for printing and reference to the proper calendar, as follows:

Mr. MADDEN: Committee on Rules. House Resolution 1058. Resolution waiving all points of order against H.R. 18381, a bill making supplemental appropriations for the fiscal year ending June 30, 1967, and for other purposes (Rept. No. 2288). Referred to the House Calendar.

Mr. BLATNIK: Committee of conference. S. 2947. An act to amend the Federal Water Pollution Control Act in order to improve and make more effective certain programs pursuant to such act (Rept. No. 2289). Ordered to be printed.

Mr. LENNON: Committee of conference. S. 2720. An act to authorize the Secretary of the Interior to develop, through the use of experiment and demonstration plants, practicable and economic means for the production by the commercial fishing industry of fish protein concentrate (Rept. No. 2290). Ordered to be printed.

Mr. GALLAGHER: Canada-United States Interparliamentary Group. Report of the ninth meeting of the Canada-United States Interparliamentary Group (Rept. No. 2291). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee of conference. H.R. 11216. An act relating to the tariff treatment of articles assembled abroad of products of the United States (Rept. No. 2297). Ordered to be printed.

Mr. NATCHER: Committee of conference. H.R. 17636. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1967, and for other purposes (Rept. No. 2292). Ordered to be printed.

Mr. MILLS: Committee on Ways and Means. H.R. 5950. A bill to amend the Tariff Act of 1930, as amended, to provide for the duty-free entry of limestone, when imported, to be used in the manufacture of cement; with amendments (Rept. No. 2293). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOGGS: Committee on Ways and Means. H.R. 16077. A bill to amend the Tariff Act of 1930 to provide that dicyandiamide be admitted free of duty; with amendments (Rept. No. 2294). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITENER: Committee of conference. H.R. 5688. An act relating to crime and criminal procedure in the District of Columbia (Rept. No. 2295). Ordered to be printed.

Mr. MILLS: Committee on Ways and Means. H.R. 18085. A bill to amend title II of the Social Security Act to reduce from 1 year to 6 months the period for which an insured individual's wife or stepchild (not otherwise qualified) must have occupied that status in order to qualify as his "widow" or "stepchild" for benefit purposes; with amendments (Rept. No. 2296). Referred to the Committee of the Whole House on the State of the Union.

Mr. POWELL: Committee of conference. H.R. 15111. An act to provide continued progress in the Nation's war on poverty (Rept. No. 2298). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BROYHILL of Virginia:

H.R. 18394. A bill to prohibit the use of Federal funds to provide payments, assistance, or services with respect to individuals who incite riots or certain other civil disturbances, and for other purposes; to the Committee on the Judiciary.

H.R. 18395. 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 Mrs. GREEN of Oregon:

H.R. 18396. A bill to provide for the issuance of a special U.S. postage stamp in commemoration of those who are dedicated to helping retarded children; to the Committee on Post Office and Civil Service.

By Mr. HATHAWAY:

H.R. 18397. A bill granting the consent of the Congress to the State of Maine to negotiate and enter into an agreement with the Dominion of Canada relating to the construction of certain road, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MOORE:

H.R. 18398. A bill to amend the Internal Revenue Code of 1954 to provide an accelerated amortization deduction in certain cases for industrial or commercial plants and facilities constructed or established in economically depressed areas; to the Committee on Ways and Means.

By Mr. COLLIER:

H.R. 18399. A bill to amend the Internal Revenue Code of 1954 to provide for a refund of an employee's hospital insurance taxes paid under the social security program where his combined remuneration under that program and the railroad retirement program exceeds the maximum which is subject to tax under either such program; to the Committee on Ways and Means.

By Mr. FRELINGHUYSEN:

H.R. 18400. A bill to amend title II of the Social Security Act to provide for an immediate 10-percent across-the-board increase in the benefits payable thereunder, and for subsequent cost-of-living increases in such benefits; to the Committee on Ways and Means.

By Mr. McFALL:

H.R. 18401. A bill to authorize the Secretary of the Interior to construct and to provide for operation and maintenance of the Peripheral Canal unit of the Delta division of the Central Valley project, California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RANDALL:

H.R. 18402. A bill to provide criminal penalties for incitement of riots and civil disturbances, and for other purposes; to the Committee on the Judiciary.

H.R. 18403. A bill to establish the Federal Advisory Commission on Law Enforcement; to the Committee on the Judiciary.

By Mr. WATSON:

H.R. 18404. A bill to protect the employees of the executive branch of the U.S. Government of their constitutional rights and to prevent unwarranted governmental invasions of their privacy; to the Committee on Post Office and Civil Service.

By Mr. HOSMER:

H. Con. Res. 1040. Concurrent resolution expressing the sense of the Congress that the regulations proposed by the Food and Drug Administration of the Department of Health, Education, and Welfare on June 17, 1966, with respect to the labeling and content of diet foods and diet supplements; to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES H. WILSON:

H. Con. Res. 1041. Concurrent resolution expressing the sense of the Congress with respect to certain proposed regulations of the Food and Drug Administration relating to the labeling and content of diet foods and diet supplements; to the Committee on Interstate and Foreign Commerce.

By Mr. BROYHILL of Virginia:

H. Res. 1059. Resolution to authorize the Committee on Armed Services to conduct an investigation and study of the legal and economic problems confronting the families of members of the Armed Forces captured or missing in connection with the hostilities in Vietnam; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GILBERT:

H.R. 18405. A bill for the relief of Mr. Yacov Shimon; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 18406. A bill for the relief of S & S Vending Machine Co.; to the Committee on the Judiciary.

By Mr. JOHNSON of California:

H.R. 18407. A bill for the relief of Yolanda Carlotta Oneto; to the Committee on the Judiciary.

By Mr. MACDONALD:

H.R. 18408. A bill to provide for the free entry of one rheogoniometer for the use of Tufts University, Boston, Mass.; to the Committee on Ways and Means.

By Mr. POWELL:

H.R. 18409. A bill for the relief of Lillina Freda; to the Committee on the Judiciary.

H.R. 18410. A bill for the relief of Ethlin Gardner; to the Committee on the Judiciary.

H.R. 18411. A bill for the relief of Ethel McLeod; to the Committee on the Judiciary.

H.R. 18412. A bill for the relief of Hazel Chin Quee; to the Committee on the Judiciary.

H.R. 18413. A bill for the relief of Enid May Reid; to the Committee on the Judiciary.

H.R. 18414. A bill for the relief of Yvonne St. Louis; to the Committee on the Judiciary.

H.R. 18415. A bill for the relief of Gladys Maud Scott; to the Committee on the Judiciary.

By Mr. SATTERFIELD:

H.R. 18416. A bill for the relief of Andrew G. Briggs; to the Committee on the Judiciary.

By Mr. WYATT:

H.R. 18417. A bill for the relief of Harold Gilbertson, Raymond Nelson, Lawrence Powell, Marvin Holland, Erling Ellison, Haakon Pederson, Marvel Blix, all of Cathlamet, Wash., and Charles F. Gann, of Westport, Oreg.; to the Committee on the Judiciary.

H.R. 18418. A bill for the relief of Yung-Shing Hsu; to the Committee on the Judiciary.

By Mr. ZABLOCKI:

H.R. 18419. A bill for the relief of Piotr Pankiewicz; to the Committee on the Judiciary.

SENATE

MONDAY, OCTOBER 17, 1966

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

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

Eternal God, Father of our spirits, with a faith that will not shrink though pressed by every foe, we would this day climb the altar stairs which slope through darkness up to Thee. For our greatest need is of Thee.

In this day of destiny for us and for the world make us worthy of our high calling as keepers of the sacred flame.

Guide and direct the thoughts and aspirations of Thy servants here, that in the deliberations of this day they may ordain for the governance of our Nation

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only such things as shall please Thee, to the glory of Thy name and the safety, honor, and welfare of our people; that justice and truth being established among us we may lead the nations of the world into that enduring peace which alone is the fruit of righteousness.

Steady our hands as to us is given the torch of righteousness with a new commission, for this Thy glorious day—*Arise, shine, for Thy light is come, and the glory of the Lord is risen upon Thee.* Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Friday, October 14, 1966, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Jones, one of his secretaries.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT—ENROLLED BILLS SIGNED

Under authority of the order of the Senate of October, 14, 1966,

The Secretary of the Senate, on October 14, 1966, received a message from the House of Representatives, which announced that the Speaker had affixed his signature to the following bills, on October 14, 1966, and they were signed by the President pro tempore on October 15, 1966:

S. 3112. An act to amend the Clean Air Act so as to authorize grants to air pollution control agencies for maintenance of air pollution control programs in addition to present authority for grants to develop, establish or improve such programs; make the use of appropriations under the act more flexible by consolidating the appropriation authorizations under the act and deleting the provision limiting the total of grants for support of air pollution control programs to 20 percent of the total appropriation for any year; extend the duration of the programs authorized by the act; and for other purposes;

S. 3488. An act to grant the consent of Congress for the States of Virginia and Maryland and the District of Columbia to amend the Washington Metropolitan Area Transit Regulation Compact to establish an organization empowered to provide transit facilities in the National Capital region and for other purposes and to enact said amendment for the District of Columbia;

H.R. 698. An act to provide for the establishment of the Guadalupe Mountains National Park in the State of Texas, and for other purposes;

H.R. 9424. An act to provide for the conservation, protection, and propagation of native species of fish and wildlife, including migratory birds, that are threatened with extinction; to consolidate the authorities relating to the administration by the Secretary of the Interior of the National Wildlife Refuge System; and for other purposes;

H.R. 15963. An act to establish a Department of Transportation, and for other purposes;

H.R. 16774. An act to continue for a temporary period certain existing rules relating to the deductibility of accrued vacation pay; and

H.R. 17190. An act to authorize the establishment and operation by Gallaudet College of a model secondary school for the deaf to serve the National Capital region.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2102) to protect and conserve the North Pacific fur seals, to provide for the administration of the Pribilof Islands, to conserve the fur seals and other wildlife on the Pribilof Islands, and to protect sea otters on the high seas.

The message also announced that the House had passed the bill (S. 3708) to assist comprehensive city demonstration programs for rebuilding slum and blighted areas and for providing the public facilities and services necessary to improve the general welfare of the people who live in those areas, to assist, and encourage planned metropolitan development, and for other purposes with an amendment, that the House insisted upon its amendment to the bill, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PATMAN, Mr. MULTER, Mr. BARRETT, Mrs. SULLIVAN, Mr. REUSS, Mr. ASHLEY, Mr. WIDNALL, Mr. FINO, and Mrs. DWYER were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 7648) to authorize long-term leases on the San Xavier and Salt River Pima-Maricopa Indian Reservations, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 14644) to amend the Higher Education Facilities Act of 1963 to extend it for 3 years, and for other purposes; and to authorize assistance to developing institutions for an additional year; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. POWELL, Mrs. GREEN of Oregon, Mr. BRADEMAS, Mr. SICKLES, Mr. GIBBONS, Mr. CASEY, Mr. HATHAWAY, Mr. BURTON of California, Mr. AYRES, Mr. QUIE, Mr. REID of New York, and Mr. ERLENBORN were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17637) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1967, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 1 and 3 to the bill, and concurred therein, each with an amendment, in which it requested the concurrence of the Senate.

The message informed the Senate that Mr. AYRES of Ohio, Mr. QUIE of Minnesota, Mr. GOODELL of New York, and Mr. BELL of California had been appointed as conferees on the disagreeing votes of the two Houses thereon to the bill (H.R. 13161) to strengthen and improve programs of assistance for our elementary and secondary schools, vice the Republican conferees, excused.

EXECUTIVE COMMUNICATIONS, ETC.

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

PROPOSED SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1967, FOR VARIOUS AGENCIES (S. Doc. No. 117)

A communication from the President of the United States, transmitting proposed supplemental appropriations, for the fiscal year 1967, in the amount of $67,512,000, for various agencies (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

PLANS FOR WORKS OF IMPROVEMENT IN VARIOUS STATES

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on Eli Whitney watershed, Georgia, Trail Creek, Idaho and Wyoming, Lower Wakarusa watershed, Kansas, Cold River-Old Course Saco watershed, Maine and New Hampshire, and Dick's Creek-Little Muddy Creek, Ohio (supplemental) (with accompanying papers); to the Committee on Agriculture and Forestry.

PLANS FOR WORKS OF IMPROVEMENT IN VARIOUS STATES

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on Little River, Georgia, Coal and Crane Creek, Illinois, West Boggs Creek, Indiana, Upper Wakarusa watershed, Kansas, and Wheeling Creek, Pennsylvania and West Virginia (with accompanying papers); to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

H.R. 14604. An act to authorize a study of facilities and services to be furnished visitors and students coming to the Nation's Capital (Rept. No. 1745).

By Mr. ROBERTSON, from the Committee on Banking and Currency, without amendment:

S. 3881. A bill to provide for the striking of medals in commemoration of the U.S. Naval Construction Battalions (Seabees) 25th anniversary and the U.S. Navy Civil Engineer Corps (CEC) 100th anniversary (Rept. No. 1746).

BILLS INTRODUCED

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

By Mr. SMATHERS:

S. 3916. A bill for the relief of Dr. Eduardo Gonzalez; to the Committee on the Judiciary.

S. 3917. A bill to amend title II of the Social Security Act so as to permit individuals entitled to monthly insurance benefits thereunder to waive their entitlement to all or any part of such benefits; to the Committee on Finance.

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

By Mr. SMATHERS (for himself, Mr. HARRIS, and Mr. MONDALE):

S. 3918. A bill to amend the Social Security Act to revise the provisions thereof relating to the adjustment of underpayments of old-age, survivors, and disability insurance benefits, and to provide for the settlement of claims for unpaid medical insurance benefits in cases where the enrollee dies without making an assignment of his benefits; to the Committee on Finance.

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

CONCURRENT RESOLUTION

REQUEST FOR RETURN OF S. 3488 FROM THE PRESIDENT

Mr. MANSFIELD submitted a concurrent resolution (S. Con. Res. 115) to request return of S. 3488 from the President of the United States, to rescind the signatures of the Speaker and President pro tempore of the Senate, and reenroll it with correction, which was considered and agreed to.

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

RESOLUTION

DIRECTING THE TARIFF COMMISSION TO CONDUCT AN INVESTIGATION UNDER SECTION 332 OF THE TARIFF ACT OF 1930, RELATING TO OLIVES

Mr. KUCHEL (for Mr. DIRKSEN) submitted a resolution (S. Res. 315) directing the Tariff Commission to conduct a section 332 investigation of olives and to report their findings to the Senate by March 31, 1967, which was considered and agreed to.

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

LIMITATION ON STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS

On request of Mr. MANSFIELD, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

WAIVER OF ENTITLEMENT TO CERTAIN SOCIAL SECURITY BENEFITS

Mr. SMATHERS. Mr. President, I am today introducing a bill to permit social security beneficiaries to waive all or any part of the benefits to which they are entitled.

The need for this amendment was dramatically shown by a large number of letters which I received both from Florida veterans and from veterans who reside in other States soon after passage of the Social Security Amendments of 1965. I presume that other Senators also received considerable mail on this issue. These veterans complained that because of the social security benefit increase which had been enacted, their income had been forced over the specified limits for receiving non-service-connected veterans pensions. In some cases, these veterans suffered losses in pensions which far exceeded the social security increase. Thus while Congress intended to improve senior citizen income by enacting social security benefit increases it actually reduced the overall incomes of those senior citizens who were veterans or widows of veterans receiving non-service-connected benefits. I believe this was a cruel twist of fate entirely contrary to our intent in enacting those increases.

The Social Security Administration has advised me that there is nothing presently in the Social Security Act which permits the waiver of benefits. In fact, I am advised that the statute pertaining to non-service-connected veterans pensions actually provides that any waiver of such benefits will be disregarded for purposes of determining whether a veteran's other income exceeds income limits. Accordingly, veterans and veterans' widows who are just under such limits are helpless to prevent a reduction in their total incomes as a result of social security benefit increases.

My bill proposes instead to permit a veteran or a veteran's widow to waive a part of his social security benefit, thus bringing himself or herself within income limits and preserving his entitlement to non-service-connected pension benefits. Not only would this increase total incomes of these senior citizens it would do so at no cost to the social security system. In all probability, my bill would mean a saving to that system.

I understand that recipients of other retirement benefits would also benefit from a permission to waive a portion of their social security benefits. Other pension systems have arbitrary limits on the recipients' other income. When social security benefits slightly exceed those limits, the result can be a great reduction or complete loss of retirement benefits under those systems. By waiving only a small portion of social security benefits, some of those elderly individuals can substantially increase their total incomes.

Some of those who are presently suffering deprivation as a result of arbitrary limits on retirement incomes might prefer that instead of permitting them to waive social security benefits, we require that they be paid both the full amounts of their social security benefits and the full amounts of their veterans' pensions, just as if there were no income limits. I would advise them that it would be wiser for them to support my proposed waiver privilege.

Realistically, we must recognize that there is almost no possibility that an amendment could be enacted permitting them to receive both benefits without reduction. My amendment would permit them to choose the smaller reduction instead of being forced to take the larger reduction.

I have no illusion, Mr. President, that sufficient time remains in this Congress to consider and enact this bill. However, it is my hope that by introducing it at this time, some of the groundwork will have been laid for its consideration by the time we return for the beginning of the 90th Congress in January.

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

The bill (S. 3917) to amend title II of the Social Security Act so as to permit individuals entitled to monthly insurance benefits thereunder to waive their entitlement to all or any part of such benefits, introduced by Mr. SMATHERS, was received, read twice by its title, and referred to the Committee on Finance.

IMPROVEMENT OF SOCIAL SECURITY ACT RELATING TO THE HANDLING OF CERTAIN CASES

Mr. SMATHERS. Mr. President, I introduce a bill which will make a necessary technical improvement in the provisions of the Social Security Act governing the handling of cases where a person dies and there are social security benefits owing him.

Presently under the social security law, benefits owed to a beneficiary who has died can generally be paid only to the legal representative of his estate. The only exception is where the amount due to 1 month's benefit or less, in which case it can be paid to the spouse of the deceased beneficiary if the spouse was living with him when he died. Thus, when a person dies before benefits due him have been paid, the only way for his survivors to claim the unpaid benefits is to go through the costly and complicated process of setting up formal administration of the estate so that there will be a legal representative to collect. In many cases there is no other reason to go through formal administration, and the lawyers' fees and court costs exceed the amount of the unpaid benefits. In such cases the survivors are naturally resentful about not being able to collect the payments. Even where formal administration is set up and the unpaid benefits are paid to the legal representative, the survivors resent the fact that they must go through this nuisance and expense in order to claim benefits which they feel are rightfully theirs.

There are now over 82,000 cases where a social security beneficiary has died and benefits are due him which cannot be paid. The number of such cases is growing rapidly—at a rate of roughly 2,000 a week. This is a serious and growing problem for the survivors, who feel—and rightly—that there should be some reasonable way for them to claim the amounts due the beneficiary when he died.

As you may recall, this present situation came about as a result of a 1965 amendment to the Social Security Act, one that few of us realized would give rise to the really impossible situation that later has developed.

In 1965 it was not well understood how very many cases there would be

where payment could not be made—where there was no eligible spouse or where the underpayment would slightly exceed 1 month's benefit, or where no legal representative had been appointed and the size of the estate, including the unpaid benefits, would not be large enough to justify the costs of formal administration.

The amendment I propose would relieve the present situation by specifying that certain groups of survivors could be paid without requiring that a legal representative be appointed. Under this proposal, an order of priority for settling claims for underpayments would be set forth in the law. Under the proposed order, the spouse of the deceased beneficiary would have first claim on the benefits that were owing; if there were no spouse the children of the deceased beneficiary could get the unpaid benefits. If there were neither spouse nor children, payment would be made to the legal representative of the estate, if any; and then, if there were none, to those relatives of the deceased beneficiary who would be able to inherit his intestate personal property under applicable State law.

I believe that the solution embodied in this proposal will be satisfactory to both Houses. I am advised by the Department of Health, Education, and Welfare that this proposal will effectively alleviate the problems that have arisen under the present provision.

This amendment includes also provisions to facilitate the disposition of underpayments of medical insurance benefits under the medicare program after the death of the beneficiary.

I ask unanimous consent to insert a more detailed analysis of the proposed legislation, which in my opinion would have no significant cost.

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

The bill (S. 3918) to amend the Social Security Act to revise the provisions thereof relating to the adjustment of underpayments of old-age, survivors, and disability insurance benefits, and to provide for the settlement of claims for unpaid medical insurance benefits in cases where the enrollee dies without making an assignment of his benefits, introduced by Mr. SMATHERS (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Finance.

The analysis presented by Mr. SMATHERS is as follows:

EXTEND THE ORDER OF PRIORTY IN PRESENT LAW FOR SETTLEMENT OF CLAIMS FOR UNDERPAYMENTS, AND AUTHORIZE THE SECRETARY TO SETTLE CLAIMS FOR UNPAID MEDICAL INSURANCE BENEFITS

Under the 1965 amendments the provision in title II of the Social Security Act relating to underpayments of cash benefits owing to a person who has died was modified to provide that: (1) an underpayment amounting to one month's benefit or less is to be paid to a surviving spouse who was living in the same household with the deceased underpaid person at the time of his death or, if there is no such spouse, to a legal representative of the deceased person's estate; and (2) an underpayment greater than one month's benefit can be made only to a legal representative of the estate.

The effect of this provision is that in cases involving an underpayment amounting to more than one month's benefit, and in all cases where there is no surviving spouse, the underpayment can be paid only to a legal representative of the deceased person's estate. If there is no legal representative of the estate, as is often true, the payment cannot be made. As of September 10, there were nearly 80,000 cases in which claims for underpayments of cash benefits cannot be paid under present law, and this figure is increasing at a rate of about 2,000 cases a week.

State laws govern the procedures for appointing a legal representative of a deceased person's estate. Since very few State laws, even where small-estate statutes are in effect, provide a simple means by which a person can be appointed to act as the legal representative of an estate, most people require the services of an attorney to claim the underpayment. In many such cases involving cash benefits the cost involved in claiming the payment is more than the amount of the underpayment. Even where a legal representative is appointed and the underpayment is made, there is likely to be resentment at having to go through elaborate and expensive legal procedures. There has been considerable adverse public reaction to the provision now in the law.

Cases involving unpaid medical insurance benefits have given rise to the same kind of problems as are involved in underpayments of cash benefits. In many cases a beneficiary dies without having received the benefits due him or having assigned his benefits to the persons who provided the services. The law makes no specific provision for the payment of benefits under the medical insurance part of the program in these circumstances. In order to facilitate the disposition of such underpayments of medical insurance benefits, there should be a specific indication in the law of how these payments are to be made.

In order to alleviate the problems involved, both with respect to cash benefits and with respect to unpaid medical insurance benefits, it is proposed that the law be amended to provide for payment of the claims for underpayments without having a legal representative of the estate appointed.

A. CASH BENEFITS

Under this proposal, claims for underpayments of cash benefits (regardless of the amounts) would be settled according to the following order of priority, which would be specified in the law:

1. To the spouse of the underpaid deceased individual if the spouse was living in the same household with him at the time of his death; or, if there is no such spouse, to a spouse who was, for the month in which the beneficiary died, entitled to a monthly benefit on the basis of the same wages and self-employment income as was the deceased beneficiary;

2. To a surviving child;

3. To the legal representative of the estate, if any;

4. To those relatives of the deceased individual who would be entitled to inherit his interstate personal property under applicable State law.

B. MEDICAL INSURANCE BENEFITS

Under the proposal, underpayments with respect to medical insurance benefits would be settled in somewhat different manner than would be used for settlement of cash-benefit underpayments, because of the different nature of the benefits involved.

1. One of the most common instances in which medical insurance benefits are due a deceased individual will involve cases where the covered services were not paid for before the individual died.

In such cases, priority would be given to making sure that the person who provided the services (for instance, the physician) gets paid. Under the proposal, therefore, in cases where the covered services had not been paid for before the death of the enrollee, payments would be made to the person (including the physician) whom the Secretary determines to be equitably entitled to such payments on the basis of his having provided or paid for the services. However, the person who provided the services would be entitled to reimbursement only on the condition that he accept the reasonable charge as his full charge for the services, as in assignment cases generally. Payment on the basis of equitable entitlement could also be made to persons who paid for the covered medical services on behalf of the deceased individual after his death.

2. In some cases the covered services would have been paid for before the death of the enrollee. In such cases, payment would be made to the legal representative of the deceased individual's estate, if any; if an estate has not been established within 90 days after the individual died, payment would be made in the following order of priority, which would be specified in the law:

a. To the spouse of the underpaid deceased individual if the spouse was living in the same household with him at the time of his death; or, if there is no such spouse, to a spouse who was, for the month in which the beneficiary died, entitled to a monthly benefit on the basis of the same wages and self-employment income as was the deceased beneficiary;

b. To the person or persons determined by the Secretary to be equitably entitled thereto—that is, to the person or persons who paid the medical bill for which reimbursement is being made.

Payment would be made to the spouse without regard to the 90-day waiting period in cases where the spouse of the deceased individual who was living in the same household with him at the time of his death signed a statement that no estate has been established and none is contemplated.

The legal representative of the estate, where one exists or is expected to be appointed, is given priority in the proposed settlement process because of the possibility that the medical bills may have been paid by someone other than the deceased. The legal representative could reimburse the person who paid the bill or otherwise distribute the funds as appropriate. The deceased individual's spouse would receive the unpaid amount if it appears likely that no legal representative will be appointed. The provision for paying equitably entitled persons is included because of the possibility that persons other than the deceased individual or his spouse paid the bills with the expectation of repayment when the beneficiary received reimbursement.

RESOLUTION DIRECTING TARIFF COMMISSION TO CONDUCT A SECTION 332 INVESTIGATION OF OLIVES

Mr. KUCHEL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of a resolution which I send to the desk.

The VICE PRESIDENT. The resolution will be stated.

The LEGISLATIVE CLERK. A resolution (S. Res. 315) directing the Tariff Commission to conduct a section 332 investigation of olives and to report their findings to the Senate by March 31, 1967.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

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

Mr. KUCHEL. Mr. President, in the absence of our able minority leader who adorns this parliamentary body, I shall read some comments which he had desired to make with respect to the resolution.

Mr. President, I ask unanimous consent that my name may be added as a cosponsor of the resolution.

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

Mr. KUCHEL. Mr. President, I ask unanimous consent that a statement prepared by the Senator from Illinois [Mr. DIRKSEN] be printed in the RECORD at this point.

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

STATEMENT BY SENATOR DIRKSEN

This is a simple resolution that directs the Tariff Commission, pursuant to Section 332 of the Tariff Act of 1930, to make an investigation with respect to the importation of olives into the United States, including (but not limited to) the conditions of competition in the United States between olives bottled or canned in the United States (whether or not grown in the United States) in containers suitable for retail sale and olives bottled or canned outside the United States and imported into the United States in containers suitable for retail sale. The resolution directs the Commission to report back the results of the investigation on or before March 31, 1967.

The reason for this resolution is quite simple. At the time the tariff rate was established there was no packing of foreign olives abroad for shipment to the United States and sale at retail. As a result an extremely low rate of duty, some 20¢ per gallon, was placed on bulk olives. These were purchased by domestic packers who in turn packed them in containers for sale at retail.

The situation has changed somewhat in the last few months and there has been a beginning of importation of olives in containers ready for sale at retail. In the month of September alone, 70,714 cases of stuffed olives in glass containers arrived in this country, and there is another 200 tons in transit. This has caused considerable concern to the domestic packers and as members know, they have requested legislation. However, I do not feel that it would be appropriate to legislate in this field without the benefit of information from the Tariff Commission. That is the sole reason for this resolution; it does not require any recommendations on the part of the Commission, merely a finding of fact.

This resolution could have been in the form of a Finance Committee resolution, but it does not appear that the Committee will meet again this year. For this reason I offer the amendment as a Senate Resolution and ask unanimous consent for immediate consideration.

Mr. KUCHEL. Mr. President, the resolution would simply direct the Tariff Commission to make a study.

Mr. MANSFIELD. Mr. President, I have no objection.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to, as follows:

Resolved, That (a) the United States Tariff Commission is directed, pursuant to section 332 of the Tariff Act of 1930, to make an investigation with respect to the importation of olives into the United States, including (but not limited to) the conditions of competition in the United States between olives bottled or canned in the United States (whether or not grown in the United States) in containers suitable for retail sale and olives bottled or canned outside the United States and imported into the United States in containers suitable for retail sale.

(b) For purposes of subsection (a), the Commission may utilize all information and data previously obtained or compiled by it in carrying out the duties and exercising the power conferred on it by section 332 of the Tariff Act of 1930.

(c) The Commission shall report the results of the investigation made by it pursuant to subsection (a) to the Senate on or before March 31, 1967.

Mr. KUCHEL. Mr. President, I move that the vote by which the resolution was agreed to be reconsidered.

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

The motion to lay on the table was agreed to.

ADDITIONAL COSPONSOR OF BILL

Mr. ERVIN. Mr. President, I ask unanimous consent that at his request the senior Senator from Mississippi [Mr. EASTLAND] be added as cosponsor of S. 3779, a bill to protect the constitutional rights of employees of the executive branch and to prohibit unwarranted invasions of their privacy, at its next printing.

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

NOTICE OF RECEIPT OF NOMINATIONS BY COMMITTEE ON FOREIGN RELATIONS

Mr. SPARKMAN. Mr. President, as acting chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the nominations of Robert C. Neumann, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Afghanistan; Rutherford M. Poats, of Virginia, to be Deputy Administrator, Agency for International Development; and, Emmett J. Rice, of New York, to be U.S. Alternate Executive Director of the International Bank for Reconstruction and Development.

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

ENROLLED BILLS PRESENTED

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

S. 3112. An act to amend the Clean Air Act so as to authorize grants to air pollution control agencies for maintenance of air pollution control programs in addition to present authority for grants to develop, establish, or improve such programs; make the use of appropriations under the act more flexible by consolidating the appropriation authorizations under the act and deleting the provision limiting the total of grants for support of air pollution control programs to 20 percent of the total appropriation for any year; extend the duration of the programs authorized by the act; and for other purposes; and

S. 3488. An act to grant the consent of Congress for the States of Virginia and Maryland and the District of Columbia to amend the Washington Metropolitan Area Transit Regulation Compact to establish an organization empowered to provide transit facilities in the National Capital region and for other purposes and to enact said amendment for the District of Columbia.

WAIVER OF CALL OF THE CALENDAR

Mr. MUSKIE. Mr. President, under rule VIII, I ask unanimous consent to waive the call of the calendar of measures that are not objected to.

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

EXECUTIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate proceeded to consider executive business.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT 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 A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. BIBLE, from the Committee on the District of Columbia:

Harold H. Greene, of Maryland, to be chief judge for the District of Columbia court of general sessions;

Richard R. Atkinson, of the District of Columbia, to be an associate judge of the District of Columbia court of general sessions, domestic relations branch;

Harry T. Alexander, of the District of Columbia, to be an associated judge of the District of Columbia court of general sessions;

Justin L. Edgerton, of Maryland, to be an associate judge of the District of Columbia court of general sessions;

Timothy C. Murphy, of the District of Columbia, to be an associate judge of the District of Columbia court of general sessions; and

William L. Porter, of the District of Columbia, to be a member of the Public Service Commission of the District of Columbia.

The VICE PRESIDENT. If there be no further reports of committees, the nominations on the Executive Calendar will be stated.

POSTMASTERS

The Chief Clerk proceeded to read sundry nominations in the Post Office Department.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

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

LEGISLATIVE SESSION

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

U.S. COMMITTEE ON HUMAN RIGHTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1685.

The VICE PRESIDENT. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 3101) to establish a U.S. Committee on Human Rights to prepare for participation by the United States in the observance of the year 1968 as "International Human Rights Year," and for other purposes.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations, with amendments, on page 2, line 3, after the word "is", to strike out "hereby"; in line 5, after "(herein", to insert "after in this Act"; in the heading in line 7, after the word "Membership", to insert "of the Committee"; in line 8, after the word "shall", to strike out "consist" and insert "be composed"; at the beginning of line 11, to strike out "one from each political party,"; in line 12, after "House of Representatives", to strike out the semicolon and insert a comma and "one from each of the two major political parties"; in line 14, after the word "Senate", to strike out the comma and "one from each political party,"; in line 16, after the word "Senate", to strike out the semicolon and "and" and insert a comma and "one from each of the two major political parties"; in line 18, after the word "seven", to strike out "members"; in the same line, after the word "appointed", to strike out "from private life"; in line 19, after "United States", to strike out the period and insert a comma and "one of whom he shall designate to serve as Chairman of the Committee."; in line 21, after the word "elect", to strike out "a Chairman and"; in line 24, after the word "manner", to strike out "as" and insert "in which"; in the same line, after the word "appointment", to strike out the period and insert "was made."; on page 3, after line 2, to strike out:

(c) Members of the Committee each shall be entitled to receive $100 per diem when engaged in the actual performance of the powers and duties of the Committee, including travel time, and may receive travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

After line 10, to insert a new section, as follows:

COMPENSATION OF MEMBERS OF THE COMMITTEE

SEC. 3. Members of the Committee who are officers or employees of the United States shall serve without compensation in addition to that received for the service as such officers or employees. Members of the Committee appointed from private life each shall receive $100 per diem when actually engaged in the performance of duties vested in the Committee. Each member of the Committee shall be allowed travel expenses in the same manner as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

In the heading in line 23, after the word "Duties", to insert "Of the Committee"; at the beginning of line 24, to change the section number from "3" to "4"; in the same line, after the word "Committee", to strike out "is authorized and directed to conduct studies and" and insert "shall"; on page 4, line 3, after the word "In", to strike out "the conduct of its activities," and insert "order to carry out the provisions of this Act"; in line 18, after the word "as", to insert "it"; in the same line, after the word "may", to strike out "be" and insert "deem"; on page 5, at the beginning of line 3, to change the section number from "4" to "5"; in line 6, after the word "to", to insert "assist"; in line 7, after the word "the", to strike out "functions of the Committee under" and insert "provisions of"; in line 9, after the word "instrumentality", to strike out "is authorized to" and insert "shall"; in line 17, after the word "in", to strike out "the performance of the functions of the Committee" and insert "carrying out the provisions of this Act"; at the top of page 6, to insert:

(c) The Administrator of General Services shall provide administrative services for the Committee on a reimbursable basis.

At the beginning of line 5, to change the section number from "5" to "6"; in line 9, after the word "amended", to strike out "79 Stat. 1111," and insert "5"; in line 16, after the word "procure", to strike out the comma and "in accordance with section 15 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 55a), the"; in line 18, after the word "temporary", to strike out "or" and insert "and"; in line 19, after the word "services", to strike out "of experts and consultants. Individuals so employed shall be paid compensation at a rate to be fixed by the Committee but not in excess of $100 per diem, including travel time, and, while away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b–2), for persons in the Government service employed intermittently." and insert "to the same extent as is authorized for the departments by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a), but at rates not to exceed $100 per diem for individuals."; on page 7, at the beginning of line 7, to change the section number from "6" to "7"; in line 8, after the word "than", to strike out "July" and insert "April"; in line 18, after the word "world", to strike out "in" and insert "during"; on page 8, line 3, after the word "may", to strike out "impose upon it" and insert "prescribe"; after line 5, to strike out:

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. There are authorized to be appropriated such sums as may be necessary to carry out the provisions and accomplish the purposes of this Act.

And, in lieu thereof, to insert:

ACCEPTANCE OF DONATIONS; AUTHORIZATION OF APPROPRIATIONS

SEC. 8. (a) The Committee is authorized to accept donations of money, property, and personal services in carrying out the provisions of this Act.

(b) There are authorized to be appropriated such sums, not to exceed $300,000, as may be necessary to carry out the provisions of this Act.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ESTABLISHMENT OF UNITED STATES COMMITTEE ON HUMAN RIGHTS

SECTION 1. That, in order to provide for effective and coordinated preparation for participation by the United States in the observance of the year 1968, designated by the General Assembly of the United Nations as "International Human Rights Year", there is established an advisory and coordinating committee, to be known as the "United States Committee on Human Rights" (hereinafter in this Act referred to as the "Committee").

MEMBERSHIP OF THE COMMITTEE

SEC. 2. (a) The Committee shall be composed of eleven members, as follows:

(1) two Members of the House of Representatives, appointed by the Speaker of the House of Representatives, one from each of the two major political parties.

(2) two Members of the Senate appointed by the President of the Senate, one from each of the two major political parties.

(3) seven appointed by the President of the United States, one of whom he shall designate to serve as Chairman of the Committee.

(b) The Committee shall elect a Vice Chairman from among its members.

(c) A vacancy in the Committee shall be filled in the same manner in which the original appointment was made.

(d) The Committee is authorized to issue such rules and regulations as it deems advisable to conduct its activities.

COMPENSATION OF MEMBERS OF THE COMMITTEE

SEC. 3. Members of the Committee who are officers or employees of the United States shall serve without compensation in addition to that received for the service as such officers or employees. Members of the Committee appointed from private life each shall receive $100 per diem when actually engaged in the performance of duties vested in the Committee. Each member of the Committee shall be allowed travel expenses in the same manner as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

POWERS AND DUTIES OF THE COMMITTEE

SEC. 4. The Committee shall formulate plans for effective and coordinated participation by the United States in the observance

of the year 1968 as "International Human Rights Year". In order to carry out the provisions of this Act the Committee is authorized to—

(1) conduct studies, seminars, and meetings with appropriate parties in order to provide for effective participation in the observance of International Human Rights Year at the Federal, State, and local levels of government in the United States;

(2) explore the role of the United States in defining, expressing, and expanding the application of human rights principles in the United States and throughout the world;

(3) review past and present policies of the United States with respect to the universal application and preservation of human rights principles; and

(4) take such other action and conduct such other activities as it may deem appropriate to provide a basis for the observance by the United States of International Human Rights Year.

COOPERATION WITH COMMITTEE BY EXECUTIVE AGENCIES

SEC. 5. (a) The Committee is authorized to request any department, agency, independent establishment, or instrumentality in the executive branch of the Government to furnish suggestions and information to assist the Committee in carrying out the provisions of this Act. The head of each such department, agency, independent establishment, or instrumentality shall furnish such suggestions and information to the Committee upon request of the Chairman or Vice Chairman.

(b) Upon request of the Chairman or Vice Chairman of the Committee, the head of each department, agency, independent establishment, or instrumentality in the executive branch of the Government shall otherwise cooperate with the Committee in carrying out the provisions of this Act and shall provide the Committee with such additional assistance and services as may be available.

(c) The Administrator of General Services shall provide administrative services for the Committee on a reimbursable basis.

STAFF OF COMMITTEE

SEC. 6. (a) The Committee shall appoint an executive secretary without regard to the civil service laws, prescribe his duties, and fix his compensation at a rate not to exceed the maximum rate payable under the General Schedule of the Classification Act of 1949, as amended (5 U.S.C. 1113(b)).

(b) The Committee is authorized to appoint, without regard to the civil service laws, and fix the compensation, in accordance with the Classification Act of 1949, as amended, of such personnel as it deems advisable to carry out the purposes of this Act.

(c) The Committee may procure temporary and intermittent services to the same extent as is authorized for the departments by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a), but at rates not to exceed $100 per diem for individuals.

REPORT AND TERMINATION OF COMMITTEE

SEC. 7. The Committee shall submit to the President, not later than April 1, 1967, for transmittal to the Congress a report of the activities of the Committee under this Act together with its recommendations, including recommendations as to the manner in which the most effective and coordinated participation by the United States in the observance of the year 1968 as "International Human Rights Year" may be accomplished and including recommendations as to the means by which the United States may contribute most effectively to the acceptance, observance, practice, and enforcement of the principles of human rights throughout the world during "International Human Rights Year" and thereafter.

(b) From and after the submission of its report to the President under subsection (a), the Committee shall, under the direction of the President, continue as an informational and coordinating clearinghouse and center of United States participation in the observance of the year 1968 as "International Human Rights Year" and, to carry out such purpose, shall perform such additional duties as the President may prescribe.

(c) The Committee shall cease to exist at the close of December 31, 1968.

ACCEPTANCE OF DONATIONS; AUTHORIZATION OF APPROPRIATIONS

SEC. 8. (a) The Committee is authorized to accept donations of money, property, and personal services in carrying out the provisions of this Act.

(b) There are authorized to be appropriated such sums, not to exceed $300,000, as may be necessary to carry out the provisions of this Act.

The amendments were agreed to.

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

The title was amended so as to read: "A bill to establish a United States Committee on Human Rights to prepare for participation by the United States in the observance of the year 1968 as International Human Rights Year, and for other purposes."

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. 1699 and the succeeding measures in sequence.

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

ANSLEY WILCOX HOUSE, BUFFALO, N.Y.—NATIONAL HISTORIC SITE

The Senate proceeded to consider the bill (H.R. 2600) to provide for the acquisition and preservation of the real property known as the Ansley Wilcox House in Buffalo, N.Y., as a national historic site which had been reported from the Committee on Interior and Insular Affairs, with amendments on page 1, line 4, after the word "Interior", to strike out "shall" and insert "shall, subject to the provisions of section 2 of this Act,"; in line 6, after the word "section", to strike out "2" and insert "3"; on page 2, line 2, after the word "shall", to strike out "maintain and preserve" and insert "provide, in accordance with section 2 of this Act, for the operation and maintenance, at no expense to the United States of"; after line 6, to insert a new section, as follows:

SEC. 2. (a) The Secretary shall not obligate or expend any moneys herein authorized to be appropriated for acquisition and restoration of the real property described in section 3, nor shall he establish such property as a national historic site in Federal ownership, unless and until commitments are obtained for donations of funds or services in an amount which in the judgment of the Secretary is sufficient to complete restoration of ths property and to operate and maintain it for public benefit.

(b) The Secretary shall determine at the beginning of each fiscal year, beginning the first full fiscal year following the date of enactment of this Act, whether and to what extent donations of funds or services will be forthcoming for the purposes of subsection (a) of this section. If at any time following the acquisition of the property referred to in the first section of this Act the Secretary finds that during the next full fiscal year donated funds or services will not be forthcoming in amounts sufficient to satisfactorily carry on or complete restoration or to continue the operation and maintenance of the property as a national historic site in Federal ownership he shall, in accordance with such regulations as he may prescribe, dispose of such property at not less than its fair market value, as determined by him. The proceeds received from such disposal shall be credited to the Land and Water Conservation Fund in the Treasury of the United States.

On page 3, at the beginning of line 9, to change the section number from "2" to "3"; on page 5, at the beginning of line 1, to change the section number from "3" to "4"; in line 2, after the word "acquisition", to insert "and not more than $50,000 for the restoration"; and, on line 4, after the word "section", to strike out "2" and insert "3".

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.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1731), explaining the purposes of the bill.

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

PURPOSE

The purpose of H.R. 2600, and a companion measure, S. 1055, sponsored by Senators JAVITS and KENNEDY of New York, is to authorize the Secretary of the Interior to acquire and to administer as a national historic site the house in Buffalo, N.Y., at which Theodore Roosevelt took his oath of office as President of the United States.

NEED

Theodore Roosevelt became the 26th President of the United States upon the assassination of his predecessor, President William McKinley. President Roosevelt took his oath of office on September 14, 1901, at the Ansley Wilcox House in Buffalo, the subject of the present bill. The oath was administered by Judge John R. Hazel. The Ansley House is one of the few places outside of Washington, D.C., where the Presidential oath of office has ever been administered. In view of the importance to the history of the United States of Theodore Roosevelt's accession to the Presidency and of other historical associations of the house—as officers' quarters of the Poinsett Barracks during the "patriot war" for instance—and in view of it being an excellent example of the Greek revival period of American architecture, the committee believes it will be a worthwhile addition to the national park system.

