abiding peace of the universe, we bow before Thee in humility and reverence.

Send us forth on the threshold of a new day, armed with Thy power, to right wrong, to overcome evil; if need be to endure hardship, but in all things to serve Thee bravely, faithfully, joyfully, that at the end of the day's labor, kneeling for Thy blessing, Thou mayest find no blot upon our shield.

We thank Thee that with the freedoms which have made our America the torch of the world, mankind is given one last chance to make this earth a decent habitation for all Thy children.

So may it be in Thy providence that this Nation of our hope and prayer, desiring no good thing for herself that she does not desire for all the earth, may serve Thy kingdom in such a time as this.

In the Redeemer's name we ask it. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the Journal of the proceedings of Thursday, September 15, 1966, was approved.

MESSAGE FROM THE PRESIDENT

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

ENROLLED BILL SIGNED

The VICE PRESIDENT announced that on today, September 16, 1966, he signed the enrolled 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 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, which had previously been signed by the Speaker of the House of Representatives.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. PASTORE, from the Joint Committee on Atomic Energy, without amendment:

S. 3830. A bill to amend the Atomic Energy Act of 1954, as amended (Rept. No. 1605).

BILLS INTRODUCED

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

By Mr. SYMINGTON:

S. 3836. A bill for the relief of Dr. Hilario Anido; to the Committee on the Judiciary.

By Mr. COTTON:

S. 3837. A bill for the relief of Soterios J. Bougas and his wife, Evangeline Bougas; to the Committee on the Judiciary.

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. PROXMIRE, and by unanimous consent, the District of Columbia Committee was authorized to meet during the session of the Senate today.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. RANDOLPH:

Excerpts from his remarks delivered at the Chesapeake & Ohio-Baltimore & Ohio Railroad YMCA's System Council luncheon, Baltimore, Md., on Tuesday, September 13, 1966.

ROUTINE MORNING BUSINESS

Under the order entered on Wednesday, September 14, 1966, the following routine morning business was transacted.

NOTICE OF HEARINGS ON FAVORABLE FLOOD CONTROL AND RIVER AND HARBOR PROJECTS REPORTED UPON BY THE CHIEF OF ENGINEERS, U.S. ARMY

Mr. RANDOLPH. Mr. President, as chairman of the Subcommittee on Flood Control—Rivers and Harbors, of the Committee on Public Works, I announce for the information of the Senate, that