PRINTING OF CERTAIN HEARINGS OF THE ANTITRUST AND MONOPOLY SUBCOMMITTEE

The concurrent resolution (S. Con. Res. 109) authorizing the printing of certain hearings of the Antitrust and Monopoly Subcommittee of the Com-

mittee on the Judiciary was considered and agreed to, as follows:

S. CON. RES. 109

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on the Judiciary one thousand additional copies each of the hearings held by its Subcommittee on Antitrust and Monopoly on physician ownership in pharmacies and drug companies (Eighty-eighth Congress, second session), price discrimination legislation (Eighty-ninth Congress, first session) and distribution problems affecting small business (Eighty-ninth Congress, first session).

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1732), explaining the purposes of the concurrent resolution.

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

Senate Concurrent Resolution 109 would authorize the printing for the use of the Senate Committee on the Judiciary of 1,000 additional copies each of 3 hearings held by its Subcommittee on Antitrust and Monopoly, as follows:

"Physician Ownership in Pharmacies and Drug Companies" (88th Cong., 2d sess.);

"Price Discrimination Legislation" (89th Cong., 1st sess.); and

"Distribution Problems Affecting Small Business," part 1 (89th Cong., 1st sess.).

The Public Printer has estimated that printing 1,000 copies of each of the 3 volumes would cost, respectively, $3,089, $1,903.01, and $2,540.46, for a total estimated cost under the concurrent resolution of $7,532.47.

PRINTING OF ADDITIONAL COPIES OF HEARINGS BY THE SPECIAL COMMITTEE ON AGING ON "DETECTION AND PREVENTION OF CHRONIC DISEASE UTILIZING MULTIPHASIC HEALTH SCREENING TECHNIQUES"

The concurrent resolution (S. Con. Res. 110) authorizing the printing of additional copies of hearings by the Special Committee on Aging on "Detection and Prevention of Chronic Disease Utilizing Multiphasic Health Screening Techniques" was considered and agreed to, as follows:

S. CON. RES. 110

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Special Committee on Aging four thousand additional copies of hearings held September 20, 21, and 22, 1966, in Washington, District of Columbia, titled "Detection and Prevention of Chronic Disease Utilizing Multiphasic Health Screening Techniques."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1733), explaining the purposes of the concurrent resolution.

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

Senate Concurrent Resolution 110 would authorize the printing for the use of the Special Committee on Aging of 4,000 additional copies of its hearings of the current session entitled "Detection and Prevention of Chronic Disease Utilizing Multiphasic Health Screening Techniques."

The printing cost estimate, supplied by the Public Printer, is as follows:

Printing cost estimate

4,000 additional copies, at $493.65 per thousand	$1,974.60

PRINTING AS SENATE DOCUMENT OF FINAL REPORT OF THE WOODROW WILSON COMMISSION

The resolution (S. Res. 307) authorizing the printing as a Senate document of the final report of the Woodrow Wilson Commission was considered and agreed to, as follows:

S. Res. 307

Resolved, That there be printed as a Senate document the "Woodrow Wilson Memorial Commission: Final Report", September 1966.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1734), explaining the purposes of the resolution.

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

Senate Resolution 307 would authorize the printing as a Senate document of the final report to the President and the Congress of the United States of the Woodrow Wilson Memorial Commission. The Commission was established by Public Law 87-364, approved October 4, 1961, for the purpose of considering and formulating plans for the construction in the District of Columbia of an appropriate permanent memorial to former President Woodrow Wilson. This report is the result of the Commission's deliberations, hearings, and research, and includes a specific legislative proposal which would implement its recommendations.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing cost estimate

To print as a document (1,500 copies)	$228.85

PRINTING OF A REPORT ENTITLED "PROFILE OF YOUTH—1966" AS A SENATE DOCUMENT

The resolution (S. Res. 312) authorizing the printing of a report entitled "Profile of Youth—1966" as a Senate document was considered and agreed to, as follows:

S. RES. 312

Resolved, That a committee print in two parts entitled "Profile of Youth—1966", a report prepared at the request of Senator CLAIBORNE PELL for the Subcommittee on Employment, Manpower, and Poverty of the Senate Committee on Labor and Public Welfare by the Legislative Reference Service, Library of Congress, be printed as a Senate document; and that there be printed eight hundred additional copies of such document for the use of that committee.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1735), explaining the purposes of the resolution.

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

Senate Resolution 312 would provide that a committee print in two parts entitled "Profile of Youth—1966," a report prepared at the request of Senator CLAIBORNE PELL for the Subcommittee on Employment, Manpower, and Poverty of the Senate Committee on Labor and Public Welfare by the Legislative Reference Service, Library of Congress, be printed as a Senate document, and that there be printed 800 additional copies of such document for the use of that committee.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing cost estimate

To print as a document (1,500 copies)	$5,155.16
800 additional copies, at $1,448.56 per thousand	1,158.88
Total estimated cost, S. Res. 312	6,314.04

PRINTING AS SENATE DOCUMENT OF STUDY ENTITLED "ASPECTS OF INTELLECTUAL FERMENT IN THE SOVIET UNION"

The resolution (S. Res. 313) to authorize the printing as a Senate document of the study entitled "Aspects of Intellectual Ferment in the Soviet Union" was considered and agreed to, as follows:

S. RES. 313

Resolved, That the study entitled "Aspects of Intellectual Ferment in the Soviet Union", prepared by the Legislative Reference Service of the Library of Congress, shall be printed as a Senate document.

SEC. 2. There shall be printed fifteen thousand additional copies of such Senate document, of which eight thousand copies shall be for the use of the Committee on the Judiciary of the Senate and seven thousand copies shall be for the use of the Senate.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1736), explaining the purposes of the resolution.

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

Senate Resolution 313 would provide that the study entitled "Aspects of Intellectual Ferment in the Soviet Union," prepared by the Legislative Reference Service of the Library of Congress, be printed as a Senate document. The resolution further would authorize the printing of 15,000 additional copies of such document, of which 8,000 would be for the use of the Committee on the Judiciary and 7,000 would be for the use of the Senate (67 per Member).

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing cost estimate

To print as a document (1,500 copies)	$425.00
15,000 additional copies, at $49.12 per thousand	736.80
Total estimated cost, S. Res. 313	1,161.80

PRINTING OF REPORT ON INTERNATIONAL EDUCATION BY THE HOUSE EDUCATION AND LABOR COMMITTEE

The concurrent resolution (H. Con. Res. 1007) authorizing the printing of a report on international education by the House Education and Labor Committee was considered and agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed

in the RECORD an excerpt from the report (No. 1737), explaining the purposes of the concurrent resolution.

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

House Concurrent Resolution 1007 would provide that the document entitled "International Education: Past, Present, Problems and Prospects," a report by the task force on international education of the Committee on Education and Labor, House of Representatives, be printed as a House document, and that 7,000 additional copies of such document be printed for the use of the House Committee on Education and Labor.

The printing cost estimate, supplied by the Public Printer, is as follows:

Printing cost estimate

To print as a document (1,500 copies)	$9,352.87
7,000 additional copies, at $911.38 per thousand	6,379.66
Total estimate cost, H. Con. Res. 1007	15,732.53

PRINTING OF ADDITIONAL HEARINGS AND OTHER MATERIALS BY THE COMMITTEE ON AGRICULTURE

The concurrent resolution (H. Con. Res. 1017) to authorize the printing of additional hearings and other materials by the Committee on Agriculture was considered and agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1738), explaining the purposes of the concurrent resolution.

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

House Concurrent Resolution 1017 would authorize the printing for the use of the House Committee on Agriculture of 1,000 additional copies of its hearings entitled "World War on Hunger," parts 1, 2, and 3, together with a committee print entitled "World War on Hunger—Staff Summary of Testimony Presented by Public Witnesses at Hearings on World Food and Population Problems."

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing cost estimate

Back to press, 1,000 copies	$3,654.91

PRINTING AS A HOUSE DOCUMENT THE PAMPHLET ENTITLED, "OUR AMERICAN GOVERNMENT. WHAT IS IT? HOW DOES IT FUNCTION?"

The concurrent resolution (H. Con. Res. 1022) to authorize the printing as a House document the pamphlet entitled "Our American Government. What Is It? How Does It Function?" was considered and agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1739), explaining the purposes of the concurrent resolution.

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

House Concurrent Resolution 1022 would provide that with the permission of the copyright owner of the book "Our American Government—1001 Questions on How It Works," with answer by WRIGHT PATMAN, published by Scholastic Magazines, Inc., there be printed as a House document, with emendations, the pamphlet entitled "Our American Government. What Is It? How Does It Function?"; and that there be printed 1,084,000 additional copies of such document, of which 206,000 copies would be for the use of the Senate (2,000 per Member) and 878,000 copies would be for the use of the House of Representatives (2,000 per Member).

The additional copies would be prorated to Members of the Senate and House of Representatives for a period of 60 days, after which the unused balances would be available for distribution by the respective Senate and House document rooms.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing cost estimate

To print as a document (1,500 copies)	$903.38
1,084,000 additional copies, at $61.54 per 1,000	66,709.36
Total estimated cost, H. Con. Res. 1022	67,612.74

MOSES TALFORD AND ALICE LUCY

The resolution (S. Res. 314) to pay a gratuity to Moses Talford and Alice Lucy was considered and agreed to, as follows:

S. RES. 314

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Moses Talford, brother, and Alice Lucy, sister of Cora T. Lemon, an employee of the Architect of the Capitol assigned to duty in the Senate office buildings at the time of her death, a sum to each equal to three months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

RESOLUTION PASSED OVER

The resolution (S. Res. 305) providing for the appointment of a special subcommittee of the Judiciary Committee to study encroachments by the executive and judicial branches upon the powers of Congress was announced as next in order.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

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

The VICE PRESIDENT. The bill will be passed over.

EXPENDITURES BY THE SPECIAL COMMITTEE ON THE ORGANIZATION OF THE CONGRESS

The resolution (S. Res. 311) authorizing expenditures by the Special Committee on the Organization of the Congress was considered and agreed to, as follows:

S. RES. 311

Resolved, That the Special Committee on the Organization of the Congress, in carrying out the duties imposed upon it by S. Res. 293, Eighty-ninth Congress, agreed to August 26, 1966, is authorized to sit and act during the sessions, recesses, and adjourned periods of the Eighty-ninth Congress and during the Ninetieth Congress until such committee shall cease to exist on March 31, 1967, for the purpose of receiving and considering a bill, when introduced, and germane amendments relating thereto, having for its purpose the carrying out of the recommendations contained in the report of the Joint Committee on the Organization of the Congress, Report Numbered 1414, July 28, 1966. Such bill, when introduced, and amendments shall be referred to the committee for its consideration and such committee is hereby authorized to report to the Senate with respect to any such matter referred to it, together with such recommendations as it may deem advisable. Nothing in this resolution shall be construed to authorize the committee to report any bill or amendment containing any provision which has the effect of changing the rules, parliamentary procedure, practices, or precedents of either House, or which has the effect of changing in any manner the consideration of any matter on the floor of either House, unless such provision is to carry out a recommendation contained in such report of July 28, 1966. Any vacancy occurring in the membership of the committee shall be filled by appointment by the President of the Senate.

SEC. 2. For the purposes of this resolution, the committee, through January 31, 1967, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date.

SEC. 4. Expenses of the committee under this resolution which shall not exceed $15,000, through January 31, 1967, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1740), explaining the purposes of the resolution.

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

Senate Resolution 311 would reiterate the authority of the Special Committee on the Organization of the Congress to report an omnibus legislative reorganization bill no later than March 31, 1967, and would authorize expenditures by the special committee not to exceed $15,000 through January 31, 1967.

The Special Committee on the Organization of the Congress was established by Senate Resolution 293, agreed to August 26, 1966, for the purpose of receiving, considering, and reporting to the Senate legislation designed to implement the recommendations of the Joint Committee on the Organization of the Congress in its final report (S. Rept. 1414), issued July 28, 1966. On September 21, 1966, Senator A. S. MIKE MONRONEY, chairman of the special committee, reported such a reorganization bill (S. 3848) to the Senate for its consideration.

Due to the imposing backlog of other important legislation requiring action by the Senate, sufficient time for adequate consideration of legislative reorganization appears not to be available during the remaining days of this session. The leadership, however, has expressed the hope that the matter of legislative reform may be considered early in the next Congress. Senate Resolution 311 would provide the special committee with

the necessary funds for its operation through January 1967.

BILL PASSED OVER

The bill (S. 2980) to increase from $75 to $100 per month the amount of benefits payable to widows of certain former employees of the Lighthouse Service was announced as next in order.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

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

The VICE PRESIDENT. The bill will be passed over.

PERMIT USE OF VESSEL "JOHN F. DREWS" IN THE COASTWISE TRADE

The bill (H.R. 14517) to amend Private Law 86–203 to permit the use of the vessel *John F. Drews* in the coastwise trade while it is still owned by a citizen of the United States was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1743), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of H.R. 14517 is to continue coastwise privileges for an American-built, American-owned vessel operating in the Great Lakes.

BACKGROUND

The vessel *John F. Drews* is a former Coast Guard tug that in 1958 was transferred to Canadian registry by the contractor-owner for the purpose of working on the St. Lawrence Seaway. Subsequently, on the completion of the work, the owner, Merritt-Chapman & Scott Corp., through Private Law 86–203, effected its transfer to American registry with coastwise privileges. That law authorized the continuance of the coastwise privileges "so long as such vessel is from the date of the enactment of this act continually owned by Merritt-Chapman & Scott Corp. of New York."

The owner has ceased operations on the lakes and has transferred the vessel to another American corporation and the purpose of this bill is to continue coastwise privileges for the vessel to the new corporation or to any other citizen of the United States that might subsequently acquire it.

The committee recommends enactment.

COST

Enactment of H.R. 14517 would entail no expense to the U.S. Government.

REPORT OF SENATE MAJORITY LEADER, MIKE MANSFIELD

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the report of the majority leader be published as a part of my remarks in the RECORD, and I ask also that it be published as a document.

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

LAS VEGAS-LINKED FUND AND JUSTICE DOUGLAS

Mr. WILLIAMS of Delaware. Mr. President, in yesterday's issue of the Washington Post there appeared an article entitled "Vegas-Linked Fund Pays $12,000 to Justice Douglas."

In this article it is charged that Supreme Court Justice Douglas has for the past 4 years been accepting a fee of $12,000 per year from a Las Vegas operation. According to this report this fee has been paid under the guise of being an "expense allowance," and apparently no accounting was required.

Justice Douglas' acceptance of payments totaling around $50,000 over the past 4 years from this Las Vegas operation raises a serious question as to its propriety as well as its legality. It also raises a serious question as to whether he should now be permitted to remain on the Court.

Membership on the Supreme Court is a lifetime appointment. The Associate Justices receive a lifetime annual salary of $39,500 per year which continues even after they retire. The lifetime appointment with this liberal pension was provided in order to insulate members of the Supreme Court from any necessity of being dependent upon outside income either during or after their appointments.

We cannot overlook the fact that there is now pending before the Supreme Court the Black case wherein it is being alleged that a Government agency may have monitored certain telephone conversations between Mr. Black and some of the interests that are associated with the same group that has been paying this $12,000 fee to Justice Douglas.

Chief Justice Warren should take prompt notice of the seriousness of these allegations and publicly outline the Court's policy by telling the American people whether the acceptance of this $12,000 fee from outside interests by Justice Douglas violates the rules of propriety as governing the actions of the Supreme Court; or is this a standard procedure?

If the Court does not condone the acceptance of such fees by its members then what steps will be taken to protect the reputation and the integrity of the Court?

Unless the Court itself takes prompt action to handle this incident the Senate Judiciary Committee should initiate a full-scale investigation as to how far this practice may exist.

To condone the right of any member of the Supreme Court to accept fees from outside clients would be indefensible, and it would raise grave questions as to the integrity of the Court itself.

I am today directing an inquiry to Chief Justice Warren calling these allegations to his attention and asking what steps the Court will be taking.

I ask unanimous consent that the article as appearing on yesterday's Washington Post entitled "Vegas-Linked Fund Pays Justice Douglas" be printed at this point in the RECORD.

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

VEGAS-LINKED FUND PAYS JUSTICE DOUGLAS

(By Ronald J. Ostrow)

An unusual situation involving Supreme Court Justice William O. Douglas has come to light bearing upon the broad issue of a judge's sources of income and outside activity.

The uncontested facts are these:

Douglas receives $12,000 a year from the tax-exempt Albert Parvin Foundation that derives much of its income from a mortgage on a Las Vegas hotel and gambling casino.

A principal asset of the Foundation is an interest in the first mortgage on the Hotel Flamingo. Albert B. Parvin, chief benefactor of the Foundation, has an interest in three other Las Vegas gambling casinos.

Based in Los Angeles, the Foundation supports fellowship programs for students from underdeveloped nations to study at Princeton University and UCLA as a means of promoting international peace and understanding.

The Foundation's board of directors includes two of the Nation's best known educators—Robert M. Hutchins and Robert F. Goheen. Hutchins, former president of the University of Chicago, now heads the Center for the Study of Democratic Institutions in Santa Barbara, Calif. Goheen is president of Princeton.

Douglas, however, according to the Foundation's tax returns, is the only official of the organization to receive regular compensation.

Douglas, in an interview, said the $12,000 a year is assigned to him "largely as an expense account" for trips in connection with Foundation work. He said drawing the funds, almost one-third of his annual $39,000 salary as a Justice, raises no ethical question in his mind.

Douglas has been with the Foundation, which he serves as president, since its formation in 1960. But the allowance did not begin until about 1962. It was instituted over Douglas' strenous objections, according to Parvin, a Los Angeles businessman.

Douglas said that expenses he incurs in serving the Foundation are "pretty close" to the $12,000. According to Parvin, the Foundation asks for no itemization of Douglas' expenses and the Justice submits none.

In addition to the income it derives from the Flamingo mortgage, the Foundation has another, less direct link with Las Vegas—stock in Parvin-Dohrmann Co., which was donated by Parvin and other individuals.

CLIENTS ON STRIP

Parvin is president and chief executive officer of Parvin-Dohrmann, a Los Angeles concern that specializes in furnishing restaurants and hotels. Its top clients include major hotels on the Las Vegas Strip.

Last July, the company, after nearly a year of intense negotiations, acquired the Fremont Hotel and gambling casino in Las Vegas.

Purchase terms provided five-year employment contracts for two officers of the Fremont, Edward Levinson and Edward Torres. Their salaries: $100,000 a year each.

Levinson invoked his Fifth Amendment privilege against possible self-incrimination in 1964 and raised other objections in refusing to answer questions in the Senate Rules Committee investigating the dealings of Bobby Baker, former secretary to the Senate Democrats.

Regardless of the Las Vegas connection, Douglas' expense account would appear to raise an ethical question that is not clearly answered by the American Bar Association's Canons of Judicial Ethics.

Many observers regard the 36 canons as being far from definitive. The fourth canon, for example, known as the "Caesar's wife" doctrine, says that "a judge's official conduct should be free from impropriety and the appearance of impropriety."

Federal judges are not required to disclose their financial holdings, outside income or activities under present law.

Under existing statutes, they cannot practice law, and they are required to disqualify themselves from ruling on cases in which they have an interest. But assessing personal involvement or interest is left up to the individual judge.

Douglas cited the power to disqualify oneself as a safeguard against conflicts of interest that may arise from any justice's outside activities. He noted that no case involving a company in which the Parvin Foundation has an interest has been before the Court.

Competent authorities on the Nation's judicial system privately expressed concern over details of Douglas' relationship with the Foundation. None of these authorities, however, was willing to speak for the record.

"While I don't think this is entirely proper," said one eminent student of the Supreme Court, "I don't want to say anything that will detract from the popularity of the Court and give ammunition to the 'know-nothings.' The problem with criticizing Justice Douglas is that he's attacked by the wrong people for the wrong reasons."

The Foundation was established in 1960 by Parvin with 75 per cent of the proceeds he realized from the 1959 sale of the Hotel Flamingo. The Foundation's share amounted to between $1.5 million to $2 million, he estimated.

Parvin put together a group to buy the Flamingo in 1954 when the hotel ran into problems in meeting its payments to the furnishing firm that Parvin heads. The group sold the facilities in 1959, but retains a first mortgage.

Parvin recounted how the Flamingo sale led to establishing the Foundation. He said he found himself with $2.5 million and no need for the money.

"I felt I wanted to do something to pay a vote of thanks for the good fortune I had," he said.

On the strength of reading Douglas' books, particularly the volume "America Challenged," Parvin wrote the Justice and told him of his desire to teach people of emerging countries about the American way of life.

Douglas responded; he and Parvin met to discuss plans and select directors, and the foundation was launched.

In addition to Douglas, Hutchins, Goheen and Parvin, the Foundation's board includes Illinois U.S. District Judge William J. Campbell and journalist Harry Ashmore.

Douglas recalled that when he agreed to head the organization he knew its assets included the Flamingo investment. He stressed that the Flamingo is a legitimate enterprise.

But Douglas, 27 years on the High Court and one-time Chairman of the Securities and Exchange Commission, said he thought the interest in the Flamingo "was owned for a brief period, but disposed of by the (Foundation's) finance committee," which he does not serve on.

Known as Parvin Fellows, the Foundation recipients—12 to 16 each year—attend Woodrow Wilson School at Princeton. Most come from Africa, the Middle East and Asia, Douglas said. The Foundation sponsors a similar program at UCLA for Latin Americans.

The two universities select the fellowship recipients. Douglas travels to the campuses to advise the fellows, to bring them to Washington and to make appointments for them with Government officials.

In addition to this work, Douglas also serves as "a sort of clearing house" for the Foundation board in assessing requests for funds. Proposals for as many as 24 to 36 different projects flow into the Foundation each week.

As Parvin recalls, it was after Douglas returned from a trip to South America on Foundation business that the $12,000 first was provided.

The Foundation's board was meeting in Santa Barbara, and Hutchins suggested providing the funds, Parvin said. Despite Douglas' objections, the board voted the money.

The concern of legal observers stems in part from clashes between Federal law authorities and some Las Vegas gambling figures, such as Levinson, who now is employed by Parvin-Dohrmann.

Levinson, who had business dealings with Bobby Baker, has a suit for damages pending against the FBI in a Nevada court, charging that the FBI's bugging of his office invaded his privacy.

The bugging issue already is before the Supreme Court in the appeal of Fred B. Black Jr., a Baker associate who has been convicted of income tax evasion. The Justice Department has admitted the FBI bugged Black's hotel suite.

In Black's petition to the Court he maintains that he telephoned his lawyer from various sites in Las Vegas, including the Fremont Hotel. He alleges that FBI agents may have monitored some of these conversations.

Justices Abe Fortas and Byron White have disqualified themselves in the case, Fortas because he was Baker's lawyer, White because he was a government prosecutor.

DONOR BLACKJACKING CHARGED ON LBJ RANCH PARK FUND

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent to have printed in the body of the RECORD an article appearing in the Washington Star of October 16, entitled "Donor Blackjacking Charged on LBJ Ranch Park Fund."

The Attorney General of the United States should examine these allegations to determine whether these high-powered solicitations involve companies doing business with a Federal agency—and whether or not any Federal law has been violated.

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

DONOR BLACKJACKING CHARGED ON LBJ RANCH PARK FUND

(By Bo Byers)

AUSTIN.—The chairman of the Texas Senate general investigating committee charged in a statement yesterday that people and companies have been "blackjacked" to contribute to the Lyndon B. Johnson State Park fund

Sen. Jim Bates of Edinburg aimed the accusation at the three-man State Parks and Wildlife Commission. The commission set up the private fund May 31, 1965, as a means of collecting money to purchase the desired acreage near the LBJ ranch.

Bates said the commission has refused the Senate committee's request to divulge how much money has been collected or who the contributors are.

He emphasized that he spoke only as an individual senator, saying he did not do so as chairman of the investigating committee.

No other members of the five-man committee joined in the statement. Asked for comment, one said Bates acted without his knowledge and said he sees no reason for an investigation. A second said he didn't know enough about it to comment. A third said he does not know whether there are grounds for an investigation, but he thinks Bates and the press are entitled to the information they want from the commission about the fund.

Bates said he has reason to believe that Weldon Watson resigned as executive director of the Parks and Wildlife Commission in June partly because he objected to the commission's fund-raising methods.

Watson's resignation became public information by chance two days after a secret meeting of the commission. Informed sources said he was forced out.

Bates, 43, is a former district attorney. He has been a senator since 1962 and was a state representative four years.

He said he has importuned Gov. John Connally to request the information from the commission but this has brought no results.

Bates said pressure has been brought to bear to prevent a full investigation.

He charged commission Chairman Will E. Odom of Austin with "bad faith" and said the commission's refusal to divulge information to the Senate Committee is "blatantly contemptible" toward the entire Senate.

Bates called for refund of all money in the LBJ park fund to the contributors and resignation of all three commissioners.

None of the three commission members—Odom, A. W. Moursund of Johnson City, or J. M. Dellinger of Corpus Christi—was available for immediate comment. All were appointed by Connally under 1963 parks and wildlife merger legislation. Moursund is trustee for the Lyndon B. Johnson interests.

Connally said he did not wish to comment at this time. His office said he wanted time to study Bates' statement.

Bates said he wrote to the acting deputy director of the Parks and Wildlife Commission July 14 and obtained certified copies of minutes of meetings of the commission dealing with establishment of the park. Those actions date back to Nov. 17, 1964.

He said he made the request because he had received "numerous requests and complaints."

"The nature of the complaints alleged to me were, briefly, that the commission was using the name and prestige of the President of the United States to "blackjack" contributions by various individuals, firms and corporations who were, and are, directly under and controlled by the rules, regulations and supervision of the Parks and Wildlife Commission."

Bates said he has been led to believe that a $25,000 contribution was secured from the person after one commission member asked for "twenty-five" and a second commission member told the man, "hell, we're talking about $25,000."

Bates said the "absolute refusal of the commission to provide either the governor of this state or this committee the information requested constitutes an admission that at least some pressures were used of either an unethical or immoral nature to secure contributions to the Lyndon B. Johnson state park fund."

Controversy has surrounded the effort to create the park from its inception.

The commission voted to establish the park after it learned promoters were planning to buy the acreage across from the LBJ ranch for a tourist attraction.

The Gillespie County Commissioners Court, in the face of stiff local opposition, finally agreed to condemn 245 acres that landowners wouldn't agree to sell to the state.

The fund about which Bates is complaining was set up by the three Parks and Wildlife Commission members as a private charitable fund to receive contributions as no state appropriation had been available to buy the land.

The three men named themselves administrators. They have refused to answer about

where the money is deposited or how much has been collected or from whom.

A UNITED STATES-SOVIET ALLIANCE?

Mr. KUCHEL. Mr. President, yesterday, in the Washington Post, the distinguished newspaper columnist Mr. Roscoe Drummond wrote, in a provocative and perceptive way, about the feasibility of the Soviet Union moving toward a peacekeeping alliance with the Government of the United States. He raises a question on why that is a rational possibility, and he answers by saying that it is because an expansionist Red China is a peril to both the United States and Russia, and only by acting together, can that peril be securely countered.

The truth is, Mr. President, that an expansionist China, armed with nuclear weapons, represents an enormous hazard to the entire human race.

Mr. President, I ask unanimous consent that the article by Mr. Roscoe Drummond be printed in the RECORD.

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

A UNITED STATES-SOVIET ALLIANCE?

(By Roscoe Drummond)

It is entirely possible that the cordial, responsive, let's-move-ahead talk between President Johnson and Soviet Foreign Minister Andrei Gromyko is the most important single event in behalf of a better peace since World War II.

This is not because of the immediate effect of clearing the path to a world-wide treaty to prevent the perilous spread of nuclear weapons, which is breath-takingly welcome.

But the potential of this new climate of Soviet-American relations is tremendous. It is now probable that we are at the beginning stage of forming a United States-Soviet alliance to keep the peace in the most combustible areas of the world.

Obviously, this is reading a good deal into the Johnson-Gromyko, Rusk-Gromyko talks. But they portend far more than any of the participants can say at the moment.

What, then, is the shape of events which provides the impetus to move toward a mutual security alliance?

1. Red China is in turmoil and trouble. Its leaders are divided and quarreling. A massive purge is still raging and Mao Tse-tung may soon be replaced.

2. Russia sees repeated Chinese encroachments against the Soviet eastern borders affecting territory to which Peking claims title. Moscow rightly asks itself: Are Chinese forces getting ready to move into the disputed territory?

3. By now, Red China has virtually isolated itself from the Communist world and the violence and recklessness of the Red Guards have alienated the support of even the Asian Communist Parties. The North Korean and Japanese Communists are now pro-Soviet. The Indonesian Communists are decimated. Hanoi needs Soviet protection more than it needs Chinese help.

4. Since Moscow has won the sympathy and understanding of nearly the entire Communist world over the Sino-Soviet split, the Soviets are now in a position to take a bold and unconventional step to protect themselves from an expansionist, aggressive, anti-Soviet Red China.

And what would that bold step be?

It could well be a United States-Soviet mutual security alliance to contain Red China to its present frontiers and to guarantee the independence and peace of all Southeast Asia.

Since, with mounting vituperation, Peking has been accusing Moscow of coming into "an unholy alliance" with the United States, the Soviets can well conclude that they might as well have the advantage—and not just the epithets—of such an alliance.

Such an alliance alone could really secure the peace and neutrality of Southeast Asia. It would, of course, require a peaceful settlement of the Vietnam war, as a result of which the independence of both North and South Vietnam could be guaranteed.

Why is a United States-Soviet Asian security alliance a rational potential? Because an expansionist Red China is a peril to both the United States and Russia and only by acting together can that peril be securely countered.

COSTING HUMAN LIFE

Mr. KUCHEL. Mr. President, there are many wonders in the new world. Our Nation has discovered the secrets of the atom and has embarked on the conquest of space. It has achieved a rate of national income higher than ever before in the history of mankind. The great driving force in this growth has been our national marketplace where goods produced by man's ingenuity are exchanged in a system of free bargaining to meet his needs and his desires.

The early economists claimed that supply creates its own demand. In the years of the great depression our Nation learned that it was possible to overproduce, indeed, industrial capacity might be left unused for years. Happily we have passed beyond that era.

Continued inflation tells us that today we are in an age of excess demand. Many of the goals of our Nation have no price tag. Our efforts to achieve these objectives are not subject to the restraints of the law of supply and demand. We believe in peace with justice for all men. We believe in national security and freedom; a decent standard of living under our unique competitive system of free enterprise for all our citizens. We seek a better education for all of our children and for the children of all the earth. There are many other such items, including our foreign aid program which expresses our hopes that other free nations may share in this bounty through their own productive efforts. We are on the brink of an age of demands no longer based solely on the psychology of the marketplace—and this fact casts a long shadow over our entire economic system.

We build missile and military equipment because in these dangerous times we are assured we cannot afford not to have them. As technology expands we believe we cannot afford not to go into space. We are on the threshold, I believe, of a similar economy for our Nation's health. What value can we place on human lives? My distinguished colleagues from the State of Washington have introduced legislation to expand the benefits of the discovery of the artificial kidney. The cost of treatment by this process is estimated at $7,000 to $10,000 per annum; quite beyond the purse of most of our citizens. I understand that there may soon be other such discoveries that will permit a full life for those whose store of hopes would otherwise be exhausted.

As a member of the Senate Committee on Appropriations, I suggest that the political and economic implications of these discoveries require serious deliberation in this Chamber. I am gravely concerned over the implications of changing technology on our free competitive enterprise economy. How can these costly benefits be shared by our citizens without succumbing to a system of total domination of our system of production and distribution by government? If we cannot afford not to consider the health of our people, we cannot afford not to consider the health of our body politic. I will not succumb to the sophistry that the well-being of one is incompatible with the well-being of the other.

My friend, the distinguished Nobel Prize laureate, Dr. Joshua Lederberg of Stanford University, has written an eloquent statement of this problem which I ask unanimous consent to insert in the RECORD at this point.

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

COSTING HUMAN LIFE—A DILEMMA OF MEDICAL PROGRESS

(By Joshua Lederberg)

This year's news is and will continue to be full of the trial runs of new medical machines which are a turning point in the joining of medicine and technology. For several years, the artificial kidney has been a technical success, but a soul-ache for being out of reach of many whose lives might be sustained by this scarce and costly mechanical substitute.

The artificial heart is now moving inevitably to a level of practical utility. No matter how discouraging the early trials of recent weeks, we must think of the policies needed to cope with the eventual success of this machine.

At first thought, such an advance appears to be an unmitigated blessing, but power does not come to man without matching responsibilities, and this applies especially to a power for life and death. As is often the case, the worst perplexity comes from a technological imbalance. At this point it appears likely that machinery that could save the lives of at least 100,000 Americans a year could be perfected by 1970. But we will then face several cruel dilemmas, during the "heart gap." The first machines, by the mere postponement of a personal doom, will be miraculous blessings. But it is certain that within our present framework of political decision, confusion about automation, and technical organization, the machines and the clinical skills needed to apply them will be pathetically scarce for several years thereafter. How to choose the few percent that should receive the benefit may not be the worst dilemma. It is equally certain that the early versions of the heart might prolong life, but will leave alive many cardiac cripples, irrevocably tied to their machines. The worst stage of the gap will be the period when on a large scale the machine saves life, not livelihood—a "plastic heart", rather like an iron lung, being the fount from which the patient cannot long depart. Such a gap could well last 10 or more years, say from 1970 to 1980, at an economic cost of the order of $100 billion.

It has been suggested that plastic hearts not be used until they give livelihood as well as life. The suggestion flies in the face

of human nature as well as medical ethics, especially where there is substantial hope of future improvement that will alleviate the burden if the patient can only be sustained a few years longer.

This problem and its possible remedies—e.g., a more explicit push for industrial technological support—are part of many larger issues of human and social responsibility. Reason and compassion join in mobilizing every useful economic resource that can forfend death. On this argument, medical machines—substitutes for failing human organs—will become our predominant industry. Medicine indeed does take a growing part of our gross national product. What is new here is the availability of increasingly expensive opportunities just because sophisticated technology is brought to bear on medical problems. Our arms budget is so high for quite comparable reasons—we feel we cannot afford not to invest several millions of dollars each for an advanced aircraft or missile, but only because that costly technology has made it available. The human issues—like the shift in age composition and its impact on family life are no less perplexing, nor are the implications for world order of ever more poignant demonstrations of the use of wealth. The public arousal and private conscience that are the root energy of democracy must start somewhere.

Should we not have begun yesterday to start thinking of human biology as one of the main sectors of political responsibility?

ADDRESS BY VICE PRESIDENT HUBERT H. HUMPHREY ON THE ROLE OF THE UNIVERSITIES IN HELPING TO BUILD A BETTER WORLD

Mr. CLARK. Mr. President, I ask unanimous consent that a brilliant speech made by Vice President HUBERT H. HUMPHREY at a convocation at Temple University in Philadelphia, Pa., on June 16, 1966, be printed in the RECORD.

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

ADDRESS BY HONORABLE HUBERT H. HUMPHREY, VICE PRESIDENT OF THE UNITED STATES AT TEMPLE UNIVERSITY, PHILADELPHIA, PA., JUNE 16, 1966

Two years ago this nation launched a new kind of war—the war against poverty . . . not only poverty of the purse, which is bad enough, but poverty of the spirit, which is worse.

In one way or another, we Americans have been fighting poverty throughout our history. Indeed, it has always been the American dream to create a society in which each citizen would have unfettered opportunity to lift himself and his family to something better.

Yet it was not until this century that government played a real part in the struggle. Those who in the past held industrial and political power long rejected any government intervention on behalf of the poor.

Their attitude was not unlike that which Anatole France had flayed in Europe with bitter irony:

"The law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread."

The tide began to turn with Theodore Roosevelt and Woodrow Wilson, and came in strong with Franklin Delano Roosevelt and the social and economic advances of the New Deal.

It is on these beginnings that we are building today.

THE POOR NOW VISIBLE

"The poor of the earth," says the Book of Job, "hide themselves together."

And, here in America, they were so well hidden in urban and rural slums that it was all too easy, even for men and women of good will, not to see them—although they make up almost one-fifth of our population.

They were not only invisible, they were largely inaudible. Except in the civil rights movement, they had no voice.

Now they are standing up and speaking for themselves. Sometimes their words may sound harsh and angry. But that is infinitely better than bitter and frustrated silence.

Yes, we can see and hear the poor nowadays.

They are very much on our minds and consciences—and this is all to the good. It's very much to the credit of this great and rich nation to remember the needy and the disadvantaged among its people.

In America's cities, poverty takes a form we know all too well. I call it slumism.

Slumism is more than old and rundown buildings.

Slumism is ungathered garbage and inadequate sanitary facilities.

Slumism is second-rate schooling for children who urgently need the best that we can give them.

Slumism is danger on the stair and violence in the street.

Slumism is the bitter feeling that nobody cares.

Slumism is the voice of a Negro mother telling why her sons went wrong:

"I wonder, do people who never have to worry about work know what happens to you when you keep knocking your head on a stone wall and there's still no work? . . . I'll tell you what happens, you just fold up and die. That's what drugs and liquor mean. They mean you've died. They mean you've hung up on the world, because you just keep calling and there just ain't no answer on the other end of the line."

THE CALL WE MUST ANSWER

This is the call we Americans must answer—with human kindness, with understanding, and, above all, we must answer it *now*.

We have ample reason today to heed Aristotle's grim warning that poverty is the parent of revolution and crime.

No people should know this better than we, for violence and crime are daily realities in our cities, and revolution racks the poverty-stricken two-thirds of the world.

The reason for crime and violence in our cities is all too clear—the degradation and rank injustice that pervade our urban ghettoes. And things may get worse, not better, unless we win our war against poverty.

Poverty takes many forms and arises from many causes—and we are learning that no single answer will suffice.

We are seeking the answers for every age of poverty—from our pre-school youngsters to our senior citizens. We are seeking answers for every place of poverty, from the city slums to depressed rural areas like Appalachia. Poverty is the only common denominator that binds these people together in sorrow, in resentment, and in rebellion against their lot.

Civil rights legislation is an essential part of the war on poverty.

So is aid to our elementary and secondary schools, focused particularly—as it is—on the children of the poor. So is aid to depressed areas. So is Medicare.

So are the new undertakings generally called the Poverty Program—community action. Head Start, the Job Corps, the Neighborhood Youth Corps, and others.

We are moving into new ground, and there are no blazed trails for us to follow.

Some of the approaches we try may not work out, and you may read about them in blaring headlines. This is bound to happen. Doctors have tried for years to find a cure for cancer, and we are not dismayed that they haven't; we simply ask them to try and try again.

On the other hand, some of the things we try may work out far better than we expected.

We must change or discard those programs which are not making headway, and we must expand those that are.

There can be no dogma or doctrine about this. We must find out from experience what works.

FOUR WAYS FORWARD

We have already made a significant impact on poverty.

For example, Department of Labor figures show that the Great Society programs, in their totality, accounted for half the substantial reduction in unemployment in 1966.

And we have also, I think, begun to identify the major directions in which we must move forward. I would stress four in particular—education, income maintenance, job development, and the enhancement of human dignity.

The more we examine the facts and figures, the more we confirm what Americans seem always instinctively to have known—that education is, has been, and always will be our soundest and most productive investment as a nation.

And this is as true of the war on poverty as of every aspect of our life.

Perhaps the biggest gain we have scored so far against poverty has been in keeping hundreds of thousands of young Americans in high school and college, so that they can meet the stricter standards for employment in this technological age.

At the other end of the spectrum, we need to do more to assure an adequate income to those who are too old or too handicapped to work.

Just this month, the President reiterated his commitment to "the basic right of every older American to a decent income."

We should look forward to a time when these deserving people not only receive enough to live on, but share in the continuing rise of our standard of living.

We must do more, too, about jobs for the poor.

NO WASTED AMERICANS

We must regard the untrained and unemployed *not* as drags on our society, but as unused national resources.

Our nation needs and wants the services these "wasted Americans" can provide.

Today there are at least five million jobs waiting to be developed and filled in the expanding field of human services—health, education, welfare, and recreation.

That is why our government programs are training people for them. In doing this, we do three important things at once: provide jobs for the unemployed; provide essential services for all Americans; and provide the professionals in these fields the non-professional support they need.

There is opportunity, too, for the employment of the poor in the poverty program itself—and great advantage, as well. No one can understand poverty so well, or bring to people who suffer from its intimate and sympathetic understanding, as those who have known it at first hand.

TOWARD REAL HUMAN DIGNITY

This brings me to the most intangible, but most important, direction in which we need to move—the enhancement of human dignity.

That is why community action programs are so important a part of the war on poverty. That is why the participation of the poor in the development and management of these programs is absolutely vital. For the essence of human dignity is the right of people to have a say in determining their own future. That's what the Declaration of Independence is about, and that's what the Constitution stands for.

We need to use a new kind of grammar in speaking and writing about poverty—a grammar in which the poor are the subjects, the people who act, rather than the objects, the people who are acted upon.

We need to involve the poor actively because we need to learn from them.

We need to find out why it is that our schools are not reaching many of their children, why urban renewal is not really eliminating slums, and why welfare programs are not breaking the cycle of dependency.

And I think we would do well to listen to people who have hard, practical knowledge about all this.

Moreover, we must apply the baisc principle of democracy—that people, in their wisdom and even in their folly, know what is best for them. We need to bear in mind George Bernard Shaw's cautionary words:

"Do not do unto others as you would they should do unto you—their tastes may not be the same."

THE PARTICIPATING POOR

Today there are 8,000 new leaders in communities throughout the country—in less than two years! They are men and women from areas of poverty serving on community action boards—men and women previously unrecognized, unheard, unheeded.

Today they meet, consult, and make decisions along with their communities' bankers, labor leaders and public officials. This is democracy at work.

And there are today over 30,000 additional men and women from the ranks of the poor serving as paid workers in community action programs.

Progress *is* being made. The poor have a major role to play in their own escape from poverty. But they cannot do it alone.

There is a place in this war for every American. There is a place, particularly, for our universities.

The American university cannot be an oasis for quiet meditation in a desert of human need.

We must go back to the early European idea of the university as part of the city, and away from the English idea—so prevalent here in the 1800's—that the institution of higher learning must be isolated from life by acres and acres of well-tended lawn.

THE ROLE OF THE UNIVERSITY

Universities need to be involved in everyday life. They need to be where the action is, where people live and work.

American universities have much to give to American cities, and our cities have a great deal to give in return.

There are many community problems which would benefit more from research than from argument, and the university should be in the midst of all of them.

The learning of its faculty should always be at the service of the community. University expertise is urgently needed for the solution of dozens of complex problems—problems of transportation, of housing, of management, of law enforcement, of urban and area planning, of public welfare—yes, and of human relations.

The university can—and should—become an integral, catalytic part of the community.

Indeed, the most important laboratory of today's university can be the community itself.

Temple University has recognized this responsibility for some time. And recently, as you know, Temple has received a 500,000-dollar grant from the Office of Economic Opportunity to become part of a network of seven universities that will help train both the officers and the foot soldiers in the war against poverty, many of them recruited from the ranks of the poor themselves.

The university can be even more than a center of learning and enlightenment in the community. It can be a well-spring of progressive social action.

It can be a center of ferment of good, not merely ferment for ferment's sake. And to those of you in the faculty and student body who feel deeply about man's inhumanity to man—let me say there's work to be done and a peace to be won.

THIS VOLUNTEER GENERATION

Now, a word to you who are graduating today.

Of those to whom much is given, much is expected.

This generation of young Americans is living and acting in this fine old tradition. Many of you have already enlisted in the battle against poverty in communities throughout the country.

Almost two-thirds of all VISTA volunteers to date have been college students—or recent graduates—taking a year off for this service.

Just this week, 500 college students boarded a so-called Troop Train at Union Station in Washington. They were VISTA Associates—devoting their summer to work in the Appalachian hills and hollows.

VISTA offers great scope for service in the war on poverty. But there are other opportunities too. And there is of course the opportunity for service abroad—in the Peace Corps and in other international programs.

You have earned the right to be called the volunteer generation.

I hope that all of you will see such service as an essential part of your responsibility to your country—and to yourselves.

FROM POVERTY TO PEACE

Finally, let me place this all in a wider context—an international context. As we tear down the tattered tarpaper that separates the poor from the rest of us in our own fortunate land, we must rededicate ourselves to the fight against poverty and injustice in other parts of the world.

Two-thirds of mankind—nearly all the people of Asia, Africa, and Latin America—are beset by hunger, disease, and misery every day of their lives. It is in soil like this that the seeds of violence, despair, and revolution take root.

As the late Pope John so often said, where there is constant want, there is no peace.

If we seek peace, therefore, we must fight want. To achieve peace is not easy, and it will not come merely from our wishing it. Peace is work and sacrifice. It is education, overseas aid, the Peace Corps, the United Nations. It is food and medicine and engineering work. It will not come because you ask for it, but because you live for it—and, if need be, die for it.

More than ever, what we do here at home is intimately related to what we can accomplish abroad. People everywhere urgently seek and demand human dignity.

By pressing the good fight against poverty both at home and abroad, we identify ourselves with the deepest aspirations of the whole family of man.

Therefore, let our nation be known not only for its power, but for its compassion—not only for its brave soldiers but for its creative scholars—not only for its wealth, but for its willingness to share it with those less fortunate.

Let us show, in deeds as well as in words, the warm humanity and the spirit of brotherhood which have always characterized America at its best—an America which is not a global gendarme, but a giver of life and of hope to the dispossessed of the earth.

Mr. CLARK. Mr. President, it is most encouraging to note the increasing involvement of our great institutions of higher learning in a wide range of programs designed to deal with the problems of American life.

Universities are, for example, reaching out into the cities to help serve the poor, the slum dwellers, the handicapped, disadvantaged minorities, and others in need.

The excellent address of the Vice President points this fact out with great cogency.

A MARSHALL PLAN FOR YOUTH

Mr. CLARK. Mr. President, I ask unanimous consent that a column which appeared in the New York Times of Sunday, October 16, 1966, entitled "Washington: A Marshall Plan for Youth?" by James Reston be printed in the RECORD.

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

WASHINGTON: A MARSHALL PLAN FOR YOUTH?

(By James Reston)

WASHINGTON, October 15.—One of the odd things about the college students and the Government of this country is that they seldom seem to get together at the right time. The students are always protesting about policies after, rather than before, the policies are set, which is like courting the girl after she has married the other guy.

The President's National Advisory Commission on the Selective Service illustrates the point. It was announced publicly by President Johnson early last summer. It is engaged in the most interesting inquiry now going on in Washington, and its recommendations to the President, due at the end of this year, will not only deal with the question of the military draft, but with the whole concept of voluntary or compulsory service to the poor, the sick and the aged. Yet even the young activists in the universities, who insist quite rightly that their generation should be heard, are saying very little to the commission, and apparently do not even know that the commission exists.

THE MISSING WITNESSES

Well, it does. The commission is established with a staff in the old State Department Building across the street from the White House. Its members include the president of Yale, Kingman Brewster; Anna Rosenberg Hoffman, former Assistant Secretary of Defense for Manpower; Thomas Gates, chairman of the board of Morgan Guaranty Trust Company of New York and former Secretary of Defense; George Reedy, former White House press secretary; James Suffridge, president of the Retail Clerks International Union, and various other busy people who are struggling with this problem in their spare time under the chairmanship of Burke Marshall, former civil rights chief at the Justice Department and now vice president and general counsel of International Business Machines.

One day before long, when Mr. Marshall makes his report, the press will inevitably announce "a new Marshall Plan for youth," but meanwhile before the commission makes up its mind, the views of the young people primarily concerned would be interesting.

THE BIG QUESTIONS

The questions being asked by the commission when its members talked to the Cabinet, military leaders, labor union chiefs, social service workers and many others, illustrate the range and depth of the inquiry.

What are the present inequities of the Selective Service system and how can they be modified?

Should we have only a compulsory system of service for the armed services alone, or a National Service Corps to work in the

slums, the hospitals and the underdeveloped countries?

If the latter, should the service include women as well as men, should it be voluntary or compulsory, and should service in nonmilitary activities such as the Peace Corps or the domestic Teacher Corps defer young people from compulsory military service?

Should a National Service Corps of young men and women deal with the social as well as the security problems of the nation—with the misfits, the dropouts and the hoodlums, as well as with the requirements of the military services? What would such a larger system of nonmilitary as well as military service cost, and how would it be administered?

There are many other questions—the Marshall Commission has an exhaustive catalogue of them—but these are enough to illustrate the importance of the inquiry now going on in Washington.

For example, the Secretary of Labor, Willard Wirtz, was asked by the commission the other day: "How would a policy of no student deferments affect the labor market?" He replied:

"Not enough to matter. This question is one that ought to be resolved on the basis of the boy and his education. The labor market can readily accommodate itself to whatever is the sensible decision in terms of elevating the human race."

WIRTZ'S TESTIMONY

Secretary Wirtz's main point was that the commission should be asking, not primarily what is best for the Labor Department or the labor market or the Pentagon, but what is best for American society as a whole.

"We have asked for too long," he told the commission, "about the needs of the system of things for 'manpower' or womanpower [both of these terms derive from 'horsepower']. The question . . . is what opportunities individuals ought to have."

The problems involved in all this are obviously staggering. There are now about 750,000 Americans from 18 to 25 years of age out of school and out of work, and probably at least that many more doing only part-time work. Wirtz estimates that the country could use, without competing seriously with paid labor, between 700,000 and 1.2 million men in non-military service jobs, and almost twice that many if we include young women. About 600,000 of the 1.8 million men who reach military draft age each year are judged physically, mentally or morally unfit for military service, and the commission is troubled about that too.

WHAT IS YOUTH THINKING?

Accordingly, it would be interesting to know what the thoughtful young men and women of the country think should be done about all this. They obviously have a stake in the outcome. They love ad hoc committees on the campuses these days and one more on the problem of national service probably wouldn't hurt.

This is not only an officials' but a young people's problem. Their views on national service must be as important as their opinions on whether the President should stop the bombing around Hanoi and Haiphong, or whether he should negotiate with the National Liberation Front. After all, the dreams and duties of youth are too serious to be left to the judgment of middle-aged men and women, and in the long run, the recommendations of the Marshall Commission are likely to be more important than most of the headline points now troubling both officials and students.

Mr. CLARK. Mr. President, this column calls attention to the need to solicit the views of American youth before we rewrite the draft law merely in the manner in which the Department of Defense would like to see it rewritten.

As chairman of the Subcommittee on Employment and Manpower, I wish to state that our subcommittee takes a keen interest in any change in the draft that may be forthcoming. It is my hope that we will hold hearings sometime next year.

A CONVERSATION WITH FORMER AMBASSADOR REISCHAUER

Mr. CLARK. Mr. President, I ask unanimous consent that an article entitled "A Conversation With Former Ambassador Reischauer," our Ambassador to Japan, which appeared in the Harvard Alumni Bulletin of October 15, 1966, be printed in the RECORD.

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

A CONVERSATION WITH FORMER AMBASSADOR REISCHAUER

This is a frank, informal conversation between two experts on the Far East who returned to Harvard this fall after tours of government service.

Edwin Oldfather Reischauer, Oberlin '31, A.M. Harvard '32, Ph. D. '39, began teaching Far Eastern history and language at Harvard in 1938. In July 1960 he published in *Foreign Affairs* an article critical of United States policy toward Japan. Within six months he was appointed Ambassador to Japan by the late President Kennedy. Returning to the country of his birth (he is the son of missionaries) with his wife, a Japanese native, Mr. Reischauer dedicated his efforts to mending the "broken dialogue" between the United States and Japan. He returned to Harvard last August to become a University Professor, amid international acclaim for his successes as Ambassador.

James Claude Thomson Jr., Yale '53, Ph. D. Harvard '61, was once a course assistant in Mr. Reischauer's Social Science 111. He left his Harvard teaching fellowship in December 1959 to serve in Washington, where he worked successively for Chester Bowles, Roger Hilsman, William P. Bundy, McGeorge Bundy, and most recently, Walt W. Rostow. Reared in China (he is also a missionary offspring), Mr. Thomson specialized in the Far East. He returns to Harvard as an Assistant Professor of History.

At the Bulletin's request, Mr. Reischauer and Mr. Thomson recorded the following conversation shortly after they returned to Cambridge.

"I WENT AWAY A PROFESSOR OF PRE-MODERN HISTORY, AND I COME BACK—I'M NOT SURE JUST WHAT"

Mr. THOMSON. How does it feel to be back? Do you find Harvard much the same, except that the skirts are shorter and hair longer?

Mr. REISCHAUER: I don't know; I find so much *growth* here that I feel I have to do a lot of discovering before I know what Harvard is today.

Mr. THOMSON. I remember a rather charming moment during your first return to Washington, after you'd been in Japan for a few months—your delight in discovering you could walk the street anonymously, without throngs of cheering schoolchildren. How long do you think you can tolerate anonymity?

Mr. REISCHAUER. I love anonymity. In fact I can hardly remember any other time when I wasn't anonymous. But when we first came back to the United States, this was a very great—and pleasant—shock, to suddenly realize that people don't know you on the street. You therefore don't have to wear a smile at all times; your muscles relax. Another great pleasure is to eat simple food and begin to enjoy it again. I had so much rich food there that the sight of a filet mignon practically made me tremble. I was just so tired of that kind of food. I enjoy it so much more when there's less of it.

Mr. THOMSON. How are you facing the problem of "decompression?" Are you feeling the bends as you move from the pressure and pace of your previous job?

Mr. REISCHAUER. I find it very confusing, but that's simply because it's a very sudden and complete change in a way of life. While five and a half years at that job may not seem like very long, still it was a very intensive, very full experience. We put in night and day, and every hour of night and day, for so long that it seems like a lot longer than six years. There's a lot of readjustment to the old way of life, compounded by the fact that I went away a professor of pre-modern history, and I come back—not that, but I'm not sure just what.

Mr. THOMSON. I should think the problem of personal logistics would be almost overwhelming to a man who'd been driven around in sleek black limousines, whose days had been scheduled from dawn to midnight by large, efficient staffs. How do you face up to it?

Mr. REISCHAUER. Well, this is a problem too. It's a very abrupt way to change one's manner of living, from a day in which every minute is scheduled and supported and planned and organized by a supporting staff running into the hundreds, to one in which I do it all myself, including standing in line. It makes you feel, at best, about one-tenth as productive as you were before. This makes you feel frustrated—sort of premature old age. But I'd expected that, so I'm not getting the bends, particularly.

Mr. THOMSON. What did you miss most when you were Ambassador?

Mr. REISCHAUER. For one thing, time to read. You just don't have that—outside of the vast amount of paper that passes across your desk that *has* to be read. You cannot read things in depth, and you can't read as broadly as you'd want. Beyond that, I missed not being able to really study deeply into things and do research. I took advantage of past thinking and past study to do a lot of popular writing—a great number of articles in Japaneese. But these were really just capitalizing on my past knowledge rather than exploiting anything new that I was learning there.

Mr. THOMSON. That vast amount of paper crossing your desk reminds me of a mutual friend in Washington who had come back and forth between Harvard and Washington on several types of assignments. When I asked him what he found most difficult in the transition to the University, his answer was the "Empty In-Box Syndrome"—that you did not have three inches of material facing you to be worked on the minute you arrived at your office. I asked him how he solved the problem, and he said he subscribed in his first term to seven newspapers. Which got him through the morning quickly.

Mr. REISCHAUER. Well, I'm doing quite the reverse, because while I was in Japan I read something like eleven newspapers every day, six in Japanese and five in English. Not thoroughly, but here I'm hardly looking at one, or more than one.

Mr. THOMSON. What do you think you're going to miss most now that you're back?

Mr. REISCHAUER. Well, there's a great variety and interest in life there. As I said, I did ten times as much as I possibly could do here, including lots of dull things too, but loads of fascinating things. I had a chance to meet endless interesting people who passed through there—Americans, Europeans, Japanese. But I think that what one misses the most is that in a job like that you have a central focus of interest: the maintenance of

Japanese-American relations. You do your best to develop understanding and chart the course for these relations. Everything was focused around that one activity. Here there's no such comparable focus of activity, no sense of holding the helm of anything, unless it's my own personal affairs. And you lack the satisfaction of being sure that what you're doing is worthwhile.

Mr. THOMSON. Yet you're now holding down a very distinguished University professorship. How do you intend to earn your pay?

Mr. REISCHAUER. This is the problem that bothers me the most. I have to find out what I am in the way of a scholar now, after this lapse of six years in my scholarly life. In a sense I'm changing my field of scholarship. And after I find out what I am as a scholar then I have to find out how it fits into the Harvard scene.

Mr. THOMSON. You are really shifting from a pre-modern historian and a specialist in culture and language—

Mr. REISCHAUER. From cultural history, broadly, to much more of a modern, contemporary interest. I presume my chief areas of interest will be contemporary Japan, recent Japan, and American relations, not just with Japan, but with all Asia.

Mr. THOMSON. Do you plan to give any specific courses as yet?

Mr. REISCHAUER. I don't think my ideas have jelled to the point where I could suggest what kind of courses I'll give.

Mr. THOMSON. If this were a German university, your titles would be four or five. How do you want to be addressed?

Mr. REISCHAUER. At Harvard, people have always said Mister, which I think is a very fine title.

"THE STATE DEPARTMENT IS OFTEN MUCH TOO TIMID IN ITS RELATIONS WITH CONGRESS"

Mr. THOMSON. Let me do a little probing on the Japan assignment. You arrived there in April 1961.

Mr. REISCHAUER. April 19, and I left five years and four months later.

Mr. THOMSON. You returned with extraordinary praise from all quarters, in Japan and in this country. I wonder how you yourself would account for the success of this mission. My own hunch is that your secret weapon was your wife.

Mr. REISCHAUER. Entirely true. Haru did a magnificent job. The United States got two ambassadors for the price of one.

Mr. THOMSON. Yours was a unique opportunity because you had published an article in 1960, as I recall, which was highly critical of our handling of our relations with Japan—an article focusing on the "broken dialogue"—and within a few months you were asked to put up or shut up and show what you could do to repair that broken dialogue. What are your thoughts on how and why this worked so well?

Mr. REISCHAUER. Well, the chief reason is that Japan is the kind of country it is. If you want to have a pleasant, successful ambassadorship, then choose your country well. Japan is moving ahead very rapidly. She's made tremendous economic gains, but these last five years have been perhaps particularly notable for psychological gains—gradual overcoming of the problems that came out of the past war. Not all of them, but a good many. And with this great progress, which was just natural to the situation, has gone a great improvement in Japanese-American relations, because of a growing understanding. I tried to contribute to that, but it would be absurd for me to claim any major role. I think I did manage to encourage it, push it along somewhat, but it was basically the result of the times. Certainly there is in Japan, as of today, a feeling that they can talk fully and easily and frankly with us, which they obviously did lack in 1960.

Mr. THOMSON. I know that you personally felt a special need to open a dialogue with the Japanese intelligentsia, the Japanese Left, students, and intellectuals. How much progress were you able to make?

Mr. REISCHAUER. In some parts of the Left I think a certain amount of progress was made. The extreme Left, the Communists and the virtual fellow-travelers, are not people with whom we can establish a very meaningful dialogue, because our fundamental premises are so different that it's almost impossible really to talk with them. But the greater part of the Left is not that doctrinaire at all. And with these people I think a great deal of understanding can be built up, because we do, underneath it all, share many ideals together. I think maybe I was successful in changing an attitude on our part toward the relationship with the Japanese Left. We have so often fallen into the trap of assuming that anyone who does not fully support us in our policies is therefore against us. I started out in Japan with quite a different assumption, that anyone who was not announcedly our enemy was presumably our friend. And much of the Left responded to this, and was willing to be friends and try to find an area of understanding.

Mr. THOMSON. What were the areas of greatest disappointment, opportunities missed, things that didn't go as well as you hoped?

Mr. REISCHAUER. Many of the things took longer than one could have hoped for. Take the normalization of relations between Japan and Korea, which are very much to the interest of both Japan and Korea, and also to the interest of the United States. They moved ahead at a very, very slow pace. They weren't finally achieved until 1965. The most specific disappointment I had was when our Congress refused to utilize $25 million of the GARIOA settlement. That was the return of $490-million by the Japanese to us toward the aid that had been given during the occupation. Twenty-five million of those dollars were earmarked for the development of further cultural relations between the United States and Japan. And this could have been put into a permanent fund for a permanent endowment of a foundation, and as such would have had many times the value of $25 million used anonymously, just appropriated year by year by the Congress. But the Congress insisted on just doling it out piece by piece . . .

Mr. THOMSON. Why?

Mr. REISCHAUER. Well, it simply has the rule that does not like to appropriate anything except year-by-year. And the departmental people could not convince them of the value of using the fund for a permanent foundation, investing the money and utilizing the interest from it.

Mr. THOMSON. Taking that kind of issue as an example, to what extent did you feel fully supported and backstopped by the State Department and the Administration on issues that you regarded as critical in these years?

Mr. REISCHAUER. Within the State Department there's what's known as the Japan desk, a group that has to deal with the Embassy, and that group always gave us magnificent support. But they're relatively low-ranking officers. The chief problem, I think, was to get the State Department sometimes to push hard enough for desirable things with Congress. I've always felt the State Department often is much too timid in its relation with Congress. And the other problem would be to get high-enough-level consideration of issues. Sometimes you had to shout pretty loud in Tokyo in order to get this high-level consideration, because people would be so involved in the problems of Vietman or China or other things that they would not have time for the lesser crises. . .

Mr. THOMSON. The problem of executive preoccupation.

Mr. REISCHAUER. Yes, that's right. Not enough people at the top levels can look at all the problems of the world, and therefore the crisis problems—even though they may essentially be less important than the long-range, slow-developing ones—get the most attention.

Mr. THOMSON. My own experience in this regard was that from about 1961 onward, every Far East assistant secretary we had—and I think there have been four—has really been an honorary Vietnam desk officer three-quarters to nine-tenths of the time. It's a terrible shame because we're forgetting that Vietnam is only one chunk of a much larger Asian picture. Preventive diplomacy goes by the boards.

Mr. REISCHAUER. I think you're absolutely right, Jim. Of course, you were in a position to see that much better than I. And I might say that if you had not been in the White House many of those years, we'd have not gotten as much attention for many things as we did.

Mr. THOMSON. I'm not sure that's a valid comment, since my own preoccupation was mainly with China. But does what you're saying also relate to what we periodically get from the Japanese—the complaint that we tended to take Japan for granted?

Mr. REISCHAUER. I don't think we get as much complaint on that from the Japanese as we used to. And I feel that the top people in Washington, when they stop to think about it, realize the vast importance of Japan. The trouble is that so much of the time they just don't have the leisure to think about Japan, and in this way she may be taken for granted.

Mr. THOMSON. The Japanese don't cause us enough trouble to force issues to the highest levels.

Mr. REISCHAUER. Not enough immediate trouble. The Japanese problem is where Japan will be in 1970. Will it be pulling its full weight, that it *can* pull, by 1975? People who are worrying about next week in Vietnam aren't going to think too much about 1970 or 1975. And by the time we get to 1970 or 1975, what happened this year in Vietnam may seem very insignificant. But Japan is sure to be vastly more important.

Mr. THOMSON. I've asked about how you were supported in Washington. How well were you serviced by your own people in the Embassy, and what sort of conclusions do you reach about the qualities, assets and liabilities, of the career foreign service?

Mr. REISCHAUER. Well, I thought I was excellently served in Japan. At the Embassy in Tokyo the people were loyal, hard-working, devoted, and completely willing to take the leadership of a person who had come in from the outside. I don't think we support our foreign service in this country the way we should. I think it's abominable the way we treat them.

Mr. THOMSON. How so?

Mr. REISCHAUER. Well, the penny-pinching attitude toward our whole diplomatic representation is not befitting the dignity of a country that is as great as the United States is. And it damages its interests, because we often do not have resources to do things which should be done—which can be done by much poorer countries, on a much larger scale, much more fully. This whole attitude, and the pinching of the whole diplomatic foreign service, means that we drive away a lot of talent. I'm surprised we have such fine people in it as we do, when I see how we treat them.

Mr. THOMSON. In regard to the financial pinch, how were you able to survive? You're not independently wealthy, and yet the post certainly made tremendous financial demands on you.

Mr. REISCHAUER. The Japanese Embassy, while one of our major ones and comparable

to our embassies in London and Paris and Rome, still has been one traditionally held by career foreign service officers who do not have money. This has been possible because Japan does not have a tradition of a kind of social life like our social life. So lavish entertainment is not significant in the job, as it may be in London and Paris and so on. It can be done on a much simpler scale there, though it's done on a very large scale. And the State Department, realizing that I had no outside funds, tried to make the appropriations for entertainment and other things more generous than they were before. The net result was that we managed to come close to breaking even.

Mr. THOMSON. Did you have to dip into savings or go into debt?

Mr. REISCHAUER. No, but I think probably some of my income from past writing did get diverted to keeping us afloat in Tokyo.

Mr. THOMSON. I've been somewhat depressed by the number of bright younger people who either don't enter the Foreign Service, or enter and depart after two or three years of frustration. What would be your advice, to college people? Would you urge them to join the Foreign Service despite the problems and drawbacks?

Mr. REISCHAUER. I think the possibilities for meaningful service are very, very great. If a person has enough drive to want to do that and face the difficulties, why this is a great thing for him to go into, because some of them will reach the really fascinating jobs and be very much rewarded. But they have to do it with a great deal of bravery. First of all, they often face many years of deadly dull apprenticeship before they get to the interesting jobs.

Mr. THOMSON. A process that I once heard praised as "the discipline of disappointment." But you would nonetheless urge young men to go in, with their eyes open.

Mr. REISCHAUER. If they have enough dedication. But they've got to have a great deal of dedication to stick it out.

Mr. THOMSON. I was surprised to see in the current issue of the Department of State Newsletter a message from the new Director General of the Foreign Service, Ambassador Steeves, which contains the following two sentences: "If a career service is a sound concept, and experience has proven that it is, then placement must have a strong presumption in favor of career officers. If a career officer can do the job adequately, we must be unswayed by information that a paragon of a non-career man is waiting in the wings for an offer of employment." What bothers me is that on the basis of that formula, a good many of the most distinguished appointments that were made in the first months of the Kennedy administration—outsiders like yourself, John Badeau, Professor Galbraith, Bill Atwood, Lincoln Gordon, and others—would simply not have been made.

Mr. REISCHAUER. Well, John Steeves is an old friend. And, after all, he's head of the trade union right now. If he didn't say that for his own trade union, it would simply seem rather strange. I don't think we should take that too seriously, because we've already learned from decades of experience that it's valuable to have outsiders come in.

Mr. THOMSON. Do you think it's advisable for men not to linger too long in jobs of such high level, and high pressure?

Mr. REISCHAUER. That's probably true. You need a kind of freshness. Both my wife and I did feel this lack of a sense of freshness—things that had once been an interesting challenge came to be merely irritations. There is this problem of just getting stale in a job. At the same time, I must say it was a fascinating job, and a wonderful life, and I gave it up with a great deal of regret.

Mr. THOMSON. This same concept of staleness, or tired blood, has spurred a good deal of criticism of the length of tenure on the Seventh Floor of State. This reminds me of the question someone asked Henry Stimson late in his life, "Mr. Secretary, how do you bring peace to the world?" Stimson said, "You bring to Washington a handful of people who believe that it's possible, and you work them to the bone until they no longer believe it's possible, and then you turn them out and bring in a new bunch."

Mr. REISCHAUER. Well, maybe I should ask you why you left Washington, after about the same length of service as myself.

Mr. THOMSON. Tired blood. I feel very strongly that you need to be refreshed, by moving to a new environment, by attempting to read and think and write and clear your own mind a bit, so that you can be of better service at a later time. What about you? Are you available for future employment?

Mr. REISCHAUER. If the right sort of thing came, that I felt I could make a real contribution to, of course I'd be available. Commenting on your tired-blood remarks, I think this is very much more true, perhaps, of Washington than in the field. Every time I went back to Washington, I was appalled by the exhaustion of people there, by the terrible rut of constant activity in which they were mired. Being in the field is a much more exhilarating experience than being in Washington. Your chief enemies are not your own colleagues in other parts of the government, as they are in Washington. You're looking outward, towards a big world, and I think you're less likely to go stale than you are in a Washington department.

Mr. THOMSON. You've hit on a very important point, I think—the amount of time and energy that is consumed in bureaucratic infighting. The amount of time and energy, for instance, that State must expend in trying to deal with Capitol Hill is a very disheartening thing. It takes a terrible toll on the people who work there. My own view is that *people* are infinitely more important than procedures, in the business of foreign affairs, and that turnover of people in high-pressure jobs is a desirable objective, within certain obvious limits.

"I DON'T THINK WE HAVE AN ASIAN POLICY"

Mr. THOMSON. You wrote a book in 1955 called "Wanted: An Asian Policy." How would you update that book? Do we have one yet?

Mr. REISCHAUER. No, I don't think we have an Asian policy, and I believe the basic points I was trying to make in the book are still worth making today. We still have not come fully to grips with the problems we face with this great mass of population—half the population of the world—most of it in underdeveloped countries facing great difficulties. I don't think we've really come to grips with the importance of nationalism. We talk about nationalism all the time, but we still have not realized that Asian nationalism is a thing that we must back more than anything else.

Mr. THOMSON. And that it will take a variety of disparate forms, often ugly—

Mr. REISCHAUER. Many disparate forms. But the very fact of backing Asian nationalism means the United States cannot take a leading role. Because we do not happen to be an Asian regime ourselves. We have to learn how to be strong in a supplementary role rather than a leading role.

Mr. THOMSON. I sense in those words an enthusiasm that Japan take the leading role.

Mr. REISCHAUER. No, I don't think any one nation should take the leading role. Of course, Japan has obviously got to take a much larger role in the future than it has in the past. It is a halfway outside nation, being a modernized nation located in Asia; but even its capacity to take a leading role is very definitely limited.

Mr. THOMSON. Though there have been a lot of striking changes in Japan's interest in pursuing an active foreign policy in—

Mr. REISCHAUER. Oh, yes, and as compared with the recent past, when it's taken virtually no role, why, there's going to be a great change in the near future, because she is moving into a phase in her history where she will be making a very large contribution to the future of the Orient.

"TO BE INVOLVED IN MAJOR FIGHTING ON THE ASIATIC CONTINENT, I THINK IS WRONG"

Mr. THOMSON. I suppose that the worst problem you faced in the latter part of your Japan service involved Vietnam. How much headway do you think you have made, and we have made as a nation, in explaining our purposes in Vietnam—first to the Japanese government, and second to the Japanese people?

Mr. REISCHAUER. We made maybe more progress there than almost anywhere I can think of. The initial Japanese reaction, in early 1965, to our bombings in the North, was almost catastrophic for Japanese-American relations. The Japanese became terribly excited and worried. It had a very adverse influence on the development of Japanese politics. There was a growing consensus coming in Japan, and Japan was getting ready to move out and take a more responsible role in the world. Her relationship with us had made great progress. But all three of these things were very much stopped—and to some extent, reversed—by this strong emotional reaction of fear on the part of the Japanese, particularly in the first half of 1965, because they saw this spreading of the bombing in North Vietnam leading very quickly to an American-Chinese war that would then somehow engulf them because of American bases in Japan and Okinawa. When this didn't happen, and we showed some ability to use restraint in our great military strength, they began to be somewhat less excited, but I must admit that all of 1965 was a year in which I devoted myself primarily to explaining what our fundamental aims were, and hopes, in the Vietnam situation, and what our problems were. I think we did, finally, get a better understanding. The Japanese reacted in a very good way to the effort, last Christmas, and the following weeks, when we stopped the bombing and did our best to get negotiations going, I think that finally convinced them of our sincerity and desire for a peaceful solution, and since then, they have been much more sympathetic. Now the Japanese Government, practically all along, has been fairly understanding of our position. The Japanese public has not. But it has gradually come to be at least less critical, and is beginning to give us the benefit of the doubt on our motivation, if not always on our actions.

Mr. THOMSON. You surprised some of your friends in recent months by sounding like a stronger supporter of our actions in Vietnam over these past several years than many of us had thought. I recall, for instance, that you shared my strong doubts, in the early part of 1965, about the wisdom of bombing North Vietnam. Have your views changed?

Mr. REISCHAUER. No. I felt that the situation we're in in Vietnam is obviously the kind of thing we should have avoided if we'd had enough perspicacity soon enough. We made a lot of bad judgments. To be involved in major fighting on the Asiatic continent, I think is——

Mr. THOMSON. Is wrong.

Mr. REISCHAUER. Is wrong, and almost everybody agrees that it's wrong. Where did we make our mistakes? Well, if you're a historian you can go back and say we started making mistakes in 1945, when we did not back Asian nationalism against the

survival of Colonialism, failed to take a clear stand because we didn't want to hurt our European friends, who were already hurt by the war in Europe. So we got off to a bad start and made some other poor decisions subsequently that gradually led us, by all sorts of small turns in the road, into an undesirable situation. Unfortunately, the historical road can't be retraced. You always stand where you are at the moment. I had doubts about the bombing of the North. These things you can never be sure about in advance, there will always be historical might-have-been arguments. But we're stuck with the bombing of the North now. You can perhaps gradually cut it off. My own feeling would be, probably that would be the wise course.

Mr. THOMSON. Looking over these years since 1961, what would you cite as opportunities lost, where we might have prevented the escalation of our involvement in Vietnam?

Mr. REISCHAUER. Well, I'm not nearly as much an expert on this as probably you are. I think we've been awfully slow in getting around to some of the more meaningful build-up activities—political build-up activities in Vietnam, which in the long run are going to be the answer rather than the military power. We're getting around to them slowly at last. But we could have started many of them years and years ago.

Mr. THOMSON. In my own view the last real opportunity to de-escalate was immediately after the election of 1964, when the President emerged with the largest mandate in history and could have brought about any solution to that problem he cared or dared to undertake. I believe he was ill-served by some of his senior advisors in the critical months between November '64 and January or February '65. Now this was very much the eleventh hour and a solution, a de-escalation and even a loss, would have been extremely hard to bring about and swallow. Nonetheless, the President did have the opportunity and the mandate. Since then I've seen no further opportunities for a radical shift in direction. Looking back from the present—with the appalling costs of Vietnam at home and abroad—I wonder if the President would do again what he did at that critical juncture.

Mr. REISCHAUER. I'm not so sure that the President, with his great mandate, could have done that much, because you know, thery faced a pretty dismal military situation.

Mr. THOMSON. What's your solution for Vietnam?

Mr. REISCHAUER. I think we just have to stick it through. I'm worried about the fact that all we can think of is a further escalation. I think the time has come to find ways to de-escalate the war, and certainly not let it escalate further. Beyond that, all we can do is stick it out.

Mr. THOMSON. A thing that people keep forgetting is the hope in Ho Chi Minh's heart—and not necessarily a vain hope. His point is that they live there, and we don't. And in due course, there is no place for them to go; but for us, there is always home.

Mr. REISCHAUER. Yes. But that's why we have to build up the South. They live there too. If we get enough of a system working there, that will be enough to hold the South someday.

Mr. THOMSON. To what extent do you think our escalation has been compounded by "rhetorical escalation"—the problem of having to sell the American people on an unpopular course of action, by invoking grandiose concepts, by phrasing our objectives in terms that are excessive for the situation? For instance, the unfortunate use in mid-1965 of the term "national honor"?

Mr. REISCHAUER. Yes, that sort of thing is unfortunate. On the other hand, you could probably argue that the Vietnam peace movement in the United States is helping to prolong the war more than anything else, because it's giving great hope to the other side that they're going to win on their present course. "Rhetorical escalation" on both sides challenges people who feel the other way to state their point of view too strongly, and this has a bad influence. If this were not a democracy, we could probably handle this much more easily. But this is true of practically all our foreign policies. They would not have to be explained, and thus perhaps overstated.

Mr. THOMSON. But the problem of dissent is built into our society, and I would argue that it is perhaps dubious, and certainly dangerous, to cite dissenters as factors in prolonging the war.

Mr. REISCHAUER. If you lived abroad, and saw the problem as it seems to be there, you would see that the more extreme manifestations of dissent—not the reasoned argument, which I'm all for, but the more extreme manifestations of dissent—are viewed all out of proportion to their real signficance, their real power in American political life, and give a very false picture of the United States.

Mr. THOMSON. And yet this is simply a built-in factor of our society, with which we must live. So you certainly don't mean to imply by what you say that dissenters border on treason and should be shut up.

Mr. REISCHAUER. No, that would be much, much worse. I just wish that dissenters—this of course is wishing more than human nature is capable of—would be responsible in their dissent.

Mr. THOMSON. Who is to determine the criteria of responsibility? The Secretary of State? The Chairman of the History Department at Harvard?

Mr. REISCHAUER. According to basic democratic philosophy, no one can decide it. All you can hope for is a more educated public, so that both support and dissent will be better argued.

Mr. THOMSON. Apropos of the breakdown in the dialogue with Japan and our dialogue with Japanese intellectuals, are you baffled by the alleged breakdown between the current Administration and the intellectual community in this country? Do you think it exists?

Mr. REISCHAUER. Viewing it from Japan, one cannot help but see some of the least attractive features of Japanese society appearing more and more in the United States. This breakdown between intellectuals and government, and some of the rather frenetic activity that is taking place around some campuses are very reminiscent of certain things in Japan.

Mr. THOMSON. Have you been picketed yet by American students?

Mr. REISCHAUER. Here? I haven't seen anything that looked remotely like a picket anywhere around Harvard or New England so far. And so I still have to judge just what the reality of this is. I do sometimes feel that there is a distressing tendency on the part of our American intellectual community to be more concerned with style than content as far as the government is concerned. In the present Administration I can understand what it is that bothers them. But I don't think this is a really intellectual reaction. This is an emotional and slightly petty reaction, which I don't particularly admire.

"IT IS IN OUR LONG-RANGE INTEREST TO OPEN DOORS FOR CHINA TO COME OUT INTO THE WORLD"

Mr. THOMSON. In talking about Vietnam and even in talking about Japan, I suggest that you and I have been tiptoeing around the central problem of Far Eastern policy—I mean the problem of our relations with that together with the control of nuclear weapons and the control of population growth, the "domestication" of the Chinese revolution in its relations with other states is the central problem confronting all of us and all of China's neighbors—beginning with the Japanese and Koreans, ourselves, the Soviets, the Indians, the Southeast Asians—over the next two or three decades?

Mr. REISCHAUER. Well, certainly the China problem is one of the great problems of modern world history, because China is such a vast mass, with such a large part of the world's population. I probably differ from you in feeling that on the whole we have tended to overemphasize it in the United States. We overemphasize the strength and the potentialities of China, rather than underestimate them. I think China is a smaller nation than you think it is. Japan is a bigger nation than China, for all——

Mr. THOMSON. You once proved this point rather well with a map.

Mr. REISCHAUER. I did two maps, to show to the Japanese public where Japan really stood in the world. One is by population, and when you look at it that way, why then East and South Asia, what we normally call Asia, seem to be over half of the total world, and China looks simply tremendous. When you do it by gross national product, which comes closer to being national power and potentialities for the time being, then you get a very different picture in which the so-called North is just overwhelmingly large, and you get little tiny tails like Africa and South America dripping off from this great North; and on this one, Japan, with a gross national product in 1964 of $68-billion, probably was somewhat ahead of China. Nobody knows what China's gross national product is, and you can get great differences in estimates. But in any case, Japan is either well past it, or is going past it very rapidly. And since what she produces is eaten up by only 100-million people, rather than 700-million, you can see how much more is left over to do something with, if they want to do something with it. So in this sense it's a much bigger country.

Mr. THOMSON. Are you generally satisfied with the progress we have made over the past five or six years in attempting to reclaim Communist China to the community of nations?

Mr. REISCHAUER. Obviously we've made no progress at all. We've gone backwards. And leaving aside how big this problem is—we'll both agree it's awfully big—I feel that this is probably the area of our foreign policy that has been least satisfactory, and I would feel myself least in agreement with what has been accepted policy. I did not leave Japan because of any difference of opinion on this, because this did not really fundamentally affect my role there. But I do feel some disagreement, in that I think the long-range problem is to get the Chinese Communists back in touch with the outside world, so they begin to learn something about it, and eventually begin to accommodate to the realities of the world. Our policy doesn't seem to be aimed in that direction at all. It seems a much more short-sighted policy of somehow temporarily keeping them away from the world, for immediate benefits, rather than thinking about the long-range interest of trying to get them to know the world better.

Mr. THOMSON. Then you would agree that we should attempt to break down the barriers of China's isolation, regardless of China's present state of behavior, and regardless of Peking's predictably negative response to our initiatives?

Mr. REISCHAUER. Of course, yes. I think we ought to make it clear that we would like to see a time when the Chinese Communists are willing to come into the United Nations on the terms of other countries coming into the United Nations, and that we are hoping for a time when they will allow us to have normal relations with them.

Mr. THOMSON. Many of us in Washington who worked on the China problem felt that after the tie vote in the United Nations last autumn, we were given an opportunity this autumn to change our strategy—to permit a two-China solution or what Professor Fairbank refers to as a "dual-representation" solution. Either through taking the lead ourselves, or more appropriately, through letting other nations such as Canada, Japan, Nigeria, etc., move ahead with our good wishes. It was our view that at a time when we were demonstrating as never before our firm anti-Communism in Vietnam, we had an ideal chance to move on the China question this autumn. And you would have supported?

Mr. REISCHAUER. Oh, of course I would have. Almost to a man, those who know much about it do think this way. Actually, the tie-vote aspect of it is not the real reason. That's a reason why some doubters might be convinced to change their minds, but it'd be the wrong reason for doing it. I mean, it is in our long-range interest to open doors for China to come out into the world. She won't go through those doors for a long time, but there's no point in our keeping the doors closed.

Mr. THOMSON. In this regard—some distinguished statesmen to the contrary—the United Nations is a reform school; it certainly isn't a Good Guys' Club. It is one of several places in which paranoid, outlaw nations can try to face life in the Twentieth Century, and gradually learn how to behave. It's an ideal place for group therapy. Of course, it wouldn't make life easier for the rest of us, because we already have enough problems there already; but I don't see that it would cause major new problems. I'd be fascinated to see what a Chinese delegation in New York would do in devising a strategy of behavior—vis-a-vis us, vis-a-vis the Soviet Union, and vis-a-vis the neutral nations. It would cause them immense policy problems, far beyond any it would cause us. At the same time, there would be no harm in having seventy or eighty Chinese with their eyes opened by life in New York City.

Mr. REISCHAUER. If the Chinese were in the United Nations, of course they could do disruptive things. But I think they'd find that the difficulties for them would be very much greater than they are for us, just as you pointed out. Of course one basic problem is what one does about Taiwan. Chinese are worried about the concept of there being two Chinas. We don't care how many Chinas there are. We just recognize whether or not governments exist, and there are two political units—one that controls the island of Taiwan, another that controls the mainland. But we shouldn't define whether there are two Chinas, two successor states, or what. That's their problem.

Mr. THOMSON. You have pointed out, I think, that Japan is the one country that comes closest to sharing our view of Taiwan.

Mr. REISCHAUER. One of the difficulties in Japanese-American relations has been the fact that the Japanese have a much greater emotional closeness to China, and have felt a much greater emotional urge, a push, to have normal relations with Communist China. And they have, until quite recently, blamed the fact that they did not have normal relations with Peking on the fact that they're closely associated with us. Now they're beginning to see the reality, and actually they're in exactly the same position we're in. They're the only other major country that is really very much interested in Formosa, for historical, emotional, trade, and other reasons; and as long as the two Chinese regimes insist that you cannot recognize both of them, the Japanese find themselves in exactly the same position we're in.

Mr. THOMSON. I want to take exception to the point you made about our total lack of progress on China policy over the past five years. I would much prefer to have said that myself, but to modify it by adding that we did make some progress: it took us five years to spring the travel package, which had bounced up and down to the Seventh Floor and back from 1960 onward; last December, with fear and trembling, we finally did allow doctors to have validated passports for travel to Communist China; and we've now expanded the categories, and the results have been, on our side, entirely peaceful. The press and the Congress have supported these moves.

Mr. REISCHAUER. In absolute terms, yes, that is a small progress. But when you look at how fast history flows along, we're losing ground relatively.

Mr. THOMSON. True. Let me just add, though, that we have also changed our rhetoric on China. This creates a container into which you can pour substance. We have not yet poured the substance, but beginning with Secretary Rusk's testimony at the Zablocki hearings last March, the Vice-President's use of the term "containment without isolation," and finally the President's use in July of the concept of "reconciliation" with mainland China, we have moved very far along the rhetorical road. That leaves content still to be devised—other unilateral initiatives besides the end of the travel band.

Mr. REISCHAUER. I think we've made great progress there, in the rhetorical way. I think one of the problems, though, is that we have *this* rhetoric, and conflicting rhetoric that also goes on at the same time. It takes only a rather small change to eliminate that other rhetoric and stick to the containment-without-isolation, peace-and-reconciliation, phrases of this sort. I think it might be just a very small change that would bring us to the kind of policy that you and I are both advocating. We're almost there.

Mr. CLARK. Mr. President, this article sets forth a very stimulating and interesting colloquy between Ambassador Reischauer and James Claude Thomson, Jr., who recently left the White House staff to accept an associate professorship at Harvard University. The article brings out in dramatic style the point of view toward our Far Eastern policy held by our former Ambassador, with which I find myself in complete accord, and which differs to a substantial extent from the official line of the Department of State. I hope that readers of the CONGRESSIONAL RECORD will note the important comments made by Ambassador Reischauer, and that they will be guided accordingly. A good, hard look should be taken at this article.

ASIAN AND VIETNAM POLICY

Mr. CLARK. Mr. President, I am satisfied that President Johnson is now turning toward a peace offensive and away from the advice of the warmongers, away from the advice of those who advocate winning by total victory in a holy war against godless communism, and who would rather fight than switch. This new peace offensive deserves the support of all of us.

Mr. President, in that connection, I ask unanimous consent to have printed in the RECORD an interview with President Johnson which appeared in America Illustrated, the American magazine published by the U.S. Information Agency, which is circulated in the Soviet Union.

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

[From America Illustrated, September 1966]

INTERVIEW WITH PRESIDENT JOHNSON

Question. Mr. President, 10 years have elapsed since the United States and the Soviet Union began to exchange *America* magazine and *Soviet Life* in an effort to achieve better understanding between our countries. I wonder, sir, if you would comment on the state of relations between the two countries over the past decade?

Answer. That's a question frequently asked, and one which is always difficult to answer. It is easy to be a hopeful optimist—and just as easy to be a fearful pessimist. What is important in these complicated times is to be a realist. Time and again, in many parts of the world, we and the Soviet Union find ourselves on the opposite sides of a question. But, over the years, we've gained a lot of experience in working out many of our differences. And we've taken a few very important constructive steps together. I have in mind the Nuclear Test Ban Treaty, which forbids testing of these destructive weapons in the atmosphere or under the ocean and thus eliminates the dangerous hazard of fallout. I also think of the history of the cultural exchange program which broadened the opportunities for our best scientists, teachers and artists to share their creativity with one another. These are positive, concrete steps. They help create a more favorable atmosphere for further steps, and further normalization of relations between countries. My prayerful hope is that they will endure and expand, despite differences of view we may have.

Question. What do you consider to be some of the future possibilities for additional constructive steps?

Answer. I think we must work toward progress in the field of disarmament and in greater cooperative efforts between our two countries in space exploration, medical research and communications. This administration strongly supports these efforts. And then, too, there are what you might call the basics.

You know, in Texas, when we go to buy a farm, we don't put too much importance on the man-made disappointments—like a run-down barn or a badly fenced pasture. A good farmer goes out to the fields and sees what's growing. He stoops down and tastes a little bit of the soil. He looks at the stock and the streams and the spring. If these are ample or can be made so by the sweat of his brow, the farmer knows the place holds a future. I grew up on that land. Some of it was mighty poor and rocky—but some of it was good. I learned not to be afraid of disappointments—of the weeds and rocks—but to value the good soil and the hard, constructive work.

I think there's considerable good soil for U.S.-Soviet relations to grow and prosper with the right cultivation and care. We have more in common than we sometimes realize. I have considerable faith in the people of the Soviet Union. We are both large countries. We both possess an incredible variety of natural resources. Our people are energetic, generous and talented. We Americans really came to know and to admire the Russian people in World War II. And, I hope, they share some of the same feeling for us. So, I would say that our people are more naturally friends than enemies. I would like to see us exchange goods and ideas and technology—all of the means to achieving common progress and prosperity.

Question. Mr. President, this decade has been one of economic progress for both the

United States and the Soviet Union. Does this progress directly affect the issues of war and peace?

Answer. This decade of progress has undermined the goals of those who have preached that the ideological differences between America and the Soviet Union must inevitably lead to war. We see now that we can both prosper in spite of the differences. The two nations have never gone to war with one another. The fact is that no two nations have more to lose in war than the United States or the Soviet Union.

The past 10 years are a good example of what I mean. Just think how much we've achieved here in America: We've reached out into space, we've begun a new era of progress for our Negro citizens, our poor, our elderly, our students. We've realized so many of the dreams of the New Deal of the 1930's and 40's. We were prompted to act then because of a great depression. Today, we are acting at a time when our economy is at the highest point in history. But we want to have all our people share in our bounties. And we want to inject excellence into all aspects of our national life—on our farms, in our cities, in our classrooms, in the arts, in our factories. This is the Great Society.

But we are not the only ones building on our dreams. Think of what the Soviet people have accomplished after experiencing a most destructive war in which they lost 20 million people. They have not only rebuilt their country, but they also have achieved splendid technological and scientific accomplishments. Neither country would like to see all these advances go up in smoke.

Question. Do you think then, sir, that we have reached a point in our relations with the Soviets where both sides accept the proposition that nuclear war is impossible?

Answer. There is no question but that the American people and the Russian people are absolutely opposed to war. I wish I could say that nuclear war is impossible. The United States, as I said before, will never start any war, nuclear or otherwise. But this world of ours is filled with dangers. We can never know what may suddenly erupt to bring new tensions and threats to the peace.

Under President Kennedy's leadership we proposed the most comprehensive plan yet advanced for general disarmament in stages, so that no nation would be at a disadvantage at any stage. Pending action on this broad plan, we have proposed a treaty to curb proliferation of nuclear weapons and to reduce stockpiles. We hope that current disarmament talks will produce progress toward such a treaty. This government has devoted considerable time and effort to this problem. In fact, we began negotiating right after the war. At that time we were the only nation in the world with the atomic bomb, but our reason then was no less compelling than it is today: the world simply cannot be free of danger as long as any nation possesses a nuclear arsenal. But general disarmament will not, in my view, become a universal fact until we can develop a compelling substitute for armed might in international relations. Once we had a terrible bloody war between the states here in America. Since that time, we have established a rule of law that regulates our national life and shapes the relations between the national government and the state and local governments. I think that the United Nations, through principles enunciated in its founding charter, points the way toward a truly ordered structure of world law.

World law can bring world order. But it also must reflect the desires of men and nations. When law ignores this cardinal principle, law itself is ignored. I think we may be evolving a world consensus on which law can stand. For example, in the time since I became President, the United States has participated in more international conferences—about 650, I believe—than during the first 150 years of our history. And so, I believe we must pursue avenues of cooperative effort and agreement with the Soviet Union wherever they are to be found. We've got to get into the habit of peaceful cooperation. The Test Ban Treaty was a significant step. There have been others since 1963. We have agreed not to put bombs in orbit, we are working together on a number of other important ventures—in desalination, weather information, exchanges of scientists, artists, and yes, magazines.

Question. What about the ideological barriers, Mr. President? Do you think we can really find social and political accord with the Soviet Union as long as we are in such diverse ideological camps?

Answer. I think both sides must realize that neither is going to convert the other. The United States has no interest in remaking the Soviet Union in our image. And I don't see any evidence that America will go communist. I think that the real interests of nations transcend the ideological differences. For instance, some of the nations with which we work closely have moved toward planned economies. But this makes no difference to us—or to them. We work together out of mutual trust and respect and because we share many of the same ideals and aspirations.

We Americans believe that our democracy and our system of a mixed economy with a wide scope for free enterprise works best for us. But we support and respect the rights of all peoples freely to choose their own system. We oppose the practice of imposing one's system on others. If everyone would abide by the principle of self-determination and reject aggression and subversion, the world would be a happier place.

Question. Mr. President, as a practitioner of what has been called "consensus politics," I wonder if you would comment on the differences between achieving a popular consensus for your domestic programs and for matters dealing with foreign policy?

Answer: We are a democracy, and Americans have the basic right to disagree with any policy of their government—foreign or domestic. As we well know, Americans are not bashful about using this right. Now, there are a few important points I'd like to make about achieving a so-called consensus. First, I am a firm believer in the principle of national unity. I believe that our people have more reason to work together than apart to build a country we can be proud of. We may divide along many sectional, regional, political and special interest lines on the best way of approaching some of our problems—but I do think the vast majority agrees on what our problems are and the need for doing something about them. The challenge then is for the President to assert his leadership, to take a position on these issues by formulating legislative programs on which the Congress can act. The Congress, of course, can reject the President's programs—and it often does. But a President must do what he thinks is right. He must think in terms of the national interest and the nation's security—even if this means stirring up some segments of public opinion, no matter how vociferous. I confess that on the home front it is easier for the public to understand what an Administration is trying to do. They see that some of our schools are overcrowded, that we must do something to help our Negro citizens, that we are rapidly outgrowing our cities, and they are responsive to programs that seek remedies. But when the President takes an extremely serious step in foreign matters, then it is really a more difficult proposition for people to grasp. Certainly, there are dissenters—those who disagree. But the great majority of the American people strongly support their government. You know, the concept of consensus politics is just one expression in day-to-day political terms of the fundamental proposition of American government—government by consent of the governed. Either a President has achieved a popular mandate in office, or after his four years were up the people achieved a consensus of their own and voted him into retirement. So, in either case, the principle of government by consent of the governed has always been upheld.

Question. Mr. President, what are your hopes for the next 10 years?

Answer: You know, I've been in public life now for 35 years. And it's a sad commentary on the human condition when we realize that not once in any of those years has the world been wholly at peace. We've seen a lot of social and scientific advancement in the past 10 years. My hope for the next 10, like any sane man's hope, is that this will be matched in building a peaceful world. Then we will have something really to be proud of. Peace, after all, is the bedrock of all our hopes. Without peace, all of our work and progress come to naught. Think of all the important and beneficial work that the United States and the Soviet Union could undertake with the vast sums now being spent on the instruments of war. Why, it staggers the imagination. We could use that wealth to help the two thirds of the world that is afflicted with poverty, hunger, illiteracy and disease. These have-not nations want their place in the sun, their chance for a better life. And as I have often said, the wall between the rich and poor is made of glass, through which all can see. Men everywhere want the opportunity to grow, to become what they are capable of becoming. And this has a special meaning for me. Fifty years ago I stood as a boy in the Texas hill country and wondered whether there would ever be any opportunity beyond those hills. We who have attained our dreams must respond to the dreams of others—the revolution of rising expectations. I hope we can work toward a world of greater interdependence among nations—where countries will increasingly cooperate in economic, social and cultural undertakings.

The United States and the Soviet Union still have an agenda of unresolved differences, some of them quite serious. I believe we can settle disputes, honorably and peacefully. We in the United States are determined to try. What has changed in recent years is not the size of our problems, but the means for solving them. The United States and the Soviet Union now possess—for the first time in history—the technology and productive capacity for extending mankind's benefits to all men. The alternative, of course, is that the world can fall victim to its fears and antagonisms and plunge humanity into the nuclear abyss. I happen to prefer the positive way.

Question. Do you see any indication that we can achieve this "positive way?"

Answer. Oh, yes, I do. I think that cultural exchange between our two countries is extremely important. We must get to know each other better. The political realities are such that we too often dwell on one another's mistakes and weaknesses. Let's admit that every nation has its infirmities. We all make mistakes, and injustice is not the product of any one geographic area. That's why I value this magazine exchange: *America Illustrated* and *Soviet Life* show what both countries are doing in constructive social and cultural ways. Here, both nations put their best foot forward, show their best products, their finest accomplishments, their creative ability. This is a most positive step toward better understanding. And understanding is essential to the quest for peace.

As I said earlier: If you take an objective look at our two countries—not just at the issues which divide us—you see the two most powerful nations on earth with every reason to want peace and no rational reason to want

war. I am an optimist about mankind. I believe men, with enough effort, can get what they want. And so I believe that the good soil will prevail over the rocks and weeds. The responsibility for the future rests in large part on the United States and the Soviet Union. We differ on many things. The Soviet leaders are often convinced of the rightness of their actions when we think they are wrong. And they sometimes think we are wrong when we feel strongly that our cause is just. As great powers, our two nations will undoubtedly have commitments that will conflict. But there is one commitment I hope we both share: the commitment to a warless world. However you define it, this is mankind's age of greatest promise. We must move toward it—not toward war. We must find ways toward disarmament and an international rule of law strong enough to take the place of arms.

As President of the United States, as a citizen of this troubled planet, as the father of two daughters who want to bring children into a peaceful world, I say we not only want peace—we in America are willing to expend every effort to achieve this goal. And, really, as responsible citizens living in the nuclear age, we can do no less.

Question. Thank you, Mr. President.

Mr. CLARK. Mr. President, I ask unanimous consent to have printed in the RECORD the lead editorial in the Washington Post of today entitled "Brezhnev's Reply."

The PRESIDING OFFICER (Mr. INOUYE in the chair). Without objection, it is so ordered.

The editorial was ordered to be printed in the RECORD, as follows:

BREZHNEV'S REPLY

The negative response of Leonid I. Brezhnev, head of the Soviet Communist Party, to the peace overtures of President Lyndon Johnson is disappointing. It is hardly dismaying. And it certainly is not surprising.

The Communist Party, at Brest-Litovsk in 1917, introduced its own brand of diplomacy and it has not often parted from the principles then embraced. It is a diplomacy that derived its novelty and originality from two considerations. The first was that it involved, no longer, the objectives of diplomacy of the old order. It was no longer a diplomacy aimed at reconciling the views of nations in general agreement within the old framework of Europe. It was a diplomacy aimed at breaking up the old order, not at preserving it. It was a diplomacy, moreover, conducted not so much between the negotiators as it was over their heads—to the opinion of the world.

The Brezhnev response is faithful to these old Bolshevik conventions. Peace is not something to be sought for its own virtues, but for whatever can be got out of it for communism. Diplomacy is not a matter of negotiating with other heads of state or their representatives but a matter of propaganda.

Still, it is not altogether unpromising. Since the outlines of the nuclear age were made clear in the Cuban missile crisis, Soviet diplomacy has had to put a value on mutual survival as the diplomacy of the world did before World War I. And that instinct has not been abandoned entirely, at this time, in spite of the customary abusive words and epithets that have so often disfigured the expression of Soviet views.

The suggestion that the Soviet Union would like to develop mutually beneficial relations with the United States is worth something—even if the situation in Vietnam, in Mr. Brezhnev's view, now precludes this. Sooner or later, perhaps sooner rather than later, the situation in Vietnam will change. And then the door will stand open for "mutually beneficial" relations.

This country, on its part, should do nothing to close it. The friendly proffer of "peaceful engagement" has been somewhat rudely rebuffed. It will not and of course should not be withdrawn. A "peaceful engagement" will be brought about, one day, through the irresistible compulsion of a sheer instinct for survival. It may never very closely resemble the cordial and fraternal relations that passed as "peace" in some earlier periods when great powers operated within the framework of universally accepted institutions, systems and values. But it will suffice if it prevents destruction. Efforts to achieve such a peace must not flag, even if overtures for peace meet with rebuff a thousand times.

Mr. CLARK. Mr. President, the editorial points out that we should not be discouraged in our efforts toward "peaceful engagement" with the Soviet Union.

The editorial also points out that Russian diplomacy does not always reveal the true view of the Soviet Union, which, in my opinion, is toward a long-range detente with the United States.

Mr. President, I ask unanimous consent that an article entitled "The Rich and the Poor: 1966," by Paul G. Hoffman, which appeared in the Saturday Review of September 17, 1966, be printed in the RECORD at this point.

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

[From the Saturday Review, Sept. 17, 1966]

THE RICH AND THE POOR: 1966

(By Paul G. Hoffman)

It's a rich world for some—and the rich are getting richer. In 1965, the more developed countries, including the United States, Canada, most of Western Europe, the Soviet Union, Japan, Australia, New Zealand, and South Africa, had a Gross National Product of approximately $1.4 trillion. What is more, the $1.4 trillion figure is increasing by $40 billion to $50 billion annually, thus assuring the one-third of humanity living in the richer countries a rapidly rising standard of living.

But is is a distressingly poor world for most. The estimated Gross National Product for the less developed countries, excluding China, is about $250 billion a year. While this figure is going up by some $10 billion to $12 billion annually, population growth is cutting the average annual increase in per capita income to 1 per cent. At this rate, the people of the less developed world will not reach even a $200 level in average annual per capita income by the end of this century. For hundreds of millions of people the average will be close to $100.

The contrast between riches and poverty on our planet is one of the tragedies of this century. "In an age when man is literally soaring to the stars," U.S. Ambassador to the U.N. Arthur Goldberg has said, "he has not yet managed to raise to decent heights the conditions of life for some two billion of the earth's three billion people" On a planet of unimaginable wealth and potential, some 3,000,000 human beings are dying each year as a result of starvation and nutritional diseases. At a time when the frontiers of knowledge are expanding at an explosive rate, a majority of men live and die without benefiting from the wonders of science and technology.

Poverty, of course, is nothing new. What is new is that the poor no longer accept poverty as an inevitable way of life and are determined to do something about it. What is also new is that for the first time in history men command the means to launch a global attack on poverty. Many of the developed countries have devoted substantial resources to bilateral and multilateral development assistance programs. In designating the 1960s as a Development Decade, the United Nations has called upon all member states to unite in a substanted world war on hunger, disease, ignorance, and poverty.

There is much confusion as to the dollar value of goods and services flowing from the richer to the poorer countries for development purposes. My estimate, based on the study of many conflicting reports, is that it was approximately $11 billion in 1965. It should be added, however, that only about half of that $11 billion represents a burden on the world's taxpayers. The other half represents private investment and commercial loans meeting strict banking criteria.

What has been largely overlooked in appraising the flow of development capital from the richer to the poorer countries is the contra-flow of resources. In 1965, this reverse flow, consisting of interest and dividend payments and loan repayments, amounted to approximately $4.5 billion—leaving a net development assistance total of $6.5 billion. It has also been overlooked that, from 1961 to 1965, the annual flow of development resources to the emerging nations increased by less than $1 billion. As a percentage of Gross National Product, less was devoted to development assistance in 1965 than in 1961. The figure now stands at little more than one half of 1 per cent, despite wide agreement that at least 1 per cent of Gross National Product should be devoted to development purposes. What has occurred in the United States is indicative. Though this country's Gross National Product has jumped by some 35 to 40 per cent since 1961, U.S. foreign aid expenditures are no larger today than they were five years ago.

The contrast between what has been happening to resources allocated for development and resources allocated for defense and weapons of destruction is sharp and devastating. While the amount of funds set aside by the richer counties for development assistance purposes has remained almost static, appropriations for armaments and war purposes have increased from $120 billion to $150 billion since 1961.

It is a rich world—and a mad one.

What explains this apparent unwillingness of the richer countries to devote more of their resources to meet the enormity of the development challenge? In the first place, the very concept of utilizing one's own resources to assist others in the development of their country is a new idea. Being new, it has been subject to misunderstanding. Many believed, for instance, that foreign aid could and should be used to win friends. Before long, however, it was evident that the countries of the less developed world could not be bought, or, if bought, were hardly reliable allies.

In addition, the staggering dimensions and complexity of the development process were little appreciated in the early days of economic assistance. People had the notion that the developed countries merely have to export their know-how. What was not realized is the fact that whole nations have to be brought to the point where they want and appreciate know-how. Some people had a different notion—that money alone can solve all development problems. They ignored the reality that meaningful development cannot occur unless people are educated and trained in a variety of skills. Capital is a vital factor in a well-rounded development program, but it is only one factor among many.

To build the necessary skills and administrative institutions is a complex and time-consuming affair. Thus, development is not, as some supposed, a task which will take years, but one which will occupy men for decades and perhaps even generations. The quick results achieved by Marshall Plan aid to Western Europe cannot be duplicated. The Marshall Plan had the relatively un-

complicated job of speeding recovery from wartime destruction in an area which possessed all the necessary skills and facilities for rehabilitation. Present development efforts, by contrast, must often start at the very beginning—a vastly more difficult proposition.

Considering all this, it is not altogether surprising that both the public and the national legislatures in some of the richer countries should have become disenchanted with the entire development effort. In fact, when the taxpayers hear that in certain respects the plight of the poorer countries its worsening—for instance, in some areas of Asia and Latin America there is less food per capita today than there was at the beginning of the decade—they sometimes doubt that any amount of assistance can help solve the problems of the emerging nations. For these and other reasons, impatience and exasperation with foreign aid have grown over the years.

But there is a bright side to the development story. It is not the lack of resources, physical or human, which is responsible for the plight of the poorer countries. Almost without exception, they possess sufficient resources to assure a more decent life for all their citizens. What is responsible for the poverty of these countries is the underutilization of their resources.

Recently, I put two questions to a cross section of members of the Society for International Development, the only interdisciplinary organization in the development field. I asked them, first, what percentage of the total natural resources of the emerging nations is currently being put to productive use; and second, what percentage of these countries' human resources is now being utilized? You may find their answers rather startling. The average estimate of present natural resource utilization was about 20 per cent of annual capacity, and that of human resource utilization, only 10 per cent. This means that almost 80 per cent of the natural resources and 90 per cent of the human resources that exist in two-thirds of the world remain, as yet, untapped.

Despite this underutilization of resources, a number of the less developed nations have made spectacular progress. These countries are located on all continents, are in various climatic zones, and are of widely divergent cultural backgrounds. But they have certain marked similarities. In each instance of successful development effort there has been a strong determination on the part of the government to modernize and to make necessary sacrifices. Political conditions have been reasonably stable. Economic policies have encouraged savings as well as public and private investment. Finally, a sizeable volume of external assistance has been forthcoming.

The face of progress and of enlarged opportunities assumes many different forms. Africa's Ivory Coast has increased its per capita income at an average rate of 10 per cent a year since 1960. At least twelve countries—among them, the Sudan, Tanzania, Mexico, the Philippines, and Thailand—have increased their average annual agricultural yield over a sustained period at a rate higher than that ever achieved by the United States or any other developed country over a similar period.

Five countries—Greece, Spain, Israel, Lebanon, and Taiwan—have made such satisfactory economic progress that they have "graduated" from the U.S. aid program. Other countries, such as Brazil, Chile, and Turkey, may graduate within the next decade. Still others, such as Pakistan, South Korea, and Tunisia, have made more economic progress in recent years than most observers would have thought possible.

Thousands of strands make up the development story. The daily catch of Ceylonese fishermen has been multiplied many times over by equipping their vessels with outboard motors. In El Salvador, an underground reservoir containing enough water to double agricultural output in the surrounding area has been discovered. A new strain of rice may make it possible for Asia to double its output of that essential crop.

But development prospects cannot be measured in these terms alone. The world knows a good deal more about the development process now than it knew a decade ago. Then, there were few professionals in the field of development assistance; now there are thousands. The self-help efforts of the emerging nations are increasing yearly. In addition, an impressive number of international institutions, as well as individual countries, are deeply involved in development assistance. While the times are certainly difficult, never have they been more auspicious.

However, almost all knowledgeable people in development assistance agree that this promise will not be realized unless the present $6.5 billion net flow of resources from the richer to the poorer countries is increased. The surprising thing is how little additional capital it would take to step up sharply the pace of world development.

An increase of two types of assistance is necessary. The first type is so-called "soft" loans which bears no or very low interest charges, are long term, and usually provide for initial grace periods. Since many emerging nations are already burdened by excessive debt repayment obligations, this load should not be unduly increased by new "hard" or regular commercial loan obligations which would only force the low-income countries to divert precious funds from development projects. In 1965, the emerging nations received approximately $1.8 billion in soft loans. By 1970, it is vital that the amount provided annually in soft loans be increased by at least $1 billion, making a total of $2.8 billion.

An additional amount of funds and resources must also be devoted to preinvestment assistance projects. This refers to those activities, such as resource surveys or the establishment of training institutes, which help a country uncover economic opportunities, develop its human resources, or strengthen its administrative services, and thereby boost its capacity to attract and absorb additional development assistance and investment of all types. Until such infrastructure is built, development cannot take place. By 1970, it is essential that the present $500 million devoted to pre-investment work be doubled to $1 billion a year.

The additional $1.5 billion for soft loans and pre-investment projects would generate a flow of several times that amount of assistance to the developing countries in conventional investments and hard loans. This increase in soft loans and pre-investment seed money could well trigger a growth in net capital flow from the present $6.5 billion to $12 billion or $14 billion annually. Can the taxpayers of the richer countries claim that the additional $1.5 billion, an expenditure which would bring such rich dividends, is too much of an added load?

The experience of the United Nations Development Program—established in November 1965 when the General Assembly consolidated the activities of the U.N. Expanded Program of Technical Assistance and the U.N. Special Fund—illustrates the catalytic effect of seed money. Following a feasibility and survey study supported by the U.N. Development Program, a $220.5 million hydroelectric complex which, when completed, will be Nigeria's chief source of power, was begun with credits supplies by the World Bank, the United States, the United Kingdom, Italy, the Netherlands, and Canada. The Nigerian Government is providing local currency to pay for local costs.

This is just one example. Currently, the U.N. and its family of related agencies are assisting more than 3,000 large- and small-scale projects in 150 developing countries and territories. This global partnership has already harvested a rich return. More than $1.4 billion in investment has followed twenty-eight major U.N. Development Program pre-investment projects, undertaken at a cost of $35.7 million to the Development Program and the countries involved, which supplied more than half the expenditures. While it would be unrealistic to expect this high rate of follow-up investment to continue, it is not too much to assume that, in the future, every $100 million spent on pre-investment projects will produce a billion-dollar flow of investment capital.

If the international war on poverty is to succeed, it will require a great effort—greater than that which has been made thus far—on the part of all nations. Apart from maintaining the peace, in fact, nothing demands greater attention or effort. This is so not only for compelling humanitarian reasons, but also because global development bears a close relationship to the future prosperity and peace of the entire world.

The economic rewards of development are considerable. The people of the less developed countries comprise the world's largest potential market. They represent the new economic frontier. As income increases, so does purchasing power. Secretary of Agriculture Orville Freeman estimates that every 10 per cent increase in per capita income abroad results in a 16 per cent increase in the commercial exports of the United States. And every $1 billion worth of additional exports creates more than 100,000 jobs in this country.

The more developed a country becomes, the better a customer it is. The present biggest export customers of the United States are the most highly developed nations—the countries of Western Europe, Japan, and Canada. With a population of 20,000,000, Canada buys more from the United States than does all of Latin America, which has a population of almost 250 million. American export sales to Japan have more than quadrupled since U.S. postwar assistance ceased. Mexico, a country which has made substantial development progress, has more than tripled the value of its imports since 1950. If nothing else, development assistance is a sound, long-range business proposition because it builds markets.

Even as a short term proposition, economic assistance is an asset to U.S. business. More than 80 per cent of all U.S. aid dollars are spent on goods and services purchased in this country. In fiscal 1964, U.S. firms did $1 billion worth of business by supplying aid recipients with a variety of materials and commodities, ranging from steel to fertilizer. In 1965, American shipping firms collected $80,000,000 in transportation fees for carrying aid-financed products to their destination. U.S. colleges, consulting firms, and other organizations hold nearly half a billion dollars' worth of aid contracts for technical assistance projects. Altogether, the U.S. foreign aid program is directly responsible for more than half a million jobs in this country.

The political rewards of development are also considerable. People in economically backward nations are readily incited to violence, too often believing that this is their one avenue to progress. If our goal is to build a stable world dominated by the rule of law rather than by the specter of lawlessness, it is imperative that all nations join in an endeavor to attack and overcome the social and economic conditions which produce instability. Indeed, if increased stability eventually caused a decrease in the

sums spent for arms, then development would, in effect, be financed by shifting funds from war-making to peace-building and would be no added burden on the taxpayer.

The need is clear. What the world does in the remaining years of this decade is crucial, for the development assistance given now is preparing the ground for the much more substantial progress which must be made in the 1970s. Surely the stakes are worthy of man's best efforts. "International development is the great imperative of our generation," Canadian Secretary of State for External Affairs Paul Martin has said. "There is no doubt in my mind that our generation will be judged in history on the success or failure of our efforts in the greatest human adventure of all time."

NOTE.—The author, Paul G. Hoffman, former president and board chairman of the Studebaker-Packard Corporation, is administrator of the U.N. Development Program. He also has served as Marshall Plan administrator (1948–50), president and trustee of the Ford Foundation, a member of the U.S. delegation to the United Nations, chairman and trustee of the Committee on Economic Development, a member of the Business Advisory Council, and in many other public and quasi-public posts. His books include *Seven Roads to Safety, Peace Can Be Won,* and *World Without Want.*

Mr. CLARK. Mr. President, Mr. Hoffman makes the point that the gap between the wealthy and the underdeveloped nations is widening, while the proportion of gross national product devoted to aid is shrinking.

He asks, why?

I reiterate the question, having pointed out the same facts on the floor of the Senate a good many times.

Mr. President, I ask unanimous consent to have printed in the RECORD an article written by Henry Steele Commager, entitled "Can We Control the War in Vietnam?—What history tell us about 'limited conflicts,'" published in the Saturday Review for September 17, 1966.

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

[From the Saturday Review, Sept. 17, 1966]

CAN WE CONTROL THE WAR IN VIETNAM?—WHAT HISTORY TELLS US ABOUT "LIMITED CONFLICTS"

(By Henry Steele Commager)

It is in Vietnam that we are fighting, but the ultimate enemy—so we are assured with anxious eloquence—is China. The "aggression" we are called upon to stop is "Communist aggression," and the Communism we are asked to contain is Chinese Communism.

That China is Communist is not denied, and that it is militaristic and aggressive is taken for granted, for after all is this not the very nature of Communism? With every year China grows more powerful and more intractable. Already it has a population of 700 million; already it is well on the way to industralization; already it has the atomic bomb. Clearly—so the argument runs—it is China that inspires and sustains the war in Vietnam, supplying, if not the men, all other necessities of war. If our intervention should fail of its objectives—whatever they are—it is not Vietnam that will win, but China. And if China is victorious in Vietnam what is to prevent it from moving on to Laos and Cambodia, Thailand and Burma, then to the Philippines and Indonesia, and ultimately—the imagination boggles—into Japan, Australia, and India?

Meantime, we carry the war ever closer to China. Now we bomb within a few miles of the Chinese border; now we engage in "hot pursuit" over Chinese territory; now we grimly warn that there is no sanctuary for enemy planes on Chinese soil. And China, in turn, feels itself surrounded and beleaguered: a hostile Soviet Russia pressing on the long boundary to the North and controlling territory historically Chinese; American bases in Japan, Okinawa, the Philippines, and Taiwan; the Seventh Fleet—most powerful on the globe—ruling the South China Sea; giant bombers based on Guam; almost 300,000 soldiers in Vietnam, with more on the way.

We are alarmed—and so are the Chinese—and when two powerful and proud antagonists are alarmed, almost anything can happen. Senator FULBRIGHT and many of his Senatorial colleagues think we are on a "collision course" with China, a view which the Chinese themselves share. Meantime, Secretaries Rusk and McNamara assure us that our own government has no intention of broadening the war. And the military, in turn, however much some of its members might yearn for a showdown now rather than later, discount the notion that China is able to engage in a major war.

There is, alas, neither comfort nor reassurance in all this. Wars rarely come because they are carefully planned and deliberately launched—not ours anyway—but because circumstances get out of control. They come, most of them, notwithstanding earnest and even sincere efforts to avoid them. To assume that statesmen, or military men, sitting in distant capitals, can manipulate the great, seething, and tumultuous processes of history as they might manipulate pieces on a chessboard is to ignore the lessons of the past. The lessons of the past are not those implicit in the arguments of a Kahn or a Kissinger; they are rather those explicit in the lines of Euripides:

"And the ends men look for cometh not,
And a path there is where no man thought,
So hath it fallen here."

History, to be sure, tells us of wars that were quite deliberately planned. Napoleon knew just what he was doing when he renewed his war on Britain in 1803; so did Bismarck in his wars on Denmark, Austria, and France. Hitler planned his attack on Poland, Norway, the Low Countries, and Russia, and Japan carefully calculated its attack on Pearl Harbor. Such things, it will be said, belong to the bad Old World; they do not happen in the New. Indeed they do not. *We do not plan our wars; we blunder into them.* Doubtless this has its advantages: We can maintain to the end that we are a "peace-loving" people, even as we are locked in mortal combat with our enemies—who, of course, are not "peace-loving."

That is, in any event, the record of most of our wars. Let us see what light that record throws on the problem that confronts us now.

Begin with the first, of our wars, the War for Independence. It is pretty clear that neither the Americans nor the British wanted war in 1775; it is equally clear that neither people followed policies designed to avoid it. Certainly Colonel Smith, who marched so bravely out on the Concord road to capture the gunpowder stored in that town, did not realize that he was inaugurating a great war, nor did the embattled farmers who fired the shot which Emerson later asserted was heard 'round the world. Neither George III nor Washington wanted war, and though Lexington and Concord were fought in April 1775, the Continental Congress was still debating war and independence a year later. And as late as 1776 Washington, John Adams, Thomas Jefferson, and other American leaders are on record as deprecating both independence and war. But war came.

Certainly few wanted and fewer expected war in 1812. That war is, indeed, a classic example of the role of chance and of blundering. The British were too absorbed in their war on Napoleon to give any serious thought to American grievances; certainly they had no desire to take on another enemy. Americans protested against illegal impressment and Indian depredations, but had little stomach for a fight. New England did not want war, and sabotaged it when it came; the belligerence of the West has been exaggerated, and it was in any event a belligerence against Indians. When, in 1812, war finally came, it was unnecessary, for the British had already repealed the odious Orders in Council, the ostensible provocation for war. Nevertheless the war came.

As for the next major war, that with Mexico, it is fair to say that it was ardently desired by some, bitterly opposed by others. Santa Anna probably did not want war, but he wanted to indulge in gestures that might provoke war. Polk did, no doubt, want war, and so, too, did a good many Texans, and, supporting them, a good many land-hungry Middle Westerners. The South was not enthusiastic; New England abolitionists charged that the war was fought merely to get "bigger pens to cram slaves in." Certainly there was no need for war; had reason and not passion been in control, the disputes that agitated Mexico, Texas, and the United States could have been negotiated. The Mexican War is a classic example of the way in which a determined President can maneuver the country into a war neither popular nor necessary.

The Civil War, greatest of our wars, was by no means that "irresistible conflict" which Seward predicted. Neither North nor South really wanted war; Southerners hoped to the end that the North would allow them to go in peace; Northerners hoped, to the end, that the "erring sisters" would in fact return to the fold. So said Oliver Wendell Holmes: in an appeal to "Caroline, Child of the Sun":

"Go, then, our rash sister, afar and aloof,
Run wild in the sunshine away from our roof;
But when your heart aches and your feet have grown sore.
Remember the pathway that leads to our door."

Lincoln put it more sadly in his second Inaugural Address:

"Both parties deprecated war, but one of them would make war rather than let the nation survive, and the other would accept war rather than let it perish, and the war came. . . . Neither party expected for the war the magnitude or the duration which it has already attained. . . . Each looked for an easier triumph and a result less fundamental and astounding."

When secession came, Lincoln allowed Sumter to fall rather than fire the first shot, and Seward contrived a fantastic plan to reunite the nation by warring on Britain and France. All in vain. Events ruled and overruled the plans of men.

The war with Spain was, if not planned, widely desired and widely popular, for American distrust of Spain was deep-rooted and American sympathy with the heroic Cubans struggling for independence was ardent, President McKinley, to be sure, tried somewhat ineffectually to avoid war over Cuba, but lacked the backbone to put up any real resistance to the war-mongers. War might have been avoided—Spain was prepared to make almost any concessions—had it not been for the bad luck of the explosion of the battleship *Maine* in Havana harbor. There was no evidence at the time that the Spaniards had blown up the *Maine,* and there has been no evidence since, but the country was not interested in evidence. Spain was held responsible for the foul act, and "Remember the *Maine*" echoed across prairie and plain. That fortuitous event was the fuse which set off the war, just as the ineffec-

tual firing on a U.S. destroyer in the Gulf of Tonkin was the fuse that set off the war on North Vietnam. In both cases an administration pledged to peace eagerly seized on a pretext to wage war.

It was, said Theodore Roosevelt, "a splendid little war." The war that grew out of it was not at all splendid, and took everyone by surprise. Indeed so surprising was it that—like the present enterprise in Vietnam—it was not really a war at all. The Americans had liberated the Philippines from Spanish rule, and the Filipinos, or a substantial number of them, assumed that they were now free. But not at all. McKinley was not prepared to hand the islands back to Spain, nor to set up an international protectorate, nor to leave them alone, exposed to the wicked designs of other nations.

But the Filipinos, like the Vietnamese in 1945, thought that they had helped win their independence, and did not want any foreign, certainly not any Western, power to take over. They thought that independence from Spain meant an end to colonialism, and they were outraged when McKinley calmly assumed that they had nothing to say about their fate. It did not, apparently, occur to McKinley that the Filipinos would oppose American rule of the islands, and when they did so, he reacted impulsively, almost instinctively, as we later reacted to Vietcong intransigence. He struck back, and we found ourselves engaged in just the kind of jungle warfare in which we are now once again embroiled.

That war dragged on for three years, and before it was over it had engaged 120,000 American troops—the equivalent then of our 300,000 now in Vietnam—and cost almost as many lives as the war with Spain. Like almost all wars between people of different races and colors, between a highly civilized and a more primitive people, this war speedily degenerated into the worst kind of guerrilla fighting, with barbarities and torture on both sides. Within a short time the United States found itself doing in the Philippines what it had condemned Spain for doing in Cuba, just as now we find ourselves doing in Vietnam what we condemned the Germans for doing in the last war.

The First World War affords the best—perhaps the only—example of a war which we entered upon deliberately. We moved toward war with our eyes open; we calculated the risks of fighting, and of not fighting; our decision to declare war was carefully weighed and calculated. Whatever the rights and wrongs of that decision—and looking back on it from the perspective of fifty years, there still seem to be more rights than wrongs—it cannot be alleged that this was an occasion where events overrode human judgment. We did not, of course, see the consequences of our involvement; even the eye of Woodrow Wilson could not penetrate that far into the future.

With the Second World War we were clearly back in the world of chance. Granted, Roosevelt had not been a passive spectator to the drama unfolding before us in Europe and in Asia; granted, too, that by 1941 we had moved, somewhat erratically, toward participation in a "shooting" war, with conscription swelling the ranks of our armed forces, our airplane and munitions factories working day and night, our protection extended to Iceland, and our Navy prepared to shoot submarines on sight. But the election of 1940, like that of 1916, had been fought on a platform that appeared to promise that the government would stay out of "foreign" wars. Public opinion was, in fact, unprepared for war in 1941. And when war came, it came not by our choice, but by the choice of Japan. Once again it could be said that we did not control events, events controlled us. We did not plan the war, controlling each move in a complex game; there were calculations, but they went awry; the moves and finally the game itself got out of hand.

The Korean War does not fit quite so neatly into this pattern of wars into which the United States blundered or strayed, but whatever else may be said of it, this can be said with certainty, that it was not a war we either anticipated or planned. The Korean War caught us by surprise as it caught most of the world by surprise, and so, too, did the ferocity of the fighting. The analogy to our involvement in Vietnam is not far-fetched: We plunged into what we took for a war of aggression; as we moved ever closer to the China boundary, China concluded that it was threatened (as indeed it was by MacArthur and the war hawks, though not by Truman) and itself plunged into the war. We are confident now that escalation of the Vietnam war will not bring in China, but our experience in Korea does not justify that confidence. Nor does it justify our confidence that we can, in the end, impose our will on all participants; in Korea we had to settle for something less than total victory, and to accept an armistice which still hangs over us.

Now, once again, we are involved in a war that began, quite fortuitously, as a minor action and developed into a major one. Because public relations, propaganda, and perhaps pride, are more insistent than ever before, we are assured, more persuasively than ever before, that everything is under control. No need to fear a further enlargement of the war; no need to fear war with China; no need to fear an atomic conflict. But the one thing that is inescapably clear is that nothing is really under control. Month after month, year after year, we have been misled and deceived. We have been told that the conflict in Vietnam was not a real war, that a show of force would bring it to an end; that the Vietcong were being decimated, and were deserting by the thousands; that a few days' bombing would bring North Vietnam to its knees; that we had at last set up a stable government; that the South Vietnamese army was a real fighting force; that the long-awaited social and land reforms were finally being fulfilled; that we had staunch allies who would surely come to our aid. But why go on? The record of no other war in our history is so littered with the bric-a-brac of miscalculations, misguided policies, and mistaken predictions.

Yet those responsible for this matchless record of confusion, self-deception, and error still have the temerity to assure us that everything is under control—their control. We are still asked to believe that the President and his advisers make all the decisions and direct all the actions, that they can calculate with certainty just how far the war will go and how far it will not go; that they can move the pieces on the chessboard of Asia with such deftness and skill that we need never fear that anything will go awry.

Confidence in our ability to control the war in which we are now so hopelessly entangled is part of that larger intellectual and moral vanity which is one of the most frightening features of the American character today. It is of a piece with those games theories which so fascinate the servants of the Rand Corporation, of a piece with Henry Kissinger's careful calculations of the tolerable limit of losses in a nuclear war—is it 50 per cent or 70?—of a piece with Herman Kahn's theory of controlled escalation of atomic warfare, all as neat and impersonal as a computer.

Those whom the gods would destroy they first make vain. To suppose that we are a special people, that we cannot only foresee but control the future, that we can bestride the swift currents of history, that the choice of life and death for nations and even for Mankind has been delivered into our hands—this is a special and fearful kind of arrogance and pride. Nothing in our experience promises us that we can subdue the arrogance or conquer the pride.

Mr. CLARK. Mr. President, Mr. Commager, one of our most outstanding historians, points out that history would not lead us to believe with any particular conviction that when we start thinking we can limit and control wars, we can have much chance of success.

Finally, I ask unanimous consent to have printed in the RECORD an article written by the distinguished Senator from Idaho [Mr. CHURCH] entitled "U.S. Policy and the 'New Europe.'" This was published in the October 1966, issue of Foreign Affairs.

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

U.S. POLICY AND THE "NEW EUROPE"

(By FRANK CHURCH)

President Johnson said recently of Europe: "The Europe of today is a new Europe. In place of uncertainty, there is confidence; in place of decay, progress; in place of isolation, partnership; in place of war, peace." Confidence, progress, partnership and peace—what better testimonial could there be to the health and vitality, both political and economic, of Europe today; and what better promise for Europe's future?

During the summer, in a month of hearings, the Senate Foreign Relations Committee examined "the Europe of today." Our discussions ranged over the entire continent, literally from the Atlantic to the Urals, and beyond. For a diagnosis of the Atlantic Alliance means considering not only de Gaulle's aims, but the prospects for German reunification, Britain's association with the Common Market, nuclear arms control, greater European cohesion, East-West détente, the impact of Viet Nam, and much more. These problems are connected to each other in a seamless web that joins the United States with Europe, linking us together in the future as inextricably as in the past.

When the Committee's hearings began, it was announced that their purpose was educational. In preparation for them, I visited Europe in May for interviews with governmental leaders, including Wilson, Erhard and de Gaulle, along with prominent spokesmen of the opposition parties and other knowledgeable political observers. I have now had a chance to test my tentative conclusions against what the Committee has been told by a number of distinguished American experts on Europe.

The fact that there is in Europe today confidence, progress, partnership and peace is due, in no small part, to farsighted policy decisions we have taken since the end of the war. But we may stand in danger of being so dazzled by past successes that we could easily stumble into future failures. For Europe is now rumbling, not with discontent, but with a new spirit of independence, in both East and West. We seem to hear the sound, but we may not understand its meaning. To me it is the murmur of widespread European assent to the proposition: "Resolved, that the postwar period has ended."

Testifying before the Committee on July 13, Under Secretary of State George Ball said: "The 'NATO Crisis' [not the postwar period] . . . is over." Such a statement assumes that the principal problem facing NATO is France's refusal to continue her participation in SHAPE, or to permit NATO bases to remain on French soil, and that because the other allies have decided to retain a relocated military headquarters for the Alliance in Belgium, the crisis has ended.

But the questions General de Gaulle has raised have a much deeper significance. For

he is the symbol of the growing desire of European countries to exert more control over their own destinies—the longing for a larger measure of national independence. To the extent that he has appealed successfully to these sentiments, General de Gaulle is not isolated, either in France or in Europe. And perhaps more importantly, by leading the assault upon the old barriers of the cold war, which all Western Europeans want removed, he appears to many, if not to most, Europeans to be moving with the current of history, while the suspicion grows that we are anchored to the past. Europeans recognize that de Gaulle's perspectives exceed his power, but they also believe that we are so preoccupied elsewhere, particularly in Viet Nam, and so tied to cold-war concepts, that we fail to take advantage of the openings our power presents. As one astute European observer remarked, "France has the objective but not the means, while the United States has the means but not the objective."

Perhaps our resistance to the mood of Europe is most clearly reflected in our relations with de Gaulle's government. We seem to have a peculiar ability to get under each other's skin, to use one another as a foil. McGeorge Bundy described the present foreign policy of France as "disappointing in its manners, costly in its pride, wasteful in its lost opportunities, irrelevant in much of its dramatics and endurable in its fundamentals." Though an intriguing epigram, Bundy's assessment must be weighed on the scales of recent French history. When the General returned to power, France was on the verge of civil war. The Fifth Republic may be hard to live with, but who would prefer the France before de Gaulle, with its revolving-door governments? The previous régime was marked by feeble central power, a faltering economy, poor national morale, mutinous armies and a chronic inability to extricate France from costly and questionable colonial involvements. France today is prosperous and stable, shorn of her outdated imperial burdens aglow with the rekindled pride of her people, and engaged in an enterprising diplomacy of her own design.

How has de Gaulle achieved all this for France? Perhaps, as Professor Henry Kissinger suggested, it was because the General saw the need to teach his country and Europe generally "attitudes of independence and self-reliance," in the belief that "before a nation or an area can mean something to others it has to mean something to itself." Above all, we should remember that, however disconcerting we find de Gaulle's policies, or imperious his style, he has proved time and again, most recently in Moscow, that he is a man of the West.

Yet, despite de Gaulle's basic loyalties, the present occupants of the seventh floor of our State Department will not forgive him for throwing roadblocks in the path of a united Western Europe. Secretary Ball, in his appearance before the Committee, referred repeatedly to the "compelling logic" of a unified Western Europe, to be built, presumably, in the general image of the United States. His testimony, in line with many previous Departmental statements, was replete with warnings that the alternative to unity is a return to the "corrosive nationalist rivalries" of prewar Europe, as though there were no middle ground.

Actually, there is scant basis to fear that Western Europe—knit together by a flourishing common market—is in any danger of unraveling, and even less reason to apprehend a reversion to the pattern of militant nationalism which plagued the period before the wars. The "either-or" argument is unreal, a rhetorical duel between two straw men. When pressed, Secretary Ball himself conceded that Western Europe was not likely to revert to the old habits of a discredited past. Summing up, he sought a more plausible case, declaring that "the central issue before the American government and the American people . . . is what kind of Europe and what kind of Atlantic world we want."

My talks in Europe, and the comments of witnesses during the hearings, brought home to me the fact that it is not the kind of Europe *we* want that any longer governs. The question is really what kind of resurgent Europe the Europeans themselves will build. We can encourage them to move in certain directions, largely because they have looked to us for leadership. But we should avoid pressing them too hard to adopt our favorite schemes for solving their problems. Looking back over the statements of leading State Department officials, one is struck by the fact that they seem to hold out for Europe no alternative between our form of unity and chaos, no awareness that European sentiment may have shifted toward a different arrangement, that what might have been achieved in the vision of such men as Jean Monnet when Europe lay prostrate after the war may no longer represent a practical possibility. In brief, I believe it isn't wise to keep insisting that Western Europe should grow to resemble the United States of America.

At best, it is a dubious policy to keep prodding our NATO partners for their reluctance to make new offerings at the altar of European union. For we cannot forecast with any certainty that our Grand Design for Europe, even if it were to happen, would necessarily prove a blessing to the world.

What real assurance is there that world peace would be promoted by the emergence of another gargantuan state, comparable in size and strength to the United States or the Soviet Union, and equally capable of waging global war? Is it not just possible that a looser association of European countries, which rejects subordination to a single executive authority, might turn out to be the safer arrangement? After all, Bismarck's *Reich* welded together, under one Emperor, the separate principalities which had composed the German *Bund* in a union which proved a curse to peace. Yet the *Bund* itself was once touted for having been "impregnable in defense and incapable of aggression."

Can we really be so confident that a united Western Europe would always remain our faithful partner? We are dismayed by de Gaulle because he dissents from our view about how European defense, European political life and European relations with the rest of the world should be conducted. Why should we believe that a great European Union would not prove even more assertive, contrary and—dare I use the term?—disobedient than de Gaulle's France? Perhaps, as Professor Kissinger suggested, there are advantages to be found in preserving pluralism in Europe.

In any case, the fact remains that in Europe today there is a desire for diversity. Therefore, the task for us is to cast our policy so that it encompasses both the quest for cohesion and this desire for diversity. To accommodate these two aims concurrently, we should avoid taking rigid ideological positions. We must not insist that Europe evolve in any way which does not correspond to the real feelings of Europeans. Surely the United States does not hold the only patent on a Grand Design.

II

The same insistence on the solution we want—and that we think Europeans should want—has been applied to the nuclear sharing problem. Thousands of pages have been written on this subject. I can add nothing new to the debate. It does seem to me, however, on the basis of the accumulated evidence, that we have handled this problem with a rather heavy hand. The Committee, to be sure, was told that the United States had not been doctrinaire on the subject of a multilateral nuclear force, that we had been "very, very careful not to try to bring pressure" on our allies to accept the Multilateral Force (M.L.F.), and that the charge that there has been pressure is "nonsense."

Our diplomats may believe that they avoided bringing heavy pressure to bear on behalf of the M.L.F. proposal, but this is not the frank opinion of most European officials directly involved and of most disinterested experts on both sides of the Atlantic. If we are so unaware of the resentment our tactics produced our antennae are in need of major repair.

Likewise, at the Eighteen Nation Disarmament Conference in Geneva, the United States has nearly isolated itself in insisting upon retaining the so-called European clause in our draft proposal for a nuclear nonproliferation treaty. This clause would leave the door open for the creation of an independent European nuclear deterrent, although the necessary precondition for such a force is a degree of political unity which Secretary Ball himself has described as "far exceeding that foreseen in the near future by even the most optimistic proponents of European federalism."

The official argument, rooted once again in our Grand Design for Europe, is that we are unwilling to foreclose the possibility that some future European Union might organize a nuclear deterrent force in which the Germans could participate. Besides, we want to preserve our option for a "hardware" solution to the nuclear-sharing problem within the Western Alliance. We say that the clause, which one knowledgeable observer has described as though written with a "ball-point corkscrew," would not lead to proliferation because it permits no increase in the total number of "nuclear entities" in the world. I wonder what our attitude toward such an option would be if mainland China announced its intention to form an M.L.F. with Albania, Mali and North Viet Nam, or the Soviet Union an M.L.F. with Poland and Cuba.

In any event, the State Department insists that the European clause is "not the real obstacle to a non-proliferation agreement." The Committee was told that German access to nuclear weapons, under an M.L.F. or a similar "hardware"-sharing scheme, would not even prove a serious obstacle to German reunification, which "will come about when conditions are ripe for it." Most Europeans would disagree.

Our refusal to drop the European clause seems to indicate that we have decided it is more important to bind West Germany more tightly to a truncated NATO than to improve relations with the Soviet Union. I think our priority is wrong. As far as I can determine, the other European nations at Geneva, including our allies, feel that we are mortgaging the present for the sake of a highly problematical future. In other words, most Europeans—I will mention West Germany in a moment—who would participate in a separate European deterrent and whose interests this hypothetical, if not visionary, force would presumably serve, are not pressing us to retain the European clause. Why, then, should *we* insist on keeping an option for *them* which they do not demand, or at least do not think is important enough to jeopardize closer relations with the Soviet Union? Is this in our interest—or in theirs?

In discussing the ultimate goal of our policy in Europe, Mr. Bundy said: "Settlement is the name of the game." If we are going to play the game, we must remember that the ball is labeled "relations with the Soviet Union." If we are not going to play, we will discover that the game will go on without us, and we shall soon become spectators in Europe rather than participants. However much we may doubt the Russians, most Europeans are persuaded that the danger of a Soviet attack has receded, and that, as

a result of developments in the Communist world—particularly the revival of nationalism in Eastern Europe and the necessity for Russia to turn about and face the challenge of a hostile China—the time has arrived for a diplomatic assault upon the unwelcome barriers which split the Continent. For the partition of Europe at the Elbe is regarded by Europeans on both sides as transitory and unnatural.

The United States should lead its allies in their reach eastward across the Elbe, for we alone can deal, on equal terms, with the Soviet Union. But whether or not we choose to lead them, they will press on, believing, as more Europeans do every day, that in Europe, at least, the cold war is over. It would be tragic for all concerned—except the Soviets—if by standing so far behind our Western European allies we forced them to turn their backs on us in order to seek reconciliation with Eastern Europe, as they are bound to do.

To lead the new search for a European settlement, we need not join in the European consensus that the Russian threat has faded away. We can parley without discarding the Western Alliance, to which even France proclaims her continuing fidelity. NATO still exists as a fort for the West, should the Soviet Union turn militant again.

On the diplomatic front, the best place for a breakthrough remains Geneva, where we may have come within reach of a non-proliferation treaty. Negotiations should not be permitted to break down on the issue of retaining the European clause. It is reunification, not nuclear sharing, which concerns the Germans most. Europeans, including many Germans, hold generally to the belief that reunification can come about only after much better relations have been established between the two halves of Europe Maintaining the option for increased German access to nuclear weapons can only add to the fears and suspicions; closing the option, on the other hand, would tend to lessen tensions. As Mr. Bundy pointed out, so would a clear public statement by the West German government accepting the Oder-Neisse line. I have the impression, and several witnesses before the Committee did too, that German public opinion is coming around to a realization of the need to strengthen the East Europeans' confidence in Germany. I would think that we should encourage the Germans to do so. I do not see why we, alone among the Western powers, seem unwilling to accept the thesis that reunification will follow relaxation. I do not see why we, again alone, continue to assert an almost mystical belief that eventually, for inexplicable reasons, conditions will sowehow materialize making German reunification possible. By holding to this view, by insisting on a European clause as a prerequisite for a non-proliferation treaty, we are running the risk of not only falling between two stools but of knocking both over. For the prospect of an integrated European nuclear deterrent is most likely to prove a mirage. An empty hope can only disillusion the West Germans, causing them—more in sorrow than in anger—to pull away from NATO's close embrace.

And even if the unfulfilled promise does not produce disaffection, another factor, considered more important even now by some in Germany, is likely to do so. That is the contradiction inherent in enticing West Germany into ever-closer military ties with NATO and, at the same time, pressing for concessions from the Russians, against whom NATO's military organization is directed. While I would not presume to predict the shape of the settlement which will eventually be reached in central Europe, I am personally convinced that the State Department errs in preaching that reunification will come about by "the adhesion of the East German people to some . . . system of Western unity"—in other words, by appending themselves to a united Western Europe.

What seems far more likely is that a German settlement will be reached as the last stage in a gradual healing of the breach between the two parts of Europe. And the price the German people will have to pay for reunification will surely include abstention from nuclear arms. By preserving the option of Bonn's participation in an improbable Western European deterrent force, we are not jeopardizing the possibility of German reunification as part of a central European settlement? Many Germans think so now. Many more may think so in the future.

Hence, by retaining the European clause we will, in my view, not only fail to tie West Germany more firmly into the NATO alliance, we may also sacrifice a non-proliferation treaty with the Soviet Union. If the European clause is retained, the Russians almost certainly will reject the treaty. Of course, even if the clause is stricken, the Russians may not sign. But if they refuse, we have lost nothing in making the offer to delete it.

Quite apart from the immediate consideration of the treaty, our national interest calls for a consultative rather than a "hardware" solution to the nuclear sharing problem in the alliance, building on the work done by the McNamara Committee. This would provide a much sounder basis for German partnership in NATO—sounder because what matters is how governments decide on the use of nuclear weapons, not where governments arrange to store them; sounder because it keeps many options open for West Germany and closes none; and sounder because it is what the European allies of Germany—and, I believe, the German people—prefer.

III

With regard to Europe, President Johnson deserves credit for a number of specific moves he has made recently. First, I commend his decision to restrain the State Department from over-reacting to de Gaulle, for I agree with Mr. Bundy that as "very few Frenchmen are anti-American . . . it remains the part of wisdom and sentiment alike that no American should be anti-French." Secondly, the President should be congratulated for ordering an end to the M.L.F. campaign, for the pressure felt by others in NATO was causing strains within the Alliance that far outweighed any possible gains. Thirdly, he has taken a step forward at Geneva by asking for new language which might break the deadlock on a non-proliferation treaty. Finally, I applaud the President's stated objective to "build bridges" with Eastern Europe.

My uneasiness arises, therefore, not from decisions emanating from the White House, but from the doctrines so deeply imbedded at the Department of State which impede, if they do not preclude, a timely and adept response to the new outlook in Europe. The same dogmatism leads also to a self-certainty which borders on condescension.

Another fault in our approach may be due to the tendency in the State Department to regard the problems of our European allies as essentially military, rather than political. Nuclear sharing, force goals and command arrangements are no longer the issues on which Europe's interests center. Now, when Europe is less concerned about defending itself than in fending for itself, less absorbed with building barriers against the East than with mending fences with the East, those who make our European policy should know both parts of divided Europe first-hand; they should be men whose background and experience—the two most important words in the manual of those who match men to the work to be done—help them in undertanding, rather than hinder them from understanding, the shifting subtleties of a highly political continent.

For our fundamental national interests can easily accommodate the changing mood of Europe. We need sacrifice nothing to keep our policies relevant. But only by so doing can we preserve our influence in the Europe of today—and tomorrow.

Mr. CLARK. Mr. President, I conclude by commending the Senator from Idaho for the realistic look he is taking at our European policy. He points out that President Johnson deserves a good deal of credit for a number of the specific moves he has made recently. In my view, among the most important are the speech he made before the newspaper editors in New York last week, and the statements made at his press conference which took place a few days ago.

The Senator from Idaho [Mr. CHURCH] and I are in complete accord that our foreign policy in Europe should be changed along the lines recommended by the president—that is, we should thoroughly revise and overhaul the status quo policy which intermediate levels in the State Department have, so far, managed to impose on those higher up.

GOVERNMENT FELLOWSHIPS

Mr. LAUSCHE. Mr. President, on yesterday there was published an article written by Edward J. Mowery with respect to a fellowship granted by the U.S. Commissioner of Education to a Richard Erle Healey. This is a 3-year fellowship valued at $6,600.

Mr. Mowery's article points out the background of Mr. Healey which, if true, undoubtedly will excite the curiosity of readers of this article throughout the Nation. In my opinion, the background of this man, if supported by the facts as related by Mr. Mowery, are of such character as not to warrant granting him a fellowship, if the continued faith and confidence of the American people is to be kept in the services which are being rendered through largesse of this kind by the Department of Education.

Mr. President, I ask unanimous consent to have the article printed in the RECORD. I ask this consent because the readers of the RECORD should be made acquainted with the Richard Erle Healey fellowship issued by the Office of Education of the United States.

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

INSIDE VIEW: YOUR TAX DOLLARS PAY FOR THIS ONE

(By Edward J. Mowery)

WASHINGTON.—If you're scratching for funds to give your kids a college education, or if Junior has mortgaged his earnings for a decade to pay off a college loan, keep this little hush-hush item in mind:

In late July, the U.S. Commissioner of Education granted Richard Erle Healey, of Los Angeles, a 3-year, $6,600 fellowship to become effective this Fall at Tulane University, New Orleans. Healey, 23, has enrolled at Tulane as a graduate student in mathematics.

Healey is the son of Dorothy Healey, chairman and "leading spokesman" of the Southern California Communist Party, and reportedly a member of the Party's national committee.

Massive silence relating to Healey's fellowship has been observed by the Office of Education. The case should be blown out of the water! Here are the facts:

The application for funds by Healey—a graduate of Reed College, Portland, Ore.—was flatly denied. He appealed to the 7-member Fellowship Review panel whose chairman is Michael H. Cardozo. The hearing was held Apr. 16 at the National Lawyers Club, Washington, with Lawrence Speiser appearing as counsel for Healey.

Speiser heads the District of Columbia branch of the American Civil Liberties Union. Which also figures . . .

The Review Panel, it was authoritatively learned, was armed with a full dossier on Healey's background and connections. The review group overruled the initial denial of Healey's application.

With this little technicality jettisoned, the panel approved the fellowship. Other members of the panel are Mortimer M. Caplin, Dr. Manfred S. Guttemacher, Dr. Eugene N. Hanson, Dr. Fred W. Harrington, Dr. Lyle H. Lanier and Dr. Thomas Lauritsen.

Who is Richard Healey? What are his special qualifications for a $6,600 federal windfall in the field of higher education? Why should you subsidize his graduate studies at Tulane? Here's a bit of Healey's "portfolio":

On Mar. 5, 1962, "The Quest"—Reed College student weekly—identified Richard Healey as a board member of a Focus Club which, five weeks later, welcomed Herbert Aptheker as a campus speaker. Healey was among Reed students in the "reading room" who heard Aptheker harangue on Communist Party objectives, duties and goals. "Political Affairs," the Communist Party's so-called "theoretical" organ, has described Aptheker as its editor (April, 1962).

A year previously, "World Youth," bimonthly publication of the World Federation of Democratic Youth (WFDY), revealed that the International Preparatory Committee (IPC) met Feb. 20, 1961 in Helsinki to pave the way for the 1962 sessions of the 8th World Youth Festival, also in Helsinki.

The WFDY, with headquarters in Budapest, has been cited as a communist organization by the House Un-American Activities Committee. Richard Healey attended the 1962 "youth festival" in Helsinki.

That Fall he also participated in a student "peace" vigil in Portland, Ore., protesting a presidential order to blockade communist Cuba. And on Oct. 7, 1964, Richard Healey was at the Reed College chapel door collecting admissions to a W. E. B. DuBois Club meeting addressed by Henry Winston, national Communist Party bigshot. (DuBois Clubs honor the memory of their Communist idol.)

On May 8, 1965, Richard Healey distributed leaflets on a street corner blasting U.S. policy in Viet Nam. Others in the "demonstration" carried signs. One read: "The United States is drunk with military power."

Is Uncle Sam also "drunk" with educational funds? How many other Healeys are getting tax-paid college educations while vilifying this country?

Congress should get the answers . . .

FUR SEAL ACT OF 1966—CONFERENCE REPORT

Mr. HART. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2102) to protect and conserve the north Pacific fur seals, and to administer the Pribilof Islands for the conservation of fur seals and other wildlife, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of Oct. 14, 1966, p. 27000, CONGRESSIONAL RECORD.)

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

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

Mr. HART. Mr. President, having checked with our colleagues on the other side of the aisle, and having obtained their approval, I move adoption of the conference report.

The conference report was agreed to.

PRESIDENT JOHNSON'S TRIP TO SOUTHEAST ASIA

Mr. LAUSCHE. Mr. President, this morning I attended the farewell gathering at Dulles Airport to wish the President of the United States all success on his mission to southeast Asia.

As I left the ceremonies, I felt spiritually cleansed, yet heavy and sad in recognizing the huge problems which will be confronting him.

I do not agree with statements heretofore made on the floor of the Senate today that the President is changing his policy. I am of the deep conviction that throughout all of the President's approach to the South Vietnam involvement, he has been striving with the utmost might to achieve an understanding with Ho Chi Minh.

Every effort made by the President has been coldly rejected by Ho Chi Minh. The recent de-escalation of the bombing of North Vietnam was looked upon with indifference and without notice. All proposals to negotiate have been rebuffed.

As I saw the President's plane leaving the ground and soaring into the air, while I had a feeling of heaviness within me as to the gigantic problems the President will face, my hopes were that out of the visit will come some understanding and some success in bringing about a termination of the conflict in South Vietnam.

I fear that the people of this country are not adequately conscious of the significance of the trip the President has undertaken. If he should fail in his efforts, what the ultimate consequences will be are hard to foretell. The Senator from Montana [Mr. MANSFIELD], the Senator from Illinois [Mr. DIRKSEN], and the Senator from Iowa [Mr. HICKENLOOPER] watched the President's plane, as it lifted itself into the air, and wished the President success in his lofty efforts.

I cannot help hoping that the Nation will pray that the President will succeed in this humane effort to serve not only the United States of America but also the world.

Mr. KUCHEL. Mr. President, the Senator from Ohio eloquently expresses what is in the hearts of all the people of this country—in fact, all thinking members of the human race.

This is a monumental undertaking and, with God's grace, let us hope that some progress will be made toward a just and lasting peace.

Mr. LAUSCHE. I thank the Senator from California for his remarks.

Mr. MANSFIELD. Mr. President, I wish to make a few remarks about the departure of the President of the United States on a journey which will carry him into a number of countries in the southwest Pacific, to the islands off eastern Asia, and to east Asia itself.

It is my hope that the President, on his difficult journey on which he and Lady Bird have now embarked, will be able to accomplish that which I know is dearest to his heart. What he would like to see would be a path, a street, or a road which will lead to the negotiating table, and from there to an honorable settlement.

I would hope that the peoples of the world are aware that America has no desire for economic or political achievement in southeast Asia.

I would hope that the peoples of the world, especially in the United Nations where their representatives sit—and a good many of them in doubt—will believe that our President is honestly and sincerely trying to find a way to that negotiating table and to that kind of peace. We have no desire to remain in Vietnam or southeast Asia once that honorable peace is achieved. We have no desire to maintain or retain bases in that area, whether they be at Cam Ranh Bay in South Vietnam or Sattahip in Thailand, or numerous other places where they are located. We have no desire to tell the people of South Vietnam or southeast Asia what kind of government they should have, because that is their responsibility.

The main issue is not that they choose one type of ideology against another, or one type or form of government against another. What is important is that they have the right, in their own way, in their own time, and by whatever procedures they develop, to put into operation the kind of government which they themselves desire and which they feel they could live under.

There have been too many questions raised about President Johnson's numerous statements, and about the statements and speeches of the U.S. Ambassador to the United Nations, Mr. Arthur Goldberg, and about statements and speeches of our Secretary of State.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. I ask unanimous consent to have 2 additional minutes.

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

Mr. MANSFIELD. I would hope the people of the globe would realize the position in which the President finds himself. The easiest thing in the world is to get involved in a conflict. The most difficult thing in the world is to find a way out of a conflict once started, and to do so honorably.

The question of how we got in it is moot. It is a fact. We cannot go back. We cannot undo it. But the question of how we get out of it under honorable conditions is present and pressing.

I know the President of the United States is going to do his very best to

achieve the goal which he has made his objective, because it is the objective of Congress and the American people.

In his awful responsibility in the position which he holds as the representative of our people, I wish him the very best. I want to assure him that he will be in my daily prayers, because I know he wants to do, and will do if given the chance, that which will be best for the future of this country, the future of southeast Asia, and I believe the future of the world.

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

Mr. MANSFIELD. I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. May I just add a very short word to what the majority leader has said. I think, from whatever section of the country we may come, whatever political point of view we may represent, we all want negotiations to be worked out which will lead to a more peaceful settlement of the contest in which we are engaged in Vietnam. We want to do so to enable those people to govern themselves in the way they want to be governed.

We all realize that the President is attending a conference of nations that are on the same side of the conflict. We hope that the Asian nations attending that conference will be clear as to what they want to do and that we will have unity of purpose. I am confident the President, with his great ability for making clear his feelings on that subject, will make clear to them that we have no ideas or desires beyond that of permitting them to work out a peaceful solution of their own problems in that part of the world. So we all wish him well in that endeavor.

I commend the majority leader for his very clear statement of the problem involved.

The PRESIDING OFFICER. The time of the Senator has expired.

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

Mr. MANSFIELD. I ask unanimous consent to have 2 additional minutes.

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

Mr. MANSFIELD. I yield to the Senator from Ohio.

Mr. LAUSCHE. I believe Secretary of State Rusk, speaking this morning, stated it was regrettable that North Vietnam was not meeting with the six nations to be represented at that Conference. In other words, if the six nations and North Vietnam had desired to confer, through the willingness of Ho Chi Minh to have North Vietnam represented, and could sit around the table, there could probably be worked out an understanding relating to the problems of North Vietnam, South Vietnam, the United States, and the people of the world.

Mr. MANSFIELD. Mr. President, I have one more comment on the subject under discussion, and that is this: I would hope the Congress and the people would realize that this is an Asian Conference; that the host country is the Republic of the Philippines; that the individual who issued the invitation is President Ferdinand Marcos of the Republic of the Philippines, and that there will be in attendance, if my recollection serves me correctly, at least half of the nations located off the rim of east and southeast Asia or on the east Asian mainland.

So as we go to this Conference, Asian instigated, Asian inspired, I am certain that the genesis of the invitation will be considered and that we will all hope and pray for its success in contributing to a peaceful solution in the area of southeast Asia. That solution, in my opinion, can be found in any number of ways—through a reconvening of the Geneva Conference, through a guaranteed neutralization of all southeast Asia, or through an enlarged Asian Conference based on the Conference which will be in progress about the latter part of this week.

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

Mr. MANSFIELD. I yield.

Mr. SALTONSTALL. The Senator from Montana is saying that the President of the United States did not issue the invitation. He is going there to accept the invitation as the representative of the United States in a conference that has been called by the Asian countries.

Mr. MANSFIELD. That is correct; when speaking with the President on several occasions, he mentioned to me that if he had his way, he would far rather have had the date for the conference be November 15 or December 15, or thereabouts, rather than follow the present timetable, but as one who was requested to attend, of course, he bowed very graciously to the wishes of his host, and that is the reason why this particular conference will be held at this particular time.

Mr. YOUNG of Ohio. The distinguished majority leader is so right. I congratulate him for his wise, in fact magnificent, statement. Our hopes and our prayers should be with our President throughout his journey undertaken earlier today to seek to achieve peace in southeast Asia. He is confronted with a tremendous task. Sallust, the great Roman historian some 40 years before the birth of our Saviour wrote:

It is always easy to begin a war but very difficult to stop one, since its beginning and end are not under the control of the same man.

COMPENSATION FOR CERTAIN POSITIONS WITHIN THE SMITHSONIAN INSTITUTION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1698.

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

The LEGISLATIVE CLERK. A bill (H.R. 15727) to establish rates of compensation for certain positions within the Smithsonian Institution.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Post Office and Civil Service, with an amendment, to strike out all after the enacting clause and insert:

That title 5, United States Code, is amended as follows:

(1) Section 5315 is amended by inserting the following new paragraphs after paragraph (77):

"(78) Assistant Secretary for Science, Smithsonian Institution.

"(79) Assistant Secretary for History and Art, Smithsonian Institution."

(2) Section 5316 is amended by inserting the following new paragraphs after paragraph (116):

"(117) Director, United States National Museum, Smithsonian Institution.

"(118) Director, Smithsonian Astrophysical Observatory, Smithsonian Institution."

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.

HELENA GILBERT MADDAGIRI AND HEATHER GILBERT MADDAGIRI

Mr. MANSFIELD. Mr. President, I ask that the Chair lay before the Senate the message from the House of Representatives amending S. 2801.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill from the Senate (S. 2801) for the relief of Helena Gilbert Maddagiri and Heather Gilbert Maddagiri which was, to strike out all after the enacting clause and insert:

That for the purposes of sections 203(a)(1) and 204 of the Immigration and Nationality Act Helena Gilbert Maddagiri shall be held and considered to be the natural-born alien daughter of Mr. and Mrs. Aswath Maddagiri, a lawfully resident alien and a citizen of the United States respectively.

SEC. 2. In the administration of the Immigration and Nationality Act, Heather Gilbert Maddagiri may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Aswath Maddagiri, a lawfully resident alien and a citizen of the United States, respectively.

SEC. 3. The natural parents or brothers or sisters of the beneficaries shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. MANSFIELD. On June 13, 1966, the Senate passed S. 2801, to provide for the entry into the United States of two children, 21 and 15 years of age, to be adopted by a citizen of the United States and a lawful resident of the United States, in immediate relative status.

On October 11, 1966, the House of Representatives passed S. 2801, with an amendment that would grant to the eldest beneficiary the status of a first preference immigrant, which is the status enjoyed by the alien sons and daughters of U.S. citizens.

The amendment is acceptable, and I move that the Senate concur in the House amendment to S. 2801.

The motion was agreed to.

DR. RAFAEL PEDRO MARTINEZ TORRES

Mr. MANSFIELD. Mr. President, I ask that the Chair lay before the Senate

the message from the House of Representatives amending S. 1137.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1137) for the relief of Dr. Rafael Pedro Martinez Torres, which was, to strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Nationality Act, Doctor Rafael Pedro Martinez Torres shall be held and considered to have been lawfully admitted to the United States for permanent residence as of September 25, 1961.

Mr. MANSFIELD. On July 22, 1965, the Senate passed S. 1137, to deem the periods of residence since the beneficiary's lawful admission for permanent residence on March 5, 1950, to meet the naturalization requirements of the Immigration and Nationality Act.

On October 11, 1966, the House of Representatives passed S. 1137, with an amendment to grant the beneficiary the status of permanent residence on September 25, 1961, the date of his last entry in a temporary status.

The amendment is acceptable, and I move that the Senate concur in the House amendment to S. 1137.

The motion was agreed to.

DR. MARSHALL KU

Mr. MANSFIELD. Mr. President, I ask that the Chair lay before the Senate the message from the House of Representatives amending S. 769.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 769) for the relief of Dr. Marshall Ku, which was, to strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Nationality Act, Doctor Marshall Ku shall be held and considered to have been lawfully admitted to the United States for permanent residence as of October 30, 1951.

Mr. MANSFIELD. On March 11, 1965, the Senate passed S. 769, to grant the status of permanent residence in the United States to the beneficiary as of a prior date of entry. The bill provided for an appropriate quota deduction, inasmuch as the beneficiary had not been lawfully admitted.

On October 11, 1966, the House of Representatives passed S. 769, with an amendment to remove the requirement for a quota deduction, inasmuch as the beneficiary was lawfully admitted for permanent residence subsequent to the passage of the bill by the Senate.

The amendment is acceptable, and I move that the Senate concur in the House amendment to S. 769.

The motion was agreed to.

PROTECTION OF CONSTITUTIONAL RIGHTS OF FEDERAL EMPLOYEES AND TO SECURE THEM AGAINST UNWARRANTED INVASIONS OF THEIR PRIVACY

Mr. ERVIN. Mr. President, the Subcommittee on Constitutional Rights has just completed preliminary hearings on S. 3779, a measure designed to put an end to some of the more blatant, unwarranted intrusions on private thoughts, private actions, and private lives of employees. I refer to questions and questionnaires and forms which have little or nothing to do with an individual's ability and qualifications for a position within a merit system; questions about his relationships with his family, his religious beliefs and practices, his attitudes and conduct about sexual matters, his creditors, property and financial interests, his race, religion and national origin; decisions made for him as to how much and when he will donate to charity; when he will invest in bonds the money he earns; when he will take part in outside community activities, and with whom; and what social and economic policies and legislation he is to support in his community.

These are practices and attitudes which are abhorrent to our system of government. While individually each practice is allegedly directed to the attainment of some special goal to make the task of government easier or to promote some laudable program, I see no earthly reason why Federal employees should be the guinea pigs for pseudoscientific devices, or captive audiences for political purposes; or why they should yield their personal privacy and their freedom of thought in the interest of saving administrators, personnel or medical specialists time and energy they should be spending in the performance of their assigned jobs.

In the years since Congress enacted the Pendleton Act of 1883, we have labored to perfect a Federal civil service and a merit system of which we can be proud. But in the process, have we built an organization so efficiency oriented, and so systematized, that it lacks a place of ethics, or for moral values in its dealing with its employees and applicants for employment? I sincerely hope not. Yet, some of the current practices suggest this is a distinct possibility. They suggest a disregard for basic freedoms which the Bill of Rights was designed to protect. The drafters of our Constitution and Bill of Rights did not say that they guaranteed certain liberties to all citizens except those who happen to work for the Federal Government. Yet, the citizen who decides to work for Government has been in a legal no man's land.

The recent hearings on S. 3779 showed that every major employee organization and union, thousands of individual employees who have written Congress, law professors, the American Civil Liberties Union, and a number of bar associations agree on the need for statutory protections such as those in this measure.

We often find that as the saying goes "things are never as bad as we think they are," but in this case, the hearings show that privacy invasions are worse than we thought they were. Case after case of intimidation, of threats of loss of job or security clearance were brought to our attention in connection with bond sales, and Government charity drives.

Case after case was cited of privacy invasion and denial of due process in connection with the new financial disclosure requirements. A typical case is the attorney threatened with disciplinary action or loss of his job because he is both unable and unwilling to list all gifts, including Christmas presents from his family, which he had received in the past year. He felt this had nothing to do with his job, and I agree. There was the supervisory engineer who was told by the personnel officer that he would have to take disciplinary action against the 25 professional employees in his division who resented being forced to disclose the creditors and financial interests of themselves and members of their families. Yet there are no procedures for appealing the decisions of supervisors and personnel officers who are acting under the Commission's directive. These are not isolated instances; rather, they represent a pattern of privacy invasion reported from almost every State.

We were told that supervisors are ordered to supply names of employees who attend PTA meetings and engage in great books discussions. Under one Department's regulations, employees are requested to participate in specific community activities promoting local and Federal antipoverty, beautification, and equal employment programs; they are told to lobby in local city councils for fair housing ordinances, to go out and make speeches on any number of subjects, to supply flower and grass seed for beautification projects, and to paint other people's houses. When these regulations were brought to our attention several weeks ago, the subcommittee was told that they were in draft form. Yet, we then discovered they had already been implemented and employees whose official duties had nothing to do with such programs were being informed that failure to participate would indicate an uncooperative attitude and would be reflected on their efficiency records.

Mr. President, John Cramer of the Washington Daily News has described this better than I can. He aptly termed it a "shocker, a slightly terrifying example of the bureaucratic mind in fever." He also defines the threat to civil liberties posed by such programs:

If today's Administration can direct career Federal employees to work for an Administration objective such as open occupancy, tomorrow's Administration may command them to work against it.

Such attempts to control the thoughts and actions of American citizens are an affront to the political freedom which is the single most important guarantee under our Constitution.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "A Shocking Bureaucratic Proposal," written by John Cramer, and published in the Washington Daily News of September 30, 1966.

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

A SHOCKING BUREAUCRATIC PROPOSAL

(By John Cramer)

A proposed new Treasury Department regulation—still-tentative, not yet official—is a real eyebrow-raiser . . . a slightly-terrifying example of the bureaucratic mind in fever.

In effect, it would direct Treasury career employes to work actively in their own communities not only in support of duly-enacted law in the equal opportunity field—but also in support of Administration programs.

OBJECTIVES

The line here isn't even thin.

However commendable the objectives, the Treasury thing is way off base.

It would violate the long-standing, well-based tradition that Federal career employees should not be obliged to work (outside their jobs) for Administration programs—even those in behalf of God, home, and mother.

It would impose conditions of employment on Treasury workers which no private employer would dare to impose on his own employes.

HEARING

The proposed regulation came to the forefront yesterday as the House Constitutional Rights Subcommittee resumed its hearings on legislation by Chairman SAM ERVIN, Democrat, of North Carolina, and 35 other Senators to set up "bill of rights" for Federal employes to protect them against invasions of privacy.

The regulation is intended to implement Treasury's portion of the equal opportunity drive.

In it, Treasury cited Civil Service Commission guidance telling agencies their employes "shall participate at the community level . . . in cooperative action to improve employment opportunities and community conditions that affect employability."

It then cited additional Commission guidance telling agencies their employes should "actively support community efforts directed toward equal opportunity in housing, education, recreation, etc . . . work with the Federal Executive Board, Urban League or other organizations in cooperative equal employment opportunity efforts. . . ."

GOES ON . . .

The proposed Treasury regulation then goes on to tell employes to:

". . . Spotlight local housing problems with a bus tour through problem areas.

"Work with community action programs to persuade local newspaper to do a series of articles on local housing conditions. Also aiming for television documentaries.

"Work with Federal and community agencies to support open occupancy.

"Form equal housing opportunity committee to solicit open occupancy listings and promote equal opportunity neighborhoods.

"Encourage minority group employes to move into the general housing market.

"Get city council to enact an equal housing opportunity ordinance.

"Solicit co-operation of local real estate brokers and lending institutions in sponsoring housing seminars. Purpose: impart information on home buying.

"Work with community to promote clean-up campaigns in low income areas. Making use of both private and public services—garbage, junk pickup, etc.

"Support beautification endeavors (provide flower and grass seed).

"Support paint-up projects . . . provide paint, brushes, etc."

"Conduct research to accumulate local socio-economic data comparing local Negro and white populations. Consider statistics on employment, voting, education, housing, etc. Such statistics should prove useful to the specific efforts of any undertaking or group."

"Work with local hotels, motels, restaurants, theaters, taverns, and other public places, and showing them benefits (to themselves and to the community at large) of complying with public accommodations regulations."

As I said, the Treasury thing is a shocker.

If today's Administration can direct career Federal employes to work for an Administration objective such as open occupancy, tomorrow's Administration may command them to work against it.

In such a perversion of the Federal Service all of us will suffer . . . citizens black and white alike.

Mr. ERVIN. Mr. President, I ask unanimous consent that the Treasury Department "draft" regulations be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. ERVIN. Mr. President, when Mr. Macy was asked about these policies, he said the regulations exceeded the bounds of what he had defended and would have to be reviewed before they were released. Apparently, he did not realize that others thought they had indeed been cleared or that personnel officers and equal employment officers were already preparing to discipline those employees who asserted a right to choose their community activities or even not participate at all—employees who might dare claim that their leisure time is theirs to spend as they please, with their families, or catching up with their work, or just going fishing.

Evidently some people got their signals crossed. Mr. Macy obviously forgot his bulletin of September 1 telling the agencies that many of their "Plans of Action" for equal employment programs were "little more than statements of policy and complaint procedures" and that they lacked a systematic approach to assessing the equal employment opportunity situation, establishing objectives, and obtaining feedback. He called for amended plans of action of a specific nature.

Mr. President, if the Treasury Department regulations are any example of those directives already cleared by the Commission, it would seem that the "feedback" they have already produced from employees should serve as a brake on further encouragement of this type of official pressure and guidance on employee activities. Instead of calling for amended plans of action, the Commission should be ordering agency plans of action for protecting employee rights to privacy and to freedom to spend their leisure hours as they please.

Recently, the Director of the Internal Revenue Office Personnel Division produced an example of the type of zealous directive which calls forth complaints and criticism for employees and organizations who support and have worked for civil rights causes and for the administration's equal employment, antipoverty, and beautification programs. This directive, entitled "Community Action Program" states:

Both President Johnson and Secretary Fowler have recently asked Federal employees to take an active part in community projects designed to eliminate the basic social problems which slow up progress toward the goal of equal employment opportunity for everyone. Many employees are already doing this independently in an unofficial capacity. Quite often we hear about employees who, on their own time, tutor underprivileged children in the slums, counsel youths at Job Corps Centers, assist at rehabilitation centers for the mentally retarded, teach accounting and technical tax courses at minority group colleges or adult education centers, and many similar projects. We also hear about District Directors and other IRS officials who work in an official capacity on Human Relations Commissions or interagency government groups. All of these projects are worthwhile and they contribute toward the goal which President Johnson and Secretary Fowler have asked us to set for ourselves . . . we are going to print a special issue of our "Employment News" with the hope that the stories and pictures may stimulate employees to seek out and participate in community action programs . . . Although the Revenue employee will be an important part of the story, the real emphasis should be placed on the objective of the community action project and how the work is done. Articles and photographs should be sent to us through Regional Personnel Officers.

This did not spring full-blown from the brain of the Director of Personnel. Being a responsible, efficient civil servant, when his President and the Secretary of the Department "ask" for employee participation, he naturally will interpret this as a command to produce evidence of some employee participation. And being the trained personnel specialists they are, his subordinates stationed throughout the country will follow suit.

On September 9, Secretary Fowler himself signed a memo to administrative officers in the National Office which states:

The President and Secretary Fowler are vitally interested in encouraging Federal employees to participate in the many community action programs throughout the nation.

The subcommittee hearings have produced ample evidence of the outright intimidation, arm twisting and more subtle forms of coercion which result when a superior is requested to obtain employee participation in a program. We have seen this in the operation of the bond sale campaign, the drives for charitable contributions, and the use of self-identification minority status questionnaires. We have seen it in the sanctioning of polygraphs, personality tests, and improper questioning of applicants for employment.

Thomas Jefferson swore hostility against every form of tyranny over the mind of men. In view of some of the current practices reported by employee organizations and unions, I sometimes wonder if those who endorse these techniques for mind probing and thought control of employees have not forgotten his warnings. Indeed, they themselves seem to display a sworn hostility against the idea that every man has a right to be free of every form of tyranny over his mind; they forget that to be free a man must have the right to think foolish thoughts as well as wise ones. They forget that the first amendment implies the right to remain silent as well as the right to speak freely—the right to do nothing as well as the right to help implement lofty ideals.

I ask unanimous consent to have printed in the RECORD at this point the

Treasury Department and Internal Revenue Service directives, together with excerpts from sample letters from employees, and a column by Jerry Kluttz on this subject from the Washington Post of October 9, 1966.

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

[From the Washington Post, Oct. 9, 1966]

THE FEDERAL DIARY: CSC TO REVISE EMPLOYE GUIDELINES

(By Jerry Kluttz)

The Civil Service Commission will soften its controversial guidelines that would have directed Federal employes to become involved in politics to support open housing, beautification and other objectives of the Johnson Administration.

Its plan was unearthed by the Senate Constitutional Rights Subcommittee, and, along with other acts of the Administration, it was blasted by Chairman SAM J. ERVIN, Democrat, of North Carolina, and employe leaders as invasions of the private and constitutional rights of Government workers and their families.

ERVIN and others centered their attack on a proposed Treasury Department regulation adapted from CSC's guidelines which directed its employes, among other activities, to persuade city councils to enact equal housing opportunity ordinances; to provide flowers, seeds, paint and brushes to beautification projects and to encourage local newspapers to publish articles on local housing conditions.

A Treasury spokesman told a reporter that its plan closely followed CSC's guidelines to all Federal agencies and had in fact been cleared at the CSC staff level.

But CSC Chairman John W. Macy told the Ervin subcommittee that the Treasury document "exceeds the bounds" of his agency's guidelines, and that it couldn't be made effective until it was approved by the three CSC members. As a result, CSC's guidelines and Treasury's proposal are being rewritten to stay within more restrictive bounds, particularly those provisions directing employes to become involved in community action programs.

Since the Civil Service Commission is charged with enforcing the Hatch Act, which forbids employes from active participation in partisan politics, the revised documents are expected to stress to employes that they must abide by that law, in any extracurricular programs in which they participate.

The flap over the guidelines is another classic example of inadequate communication by Government policy makers with the great body of the 2.8 million Civil Service employees.

ERVIN brought out that an attempt had been made to implement the Treasury proposal even though it hadn't been made effective. He had been told, he said, of a warning to a group of Treasury employes that those who failed to cooperate would be accused of "undesirable work attitudes."

The Department now believes it has spotted the employe who made the "unauthorized threat. Someone, apparently, had failed to tell the over-zealous employe that the document wasn't official and wasn't to be given the interpretation placed on it. A Treasury employe commended:

"This fellow just picked up the ball and ran with it, in all directions. That's about all we can say."

The fact is that Macy and other top officials seemed to blame poor employe communication and aggressive supervisors for many of their woes. Repeatedly at the Ervin hearings, Macy found himself trying to explain excesses of various agencies in carrying out various directives.

"Why is it," an official plaintively asked after the hearing, "that an agency like VA can get 99 per cent of its employes to complete the self-identification racial questionnaire without a peep, while the employes in another agency protest it as an invasion of their rights, and other sabotage it by giving misinformation?"

He then proceeded to answer his own question by explaining that VA did a fine job in explaining the questionnaire and its purpose to its employes, while other agencies tried to browbeat their employes to fill out the "voluntary" questionnaire while belittling it and its purpose.

Also, Administration officials are stunned by the wide support for the bill by ERVIN and 34 other Senators to protect the constitutional rights of Federal workers. The bill has the support of every important employe leader, bar groups, and the American Civil Liberties Union, as well as wide rank-and-file employe backing whose sincerity in deploring growing intrusions in their privacy is unquestioned.

Macy was the only witness to testify against the bill. He argued it would adversely affect the employes, cause conflict with existing laws and would be a disservice. He questioned whether a Federal agency could even ask an employe where he was born under the bill.

But ERVIN patiently explained that his measure was a "blueprint for discussion" and not a final bill. He asked Macy and other witnesses for their suggestions to improve it.

While Macy was denouncing the bill, an employe spectator audibly whispered to a friend: "I really believe the Johnson Administration is losing touch with Federal employes and their feelings."

Boiled down, this comment seems to sum up the employe case for the objective of the legislation.

OCTOBER 12, 1966.

DEAR SENATOR ERVIN: I believe attached copies are self-explanatory. This is the latest (if not ultimate) outrage about to be perpetrated on Treasury employees. This, Senator, is the "very end". I am just one more of the many, many Internal Revenue Service employees who can state, unequivocally, "Man we've had it". This is the Federal agency constantly referred to these days (in and out of Government circles) as "The American Gestapo Service". You name it and we've got it! Coercion, brain-washing, intimidation, harassment, brow-beating, crude, gross invasion of individual privacy, all of which is seldom employed in subtle or sophisticated approaches, quite the contrary, but rather in the old "you do it or else" style (tyranny baring its naked fangs!) by some little scared-out-of-his-half-wits pipsqueak bureaucrat by his superior who is scared-out-of-his-half-wits, etc. (in other words, a passel of bureaucratic Pavlovs and their trained dogs!) I assure you "nobody but nobody" escapes. There are virtually reams of lists over the years, secreted in some "immediate" supervisor's safe or file on employees "under his rule" who "donate(?)" to United Givers Fund or Drive (and myriad other solicitations) with notations by every employees name as to how much or how little (and it had better not be "no contribution" written by your name!)

In the event they fail to tell you, as far as the so-called run-of-the-mill-honest hard-working conscientious Federal employee is concerned, if S. 3779 is passed it will be the greatest document since the Bill of Rights, and in the event that S. 3779 isn't passed, you will still be the Government employees' hero—and Government employees have notoriously long memories these days and darn few heroes!

AN IRS EMPLOYEE, A TAXPAYER, A CITIZEN.

MEMORANDUM

SEPTEMBER 9, 1966.

To: Administrative Officers

From: Chief, National Office Branch, Personnel Division

Subject: Community Action Programs

The President and Secretary Fowler are vitally interested in encouraging Federal employees to participate in the many community action programs throughout the nation. As a means of informing employees of activities through which they can help their local areas, a special issue of the "Employment News" will be devoted to community action projects. In this issue, articles and photographs showing Internal Revenue employees at work on these special activities will be featured.

The National Office is included in this program. We are, therefore, asking that you send your articles and photographs to my office, attention Barbara Monat, by Monday, October 3, 1966. Manual Supplement 1(11) RDD-6, "Community Action Programs," is attached and outlines in detail Internal Revenue's interest in these programs. If you have any questions, Miss Monat may be reached on extension 4965.

J. G. FOWLER.

[A U.S. Treasury Department-Internal Revenue Service manual supplement, No. 1(11) RDD-6; date of Issue, August 19, 1966; Response date, October 10, 1966]

COMMUNITY ACTION PROGRAMS

Both President Johnson and Secretary Fowler have recently asked Federal employees to take an active part in community projects designed to eliminate the basic social problems which slow up progress toward the goal of equal employment opportunity for everyone. Many employees are already doing this independently in an unofficial capacity. Quite often we hear about employeees who, on their own time tutor underprivileged children in the slums, council youths at Job Corps Centers, assist at rehabilitation centers for the mentally retarded, teach accounting and technical tax courses at minority group colleges or adult education centers, and many similar projects. We also hear about District Directors and other IRS officials who work in an official capacity on Human Relations Commissions or inter-agency government groups. All of these projects are worthwhile and they contribute toward the goal which President Johnson and Secretary Fowler have asked us to set for ourselves.

It has occurred to us that many Revenue employeees may not know how or where to find responsible community groups and projects which readily offer them an opportunity, as an individual, to help make equal employment a reality. We believe one of the best ways to convey this information to them is by telling them what some of their fellow employees are doing. Therefore, we are going to print a special issue of our "Employment News" with the hope that the stories and pictures may stimulate employees to seek out and participate in community action programs.

We would like your help in getting good articles for this issue of "Employment News." Each story should be illustrated with an action photograph to show how the project is is actually carried out or the environment. (Whenever possible the photograph should be an 8x10 glossy print.) Although the Revenue employee will be an important part of the story, the real emphasis should be placed on the objective of the community action project and how the work is done.

Articles and photographs should be sent to us through Regional Personnel Officers. Regional Personnel Officers should forward all stories to my office, attention A:P:E, by October 10, 1966. In the meantime, if you

have any questions about this project, you may direct them to Dick Duncan who is on my staff. His telephone extension is 4714. Report Symbol No-A:P-5(OT) applies.

A. J. SCHAFFER,
Director, Personnel Division.

[Extract from letter of a Treasury employee]

SEPTEMBER 27, 1966.

Over the years the Treasury Department has placed special emphasis on the hiring of Negroes under the Equal Employment Opportunity Program, and considerable progress in that regard has been made. However, the emphasis of the present conference was that our efforts in the field of Equal Employment Opportunity have not been sufficient. Under the leadership of President Johnson and based on his strong statement with regard to the need for direct action to cure the basic causes leading to discrimination, the Treasury Department has now issued specific instructions requiring all supervisors and line managers to become actively and aggressively involved in the total civil rights problem.

The requirements laid down by Chapter 713 and its Appendix include participation in such groups as the Urban League, NAACP, etc. (these are named specifically) and involvement in the total community action program, including open housing, integration of schools, etc.

The policies laid down in this regulation, as verbally explained by the Treasury Representatives at the conference, go far beyond any concept of employee personnel responsibility previously expressed. In essence, this regulation requires every Treasury manager or supervisor to become a social worker, both during his official hours and on his own time. This was only tangentially referred to in the regulations and its appendages, but was brought out forcefully in verbal statements. Frankly, this is tremendously disturbing to me and to many of the other persons with whom I have discussed the matter.

The principles expressed in these regulations and in this conference strike me as being of highly dangerous potential. If we, who have no connection with welfare or social programs, can be required to take time from our full-time responsibilities in our particular agencies and from the hours normally reserved for our own refreshment and recreation to work toward integration of white neighborhoods, integration of schools by artificial means, and to train Negroes who have not availed themselves of the public schooling available, then it would seem quite possible that under other leadership, we could be required to perform other actions which would actually be detrimental to the interests of our nation.

I earnestly solicit your strong attention to this matter and to the submission of legislation which would protect the Civil Service employee from this encroachment upon his personal rights and privileges.

Mr. ERVIN. It is not under this administration alone that there has been a failure to respect employee rights in a zeal to obtain certain goals. While some of the problems are new, others have been prevalent for many years with little or no administrative action taken to attempt to ameliorate them. Despite congressional concern, administrative officials have failed to discern patterns of practice in denial of rights. They seem to think that if they can belatedly remedy one case which is brought to the attention of the Congress, the public and the press, that this is enough—that the "heat" will subside. With glittering generalities qualified until they mean nothing in substance, they have sought to throw Congress off the track in its pursuit of permanent corrective action. We have seen this in the case of personality testing, in the use of polygraphs, and all the practices which S. 3779 would prohibit.

The chairman of the Civil Service Commission informed the subcommittee that there is no need for a law to protect employee rights. He believes the answer is "to permit executive branch management and executive branch employees as individuals and through their unions, to work together to resolve these issues as part of their normal discourse."

It is quite clear from the fearful tenor of the letters and telephone calls received by the subcommittee and Members of Congress that there is no discourse and is not likely to be any discourse on these matters between the Commission and employees. Furthermore, there are many who do not even fall within the Commission's jurisdiction. For them, there is no appeal but to Congress.

As for the argument that the discourse between the unions and the Commission will remedy the wrongs, I think the testimony of the union representatives adequately demolishes that dream.

The typical attitude of those responsible for personnel management is reflected in Mr. Macy's answer that there may be instances where policy is not adhered to, but "there is always someone who does not get the word." Corrective administrative action, he says, is fully adequate to protect employee rights.

Mr. President, I respectfully submit that administrative action is not sufficient and that furthermore, in the majority of complaints, the wrong actually stems from the stated policy of the agency or the Commission. How can these people be expected to judge objectively the reasonableness and constitutionality of their own policies? This is the role of Congress, and in my opinion, Congress has waited too long as it is to provide the guidance that is desperately needed in these matters.

Another response of the Commission is that an executive committee is studying the use of lie detectors. I think Congress is tired of waiting for the executive branch to study these denials of basic rights. It does not take much study to grasp the principles involved here. I submit that all executive branch officials have to do is mix in some awareness of basic constitutional principles with all the management principles they espouse. I believe that in addition to S. 3779, what is needed is a new Executive order to govern personnel practices and investigations throughout Government. The basic Executive orders on which the agencies and the Commission rely for their personnel practices were promulgated in response to the immediate problems of the decades of the 1940's and 1950's. They are antiquated, vague, and lack positive specific direction to personnel, medical, security, and other specialists who today face different problems, utilize different tools, and operate on the basis of different management principles from those prevalent 15 or 20 years ago.

To guide administrators as well as all those who deal with Government personnel and who program for the civil service, an up-to-date order from the Chief Executive is needed, based on the particular problems of today.

In addition to enactment of S. 3779, and a promulgation of a new Executive order, I find considerable merit in a proposal Prof. Alan Westin made to the subcommittee for the establishment of an ombudsman type of commission for the protection of employee rights.

As defined by Professor Westin, this would be an independent agency which would be empowered to receive employee complaints, to hold hearings and determine "whether the Federal right to privacy for employees against unreasonable intrusions has been invaded without justification or without proper cause." The subcommittee plans to consider this proposal carefully in the next session as a possible supplement to S. 3779.

Regardless of our decision on supplementary legislation, however, there is an immediate need for enactment of S. 3779 before these practices and programs become even more entrenched. I strongly suspect that Government personnel specialists, if given half a chance, would be among the supporters of this bill. If it is enacted, they will be able to proceed with their mission of operating a merit system within the Federal service, with hiring and firing on the basis of a person's ability and qualification to fill a position.

As I have stated on many occasions, S. 3779 is merely a blueprint for discussion; the other 35 cosponsors and I have no pride of authorship in the language. However, we are determined that Congress shall take affirmative action to protect the constitutional rights of employees enunciated in the bill. Many illuminating and valuable suggestions have been made in the course of the subcommittee hearings and investigation, and they will be given careful and thoughtful study. It is my intention to reintroduce the bill next January in the hope of obtaining prompt action on it early in the next session.

A very strong case can be made for the proposition that the Federal Bureau of Investigation, the Central Intelligence Agency and the National Security Agency should be excluded from provisions of the bill because of the delicate nature of the operations in which they are engaged. However, regardless of what final decisions the subcommittee may make on this point, I am seriously concerned over complaints such as the following which the subcommittee has received from an applicant for employment with the security agencies:

STATEMENT ON THE USE OF POLYGRAPHS AT NATIONAL SECURITY AGENCY, FORT GEORGE MEADE, MARYLAND

When I graduated from college in June of 1965, I applied at NSA. I went to two days of testing, which apparently I passed because the interviewer seemed pleased and he told me that they could always find a place for someone with my type of degree.

About one month later, I reported for a polygraph test at an office on Wisconsin Avenue in the District or just over the district

line in Maryland. I talked with the polygraph operator, a young man around 25 years of age. He explained how the machine worked, etc. He ran through some of the questions before he attached the wires to me. Some of the questions I can remember are:

When was the first time you had sexual relations with a woman?

How many times have you had sexual intercourse?

Have you ever engaged in homosexual activities?

Have you ever engaged in sexual activities with an animal?

When was the first time you had intercourse with your wife?

Did you have intercourse with her before you were married? How many times?

He also asked questions about my parents, communist activities, etc. I remember that I thought this thing was pretty outrageous, but the operator assured me that he asked everybody the same questions and he has heard all the answers before, and it just didn't mean a thing to him. I wondered how he could ever get away with asking a girl those kind of questions.

When I was finished, I felt as though I had been in a 15-round championship boxing match. I felt exhausted. I made up my mind then and there that I wouldn't take the job even if they wanted me to take it. Also, I concluded that I would never again apply for a job with the government, especially where they make you take one of these tests.

Certainly such practices should not be tolerated even by agencies charged with security missions. Surely, the financial, scientific, and investigative resources of the Federal Government are sufficient to determine whether a person is a security risk, without strapping an applicant to a machine and subjecting him to salacious questioning. The Federal Bureau of Investigation does not use personality tests or polygraphs on applicants for employment. I fail to see why the National Security Agency finds them so fascinating.

The subcommittee has received letters from professors who have special interest in privacy and constitutional rights. I ask unanimous consent to have printed in the RECORD at this point letters expressing the views of Prof. Charles Reich of Yale Law School, Prof. Monroe Freedman of George Washington Law School, Prof. Frederick Mosher and Prof. Stanley Anderson of the University of California, Berkeley.

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

YALE LAW SCHOOL,
New Haven, Conn., October 6, 1966.

Senator SAM J. ERVIN, Jr.,
Chairman Committee on the Judiciary, Subcommittee on Constitutional Rights, U.S. Senate, Washington, D.C.

DEAR SENATOR ERVIN: I am writing you in answer to your letter of September 10th requesting my opinion on S. 3779 which deals with the rights of government employees.

I strongly support your efforts to have this bill enacted. It would be a significant step forward in defining the right of privacy which is so much in jeopardy today. Indeed I believe this bill would break new ground in terms of methods for guaranteeing fundamental rights to citizens. A law such as S. 3779 is badly needed and I hope the Senate will act upon it speedily and favorably.

With all good wishes,

Sincerely yours,

CHARLES A. REICH,
Professor of Law.

THE GEORGE WASHINGTON UNIVERSITY,
Washington, D.C., August 24, 1966.

Hon. SAM ERVIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ERVIN: Thank you for your thoughtfulness in sending me a copy of S. 3703, your Bill of Rights for Federal Employees. You and your co-sponsors are to be complimented for this statesman-like proposal to guarantee essential and traditional American rights to government workers.

As one who strongly urged, in testimony before your Subcommittee on Civil Rights, the elimination of personality testing of government workers I am particularly gratified by Section 1(g) of the Bill. In addition, Section 1(k), securing the right to counsel for employees subjected to interrogation, is an extremely important measure in light of numerous instances of denial of this right.

I assume that Section 1(f) is not intended to prevent the Department of Defense from declaring Off Limits for armed forces personnel a business establishment notorious for giving venereal disease as a byproduct of the goods and services it offers to the general public. Similarly, I would suppose that an establishment that operates in violation of Federal or State law could be put Off Limits (*e.g.*, a gambling casino or a restaurant that violates anti-discrimination laws).

Also worth noting is a possible (although admittedly a strained) construction of Section 1(b)-(e) so as to forbid instruction of supervisors of their obligations not to discriminate on grounds of race, religion, or national origin, in hiring or promotion practices. (This is to be distinguished, of course, from indoctrinating employees as to what their personal attitudes should be regarding these matters). Since these sections of the Bill clearly permit instruction regarding assigned tasks and activities directly within the scope of employment, it seems reasonably clear that instruction of supervisors regarding non-discrimination is permissible under the Bill.

Nevertheless, I think it would be advisable to clarify, in the legislative history, the matters raised in both the preceding paragraphs.

Section 1(a), regarding disclosure of race, religion, and national origin by employees, is one on which even the most ardent civil libertarians are split. For my own part, I do not believe that objections to this subsection are of such clear merit as to justify possible loss of the entire bill.

Again, may I compliment you on this extremely important legislative proposal. It is a great service to Federal employees and to the nation.

Sincerely yours,

MONROE H. FREEDMAN,
Professor of Law.

DEPARTMENT OF POLITICAL SCIENCE,
UNIVERSITY OF CALIFORNIA,
Berkeley, Calif., October 7, 1966.

Hon. Senator SAM J. ERVIN,
Chairman, Subcommittee on Constitutional Rights, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR SENATOR ERVIN: I apologize for this slow response to your letter of September 6 with regard to S. 3779. I have been traveling—and sometimes working—in Europe for most of the last six weeks, and this letter only reached me a couple of days ago. Unfortunately, the secretary who forwarded it did not enclose the draft of the bill so I have not yet seen the copy. I can only say that the problems with which you are dealing are both difficult and important, and I am delighted that they are being tackled by your Sub-Committee in a constructive way. I had a slight personal experience with the new requirements when I was engaged last spring for some consulting work by the Department of State. The data requirements seemed to me an annoying and potentially dangerous intrusion on the affairs of private citizens. For once I had reason to be grateful that my assets and financial activities are relatively limited.

This is written from the U.S. Embassy in London where I have been working the last few days. I shall return to Berkeley for a few days around October 20, and then shall leave again until about the middle of November. After that, I should be at home for good. I should be glad to render any such assistance as you may desire on this matter later on.

Sincerely yours,

FREDERICK C. MOSHER.

UNIVERSITY OF CALIFORNIA,
Berkeley, Calif., September 30, 1966.

Senator SAM J. ERVIN, Jr.,
Chairman, Subcommittee on Constitutional Rights, U.S. Senate, Washington, D.C.

DEAR SENATOR ERVIN: Thank you for your letter of September 15, with a copy of S. 3779 and related documents. I would be pleased to have my comments included in the record of the hearings which you will hold on October 4.

One of the most important tasks which faces the Congress and State legislatures in the next decade is the protection of the citizen against invasions of privacy. Such invasions are facilitated by the advances of technology in eavesdropping and data storage and retrieval.

No citizens are in more immediate danger of incursion into private affairs than government employees. When enacted, S. 3779 will provide a bulwark of protection against such incursions. Section 1(g) in particular would prevent the intimidation of federal job applicants through pseudo-scientific fishing expeditions.

S. 3779 is in the best tradition of recent United States Supreme Court decisions restricting the use of confessions secured in the absence of counsel. By a parity of reasoning, your Bill will make meaningful the constitutional guarantee against self-incrimination. Federal jobseekers and jobholders should be judged by their actions and not by thought control. The latter is a totalitarian device, and, moreover, is inherently unworkable. Long ago, Thomas Hobbes pointed out the futility of attempted coercion in the realm of ideas and beliefs. And, of course, freedom of conscience is a basic tenet of the American Constitution.

I would offer one criticism of S. 3779. Sections 1(b) and (c) may inhibit freedom of expression as guaranteed in the First Amendment. Does not Section 1(d) meet the purpose of (b) and (c)? If any agency sets up a meeting not related to the employee's tasks, the employee should not be required or directly requested to attend, but a posted or impersonally circulated notice might provide an opportunity for voluntary attendance.

With best wishes for the success of this legislation, I am,

Sincerely yours,

STANLEY V. ANDERSON,
Associate Professor.

Mr. ERVIN. There are fashions in follies as in everything else, and I think we have tolerated long enough the current fashions in privacy invasion. In the name of social experiment, in the cause of management efficiency, in behalf of technological advances and scientific research, we have too long permitted Americans to be subjected to practices and devices which should have no place in a society of freemen.

We are not powerless to fight the invasions of our privacy, incursions on our liberties, or the dangers inherent in the trend to complete computerization. The resources of our constitutional heritage

provide our ammunition. I suggest that we be guided by the words of James Madison in 1785 in his Remonstrance to the Virginia General Assembly:

It is proper to take alarm at the first experiment on our liberties. We hold this prudent jealousy to be the first duty of citizens . . . The freedom of America did not wait till usurped power had strengthened itself by exercise and entangled the question in precedents. They saw all the consequences in the principle, and they avoided the consequences by denying the principle. We reverse this lesson too much soon to forget it.

EXHIBIT 1

TREASURY DEPARTMENT, OFFICE OF PERSONNEL
DRAFT FOR TREASURY PERSONNEL MANUAL
TRANSMITTAL NOTICE NO.———

Insert: Chapter 713, Nondiscrimination. Subchapter 1, Subchapter 2.

Remove: Chapter 713, Nondiscrimination. Subchapter 1, Subchapter 2.

Remarks: The attached material is a revision of the over-all statement of Treasury policy on Nondiscrimination in employment. This material has been revised in accordance with Executive Order 11246 and the Civil Service Commission's new regulations governing Equal Opportunity. Changes and additional emphasis include the affirmative action areas; new provisions relating to equal employment coordination; new Sections on action plans and community affairs; expanding the self-evaluation guidelines; and incorporating, within the Chapter, provisions governing complaints and program matters which were formerly contained in Administrative Circular No. 76.

The usual distribution of this Transmittal has been doubled to provide extra copies for distribution to all Treasury managers.

Administrative Bulletin No. 66-38, Interim Regulations Governing the Equal Employment Opportunity Program of the Treasury Department, is cancelled.

ROBERT A. WALLACE,
Equal Employment Opportunity Officer.
A. E. WEATHERBEE,
Assistant Secretary for Administration.

Signed:

AMOS N. LATHAM, Jr.,
Director of Personnel.

Date Approved:———

TREASURY PERSONNEL MANUAL, CHAPTER 713, NONDISCRIMINATION

(Subchapters: 1. General Provisions, 2. Equal Employment Opportunity Program.)

SUBCHAPTER 1

General Provisions

Purpose ---------- 1-1
Policy ---------- 1-2
General Applicability of Subchapter 2--- 1-3

Purpose, 1-1

This Chapter establishes the framework for a positive, continuing program designed to promote equal opportunity in employment.

Policy, 2-1

In selecting for initial employment, advancement and career development opportunities, there shall be no discrimination because of the race, color, sex, creed, national origin, handicap, age, political affiliation, marital status, or membership in an organized employee group of any employee or applicant for employment who is otherwise eligible and qualified. Heads of bureaus and offices will initiate and maintain positive action programs, including necessary planning, educational and evaluative activities, to carry out the spirit and intent of this policy in an affirmative fashion. These activities will include participating at the community level in cooperative action to improve employment opportunities and community conditions that effect employability. Although there shall be clear avenues adopted for the submission, consideration and redress of complaints, the approach to positive action programs shall be characterized by the establishment of conditions that will make complaints of discrimination unnecessary. (From Administrative Circular No. 76.)

General applicability of subchapter 2, 1-3

Although subchapter 2 is primarily concerned with the equal employment opportunity program under Executive Order 11246, the guidance provided is applicable in many instances with minor adaptation to furthering the principles of equal opportunity as applied to the employment and advancement of "women," the "handicapped," the "aged" and other groups against which discrimination is specifically prohibited.

SUBCHAPTER 2

Equal Employment Opportunity Program

Introduction ---------- 2-1
Responsibilities ---------- 2-2
Developing Plans for Action---------- 2-3
Coordinating Action at the Local Level- 2-4
Positive Recruitment---------- 2-5
Merit Promotion---------- 2-6
Facilitating Acceptance and Understanding of EEO Policy---------- 2-7
Maximum Utilization of Skills-------- 2-8
Employee Development and Training--- 2-9
Involvement in Community Affairs---- 2-10
Evaluation and Correction---------- 2-11
Procedures Governing Complaints of Discrimination ---------- 2-12

Appendixes

Treasury Department Qualifications and Skills Updating Inventory------- A
Suggested Community Action Projects- B
Program Evaluation Guides---------- C

2-1 Introduction

a. Authorities:

(1) Executive Order 11246—Equal Employment Opportunity—September 24, 1965.

(2) Equal Opportunity Regulations of the Civil Service Commission (See Federal Personnel Manual Chapter 713).

(3) Treasury Department Administrative Circular No. 76 (Revised), Equal Employment Opportunity Program.

(4) U.S. Civil Service Regulations, Part 410, Employee Development.

b. Treasury Department Administrative Circular No. 76 (Revised) contains the executive policy of the Equal Employment Opportunity Program in the Treasury Department.

This subchapter of the Treasury Personnel Manual provides program objectives and additional guides for affirmative action in implementing the program and provides a procedure for handling complaints.

c. The objectives of the Equal Employment Opportunity Program are to assure:

(1) That all qualified persons are considered for and given equal opportunity for appointment to all levels of positions within the Department.

(2) That equal consideration is given to all employees in all promotion and reassignment actions.

(3) That equal training opportunities are made available to all employees.

(4) Fairness in the processing and disposition of all complaints and in making recommendations to appropriate administrative officials for corrective measures.

(5) That all relations and dealings with applicants and employees are in conformity with the policy of the Federal Government.

(6) That the full realization of equal employment opportunity within the Treasury Department is promoted through a positive, continuing program within each bureau and at each installation.

(7) That bureaus and installations develop specific action plans, including both short- and long-range objectives, to meet program needs.

d. Complaints based on discrimination because of race, creed, color, or national origin within the purview of the Executive Order cited above will be considered and resolved in accordance with Section 2-12, Procedures Governing Complaints of Discrimination.

2-2 Responsibilities

a. The Equal Employment Opportunity Officer

Serves as the personal representative of the Secretary in providing over-all leadership and policy direction to the Equal Employment Opportunity Program, and for dealing with committees of Congress which may be empowered to study or investigate matters concerning Equal Employment Opportunity. Under the regulations of the Civil Service Commission, he:

(1) Advises the Secretary with respect to the preparation of plans, regulations, reports, and other matters dealing with the Equal Employment Policy and Program.

(2) Reviews and evaluates the total program for equal employment to assure continuing conformity to the policy of excluding and prohibiting discrimination expressed in Executive Order 11246, and reports thereon to the Secretary with recommendations as to any improvement or correction as needed.

(3) Takes final Treasury Department action in complaints of alleged discrimination in personnel matters within the Department, and, in conjunction with Asst. Secretary for Administration, orders such corrective action as he may consider necessary.

b. The Director, Employment Policy Program

As the principal staff assistant to the Equal Employment Opportunity Officer and as operating head of the program,

(1) Is responsible for day-to-day operation of the Equal Employment Opportunity Program and reports to the Assistant Secretary designated as Equal Employment Opportunity Officer.

(2) Initiates policies, procedures and guidelines for the handling of complaints concerning discrimination under Executive Order 11246 in employment and other personnel matters.

(3) Investigates and, when possible, resolves cases of alleged discrimination directed to the Equal Employment Opportunity Officer, and makes recommendations to appropriate administrative officials for such corrective action as may be deemed necessary.

(4) Maintains liaison with Bureau Heads in promoting the positive aspects of the program to assist in precluding the possibility of discrimination in hiring, promoting, training, etc.

(5) Conducts appraisal studies of the effectiveness of the Department's program and recommends to the Equal Employment Opportunity Officer measures to be taken for the improvement of the program.

c. Director of Personnel

(1) Develops programs, methods, and techniques for carrying out the positive aspects of the Equal Employment Opportunity Policy with respect to all phases of personnel administration within the framework of the Federal Civil Service merit system.

(2) Provides specialized assistance and staff support to the Equal Employment Opportunity Officer in evaluating the over-all aspects of the Treasury Department's Equal Employment Opportunity Program and in resolving complaints.

d. Heads of Bureaus

(1) Are directly responsible to the Secretary for carrying out the spirit and intent of the Equal Employment Opportunity Program and for providing implementation thereof throughout all levels of their organizations.

(2) Are responsible for developing specific bureau plans for action, and for carrying out these plans throughout their respective organizations.

(3) Report, as requested, on plans made and on progress achieved to implement the program and furnish basic statistics indicating the status of minority group employment.

e. Deputy Equal Employment Opportunity Officers

(1) As representatives of the Equal Employment Opportunity Officer, serve as principal advisors to Heads of Bureaus or activities in implementing the program.

(2) Investigate complaints filed by bureau employees and by applicants and resolve such complaints in accordance with established Treasury Department procedures and the regulations of the Civil Service Commission.

(3) Assist the Director, Employment Policy Program, in evaluating and reporting on equal employment opportunity matters and in making studies bearing on the program.

(4) Maintain close liaison with Bureau Personnel Officers to exchange information and to coordinate activities as appropriate.

(5) Maintain close liaison with minority community or communities in area under their jurisdiction in order to be conversant with sources of possible complaints and to inform bureau or office heads of most useful areas of possible community participation. In areas where minority candidates are not applying for jobs, attempt to determine reasons and recommend remedial measures.

f. Bureau Personnel Officers

(1) Assist Heads of Bureaus in developing action plans and programs to achieve the objectives of the Equal Employment Opportunity Program with respect to all aspects of personnel administration.

(2) Serve as program advisers to key bureau officials and to the Deputy Equal Employment Opportunity Officer on personnel matters relating to the program.

(3) With operating officials, reappraise, at stated intervals, all phases of the equal employment program as set forth in Section 2-2(d).

g. Management Officials and Supervisors

Management officials and supervisors at all levels are responsible for exercising personal leadership in establishing, maintaining and carrying out a positive continuing program designed to promote equal opportunity.

h. Employees

Each individual employee is responsible for complying with the spirit and intent of the Equal Employment Program.

2-3 Developing plans for action

a. A key factor in successfully implementing the Equal Employment Opportunity Program throughout the Treasury Department is the development of a comprehensive plan of action by each bureau.

b. These plans should include as a minimum:

(1) A statement of specific objectives and goals—both immediate and long range.

(2) How the bureau proposes to achieve these objectives and goals e.g., probable action steps.

(3) A tentative timetable or schedule for action.

c. As appropriate, similar planning should be provided for at various organizational levels so as to insure responsiveness and adaptation to local problems and conditions. Under some circumstances, particularly at large installations and activities, EEOP planning committees, including minority group and employee group representation, may be of significant benefit.

d. Plans must be responsive to Treasury Department Equal Employment Opportunity Program objectives, should be based on a careful analysis of local situations and evaluation reports, and should include action for correcting weak spots and problem areas.

2-4 Coordinating action at the local level

a. Each bureau's program for equal employment must provide for effective coordination of planning and action at the local level.

b. Coordination for positive action includes assessing the status of the local problems, establishing action plans, maintaining contacts with minority group community leaders, recruitment, public information, training, orientation, and community projects as all these matters relate to creating a climate of acceptance for the program and contribute to insuring equality of opportunity.

c. In large field offices and in communities with significant minority group populations it will probably be desirable to designate one person to be responsible as an Equal Employment Opportunity Coordinator on a full-time basis. In other offices such responsibility may be on less than a full-time basis. In all locations, however, the function is essential and responsibility for fulfilling it must be fixed. In some instances Treasury offices in the same city may find it expedient and more effective to achieve some or all coordination through joint action.

d. Bureaus may also find it desirable to relate responsibility for coordination of EEO with other programs requiring special emphasis, e.g., employment of the handicapped, hiring under the various anti-poverty programs, and employment of women.

2-5 Positive recruitment

a. Guides for an Affirmative Approach: To insure Equal Employment Opportunity it is essential that in recruiting there be effective communication of the agency's needs to *all* qualified candidates throughout the recruiting area and that the qualifications evaluation process and selection procedure be as objective as possible. Some measures characteristic of an affirmative approach in recruitment include:

(1) Assuring that all elements of the labor market, particularly unskilled and disadvantaged individuals, have access to information on job opportunities for which they qualify or have potential.

(2) Developing and consistently applying valid and realistic qualification requirements and evaluation procedures so as to preclude the possibility of discrimination.

(3) Conducting college and technical school recruitment at a representative number and variety of institutions including those with a substantial number of minority group members in attendance.

(4) Conducting clerical and related recruitment on a full community basis including visits to schools with a substantial number of minority group members in attendance.

(5) Maintaining communications with local educational institutions, service groups, or similar organizations including those composed primarily of minorities.

(6) Participating with other employers and school counsellors and advisors in Career Days and other activities designed to lift the horizons and aspirations of youngsters.

(7) Designing and planning recruitment publicity such as brochures and vacancy announcements so as to assure all qualified applicants without regard to race, creed, color, or national origin, that they will be given equal opportunity for employment.

(8) Constantly reviewing all phases of the recruitment and selection process for conformance to the policy of nondiscrimination.

(9) Investigating situations wherein the number of minority group members within an organization is substantially less than would be expected under a program wherein merit is the primary consideration. If minority members are not applying, determining what factors are causing this failure and correcting them if possible. For example, if failure to apply is attributable to lack of housing or reputation of office, to assist in alleviating these problems.

(10) Providing recruiting representatives of Treasury activities with the orientation and training necessary to a complete understanding and full appreciation of the Department's policy of nondiscrimination.

(11) Using minority group employees in recruiting activities, e.g., as a member of a recruiting team.

(12) Assisting schools to improve curricula and establish courses appropriate for labor market needs. This may include encouraging qualified employees to undertake part-time and evening employment as instructors.

b. Prohibited Recruitment Activities.—In accordance with Federal Personnel Manual Chapter 332 agency arrangements for obtaining applicants for Federal employment from business, secretarial, trade, and similar private schools, private employment agencies, and other private recruitment and referral sources that operate on a segregated basis are prohibited. Specifically prohibited are recruiting visits, formal or informal referral of applicants, participation in "career days" and speeches by agency representatives at such sources. Bureaus should continue to send to such institutions examination announcements and other publicity made available to the public, generally. In addition, they must continue to accept applications from students and former students of such sources.

2-6 Merit promotion

a. In accordance with Chapter 300 of the Treasury Personnel Manual, a bureau's promotion plan must contain "a provision that religious, (or) racial . . . discrimination is prohibited and that violation of such provision will be dealt with in accordance with applicable laws, regulations, and policies."

b. Positive implementation of such promotion plans requires as a minimum:

(1) Reviewing the use of written tests, standards above the minimum, and ranking devices to determine whether these are valid and necessary indicators of job success.

(2) Insuring that promotion panels, if utilized, include minority representation as appropriate.

(3) Insuring that minority employees are provided opportunity for details and temporary assignments which may help give them the experience required for promotion.

(4) Measures designed to eliminate personal bias in such subjective areas of evalution as supervisory vouchers, interviews, and the ultimate process of selection from among eligibles qualified.

(5) Period review of selections and follow-up of apparent repeated instances of nonselection of minority group members.

2-7 Facilitating acceptance and understanding of EEO policy

Underlying the success of the equal employment policy in any organization is the factor of acceptance and understanding of EEO by all employees and especially by supervisors. This factor is particularly important when the employment of minority group members constitutes a change in the traditional employment pattern of the organizational unit involved. Measures which will assist in fostering an attitude of acceptance and an understanding of EEO include the following:

a. Publishing a personal communication from the head of the organization which sets forth a firm position of support for the Equal Employment Opportunity Program. Where possible, this support should be communicated personally in meetings and seminars.

b. Utilizing staff conferences and supervisory training programs to gain understanding and acceptance.

c. Conducting equal employment seminars, institutes and other educational activities for supervisors and managers. Such activities can provide a forum for top management commitment to EEO, facilitate participation by supervisors and managers in program planning, offer opportunities for beneficial exchanges with minority group leaders, and permit effective use of case studies.

d. Creating a clear understanding among all levels of supervision that they are expected to assume an active role in making constructive contributions to the national goal of equality of opportunity based on merit and qualification as expressed in Executive Order 11246 and that such a role is an inherent part of their responsibility.

e. Fostering supervisory practices which reflect objectivity and fairness in dealing with all employees with respect to such activities as:

(1) The distribution of work and training assignments and details.

(2) Expectations as to level of performance.

(3) Ratings and appraisals of performance.

(4) Encouragement and assistance in dealing with job-connected problems.

(5) Discussions of dissatisfaction related to discrimination.

(6) Assuring that the working conditions are free of discriminatory practices; for example assignment of work areas.

2–8 Maximum utilization of skills

The inadequacies of the labor market together with the social and economic objectives underlying both the Equal Employment and the Anti-Poverty Programs demand increased attention to job structuring and manpower utilization. The approaches to this total problem area encompass all elements of personnel management; however, in terms of the EEO Program, particular attention should be focused on the following:

a. Restructuring Occupations: Too often, employees are spending disproportionate amounts of time on tasks which do not utilize their specialized training and talents to an optimum degree. Occupations should be carefully examined to identify those which offer opportunities for shredding out sub-professional and non-technical tasks so that less skilled manpower may be profitably employed in lieu of technical and professional employees. These possibilities should be explored in all occupational studies and especially when qualification standards and work assignment guidelines are reviewed.

b. Skills Inventory:

(1) Although many of the existing personnel program activities, including, for example, performance appraisal plans, promotions plans, and maintenance of skills files, result in increased utilization of employee skills, cases will be discovered from time to time of significant nonutilization of such skills. In some instances nonutilization of skills reflects a lack of need for the skill in the organization. Other instances may represent oversight requiring corrective action. It is incumbent upon each bureau to examine its resources for the review of skills utilization and to insure that a periodic review, especially of the skills of employees below grade GS–5, is conducted at least annually. It has been found that the preponderance of significant nonutilization of skills occurs at these grade levels. A form which may be helpful in accomplishing a review appears as Appendix A.

(2) When instances of significant underutilization of skills are identified, remedial action shall be taken consistent with the needs of the organization to better utilize the employee skills, first within the immediate organization and, if necessary, elsewhere within the bureau's organization.

(3) In those instances where the employee's skill level is substantially above his employment level and his skills are of a nature not normally utilized in the bureau, or which cannot be utilized in the forseeable future, the employee should be assisted, if he so desires, and it is consistent with the interest of the organization, in bringing his qualifications to the attention of other bureaus and other agencies. Such cases shall be handled through local interbureau and interagency exchange relationships.

2–9 Employee development and training

a. Training: In view of the close relationship between training and development activities and subsequent opportunities for advancement, discrimination in selection for training in many instances automatically results in discrimination in advancement. Civil Service Commission policy is reflected in Part 410 of its Regulations as follows:

"The head of each department shall prescribe such procedures as are necessary to assure that in the selection of employees for training there shall be no discrimination because of race, creed, color, national origin, or sex.

"A department shall not select for training any non-Government facility that discriminates because of race, creed, color, or national origin in the admission or in the subsequent treatment of students."

Within the framework of their responsibilities as set forth in Section 2–2 d., above, Bureau Heads are expected to:

(1) Keep supervisors and training administrators in their bureaus informed of the above-cited regulations.

(2) Insure that appropriate policy issuances of the bureau specifically cover nondiscrimination in the selection of employees for training.

(3) Take such additional measures they deem necessary to assure compliance with the spirit and intent of the regulations.

b. *Counseling and Assistance in Self-Development:* Many employees possess capabilities and potentialities, which, if developed, could materially contribute to the accomplishment of the Treasury Department's goals and represent an over-all gain to society. Thus, a concept of equal opportunity in the area of training and development must in the long run be backed up by counseling and guidance services which help the employee to assess his potentialities and which positively encourage him to develop them to the fullest extent possible. While the role of the supervisor and that of the personnel office in this regard is the same for all employees, the actions of both must be marked by awareness of the need of minority group members for both assistance and encouragement. Specific examples of supporting actions that are recommended include:

(1) Disseminating knowledge of opportunities for advancement.

(2) Disseminating information regarding opportunities for training and development.

(3) Providing assistance in determining developmental needs of individuals for promotion to specific vacancies and for further advancement within career fields.

(4) Providing direct assistance when appropriate in the pursuit of training under the Government Employees Training Act, e.g., tuition assistance or time off to attend a course at a local school.

(5) Recognize the development of skills and abilities in making work assignments and in subsequent personnel actions.

2–10 Involvment in community affairs

a. Totality of Problem: Elimination discrimination in selection is only one element of the total endeavor needed to assure genuine equality in opportunities for employment. Community conditions, attitudes, and traditions all bear on an individual's employability and, in the case of many minorities, these factors persistently deprive citizens of employment opportunities. A significant aspect of this Department's EEO Program is that Treasury managers will provide leadership, at the community level, in cooperative actions aimed at improving local conditions and attitudes which affect employability.

b. Action: Treasury managers should be encouraged to seek out opportunities to work with responsible local groups in community action projects aimed at improving conditions and attitudes which affect employability. The degree, timing, and character of involvement needs careful analysis of local problems and good judgment if results are to be obtained. Whenever possible, such efforts should be coordinated with local, state, and Federal agencies having program responsibilities in these areas and with Federal Executive Boards and Federal Executive Associations. Appendix B contains a list of suggested community action projects; these are not all-inclusive and are provided only to illustrate the types of actions encouraged.

2–11 Evaluation and correction

a. Evaluation: Inherent in a positive plan of action for insuring equal employment opportunity is the need for periodic assessment of problems encountered and progress made. Appendix C is a suggested evaluation guide which has been developed as a tool for making periodic evaluations of the effectiveness of bureau programs. This guide may be used with adaptation at all levels within a bureau for self-evaluation. The development of additional or more refined evaluation techniques tailored to the needs of individual organizations is encouraged.

b. Corrective Action: Whenever as a result of specific complaints handled under the provisions of Section 2-12 or from evaluations such as those suggested above, it is determined that discrimination has occurred, it is important that the practices giving rise to the situation be corrected and that such correction be made promptly. Furthermore, positive corrective action at a local level is in most instances more effective than that proposed by a higher reviewing level. Reports of corrective action on the basis of complaints are made in accordance with the provisions of Section 2-12.

Section 2–12 Procedures governing complaints of discrimination

a. Purpose: This Section covers filing and acting on complaints of discrimination.

b. Authority: Executive Order No. 11246, dated September 24, 1965, the Regulations of the Civil Service Commission (31 F.R. 3069, as amended in 31 F.R. 4271), and Administrative Circular No. 76.

NOTE: the remainder of this Section will be identical to paragraphs 3 through 12 of Administrative Bulletin No. 66–38.

TREASURY DEPARTMENT QUALIFICATION AND SKILLS UPDATING INVENTORY

INSTRUCTIONS: From time to time Treasury employees through off-the-job attendance at school and participation in self-development activities increase their skills and qualifications to a significant degree, but for some reason or another fail to make this information part of their official record. Other employees may possess needed specialized skills and qualifications which they are not currently using and which aren't purposely reflected in their records.

By completing this form you will have the opportunity to make sure your record is up to date. It will also provide your supervisor and the Personnel Office an opportunity to

make a summary review of your qualifications in terms of immediate and anticipated personnel requirements.

Name _____

Date of birth_____

Sex: ( ) male, ( ) female.

Position title_____

Series _____

Grade: GS ( ), other: ( )

Organizational unit_____

List U.S. Civil Service Examinations you have passed during the past 5 years (*Omit the exam for the position you now hold*):

Title and grade level, year taken_____

How long have you worked in:

(a) Your present office?

(b) The Treasury Department?

(c) Your present position?

(d) Your present grade level?

EDUCATION AND TRAINING

Circle the highest education level achieved:

Primary: 1, 2, 3, 4, 5, 6, 7, 8.

High School: 1, 2, 3, 4.

College: 1, 2, 3, 4, 5, 6, 7.

Trade or Business: ½, 1, 1½, 2, 3, 4.

School and course:

From _____ to _____

Degree Certificate.

List all courses completed during the past 2 years (*off the job*):

_____

_____

_____

SPECIAL SKILLS AND QUALIFICATIONS

In the space provided below, list any special skills, talents, or other qualifications which you believe should be highlighted in your record in connection with possible future assignments. Are there any positions other than those which represent a promotion in your present line of work which you believe you are qualified for and for which you desire consideration? Specify the position(s) and the grade level(s).

_____

_____

_____

Add any general comments you wish to make on the reverse.

AVAILABILITY

If your skills and qualifications could be more effectively utilized by assigning you to another position

Would you accept such an assignment only in certain geographical locations? (*If yes, list locations on reverse*): ( ) yes, ( ) no.

Would you accept such an assignment in another Treasury organization? (*If yes and your choice is limited, signify the limitations on the reverse*): ( ) yes, ( ) no.

Signature of employee:

_____

Date:

_____

APPENDIX B—SUGGESTED COMMUNITY ACTION PROJECTS

1. Purpose

This Appendix lists suggested community action projects and discusses the background of, and prerequisites for, effective local action to improve employability.

2. Background

The emphasis on Treasury managers providing leadership, at the community level, in cooperative actions aimed at improving conditions which affect employability is a new dimension in the Equal Employment Opportunity Program. The origins of this emphasis lie in the following statement by President Johnson to his Cabinet:

"If we are going to have equal employment opportunity in the Federal Government, we must attack the problem on many fronts.

If members of minority groups can't be employed because they can't find housing, then we must find housing.

If they can't be employed because school systems do not give them the necessary education, then we must work with the school systems to see to it the right kind of training is provided.

If they can't be employed because there is no vocational training available in the community, then we must see to it that we have programs to provide specialized training to help them meet their needs.

These and a host of other actions are open to us . . . It is not enough just to open the gates of opportunity. All of our citizens must have the ability to walk through those gates."

The Civil Service Commission has embodied this call for community action into agency program requirements, as follows:

An agency shall . . . Participate at the community level with other employers, with schools and universities, and with other public and private groups in cooperative action to improve employment opportunities and community conditions that affect employability.

This concept has been amplified by the Commission in the following terms:

a. Actively support community efforts directed toward equal opportunity in housing, education, recreation, etc.

b. Provide installation representation in civic organizations and other groups working for equal employment opportunity.

c. Encourage employees to participate in cooperative equal employment opportunity efforts within the community.

d. Provide technical assistance to local educational institutions in designing curricula which will assist graduates in qualifying for positions within the installation.

e. Work with Federal Executive Board, Urban League, or other organizations in cooperative equal employment opportunity efforts directed at solving critical community problems.

f. Take action to study and, if necessary, work toward making available transportation, housing, and recreational facilities on a nondiscriminatory basis to encourage relocation of minority group members (efforts should be coordinated with local, state, and Federal agencies having program responsibilities in these areas).

The key element to effective local action is cooperation. Treasury managers should, whenever possible, work with other agencies through Federal Executive Boards and Federal Executive Associations. Existing interagency functions such as Boards of Examiners can also provide effective vehicles for community action. A host of public and private groups are already involved in community anti-poverty and civil rights activity, and Treasury managers should be alert to opportunities for working with, or in support of, private groups such as NAACP, the Urban League, local Human Relations Commissions, and Plans for Progress. Regional Office of Economic Opportunity organizations should also be contacted for coordination and assistance. These offices are located in New York, Washington, Chicago, Kansas City, Atlanta, Austin, and San Francisco. The official who has coordinating responsibility is the Regional Community Action Program Manager.

Suggested Projects

Listed below are a number of projects which indicate the scope and variety of efforts which may contribute towards improving employability. Some projects directly affect imminent employability and Treasury officials may deem it wise to assume positions of leadership and view their participation as part of their jobs. Other projects obviously call for cooperative action and, as such, are projects which managers will undertake through their membership in Federal Executive Boards and Federal Executive Associations. Others are of a nature which affect eventual employability. In these, managers and employees are most likely to participate as civic minded citizens rather than in an official capacity. The nature of participation called for may well vary with conditions peculiar to the community in which the action is needed.

A. Employment:

1. Plant and office tours for high school students to acquaint them with employment opportunities and employment standards.

2. Organization of a local job bank to provide information about employment opportunities. Representatives of job bank to contact minority groups regarding opportunities available and qualifications necessary.

3. Projects to provide part-time jobs for students who need financial assistance to stay in school.

4. Participate as a member of a speakers bureau to talk to church, business and civic groups on merits of equal employment practices.

5. Serve as a member of a high level "task force" of top business and government leaders to call on other local businessmen, on a one-by-one basis, and sell them on merits of equal employment.

6. Determining whether local craft unions are open to minority groups, and taking action to assure that Federal agencies use a non-discriminatory recruitment base for such crafts.

7. Participation in programs to provide "unemployables" with skills required for present job openings.

8. Sponsoring "living image" program for local high school students . . . program to feature minority group people who have succeeded locally in business, industry and the professions.

9. Participating in joint Government-industry seminars to assure concerted action in the equal employment opportunity program.

B. Education:

1. Encourage Federal employees to organize and assist in tutoring programs for elementary and high school students who are falling behind. Make training space and facilities available.

2. Encourage Federal employees to provide dictionaries, books, paper, pencils, etc., to low income families.

3. Assist in planning college campus tours for local Negro high school students. Organize a college club among this group.

4. Through Federal Executive Boards and Federal Executive Associations sponsor memberships in Boys' Club, YMCA, YWCA, Scouts, etc., for low income children. Arrange for personal follow-up by adults.

5. Participate with other Federal agencies in vocational guidance institutes for high school students.

6. Supporting "back to school—stay in school" clubs for dropouts.

7. Supporting human relations courses in local elementary and high schools.

8. Supporting youth human relations institutes and youth human relations commissions.

10. Helping schools up-grade and broaden curricula to meet labor market needs.

11. Encouraging and assisting employees who have not secured a high school diploma to secure a diploma through night school or by means of high school equivalency examinations.

C. Housing:

1. Through Federal Executive Boards and Federal Executive Associations spot-light local housing problems with a bus tour through problem areas.

2. Work with community action programs to persuade local newspaper to do a series of articles on local housing conditions. Also aiming for television documentaries.

3. Work with Federal and community agencies to support open occupancy.

4. Forming equal housing opportunity committee to solicit open occupancy listings and promote equal opportunity neighborhoods.

5. Encouraging minority group employees to move into the general housing market.

6. Supporting or participating in a speakers bureau to talk on benefits—for the community at large—of equal housing opportunity.

7. Getting city council to enact an equal housing opportunity ordinance.

8. Soliciting cooperation of local real estate brokers and lending institutions in sponsoring housing seminars. Purpose: impart information on home buying.

9. Work with community to promote clean-up campaigns in low income areas. Making use of both private and public services—garbage, junk pickup, etc.

10. Supporting beautification endeavors (provide flower and grass seed).

11. Supporting paint-up projects . . . provide paint, brushes, etc.

D. General:

1. Conducting research to accumulate local socio-economic data comparing local Negro and white populations. Considering statistics on employment, voting, education, housing, etc. Such statistics should prove useful to the specific efforts of any undertaking or group.

2. Through Federal Executive Boards and Federal Executive Associations organize a local human relations commission or Urban League with a full-time staff executive.

3. Participate in a human relations training course for local police.

4. Through Federal Executive Boards and Federal Executive Associations have an annual human relations award . . . or perhaps three awards: for the individual, business and institution that have done the most for good local human relations in the past year.

5. Working with local hotels, motels, restaurants, theaters, taverns, and other public places, and showing them benefits (to themselves and to the community at large) of complying with public accommodations regulations.

APPENDIX C—PROGRAM EVALUATION GUIDES

The following guidelines have been developed to aid in evaluating the effectiveness of the Equal Employment Opportunity Program within each bureau and installation. Managers and staff officials who are responsible for program evaluation will find additional material available in Civil Service Commission issuances.

The focus of any evaluation is the question of whether or not the bureau or installation is maintaining an affirmative Equal Employment Opportunity Program. Such a program is one:

a. Which involves the positive and continuing support of management at all levels as demonstrated by aggressive action, both by word and deed, in conceiving and pursuing constructive activities, and

b. Which is resulting in fully effective recruitment, development, utilization, and advancement of employees, including minority group members, in all occupations, at all levels, and in all areas.

1. Communication, coordination and direction

a. Has the Equal Employment Opportunity Policy been established in a bureau issuance—local issuance?

b. Has top management expressed active support for, and commitment to, the program?

c. Has sufficient manpower been allocated to this program?

d. How effective is bureau management in assuring itself that program objectives are being met in the field?

e. Has the bureau effected EEO coordination within the bureau and at local levels?

2. Planning

a. Has the status of the bureau program—and of each installation's local situation—been analyzed to identify weak spots and problem areas?

b. Have action plans been prepared? Do they include realistic, short- and long-term goals, together with target dates?

c. Has management involved employee groups, minority groups, and supervisors in the planning function?

d. Has management analyzed available data on minority group distribution, by occupation and by grade level, and is this data considered in developing action plans?

3. Training

a. Have all supervisors attended or are they scheduled to attend a training or seminar program which covers the EEO Program in depth?

b. To what extent is EEOP covered in orientation training, in basic supervisory training, in middle management and executive training?

c. How does EEOP training provide insight into minority group problems and attitudes?

d. Does EEOP training include case-oriented discussion of job-related problems and assist supervisors and managers in identifying the most effective solutions?

e. Does EEOP training encourage employees to participate in nondiscrimination efforts within the community?

f. Are training nominations reviewed to assure full and equitable consideration for minority employees?

4. Recruiting

a. Are contacts maintained with the minority group community, including colleges, news media, and groups such as the Urban League and the NAACP, to assure that the community is aware of Treasury employment opportunities and qualification requirements and of the contributions and accomplishments of minority employees? Are these contacts maintained even when the activity is not recruiting?

b. Are qualification requirements and evaluation procedures reviewed to assure validity?

c. Does the installation participate with other employers and school counselors and advisors in Career Days and other activities designed to lift the aspirations of youngsters?

d. Are situations investigated wherein the number of minority group employees within an organizational segment is substantially less than would be expected?

e. Are minority group employees used in recruiting activities?

f. Are minority group schools which have inadequate curricula advised and assisted in establishing courses appropriate for labor market needs? Are qualified employees made available for part-time employment as instructors?

g. Are recruiting visits or Career Day activities conducted at schools which operate on a segregated basis?

h. Are efforts being made to reach Negroes in predominantly white schools?

5. Promotion

a. Are promotion qualifications standards realistic and valid and is management assured that the standards used are not an unconscious barrier to fair consideration of minority citizens?

b. Are contacts made with other agencies to seek out underutilized employees for better career opportunities in the Treasury Department?

c. Is the promotion plan effectively communicated to all employees?

d. Has the bureau—or activity—created an awareness that attitudes regarding the total nondiscrimination program are legitimate considerations in selection for promotion to supervisory and managerial positions?

e. Do screening and evaluation techniques contain sufficient safeguards (e.g., multiple evaluations, group judgment, and rating documentation) to assure that minority group candidates are given equal consideration?

f. Are minority groups fairly represented on promotion panels?

g. Are minority employees receiving proper recognition through high quality increases and awards?

6. Community action

a. Has top management shown leadership in community efforts to improve employment opportunities and conditions which affect employability?

b. Are employees encouraged to participate in these equal opportunity activities within the community?

c. Does the activity make maximum use of appointments under the various anti-poverty programs and has the activity served as a host to enrollees under Neighborhood Youth Corps and the various work-study and work experience programs?

7. Utilization and job redesign

a. Are there provisions for identifying underutilized employees and for undertaking remedial actions?

b. Are employees in lower grades and dead-end jobs tested, counseled, and encouraged and assisted in self-development activities?

c. What kinds of training opportunities are available within the agency? Are employees informed of adult education opportunities within the community?

d. Are occupational and organizational structures being examined to determine those positions susceptible to job redesign in order to increase opportunities for minority group members?

e. Are "career bridges" available so that clerical and subtechnical employees may be considered when recruiting for technical and professional vacancies?

f. Do career structures include entrance levels designed to make optimum use of opportunities to secure minority group employees (e.g., housewives, part-time college students, high school and junior college graduates)?

TRIBUTE TO PATRICK McNAMARA

Mr. ERVIN. Mr. President, as U.S. Senator, Patrick McNamara became one of Michigan's honored men, and as such, if one may paraphrase Pericles on greatness, his story is not graven only on stone over his native earth, but will live on far away, without visible symbol, woven into the stuff of other men's lives.

His concern for the quality of other men's lives—for the well-being of the individual workingman, of the older citizens, of the youngster to be educated—was reflected in his every public act during his long career of service. Equally important, his contributions are woven into the stuff of our national life, for he sought solutions to our highway problems, our labor management problems, and our social and economic problems. While one might not always agree with his proposed solutions, the dialogs he initiated served not merely the people of his adopted State, but the entire Nation.

And surely he brought to the warp and woof of Senate life, to personal relationships, to his committee work, and to debates, a warm sense of humor and the sum total of his varied life experiences. He could speak as the son of Irish immigrants who had sought the promise of America which was to be fulfilled in their son; and he could speak also as a man who had worked with his hands and who never ceased to identify with the laboring man and the trade union movement.

Chairman of the Public Works Committee, member of the Labor and Public Welfare Committee and a considerate Senate colleague—in every role he brought to his responsibilities his great fund of knowledge about the issues of our times, and the depth of his sincerity and integrity.

To his family, to his many friends, and to the constituents he served so well, I wish to extend my sympathy on their loss.

Together with many in this body, I shall remember him as a colleague who demonstrated unfailing understanding, consideration, candor, and fairness.

This was the mark of the man in all of his endeavors.

CLEAN WATERS RESTORATION ACT OF 1966—CONFERENCE REPORT

Mr. MUSKIE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2947) to amend the Federal Water Pollution Control Act in order to improve and make more effective certain programs pursuant to such act. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today.)

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

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

Mr. MUSKIE. Mr. President, the Senate has before it today the Conference Report on the Federal Water Pollution Control Act Amendments of 1966, including the Clean Rivers Restoration Act.

The Senate version of this legislation, passed on July 13 by a vote of 90–0, included, among other things, a 5-year, $6 billion authorization for the Federal share of the cost of construction of sewage treatment works. I am disappointed to announce that we were unable to hold that figure in conference. In order to reach an agreement, the Senate accepted a 4-year, $3.4 billion total. This is a decrease of approximately $2.5 billion from the Senate bill, however, $1.5 billion of that difference was absorbed by cutting back the authorization for 1 year.

Mr. President, I ask unanimous consent to insert at this point in the RECORD a chart which shows the differences between the Senate and the House passed bills and the compromise reached:

Fiscal year	House	Senate	Conference
1967	150	150	150
1968	300	600	450
1969	400	1,000	700
1970	650	1,250	1,000
1971	950	1,500	1,250

It is important to note that neither the House nor the Senate increased the existing authorization for 1967 and, thus, no damage was done to the President's budget.

The House and Senate split the difference in the first 2 years of the new authorization but the conference amount for the final 2 years indicates an increase by the House of $350 million and $300 million, respectively, while the Senate decreased only $250 million for each year.

Mr. President, there was general recognition throughout the conference that the $1.5 billion level authorized by the Senate for 1971 and 1972 was realistic. It, therefore, must be our next task to increase the authorization to this more realistic level. The $6 billion authorized by the Senate was passed on the assumption that, first, the Federal share should be at least 30 percent of the total cost of treatment facilities with no dollar limitation and, second, that in order to provide secondary treatment for 80 percent of the population and advanced waste treatment to approximately 20 percent of the population, $20 billion would be required. I ask unanimous consent to have printed in the RECORD at this point a memorandum which shows how the Senate arrived at that estimate.

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

U.S. SENATE,
COMMITTEE ON PUBLIC WORKS,
October 5, 1966.

MEMORANDUM

To: Senator MUSKIE.
From: Leon G. Billings.
Subject: Justification of $20 billion cost estimate.

CONFERENCE OF SANITARY ENGINEERS SURVEY

The survey of State pollution control agencies conducted by the Committee, 48 responses to which were received, indicates that less than 10 States confirmed the data made available by the Conference of State Sanitary Engineers. Two of those States, Oregon and Rhode Island, indicated costs less than estimated by the Sanitary Engineers. The remaining 38 States provided estimates ranging from a slight difference to a difference of as much as 80 times the Conference estimate. The following list is indicative:

[In thousands of dollars]

	Conference of State sanitary engineers estimate	Committee survey data
Connecticut	$39,931	$200,000
Indiana	61,528	250,000
Maryland	11,860	127,900
Massachusetts	41,557	300,000
Michigan	5,596	430,409
Minnesota	65,648	215,648
New Jersey	86,054	450,000
New York	820,321	1,708,000
Ohio	38,626	1,000,000

It is therefore obvious that either the Conference of State Sanitary Engineers does not use the information made available to them or determines its projected cost on a different basis than the Committee considered in its Steps Toward Clean Water when it arrived at a $20 billion cost estimate. The Steps Toward Clean Water estimate is based on certain assumptions, the first being that 80% of the 1975 population will require secondary treatment, the remaining 20% will require tertiary treatment.

Because the statistical life of a secondary treatment facility is 20 years, it must be assumed further that projects constructed between now and 1972 must be designed to provide for at least a 1980 population. The census estimates that the population in the United States in 1980 will be approximately 250 million. If we provide secondary treatment for 80% of that population, this will equal 200 million. It is assumed now that 61 million people have secondary treatment and that by 1972 50% of this secondary treatment will have to be replaced. Therefore, between now and 1972, secondary treatment must be provided for 170 million people.

The per capita construction cost of sewage treatment facilities, associated interceptors and other appurtenances, is approximately $100 per person. This will increase as construction costs increase over the six year period; but without assuming any change in construction cost past August of 1966, the cost for secondary treatment for 170 million people will be about $16½ billion. Assuming that 20% of the population must be served by advance waste treatment by 1972, such facilities must be provided for 50 million people. The best available estimate of per capita cost is $75.00. This would increase the cost $3.75 billion, bringing total to $20.25 billion. In order that these facilities be available for the 1980 population, and that the associated economies of scale be taken advantage of, this investment must be made now, water quality notwithstanding.

The Committee Survey of Cities produced a number of interesting results. In several instances where the Committee Survey of States data confirmed estimates of the Conference of State Sanitary Engineers, the city responses debunked both these figures. The two most surprising examples are Illinois and Wisconsin. The State confirmed the Sanitary Engineers estimate but failed to note, in the instance of Illinois, that Chicago costs were not included. While the State of Illinois confirmed estimate is $54 million, Chicago has an estimate of $702 million.

Wisconsin confirmed the Sanitary Engineers estimate of $40 million but noted that Milwaukee was not included in this estimate. The city of Milwaukee estimates its cost at $246 million.

Other city reports manifested similar disagreements with the States. In Florida for example, the State estimate is $54 million. The city of Miami alone estimates its costs at $130 million. The city of Jacksonville estimates its cost at $59 million or $5 million in excess of the total State figure.

The State of New Mexico confirmed an estimate of $5½ million while the city of Albuquerque cited its cost at over $18½ million.

The State of Missouri confirmed an estimate of slightly over $28 million while the city of St. Louis cited needs in excess of $116 million and Kansas City of nearly $48.5 million.

Finally, the State of Washington confirmed a figure of $28 million but noted that the estimate submitted to the Conference of State Sanitary Engineers did not include $78 million for interceptor sewers. The city of Seattle reported that its needs alone would exceed $98 million.

The data accumulated by the Committee in its two surveys tends to confirm the estimate of per capita cost referred to in the above analysis of the $20 billion figure. The following table is for that purpose:

[*Per capita cost*]

City:	
Hartford, Conn	$528.22
New Haven, Conn	122.66
Miami, Fla	446.73
(Dade County estimate	1,069.51)

[Per capita cost]

City:	
Jacksonville, Fla	294.68
(Duval County estimate	130.18)
Atlanta, Ga	156.47
Chicago, Ill	113.54
(Cook County estimate	188.86)
Kansas City, Kans	182.94
Detroit, Mich	103.15
Jackson, Miss	159.25
St. Louis, Mo	154.99
Kansas City, Mo	101.96
Omaha, Nebr	97.66
Albuquerque, N. Mex	92.51
Rochester, N.Y	127.42
Syracuse, N.Y	93.17
Albany, N.Y	
(Albany County estimate	280.29)
Charlotte, N.C	146.05
Greensboro, N.C	108.21
Cincinnati, Ohio	216.69
Oklahoma City, Okla	171.16
Providence, R.I	[1] 226.50
Seattle, Wash	176.65
(King County estimate	105.23)
Milwaukee, Wis	344.45
(Milwaukee County estimate	237.50)

[1] Includes separation of storm and sanitary sewers.

While there were no cities in Maine polled, the estimate per capita cost for the State as a whole is $129.35. The average per capita cost in Ohio is $103.02 and in New York, $101.78. These figures from three States which have inventoried their water pollution control needs indicate that, if anything, the estimate by the Committee that $20 billion will be required is extremely conservative. If and when we get to the question of authorization for storm and sanitary sewer separation, these costs can be expected to skyrocket and, when increased funds become available, other States are going to begin adequately inventorying their needs.

The final point, and I think it is an important point, is that of the existing allocation formula, the States are limited in the amount they can receive from whatever amount we authorize. Some States are ready to go ahead. Massachusetts, Wisconsin, New York and Maine have authorized 30% matching programs. Connecticut and Ohio will soon follow. The costs these States are confronted with are tremendous and they will need the full allocation available from a $6 billion authorization if they are to receive even 30% Federal matching funds.

LEON G. BILLINGS.

Mr. MUSKIE. This estimate of $20 billion, confirmed by a recently completed committee survey of States and major cities, shall continue to guide the efforts of the Subcommittee on Air and Water Pollution.

There are several other disappointing aspects the conference agreement which I would like to discuss before outlining the positive accomplishments of the legislation.

The Senate-passed measure had a loan provision which provided funds for those communities unable to obtain their share of construction costs from other sources; this provision was deleted.

The Senate bill provided that, in connection with any enforcement conference, the Secretary could require reports from alleged polluters in order that the conference could have more adequate information on which to base pollution control recommendations. This provision was modified to the extent that the information can now only be required if a majority of the conferees request it. In essence, this means that the information will not be available before a conference but must await a positive action by the conferees.

The Senate provided an automatic incentive of 10 percent of the total cost of any treatment facilities constructed in metropolitan areas which practice regional planning. This provision was deleted.

Finally, the Senate provided strengthening amendments to the Oil Pollution Act. The Senate amendments would have extended the scope of that act to shore installations and terminal facilities and provided that boats, vessels, shore installations, and terminal facilities depositing oil on coastal, navigable and interstate waters and adjoining shorelines would be responsible for the removal of that oil. The legislation reported from conference limits this removal feature to boats and vessels by eliminating application of the Oil Pollution Act to shore installations and terminal facilities. However, the Senate conferees were assured that both shore installations and terminal facilities were subject to the enforcement provisions of the Federal Water Pollution Control Act.

The net effect of the amendments to the Oil Pollution Act, strictly enforced, will be first, the extension of its enforcement provision to all navigable waters of the United States; second, a method of requiring removal or payment of the cost of removal of oil deposited on navigable waters; and third, a protection for the adjoining shorelines against the grossly negligent spillage of oil which has deleteriously affected both the recreational values of these shorelines and has seriously damaged coastal fisheries.

The Senate also receded from its amendments to the Refuse Act of 1899 which provided for the Secretary of the Interior to determine whether deposits of refuse in navigable waters should be consistent with the purposes of the Federal Water Pollution Control Act. It is the position of the Senate conferees that mere amendment of this legislation would not be satisfactory, that review of the existing law is essential.

Mr. President, the bill before the Senate today establishes a landmark in the Federal water pollution control effort. Beginning next year there will be no discrimination against major cities in the construction grants program. The House receded from its position that there should be dollar limitations applied to the construction grant program. When this year's amendments become effective and funds are made available, every municipality will be able to receive a maximum 30-percent Federal grant regardless of the total cost. This means that the big cities which have the worst problems will have an equitable share of the Federal water pollution control dollar.

The conferees also agreed that there should be an incentive for those States willing to provide 30 percent of the project's cost and, therefore, the conferees agreed to increase the Federal share in that instance to 40 percent. Further, if the States agree to provide 25 percent of the project's cost, and have established enforcible water quality standards for the waters into which the project discharges, the Federal Government will provide 50 percent of the cost of a project.

This 30–40–50 Federal share approach, without dollar limitations, commits the Federal Government to increasing the Federal investment in water pollution control. It means that if the Federal Government is to meet its responsibility to the States and their local governments, the $6 billion figure initially authorized by the Senate will have to be substantially increased.

Parenthetically, Mr. President, there was no change in the provision in existing law which provides an incentive of 10 percent of the Federal grant in those metropolitan areas practicing regional planning. In essence, this means that metropolitan areas may receive up to 33 percent, 44 percent, and 55 percent if they comprehensively plan together.

Mr. President, there are a number of other provisions to which the conference agreed which I would like to summarize:

The Secretary of the Interior is authorized to carry out a study of the Nation's estuarine areas and $3 million is provided for this purpose. This provision was initially authored by Senator TYDINGS of Maryland.

The conferees agreed to include both the Cooper and the Kennedy of Massachusetts amendments relating to pollution control personnel requirements.

The conferees agreed to provide a method to deal with the problems of pollution across international boundaries.

The conferees agreed to the necessity of a comprehensive study of the cost of pollution control.

The conferees also agreed that there was a necessity to study the problems of pollution created by the recreational watercraft and of the need for a study of incentives to assist industrial pollution control.

The conferees reached agreement on an expanded program for research and development. A total of $305 million was authorized for a 3-year period for demonstration of industrial waste treatment methods, advanced waste treatment, joint municipal and industrial treatment, and other pollution control technicalities. Included in that $305 million is a limitation of $125 million on the general research activities of the Federal Pollution Control Administration.

Section 5 of the Federal Water Pollution Control Act presently gives the Secretary a very broad authority in conducting research for various purposes, including but not limited to, research on separate and combined sewers, on advanced waste treatment, and on industrial wastes. He is authorized to conduct this research, directly and by grant, contract, agreement, or otherwise, with public and private authorities, agencies, and institutions as well as individuals. This authority, particularly as to conducting research by contract, encompasses authority to conduct research for which grants are specifically authorized in section 6, and the $20 million per fiscal year which is authorized in section 6(e)(1) is by the phrase "including contracts" in that subsection made specifically

available for the purpose of conducting this research by contract.

Finally, Mr. President, the conferees agreed to expand the enforcement provisions of the existing law. Previously I referred to the compromise reached on reports from alleged polluters at the conference stage. The Senate accepted House language which allows the Secretary to require such reports from alleged polluters in the hearing stage of an enforcement proceeding. The most significant change in the enforcement procedure will be, especially to the conservationists, the provision that persons affected by pollution can make a statement to both the enforcement conference and the hearing. The legislation before you also provides that alleged polluters may have an opportunity to make a full statement of views at these two levels of the enforcement procedure. It is not the intent of the conferees that this become a means whereby the enforcement procedure may be delayed. In fact, it is the intent of the conferees that the chairman of the conference or the hearing board may require any statements to be filed rather than given orally.

Mr. President, there is only one remaining provision in the conference bill that I would like to discuss.

Earlier this year the President asked for a method whereby entire river basins could be cleaned up. In order to carry out this purpose, he transmitted to the Congress the Clean Rivers Restoration Act of 1966. Both the House and Senate bills contained specific titles to carry out the purposes expressed by the President's legislation. However, the approach in each bill was entirely different.

The conferees agreed that the basic purpose and intent of the President's proposal could be carried out by amending the existing comprehensive planning section of the Federal Water Pollution Control Act. A compromise was reached whereby States in a basin may join together for the purpose of planning for pollution control and should they desire to do so, the Federal Government will pay 50 percent of the expenses of the designated planning agency. This provision for comprehensive planning, combined with the 50-percent Federal grant for construction of treatment works if the States set intrastate as well as interstate water quality standards, more than accomplishes the objectives of the administration.

Mr. RANDOLPH. If the Senator will yield, I would like to pose a question.

Mr. MUSKIE. I am happy to yield to the distinguished chairman of the Public Works Committee who has provided tireless leadership in achieving passage of this landmark legislation which we are considering today.

Mr. RANDOLPH. It is my understanding that the compromise Clean Waters section of S. 2947 provides the means for more effectively implementing the Water Quality Act of 1965. Am I correct in this and, that the Senate's position is that the comprehensive planning—river basin approach is fundamental to any water quality standards program? Further, is it not true that the Secretary of the Interior has sufficient authority under sections 3 and 10 of the act as amended by this bill to develop or assist the development of realistic comprehensive basin plans for any hydrologic unit in the United States?

Mr. MUSKIE. The Senator is quite correct in his understanding of the legislation before us. I have said time and again that the Water Quality Act of 1965 required a river basin type approach if adequate water quality standards are to be effectuated. With the tools provided by these amendments to the comprehensive planning section, which provides for development of comprehensive programs, the intrastate standards requirement for a 50-percent grant, and the extensive authority granted under last year's act, the administration, if it is vigorous and dedicated to pollution control, can achieve all that it intended in the President's proposed clean rivers restoration program.

POLLUTION CONTROL REQUIRES BOLD STEPS

Mr. YARBOROUGH. Mr. President, the Senate has taken another step forward toward the control of pollution of our Nation's water supplies with passage today of the conference report on S. 2947.

Although the bill's provisions are not as extensive as I should like to see enacted, significant improvements are included in the legislation with the clean rivers restoration program and the incentives offered for the States to join in a comprehensive river basin pollution control and abatement plan.

Current Federal grants to States for help in financing their own programs, from $5 million annually to $10 million, are provided. This doubling of assistance for research should encourage strong action by the States in moving to clean up the contamination of our water before we strangle in our own filth.

Even bolder action will be needed if we are to win this battle. The problem of correcting and preventing pollution is staggering, but we cannot continue to foul our waters and destroy our land.

The substantial increase in grant programs for pollution control is commendable, but it still falls short of the goals passed unanimously earlier by the Senate. We must do more in the future if the music of our streams is to be a pure melody, and not a funeral dirge.

Mr. KUCHEL. I ask unanimous consent to have printed in the RECORD at this point a statement prepared by my colleague, Senator COOPER.

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

STATEMENT BY SENATOR COOPER

I support the Conference report on S. 2947 and urge its adoption by the Senate.

The bill authorizes Federal water pollution control programs totalling approximately $3.5 billion over the next 5 years. This new authorization represents a substantial increase from the $150 million now authorized for fiscal 1967 to $450 million in fiscal 1968 and increasing to $1.25 billion in 1971, although substantially below the $6.4 billion authorized by the Senate. Besides lifting the dollar limitations on individual sewage treatment projects, the bill recommended by the conferees provides incentives for state-matching grants and accelerated application of water quality standards. It authorizes reimbursement for local communities that have taken the incentive on qualified projects and encourages joint industrial municipal waste-treatment systems.

As a member of the Public Works Committee, I would like to pay my repsects to the distinguished Senator from Maine [Mr. MUSKIE], Chairman of the Subcommittee on Air and Water Pollution, and to the ranking minority member of the subcommittee, the able Senator from Delaware [Mr. BOGGS], for the leadership they have given this bill and to the entire committee who have worked hard and conscientiously on it.

It has been my view that we must do more to increase the participation of private industry in assisting to combat and control water pollution. Conservative estimates of the total cost for controlling industrial pollution have been placed at $75 billion over the next 15 years, or the large sum of $5 billion per year. At the base of this estimate rests the progressively increased use of water by industry. In 1900, the average daily use of water for industrial purposes was 15 billion gallons, but by 1960 industry was employing some 160 billion gallons per day. The amount of money required for installations to control pollution in just two industries alone—the paper and chemical industries—is indeed staggering.

When the Air and Water Pollution Subcommittee of the Public Works Committee announced that it would hold hearings in April and May of this year to consider amendments to the Federal Water Pollution Control Act, I wrote representatives of private industry who were scheduled to testify and pointed out that, although the Public Works Committee is without jurisdiction in fiscal matters, I thought it would be helpful to the Committee to have comments and viewpoints of industry on needed tax incentives. As a result of their testimony and the substantial interest created among the committee members, the Public Works Committee, in reporting out its bill, included a strong recommendation to the Committee on Finance to consider tax legislation applicable to the acquisition and installation of pollution control facilities. The pertinent section of the report of the Senate Public Works Committee reads as follows:

"INCENTIVE ASSISTANCE FOR INDUSTRIES

"A number of witnesses testified on the need for tax incentives as a means of reducing the cost of noneconomic pollution control facilities. This is not a matter over which the Senate Public Works Committee has jurisdiction but it affects the overall effort to meet water pollution control and abatement needs. This committee strongly recommends that the appropriate congressional committee give consideration to tax relief proposals for industrial pollution control activities.

"For the most part, pollution control does not provide a return on an investment to an industry. Installation of pollution control devices is costly and, in many cases, nonremunerative. The billion dollars of capital investment which will have to be made by the industrial sector for the benefit of the entire society will place a substantial burden on corporate resources, and ultimately on the general public. The committee suggests that there are several alternative methods of aiding industry in meeting its pollution control obligations.

"Investment tax credits as proposed by Senator JOHN SHERMAN COOPER of Kentucky, in legislation cosponsored by the chairman of the Senate Public Works Committee, Senator JENNINGS RANDOLPH of West Virginia is one method whereby industry could recoup the cost of control and abatement of pollution. Senator ABRAHAM RIBICOFF of Connecticut, in legislation cosponsored by, among others, the chairman of the subcom-

mittee, Senator EDMUND S. MUSKIE of Maine, provides for accelerated amortization of the cost of pollution control facilities. This may also provide a means of offsetting industry's cost of pollution control. However, both of these methods do not consider the problem confronting those industries with plants having great pollution problems and marginal economic efficiency.

"The committee has recommended greater emphasis on joint municipal-industrial treatment systems operated by public agencies. Such systems are eligible for assistance under the sewage treatment grant program.

"The proposal by the American Paper Institute for specific Federal grants to municipalities to construct industrial waste treatment facilities would provide an effective means of meeting the needs of both the marginal industries as well as the profitable industries. Such a Federal grant approach would not be inconsistent with public policy because the grant would, in effect, be made to a unit of government. This approach differs from that proposed by Senators COOPER and RIBICOFF and is a matter which can and will be considered by this committee. However, realizing that there is no final answer to the problem of financing industrial pollution control, the committee reiterates its strong recommendation that the appropriate committees consider tax relief legislation."

I would particularly like to draw attention to two amendments contained in the House bill which were agreed to by the Senate conferees and which I strongly support. Section 201 of the bill authorizes for the first time the Secretary of the Interior to make grants to industry for research in the prevention and treatment of water pollution. The need for expanded industrial research is discussed in detail in the House report at pages 25–26:

"INDUSTRIAL RESEARCH

"The reason for the addition of industrial grants is recognition of the fact that industry, which was at one time less of a polluter than municipalities and communities, has now become a major polluter. The complexity of some industrial waste problems requires the active involvement of industry itself which has intimate knowledge of manufacturing and other industrial processing operations. The stipulation that 70 percent of the cost of such investigations be borne by the Federal government should be an inducement to have industrial support and participation in the studies.

"The committee is not inclined to belabor industry for its growing contribution to this problem. Nothing will be gained by attempting to fix blame. The problem is here and it must be solved or some future generation will be worrying about clean oceans. The committee does feel, however, that more should be done by industry, and it is very pleased to note that during the hearings evidence was presented to show that industry is attempting to do its part.

"The Federal Government should do its part, too, in helping in the solution of this problem, certainly, in developing means for controlling it. The inclusion of specific grants to industry for research is based upon the same concept as in existing law for grants to public and private agencies and institutions for research in this field. It would be of little value if we solved the technical means of preventing or alleviating the sewage from municipalities and failed to lend necessary assistance to research for the disposal of waste emanating from the various types of industrial and manufacturing processes.

"Industrial research should not be limited to the technology of waste treatment. It should also include an investigation of possible financial methods of providing for this treatment, including methods of providing treatment works to the smaller industries on an installment basis. If a small company is faced with the necessity of putting in extensive treatment works as a result of Federal and State laws or public pressure, such financing could be helpful."

Another provision of the House bill adopted by the conferees requires the Secretary of the Interior to make a full and complete investigation and study of methods for providing incentives to assist in constructing facilities and works by industry to reduce or abate water pollution, including possible use of tax incentives and to report to the Congress by January 30, 1968.

I believe that these two provisions of the bill will enlist a greater participation of industry in Federal programs designed to abate or control industrial pollution.

When the Senate Finance Committee held hearings on H.R. 17607, a bill that would temporarily suspend investment credit and accelerated depreciation, I submitted a statement and urged the Committee to continue the availability of the present 7% investment credit for the acquisition of air and water pollution control facilities. This provision had been included in the House bill as a floor amendment.

In my testimony I said, "I am hopeful that when the present inflationary pressures in our economy have subsided this Committee will consider increasing the present investment credit or provide additional tax incentives to industry to assist in the acquisition and installation of pollution controls. But for the present, however, I believe it would be a backward step for the Congress not to continue at least the present investment credit as provided in the House bill".

I am pleased to note that this provision was included in the bill recommended by the Finance Committee and passed by the Senate, and was commented on in the committee report in the following language:

5. Exemption of water and air pollution control facilities

"An amendment adopted on the floor of the House specifies that water and air pollution control facilities are, under certain conditions, not to be considered suspension period property even though constructed or ordered during the suspension period. Thus, facilities of this nature will continue to remain eligible, for the investment credit.

"The exception is provided in recognition of the importance of stimulating private industry to undertake expenditures for facilities which will help to abate water and air pollution. There is a clear need to step up efforts to purify the air we breathe and the water in our streams and lakes.

"Suspension of the credit, even for a short time, would discourage private efforts to abate water and air pollution and would simply impose a larger direct burden on the government.

"This provision of the bill specifies that water and air pollution control facilities will not be treated as suspension period property if they are used primarily to control either water pollution or atmospheric pollution by removing, altering, or disposing of pollutants. The facilities must conform to the State program or to State requirements in regard to the control of water or air pollution and they must be in compliance with the applicable regulations of Federal agencies and with the general policies of the United States, in cooperation with the States, for the prevention and abatement of water and air pollution. Certification to this effect must be made by the State water or air pollution control agency, as defined in the Federal Water Pollution Control Act or the Clean Air Act. In addition, such a facility must be constructed or acquired in furtherance of Federal, State, or local standards for the control of water or air pollution."

A number of Members of the Senate have introduced bills which would amend the Internal Revenue Code so as to give a tax incentive to industry to construct air and water pollution control facilities. While many of these bills differ as to method, each has the purpose of providing industry with a financial incentive for acquiring and installing necessary equipment. On February 1 of this year, I introduced a bill, S. 2857, for myself and on behalf of Senator RANDOLPH, which would increase the investment credit allowable from the present 7 percent to 14 percent for those industries purchasing and installing air and water pollution facilities. The bill is cosponsored by Senators ALLOTT, KUCHEL, LAUSCHE, LONG of Missouri, PEARSON, SALTONSTALL, SCOTT and JAVITS, and is pending before the Finance Committee.

I have gone to this great length to indicate the many steps that are being taken now by the Committees of the Congress to combat air and water pollution. I believe that this bill is another demonstration of the determined effort of the Congress to advance solutions to the most challenging problem facing our country today—pollution in the air and in the water.

Mr. MUSKIE. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine.

The motion was agreed to.

WIDENING THE CREDIBILITY GAP

Mr. GRUENING. Mr. President, in recent weeks administration spokesmen seem to act bewildered because their words are not taken at face value but are received with increasing incredulity.

The reasons are not too hard to find. For many, many months now the administration's actions in Vietnam have not matched its words, and vice versa.

Is it any wonder that more and more people are beginning to doubt that they are being told the truth, the whole truth, and nothing but the truth, when they see and hear the U.S. Ambassador to the United Nations state vehemently the administration's desire for peace while almost simultaneously the U.S. Secretary of Defense holds a press conference to announce the letting of a huge contract for warplanes?

Donald Grant, United Nations correspondent for the St. Louis Post-Dispatch, writing the leading editorial in the October 10, 1966, issue of The Nation, calls Ambassador Goldberg's peace offensive in the General Assembly of the United Nations a "burlesque" of U Thant's peace plan and states:

> President Johnson continues this "peace offensive" with his projected trip to Manila, pretending to see peace where none is to be found. After the elections, is there hope that the Administration will be willing to explore the clear UN road to "peace with honor"? Lyndon B. Johnson's record in office is not encouraging.

In like vein, The Nation's leading editorial in its October 17, 1966, issue explores the reasons why President Johnson's performance is mistrusted.

Mr. Johnson's trouble—

The editorial states—

is that he has carried intrigue too far, so that the gap between his words and his actions has widened beyond acceptable

limits. The glaring example, of course, is Johnson the candidate, a moderate vis-a-vis Vietnam in contrast to the firebrand Goldwater, and Johnson elected, acting as the voters had assumed Goldwater would act—or worse. After that, why should any reasonably critical person accept the President's protestations at face value?

President Johnson's methods of conducting foreign affairs have not escaped foreign editorial comment. In the leading editorial in the Far Eastern Economic Review for October 13, 1966, entitled "Profits and Principles" the statement is made:

President Johnson is open to the accusation of having brought the "pork barrel" tactics of Tammany Hall to bear on international relations, not hesitating to demonstrate even more clearly than his fellow competitors for international support that compliance with Washington's views can result in generous rewards. When economic criteria are applied (as in the case of India) such pressure is not all that objectionable; but pressures of a more insidious nature are obviously responsible for President Johnson's comparative success in acquiring a broader front of allies directly involved on the American side in the war in Vietnam.

I ask unanimous consent that the editorial from The Nation for October 10, 1966, entitled "If He Wants Peace," the editorial from The Nation for October 17, 1966, entitled "Mr. Johnson's Problem" and the editorial from the Far Eastern Economic Review for October 13, 1966, entitled "Profits and Principles" be printed in the RECORD at the conclusion of my remarks.

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

[From The Nation, Oct. 10, 1966]

IF HE WANTS PEACE . . .

(By Donald Grant)

A nod from President Johnson is all that would be required for United Nations Secretary-General U Thant to board a plane for Southeast Asia, to lead the war in Vietnam to the conference table. There is a great deal of evidence that he could achieve a peace that would protect both the honor and the legitimate interests of the United States.

Thant's three-point peace plan, combined with the longer vision of the future of Vietnam contained in documents arising out of the meeting last month in Phnom Penh between French President Charles de Gaulle and Prince Norodom Sihanouk, provide the clear framework for a peace settlement. Thant offers the road to negotiations; de Gaulle and Sihanouk suggested its objective: a neutral Indo-Chinese peninsula, in which there is even the possibility of a separate South Vietnam, if its people so prefer.

As an alternative to peace, the chief American delegate at the United Nations, Arthur J. Goldberg, last month opened a new "peace offensive." His speech to the General Assembly presented a burlesque of the Thant plan and, to the surprise of no one, was rejected immediately. Washington had decreed that there should be no boat rocking—at least until after the November elections. Meanwhile, President Johnson continues this "peace offensive" with his projected trip to Manila, pretending to see peace where none is to be found. After the elections, is there hope that the Administration will be willing to explore the clear UN road to "peace with honor"? Lyndon B. Johnson's record in office is not encouraging.

In the early autumn of 1964 Thant, on his own initiative, inquired of Hanoi through the Russians if Ho Chi Minh, with whom Thant has had good relations over the years, would be willing to authorize a meeting between his representatives and those of President Johnson to discuss the modalities of a peace conference. Hanoi accepted the offer almost immediately. Washington stalled for five months, then rejected it, the rejection being punctuated by the beginning of systematic bombing of North Vietnam.

Despite this disheartening experience, in July, 1965, Thant again asked Hanoi whether peace talks might still begin, if the United States would stop bombing. Hanoi said yes, but Washington rejected the offer.

Dismayed, but not yet utterly discouraged, Thant considered how an atmosphere might be established in which negotiations would be possible, even at this late date. After consultations that surely included new soundings in Hanoi, he devised his three-point peace plan. The first point was a cessation of bombing North Vietnam; not another pause, but an end. The second point was a de-escalation of the fighting in the south, including a half in the build-up of forces on both sides—a silencing of the guns so far as possible, defense actions where an end to the fighting could not be achieved. Finally, Thant proposed that the United States talk peace directly with the National liberation Front in South Vietnam, as the French, despite misgivings, finally negotiated with the NLF in Algeria.

Thant's three-point peace plan so far has been met by silence in Washington, but Goldberg—after a losing battle inside the State Department—managed to construct a mock-up of his own. In effect, he told the General Assembly that if the North Vietnamese would agree to stop sending reinforcements to fight in the south, the United States would stop bombing North Vietnam. It is difficult to imagine a better bargain for the United States: bombing North Vietnam was undertaken to stop "infiltration" to the south, and has failed to do that. If accepted, Goldberg's "offer" would have accomplished what bombing has failed to do, and with no cost in planes and airmen lost.

With the ability of "the other side" to resist crippled by a halt in reinforcements, and the United States undertaking no similar commitment, Goldberg then proposed that a phased withdrawal of North Vietnamese troops, and American troops, might be arranged. Talking to the Vietcong—or the National Liberation Front—would not be an "insurmountable obstacle," he added, quoting President Johnson. Of course, the Goldberg plan was not accepted.

By contrast to this never-never land, Thant's three-point peace plan could become an active program within a matter of days, if the United States gave the word that Washington was willing to explore this obvious avenue to peace. Ambassador Abdul Rahman Pazhwak of Afghanistan, President of the twenty-first General Assembly, is also a leader of the nonaligned nations here. A group of such nations quickly could frame a resolution to authorize Thant to implement his peace plan. Thant, a Burmese, has facilities for negotiating possessed by no one else in the world.

Since he announced his intention to retire after his present term expires November 3—or at the end of this Assembly, December 20, at the latest—Thant has been the object of international assurances of confidence never given anyone before. Paul Martin, the Minister for External Affairs of Canada, already has suggested that this hymn of praise (led by Goldberg, incidentally) might be converted into a practical power for peace. No one who knows Thant doubts that at whatever personal sacrifice, he would accept another term in office if he really believed he could be instrumental in achieving peace in Vietnam.

Goldberg has grasped the essentials of United Nations usefulness: he stands ready and eager to transmit the word to Thant, Pazhwak and the United Nations in general that the Americans are, at long last, ready to pursue peace in Vietnam with a seriousness unencumbered by a childlike faith that a punch in the nose will solve vexing problems. What is required is the consent of President Johnson.

[From the Nation, Oct. 17, 1966]

MR. JOHNSON'S PROBLEM

One of the staples of political commentary these days is that the President of the United States, by all odds the most powerful of world leaders, is not trusted, either by his own people or by foreigners. The most crucial aspect of this distrust is in relation to Vietnam. The President is represented as being seriously interested in a negotiated settlement, and unable to understand why there is so much skepticism about his position. It is not much of a puzzle.

Any President, any ruler, must be something of a manipulator, something of a conniver, in order to do his job. Friend and foe alike expect as much. Mr. Johnson's trouble is that he has carried intrigue too far, so that the gap between his words and his actions has widened beyond acceptable limits. The glaring example, of course, is Johnson the candidate, a moderate vis-à-vis Vietnam in contrast to the firebrand Goldwater, and Johnson elected, acting as the voters had assumed Goldwater would act—or worse. After that, why should any reasonably critical person accept the President's protestations at face value

Skepticism is the more justified because the President has continued on a course of pretense and deception and seems to be incapable of handling the burdens of his office in any other fashion. Consider the stage setting for the upcoming Manila session. Ambassador Goldberg launches still another peace offensive at the UN, differing only in microscopic detail from previous manifestos. President Marcos of the Philippines comes to Washington, is given a big reception and a big loan, and takes his turn at the UN. No sooner is Marcos out of the country than Mr. Johnson "accepts" an invitation to fly to Manila in the cause of peace. The Asian participants in this confabulation will all be client states of this country, dependent on us for arms and money. So constituted, it must look in Hanoi more like a war conference than a peace conference, and Mr. Johnson must look no more trustworthy than in the past. The stage management is so clumsy that Americans, except for the most sheeplike, can hardly be taken in either.

The original date for this gathering of the anti-Communist alliance was October 18. Could this timing have anything to do with domestic politics? What with Mr. Johnson's popularity slipping, it could indeed. It would put him precisely where he wants to be between the end of the World Series, when Americans will again have time for problems of state, and the November 8 election. The trip would dominate the news while Mr. Johnson and entourage are en route, while they are in Manila, and when they are back in Washington for the report to the Congress, press conferences, and the speculations of the commentators as to what is behind it all. The political implications of the trip as originally projected were in fact so palpable that the President felt compelled, as criticism mounted, to expand the itinerary so as to give the appearance of a broader purpose. But note that the schedule has been delayed slightly, so that live television coverage via satellite can be set up. There is altogether too much showmanship involved to allow much hope that a serious attempt at a settlement is really in prospect.

No doubt the President would like to secure a settlement—on his own terms. His

role as an impresario reveals the carrot-and-stick strategy which has marked his previous promotions. Goldberg offers the carrot at the UN. Even while he pleads for peace, Secretary McNamara announces a hike in the purchase of combat aircraft. The President goes to Manila, ostensibly in the cause of peace. McNamara goes on a military mission to Saigon. If all these answers fail, what comes next? The President may boggle at the use of nuclear devices, but the least he will be able to settle for is a tougher war. It will be deferred until after November 8; when it comes, trust in Mr. Johnson will drop still another notch.

[From the Far Eastern Economic Review, Oct. 13, 1966]

PROFITS AND PRINCIPLES

President Johnson is a consummate politician and perhaps suffers from the fact that people judge him as such—rather than as a statesman who wields enormous military and economic power in the world arena. Politically, it is perfectly permissible for President Johnson to ensure that US willingness to negotiate with Hanoi on the one hand and North Vietnamese intransigence on the other are regularly featured in the headlines of the world press. But a politician's sincerity is always suspect and it is not surprising that his motives in mounting the forthcoming seven-nation "summit" in Manila have been questioned, and the meeting dismissed as having been organised with an eye on the elections due to be held in the US next year rather than on the cause of peace in Vietnam.

President Johnson is open to the accusation of having brought the "pork barrel" tactics of Tammany Hall to bear on international relations, not hesitating to demonstrate even more clearly than his fellow competitors for international support that compliance with Washington's views can result in generous rewards. When economic criteria are applied (as in the case of India) such pressure is not all that objectionable; but pressures of a more insidious nature are obviously responsible for President Johnson's comparative success in acquiring a broader front of allies directly involved on the American side in the war in Vietnam.

Of all the many countries who are profiting directly and indirectly from the war, Japan is the greatest beneficiary. Japanese exports to South Vietnam will reach US$100 million or more by the end of this year (about half the country's total imports), compared with US$37 million in 1965. According to Japanese banks, the Vietnam war will this year, both directly and indirectly, generate huge increases in Japanese exports (increased Japanese sales to the US, to many third countries and to China itself are not unconnected with the war). While Japan will not be present in Manila, Mr. Sato's public support for US policies in Vietnam has been most useful to Washington and has done much to prevent Asian opposition to US bombing from polarising around the strong Japanese pacifist feelings.

But other Asian countries who will be present in Manila are also profiting. President Marcos has just returned from the US with promises of loans worth at least $125 million, and other concrete benefits. Thailand itself is obviously being paid well for its help, and only last week President Johnson pledged even more aid. Much of South Korea's fantastically increased exports are going to Vietnam (sales are expected to reach US$100 million this year, compared with US$60 million last year) and it is estimated that as much as 50% consist of re-exports of Japanese goods. Both Australia and New Zealand are gaining from the increased US procurements, and both must look anxiously to the US as a source of investment.

Undoubtedly the Communist countries will dismiss the Manila "summit" as a gathering of war-profiteers and mercenaries, and it remains for President Johnson to demonstrate that the meeting is not just an election stunt to prove the existence of Asian support for an anti-communist front. The fact remains that the talks will give the US President an opportunity to convince world opinion that the US and its allies are sincere in the quest for a reasonable negotiated peace.

A WISE MOVE ON DAIRY PRICE SUPPORT

Mr. McGOVERN. Mr. President, I would like to congratulate Secretary of Agriculture Freeman and the Department of Agriculture for the announcement Friday of milk price supports for the 1967–68 marketing season, which starts next April 1.

The announcement that price support will continue at the present $4 per hundredweight level will do a great deal to maintain dairy production, which was falling off dangerously early this year. I was gratified to note that production, which was running nearly 5 percent under the previous year early in 1966, was only eight-tenths of 1 percent down in September. The increase in price support to $4 undoubtedly is having its effect.

Earlier in the session, I proposed that Congress extend supports at a $4 minimum level for 3 years. The Secretary's announcement, which gives dairymen assurance of that level of support for 18 months in advance, is certainly a step in the right direction.

I ask unanimous consent, Mr. President, that the text of a press release, in which Secretary Freeman announced the extension of the dairy price support, be printed in the RECORD at this point.

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

[A press release from the U.S. Department of Agriculture, Washington, Oct. 14, 1966]

SECRETARY FREEMAN ANNOUNCES 1967–68 DAIRY SUPPORT

Secretary of Agriculture Orville Freeman today assured dairy farmers that the present support price of $4.00 a hundredweight for manufacturing milk will be continued through the next marketing year which will begin April 1, 1967. The present support price of 68 cents a pound for butterfat in farm-separated cream also will be continued.

Since prices of milk sold for consumption as fluid milk are closely related to prices of milk used in manufacturing dairy products, today's action also will help maintain prices that farmers receive for milk marketed under Federal milk marketing orders.

"I am announcing the dairy support level for 1967–68 at this time in order that dairy farmers can plan their future dairy herd management with greater confidence as to next year's prices and to provide greater assurance of adequate supplies of milk and dairy products for consumers," Secretary Freeman said.

"Dairy farming requires more advance planning than many other types of farming. As consumers, we can all be grateful that dairy farmers have responded to a long-needed improvement in the prices they receive for milk. September production was only 1 percent below the September 1965 level, whereas production last January and February, was 5 percent below that of the corresponding months in 1965. Today's action should help to spur their improving production trend.

"The added assurance provided by today's announcement should further slow up the exodus of farmers out of dairying, reduce culling of herds, and encourage the raising of dairy calves."

The support price for manufacturing milk was increased from $3.24 to $3.50 a hundredweight on April 1 and then to $4.00 on June 29. The support price is for manufacturing milk of national average milkfat content—approximately 3.72 percent. The present support price is 89.5 percent of the parity equivalent price as of the beginning of the current marketing year—very near the top of the 75 to 90 percent range provided for in the Agricultural Act of 1949. The support price for butterfat in farm-separated cream was increased from 59.4 to 61.6 cents a pound on April 1 and then to 68 cents on June 29.

Market prices of dairy products have been above the support level in recent months and farmers have received more than the support price. The U.S. average price of manufacturing milk (seasonally adjusted for milk fat test) in September was $4.33 a hundredweight—about $1.00 above a year ago.

Since April 1 of this marketing year, the Department of Agriculture has not acquired any butter or cheese under the price support program, and only about one-third as much nonfat dry milk as in the same period last year.

The Department does not anticipate major changes in its support buying prices for butter, cheese, and nonfat dry milk under the 1967–68 program. The specific prices, however, will be announced later.

AN ASSESSMENT OF THE PROPOSED CIVIL RIGHTS ACT OF 1966

Mr. HICKENLOOPER. Mr. President, on the 19th of September 1966, Paul Hope, reporter and columnist for the Washington Star and other newspapers made his assessment of the 1966 Civil Rights Act, what happened to it and why it happened. It was by far the most objective evaluation I have seen and I ask unanimous consent that it be inserted in the RECORD as a part of my remarks.

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

WASHINGTON CLOSE-UP: A DYING RIGHTS BILL, AN OLD TRICK

(By Paul Hope)

With its 1966 civil rights bill on the rocks, the Johnson administration is up to its usual trick of blaming the Republicans for its failures.

President Johnson and Vice President HUMPHREY have laid the responsibility for the rights bill's demise on the bushy head of Senate Republican Leader EVERETT M. DIRKSEN.

HUMPHREY was the first to observe that the bill seemed to be sinking because DIRKSEN wouldn't support it. Where was HUMPHREY—whose only constitutional duty is to preside over the Senate—when he made his observation? Out in the West drumming up votes for Democratic congressmen seeking re-election.

Johnson, who has been politicking a bit around the country himself while votes were slipping away from the rights bill back on the Potomac, soon followed with his statement that DIRKSEN held the fate of the bill in his hands.

While they were busy blaming the Republican leader, there were a good many advocates of the bill who thought Johnson

and HUMPHREY weren't exactly working overtime rounding up votes for the legislation.

There was some feeling that Johnson didn't even try to get his good friend and former Senate crony DIRKSEN to change his mind about opposing the bill.

Johnson told reporters the other day he had talked over the matter with DIRKSEN, but DIRKSEN on the same day said he and the President hadn't discussed the bill. However, they did meet for an hour and a half later—to no avail.

At any rate, it seems hardly fair to say the Republicans killed the bill when there are 67 Democrats in the Senate. Thirty-three Republicans can't kill anything if the Democrats are determined to pass it.

The civil rights bill was dead long before it got to the Senate. Its fate was sealed when the Democratic leadership waited so long to move it out of the House committee for debate.

The House Judiciary Committee wasn't exactly a ball of fire in putting the legislation together. In fact, it pursued a quite leisurely pace.

If the administration was serious about getting the legislation this year, it would seem appropriate to have moved the bill out for floor debate last spring when there was considerably less chance of a Senate filibuster being successful.

To wait until near the end of the session, when Congress is impatient to get away so its members can do some politicking, was to invite failure.

Also, while Johnson and HUMPHREY were belaboring the Republicans, where was their Whip, Senator RUSSELL LONG, whose job it is to round up Senate votes for administration measures? Louisiana's LONG was out on the floor helping with the filibuster.

Blaming the Republicans for its failures and taking full credit for anything it thinks good for political mileage is a usual ploy in Washington politics and is a specialty of the Johnson Administration.

No one hears Johnson or HUMPHREY out on the campaigning trial saying "Gee, Senator DIRKSEN and those Republicans sure bailed us out on those Civil Rights Act of 1964 and 1965 when Southern Democrats were snapping at our heels."

Or: "Gosh, that voluntary insurance plan of the Republicans that we put on the Medicare bill was a great thing."

Of course, there's plenty of Democratic talk about how DIRKSEN did in the bill to repeal Section 14B of the Taft-Hartley Act—not that DIRKSEN objects to taking the blame for that.

DIRKSEN is not exactly the reluctant dragon either in accepting the blame—or perhaps he feels it's the credit—for the death of the 1966 civil rights bill. On the contrary he seems to relish the role.

Given the temper of the country at the moment DIRKSEN may be on the popular side of the issue. But in the long run, the opposition of DIRKSEN and the House Republican leadership is likely to hurt the Republican party. This is particularly true if Johnson succeeds in placing the onus for the bill's death on the GOP.

Some day—perhaps not very far off—the open occupancy and other sections of the bill will be enacted into law, and who will take credit then as the champion of the oppressed and discriminated-against? Probably Lyndon Johnson and HUBERT HUMPHREY . . . or maybe BOBBY KENNEDY.

THE INCREASING AMERICANIZATION OF THE WAR IN VIETNAM

Mr. GRUENING. Mr. President, like last winter's snows, the grandiose plan for the social reconstruction of the South Vietnamese countryside, proclaimed at the Honolulu conference in January 1966 with the customary fanfare and publicity buildup, has now faded away, and less and less is being heard of the struggle "to win the hearts and minds" of the South Vietnamese people. In its place we find an increasing reliance on the military power of the United States to achieve a strictly military solution in that country. The myriad civilian agencies having failed in the rural pacification program, the job is now to be turned over to the military, reports Ward Just in today's Washington Post.

Given the tremendous input of men, money, and material, the predominant role of the military is a natural, indeed an inevitable, development. We have brought into being in South Vietnam a vast military organization and, propelled by the logic of its own existence, it must perforce seek an ever expanding role. The bombing of jungle trails by B-52's and the daily raids of bridges in North Vietnam by hundreds of land- and carrier-based aircraft have not reduced the flow of men and supplies into the South. The deployment of masses of Army and Marine infantry has failed to result in the engagement and destruction of significant main forces of the Vietcong. It has become necessary, therefore, to find additional employment for the 60-odd generals and their staff now ensconced in their heavily fortified villas in Saigon and in the surrounding countryside.

U.S. forces have begun to move into the Mekong Delta, an operation which can easily swallow up a hundred thousand men in the search to locate an enemy hidden in the thousands of canals and waterways. Increasing recognition of the ineffectiveness of the South Vietnamese Army will provide further reason for the assumption of a greater role by our military.

Mr. Ward Just writes in a dispatch from Saigon to the Washington Post dated October 16, 1966, that—

> Informed sources said that McNamara heard no complaints whatsoever from American military sources regarding the performance of the ARVN, but the fact is that he did. It has been an open secret in Saigon that the role of the ARVN would change next year. Their work would be in pacification, not in striking at main force units.

If the South Vietnamese Army will not fight the Vietcong the American military seem all too eager to take over the role. But some task must be found for the 600,000-man Vietnamese Army. Their performance in undertaking the pacification of rural villages and hamlets is likely to be no more successful than their performance against the Vietcong. Mr. Just writes that—

> There is now increased certainty that the war effort, despite public homage to "the other war" and the "hearts and minds of the people", is more thoroughly military than ever—and more thoroughly American.

It is clear that the United States is embarked on a course that will lead to the assumption of an ever greater role for the U.S. military forces with the day not far distant when the commanding general is in everything but name the military governor of an occupied country. Under these circumstances can we expect the National Liberation Front and Hanoi to place credence in our protestations that we do not seek any permanent military bases in South Vietnam and that we are prepared to withdraw our forces at some indefinite and unspecified time in the future?

I ask unanimous consent that the dispatch to the Washington Post from Ward Just dated October 16, 1966, be printed in the RECORD at the conclusion of my remarks.

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

[From the Washington Post, Oct. 17, 1966]

CIVILIAN ROLE IN VIETNAM EBBS—MCNAMARA LEAVES IMPRESSION MILITARY WILL DOMINATE EFFORT

(By Ward Just)

SAIGON, October 16.—Secretary of Defense Robert S. McNamara left behind the impression that his visit to South Vietnam last week marked the beginning of the end of civilian supremacy in the American effort here.

The end, indeed, may have come earlier under the pressure of the massive U.S. military buildup this year, but officials in a position to know are predicting that U.S. commander, Gen. William C. Westmoreland, will now continue to increase his authority.

What has been described as a vacuum at the top will be filled by military officials.

The sheer weight of men, money and materials has made the military effort more visible and its progress, by use of elaborate body counts, infiltration rates and bridges destroyed in North Vietnam, more dramatic.

McNamara hinted at the military's ascendence when he said that progress in pacification "has been very slow indeed." He was very generous in his estimate of the Vietnamese Minister of Revolutionary Development, Maj. Gen. Nguyen Duc Thang, but he added that "this is one of the areas that requires special attention of the government of South Vietnam and the free world forces during the next year.

None of this means that Westmoreland will become another Douglas MacArthur, or that the civilian effort is to be submerged. The head of the country team will still be Ambassador Henry Cabot Lodge, but the power—according to reliable sources—will drift to Westmoreland.

Sources here today were saying that McNamara, a stickler for precision, was unimpressed with civilian descriptions of progress, or lack of it, in the pacification effort. The American who bears most of the authority for that, Deputy Ambassador William C. Porter, was in the United States during the McNamara visit.

There has always been, as one official here put it, as "military component" to pacification. But it is understood now that that component will be increased and the military will more and more take control of pacification—the task called nation-building.

What this will mean in practice can now only be guessed, but one thing that it surely does not mean is a scaling down of the sheer weight of American military presence, an argument advanced by some civilian officials.

Westmoreland will receive what he requests, and indications are he will request a great deal.

The only likely outcome of McNamara's four days in Vietnam is that the role of the Vietnamese Army (ARVN) will change.

ARVN ROLE TO CHANGE

Informed sources said that McNamara heard no complaints whatsoever from American military sources regarding the performance of the ARVN, but the fact is that he did.

It has been an open secret in Saigon that the role of the ARVN would change next year. Their work would be in pacification, not in striking at main force units.

Whether or not the Secretary was thoroughly briefed on the behavior of the ARVN toward the Vietnamese population is not known. Neither is it known if probing questions were asked regarding the U.S. military command's assistance, or lack of it, to the ARVN.

Nor is the reaction of the Vietnamese known. All Premier Ky's office would say on his encounters with McNamara and Undersecretary of State Nicholas deB. Katzenbach was that they were "inconclusive."

SOME CIVILIANS PLEASED

Not everyone here was displeased with the developments. An increased role for Westmoreland, regarded as an extremely able and popular commander with an unusual sensitivity to the politics of Vietnam, has long been regarded as desirable by many officials, some of them civilians.

But there is now increased certainty that the war effort despite public homage to "the other war" and the "hearts and minds of the people," is more thoroughly military than ever—and more thoroughly American.

In the end, the military is thought to have carried the day not by force or logic or force of wisdom, although their position here can be argued plausibly with both logic and wisdom, but by sheer weight of what one official called the juggernaut.

WHEN WESTMORELAND SPEAKS

The imprecision of civilian language, the imprecision of the problem (When is a hamlet secure, and when insecure?), the sheer difficulty of civilians trained in diplomacy performing operational tasks—often in conjunction with the military—helped tip the scales of power.

"Westmoreland says do this, do that, and something happens," one informed observer said. "When Lodge says do this, do that sometimes something happens and sometimes it doesn't happen."

The men who wanted to see one ideology beaten by a better one, to see the Vietnamese character (not to mention its countryside) preserved and not submerged by the war, who viewed the struggle as an exercise in counter-insurgency, have now certainly lost.

PEAK OF EFFICIENCY

The North Vietnamese battalions crossing the Mugia Pass into Laos and through the demilitarized zone into South Vietnam lost it, as much as any other thing lost it.

The American military command, at the peak of its efficiency and switched on for the visit of McNamara, has never performed with more precision.

It showed what has happened to the American effort here, since McNamara's last visit in November, when there were only 175,000 men and the ARVN was still mentioned seriously as a strike force.

It remains to be seen whether the problems of Vietnam lend themselves to military solutions and whether changing conditions in this war are better handled by colonels than diplomats.

A TRIBUTE TO LEE METCALF

Mr. GRUENING. Mr. President, the New York Times this morning carried an excellent editorial entitled "Man From Montana" concerning our colleague, LEE METCALF.

The editorial expresses the view, I am confident, that an overwhelming number of the junior Senator from Montana's colleagues share. The editorial, because of lack of space, cannot go into all of the effective services LEE METCALF has rendered in the public interest which affirm the fact that he is already one of our great Senators, although only at the beginning of his senatorial career, after fruitful and dedicated service in the House.

It would be a great loss to Montana and to the Nation if he were not with us.

LEE METCALF's strong conservationist activities have in no sense interfered with the help he is constantly rendering the mining industry of such vital concern to the West for the junior Senator from Montana [Mr. METCALF] above all else is a sane conservationist.

I ask unanimous consent that the full text of the editorial be printed in the RECORD at this point in my remarks.

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

MAN FROM MONTANA

Montana—which has produced nationally famous Senators from the Thomas J. Walsh and Burton K. Wheeler of an earlier era to MIKE MANSFIELD, the majority leader today—has an outstanding public servant in its junior Senator, LEE METCALF. He deserves to be better known.

In addition to his work on behalf of mine safety and other issues of concern to his native state, Senator METCALF has served all the United States by his legislative efforts for national support of education and for conservation of the country's natural resources. He was a leading protagonist of the bill to give Federal financial aid to elementary and secondary schools which finally became law last year.

Senator METCALF's successful work on behalf of the Wilderness Act and the Land and Water Conservation Fund in 1963–64 established him as one of the foremost conservationists in Congress. In the present session he is the leading Senate sponsor of the bill to create a comprehensive national park to protect the California redwoods. His "S O S Bill" (Save Our Streams) did not pass, but his fight for it helped curb the depredations which the interstate highway program initially made on the nation's streams because of careless planning of highway routes. He has been a progressive influence in shaping policy on Indian affairs and has sponsored several important reforms in the structure of government.

Senator METCALF's many accomplishments during these past six years in behalf of both Montana and the nation would argue strongly for his re-election in any event. But his re-election is all the more desirable since his Republican opponent, Gov. Tim Babcock, though personally amiable, is a Goldwater Republican with a severely negative philosophy. He offers nothing to match Sentor METCALF's constructive record.

A HISTORIC STEP FORWARD FOR THE DEVELOPMENT OF THE VA HOSPITAL SYSTEM

Mr. YARBOROUGH. Mr. President, on Friday, October 14, the Senate passed H.R. 11631, the Veterans Hospitalization and Medical Services Modernization Amendments of 1966. Included in this bill as an amendment was S. 3086, which I introduced on March 15 for myself and our distinguished majority leader, Senator MANSFIELD.

This bill authorizes the VA hospital system to take the most important steps forward since VA hospitals began their close relationship with medical schools many years ago. First, H.R. 11631 as passed by the House under the leadership of my good friend Congressman OLIN TEAGUE establishes the training and education of health service personnel as one of the missions of the VA.

Second, the text of S. 3086 as incorporated into H.R. 11631 authorizes VA hospitals to enter into agreements with medical schools, research centers, and other hospitals throughout the country "in order to receive from and share with such medical schools, hospitals, and research centers the most advanced medical techniques and information, as well as certain specialized medical resources which might not be feasibly available or to effectively utilize other medical resources with the surrounding medical community, without diminution of services to veterans. Among other things, it is intended, by these means, to strengthen the medical programs at those Veterans' Administration hospitals which are located in small cities or rural areas and thus are remote from major medical centers." This is language taken from the bill.

Medical technology is now in a stage of explosive development. VA hospitals, especially remote VA hospitals in rural areas, must keep up. But so must all hospitals in remote areas. It occurred to Senator MANSFIELD and myself that here was an excellent opportunity to improve the quality of care at remote VA hospitals and at the same time share some of the resulting benefits with the surrounding medical community. Our first concern is the care afforded veterans. The bill's prime purpose is to upgrade the quality of care at VA hospitals for veterans.

This will be done by the use of new methods of communication, so that the staff at the remote hospital can communicate quickly with a medical school or research center. The program will utilize closed circuit TV, regional or national computer programs, and so forth.

One of the problems in modern medicine is the lag between the time something is discovered and the time it is put to use. In order to help all doctors in country areas keep up better with the latest advances in medicine, the educational facilities and programs established at the VA hospitals and the electronic link to medical centers shall be made available for use by the surrounding medical community at fair and equitable rates to be set by the VA Administrator, after taking into consideration the financial status of the user. This last qualification is included so that a doctor or other person who cannot afford to pay the full amount may be charged a lesser amount.

I believe that the action of the VA last year in closing down several VA hospitals on the grounds that they were remote from medical centers has centered attention of the Congress on the needs in these areas. It has focused attention upon a critical national problem—the plight of the rural hospital. I am proud that the Congress of the United States has responded by showing that instead of saying that the problem is insurmountable and we will just have to close down these hospitals, that we can utilize modern communications techniques to

place these rural hospitals in close touch with medical centers and thus provide the best and most up-to-date medical care in rural areas.

I ask unanimous consent to insert at this point in the RECORD the remarks which I made on March 15 upon introduction of S. 3086.

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

[From the CONGRESSIONAL RECORD, Mar. 15, 1966]

A PROGRAM TO IMPROVE THE QUALITY OF VA MEDICAL CARE

Mr. YARBOROUGH. Mr. President, I introduce for appropriate reference, a bill to improve the quality of medical care provided veterans. The bill authorizes the Administrator of the VA to enter into cooperative agreements with medical schools, hospitals, and research centers throughout the country so that VA hospitals can receive from and share with these other institutions the most advanced medical information, equipment, and facilities available for the diagnosis and treatment of human diseases and injuries. Wherever practicable these shall also be shared with the surrounding medical community.

Last year the Veterans' Administration announced plans to close several of its hospitals. This action was predicated on the fact that the hospitals are remote from medical centers and therefore out of the mainstream of modern medicine. This, in turn, was stated to make for difficulties in requiring high caliber physicians, leading thereby to substandard medical care and an inefficient and uneconomical operation.

I cannot escape the strong conviction that this is not the best solution when examined from the viewpoint of human needs. But for the moment let me argue that the Veterans' Administration is caught in something of a predicament due to the remoteness of certain of its hospitals, and then immediately remind you that this is not a problem unique to the Veterans' Administration. This is the predicament of most of the hospitals in the country. When viewing the total national picture it is clear that relatively few institutions are in fact associated with major medical centers. Most of them are in small cities away from medical schools, in the more or less rural areas of this country. The predicament of the remote VA hospitals is the predicament of much of America. If what the VA claims is true, then it means that a broad segment of American medicine also is in a bad way, and if this is true then we are faced with a very serious matter indeed. In fact, the Veterans' Administration itself is faced with a very serious matter because I note that, of its approximately 170 hospitals, only 85 or so are affiliated with medical schools. I suspect this means that many of the remaining 85 are rather isolated and probably are suffering, or soon will suffer, the difficulties experienced by the VA hospitals under threat of closure. Does this mean that one by one, or by wholesale, other VA hospitals across the country will be closed in the future and moved to medical centers? I do not believe that anybody's interest will ultimately be served by this trend which only confuses the issue and adds to the already serious problems facing this country with regard to the unwieldly buildup of urban centers.

If what the VA claims is true, then I submit it shirks its responsibilities by running away from the difficulty. How much more in keeping with the traditions of this country if, recognizing the problem in its own system, the agency had decided to turn its best thoughts and imaginative planning to the task of improving the environment of peripheral institutions, thereby providing guidelines and help to the large number of this country's hospitals not in large urban centers with regard to techniques for upgrading medical activities in their particular setting.

I must confess being somewhat disappointed that the VA did not come up with creative ideas along these lines; the best it could offer was the traumatic expedient of simply closing down those hospitals which were not in a medical school complex. By the same token, I am proud to know that the truly creative ideas on this subject were generated right here in the Senate. On April 9, 1965, the majority leader of the Senate, my esteemed colleague, Senator MANSFIELD, appeared before the Independent Offices Subcommittee of the Committee on Appropriations, and inserted into the RECORD a number of suggestions for bringing peripheral hospitals into the mainstream of medicine. I ask unanimous consent to insert Senator MANSFIELD's testimony into the RECORD at this time.

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

"1. Closed circuit television emanating from a regional medical center could bring lectures, symposia, and demonstration operations into each VA hospital and assist in a program for continuing education of physicians. Such a program is necessary if they are to keep abreast of new discoveries and new methodologies. A two-way TV and/or radio system could be used for question and answer programs, for teaching and for consultations with prominent specialists who prefer to remain in urban areas.

"2. Staff rotation programs might be instituted so that each VA physician would serve at least one tour of duty in an isolated post. It is also possible to establish regional centers or pools where young residents could be flown to such areas for emergency duty on an ad hoc basis.

"3. Regional or national computer programs for diagnostic and consultative purposes might be set up to provide proper direction in treating extraordinary diseases. This could be done for X-rays, electrocardiograms, myelograms, and other diagnostic procedures. Such a service could be made available to assist private hospitals as well.

"4. Long-term or chronic patients at VA hospitals might be moved to the more isolated and underutilized facilities in instances where no family hardship would be involved. Such a program might be a touchy business and is to be treated with great care so as not to create personal hardship or discomfort. However, insofar as feasible it would make beds available in the more crowded hospitals and more fully utilize the less crowded facilities.

"5. VA hospital facilities might also be used in training nurses, aids, orderlies, laboratory personnel, and technicians. Qualified hospital personnel are in short supply and this would be one means of alleviating that shortage while utilizing existing units for veterans' benefit. They could be trained tuition free in veterans' hospitals and upon graduation they would be assigned to serve in areas where their skills are needed.

"6. VA facilities already serve as the world's largest and most comprehensive medical network. They frequently operate in close conjunction with medical schools and perform outstanding original research. There is a great deal of national public pressure for stroke centers, heart disease research, geriatric, and cancer research. There is no reason why there could not be established on existing sites—a medical research center with an outstanding program will attract competent medical personnel wherever its location and improved medical personnel would serve the cause of improved medical care for veterans. The VA already has an excellent research program in the basic sciences and this could easily be expanded to meet our continuing needs.

"If such a program were adopted the entire medical profession would benefit. Consultative and diagnostic information would be made available in every part of the country without regard to the location of the hospitals. Miles City would have the same benefits of the latest up-to-date information, treatments, and expert consultation as New York City or any other large urban area. There would be no inferior medical libraries if such a program were instituted; no area of the country would be medically underdeveloped. Information as to new discoveries and new methods would be available on a wider and more immediate basis. It would even be possible to make such a service available to all physicians and hospitals, private as well as Government, to teachers and researchers as well as practicing physicians. This could be a self-liquidating program with charges for use by private physicians and hospitals. I believe that if this plan were adopted veterans and other Americans would benefit significantly from the improved practice of medicine on a countrywide basis.

"Mr. Chairman, I would like to emphasize that the provision of adequate medical care and medical facilities for the 20 million veterans of our wars is not a political issue—it is not a State or a sectional or geographic issue—it is a national issue; a question of national conscience and the payment of a national debt.

"If Miles City is discontinued as Mr. Driver has ordered, by June 30 of this year, it will mean that veterans, if they want to go to another hospital, could go to a hospital at Fargo, N. Dak., 450 air-miles, and I emphasize air-miles, because by land the distance is considerably longer. Or perhaps they could go to the Sioux Falls hospital in South Dakota, which is 490 air-miles away.

"Or they could go to the Lincoln hospital in Nebraska 600 miles away, or to Grand Island hospital in the same State 545 air-miles away. Or they could go to Cheyenne, Wyo., 370 air-miles away, or to Boise, Idaho, 550 air-miles, or to Spokane, Wash., 570 air-miles. Of course, they could go to the veterans' facility at Fort Harrison just outside the capital city of Montana, Helena, which by air is only 300 miles, but by road is 370 miles.

"There is another hospital about 150 miles away at Sheridan, but that is for psychoneurotics, and it has, I understand, a waiting list of some months at the present time.

"Miles City hospital serves an area larger by far than all the New England States combined. It was a hospital built in 1951. It is a modern hospital. It is a hospital which has a low cost because I note in the hearings on the Veterans' Administration medical program in the 2d session of the 88th Congress in April and May of last year, on page 3286 there is a list of the costs of the veterans' hospitals, and strangely enough there is only one in the entire West that I can pick up which is cheaper per patient than the one at Miles City, and that is at Fresno, Calif. The cost per patient at Miles City is $672 and at Fresno, Calif., it is $607. Others are cheaper on a per patient cost, but the majority of the veterans' hospitals in this country range from $2,250 per patient cost at Fort Thomas, Ky., down to $488 at Fayetteville, N.C. The average cost per patient is $892, the average national cost $892, whereas the cost at Miles City is $672.

"I am sure that this subcommittee is aware of the fact that today there are 20,000 veterans living who served in the Spanish-American War, and their average age is 85.6. In World War I there are living today 2,285-000 veterans, and their average age is 69.5

years. From World War II there are 15,750,000 living veterans, and their average age is 44.5. From the Korean conflict there are 5,688,000 living veterans. Their average age is 34.3. The average daily load in VA hospitals throughout the Nation in 1950 was 69,643; in 1955, 106,682; and in 1960, 111,408.

"Incidentally during the last 5 years a number of new hospitals have been completed and others are either now in process of construction or have been authorized.

"The percentage of beds used in the VA at Miles City was 82.7 percent in 1960, 82.6 percent in 1961, 78.6 percent in 1962, 82.2 percent in 1963, 87.2 percent in 1964, and when this announcement was made this past week, Miles City had one vacancy. The next day it had two because a veteran died that night.

"The VA doctors handle all the cases at the Miles City hospital. The local doctors are there only as consultants. As of December 31, the patients on the rolls of the hospital at Miles City 15.5 percent came from within a distance of 50 miles; 8.5 percent, 51 to 100 miles; 50.7 percent from 101 to 200 miles; and 25.3 percent more than 200 miles.

"I think that Montana is one of the States in the Union. I do not think a small State populationwise should be discriminated against. I do not think that everything should be shifted to the urban areas which are becoming more urban with each passing day. I think we are entitled to a square deal, and I hope that this committee will see to it that not only Montana but other States are treated on an equitable basis. What the Veterans' Administration has done is an outrage and that is putting it mildly.

"This is not economy. You may call it that. But this is computer card economics. This is a milked economy. It is the kind of economy which tends to accelerate the process of headlong flight of people to urban areas. This will make blighted areas. The problems there are not growing less acute; that is in the urban areas, for that is where veterans' hospitals along with countless other public and private services are steadily being concentrated. In accelerating this process it is false economy, because it multiplies problems and skyrockets costs in the cities.

"It is the kind of economy which tends not only to increase urban blight, but to hasten rural decay.

"May I say that, as a western Senator, I have always tried to sympathize and understand the problems of the urban areas, and I have done it to my political distress, and so has my colleague. But I do not think that the rural areas should become the forgotten part of the United States of America."

Mr. YARBOROUGH. Mr. President, in my opinion, those suggestions open the door to something of great importance to the health aspirations of the entire country, while contributing powerfully to improving health services to the veteran.

Instead of closing hospitals, the Veterans' Administration should utilize the wealth of modern technology in attempting to erase the impact of distance. Two-way television is the open sesame of doing away with isolation. By proper techniques, the wonders of medicine in the great centers of learning are not hundreds of miles away, but only so far as it takes to punch the proper TV button. Through the magic of electronics, physicians with a difficult diagnostic case can call on experts wherever they may be—if necessary, even those in foreign countries, via the marvels of future communications satellites. Entire libraries are now, or soon will be, stored in computers and readily available to any institution that may have the proper facilities for calling on the remarkable memory of these machines. Thus the latest in medical thought, expression, and writings would become available.

But this alone is not enough. It helps, but it does not establish an academic environment. This is accomplished by a continual learning experience embodied in formal lectures, visits by world authorities discussing their latest work, seminars and the availability of experts in their laboratories for discussion of problems of mutual interest. Currently these are generally only available in major medical centers. But this need not be the case. In fact, it must not be the case if the people of this country are to receive the best medical care. With the techniques being discussed, any hospital in the country could be a partner in these vital experiences.

This is not altogether a new idea. Here and there around the country it has been given attention, but not on the scale, or with the support, calculated to produce the best results. I dare suggest that unwittingly the VA may have rendered the country a major service with the threat of closing hospitals by focusing attention on a very serious national problem. I believe the time is preeminently ripe to develop fully the potential inherent in what is here being suggested, and thereby make a lasting contribution to all citizens whose health is in the balance. And what better institution to explore this realm than the Veterans' Administration. I must confess that it gives me great satisfaction to anticipate that veterans, who already have given so much to their country, shall contribute much additional service by making it possible, through their hospital system, to evolve a medical care capability in this country that will mightily serve all the people by demonstrating what can be accomplished to upgrade isolated medical facilities.

What I have in mind is that authority and money be made available for the VA to enter into contracts with selected medical schools, hospitals, and research centers for the purpose of developing pilot programs to demonstrate what can be accomplished in bringing remote hospitals into the mainstream of medicine by utilization of modern technology. The bill which I hereby introduce, on behalf of myself and Senator MANSFIELD, provides the VA with the authority to proceed.

I would like my colleagues to understand that however dedicated I am to the veterans' cause I would feel somewhat constrained in pushing for this bill if I were not convinced that the veteran's cause is the focal point of a great need for the entire country. In resolving the problem of isolation in its own system, the Veterans' Administration can make a lasting contribution to us all. The cynics often say that democracy is government by crisis. I am happy to believe that in the present bill we are anticipating a serious problem before it gets to crisis proportions and are laying out a rational method of dealing with it.

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

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

The bill (S. 3086) to authorize the Veterans' Administration to improve the quality of medical care provided veterans by entering into cooperative agreements with medical schools, hospitals, and research centers for the purpose of sharing the most advanced medical information, equipment, and facilities available for the diagnosis and treatment of human diseases and injuries, and for other purposes; introduced by Mr. YARBOROUGH (for himself and Mr. MANSFIELD), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

"S. 3086

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 81 of title 38, United States Code, is amended by adding at the end thereof a new subchapter as follows:

"'SUBCHAPTER IV—COOPERATIVE MEDICAL PROGRAMS

"'§ 5051. Statement of congressional purpose

"'It is the purpose of this subchapter to improve the quality of medical care provided veterans under this title, especially in areas of the United States where Veterans' Administration hospital and medical facilities are inadequate, by authorizing the Administrator to enter into cooperative agreements with medical schools, hospitals, and research centers throughout the country in order to receive from and share with such medical schools, hospitals, and research centers the most advanced medical information, equipment, and facilities available for the diagnosis and treatment of human diseases and injuries, and, whenever practicable to share such information, equipment, and facilities with the surrounding medical community.

"'§ 5052. Authorizing cooperative medical programs

"'(a) The Administrator is authorized to enter into cooperative agreements with medical schools, hospitals, research centers, and individual members of the medical profession under which medical information and techniques will be freely exchanged and the medical services and facilities of all parties to the agreement will be available for use by any party to the agreement under conditions specified in the agreement. In carrying out the purposes of this subchapter, the Administrator shall utilize recent developments in electronic equipment to provide a close educational, scientific, and professional link between Veterans' Administration hospitals and major medical centers. Such cooperative agreements shall be utilized by the Administrator to the maximum extent practicable to create, at each veterans' hospital which is a part of any such agreement, an environment of academic medicine which will help such hospital attract and retain highly trained and qualified members of the medical profession. As used in this subchapter, the term "research center" means an institution (or part of an institution) the primary function of which is research, training of specialists, and demonstrations and which, in connection therewith, provides specialized, high-quality diagnostic and treatment services for inpatients and outpatients.

"'(b) In order to bring about cooperative utilization of all medical and hospital facilities especially in remote areas, and to foster and encourage the widest possible cooperation and consultation among all members of the medical professional in such areas, the educational facilities and programs established at Veterans' Administration hospitals and the electronic link to medical centers shall be made available for use by the surrounding medical community on an annual fee basis established by the Administrator after appropriate studies to determine fair and equitable rates. The financial status of any user of such services shall be taken into consideration by the Administrator in establishing the amount of the fee to be paid.

"'(c) There is hereby authorized to be appropriated an amount not to exceed $3,000,000 for each of the first four fiscal years following the fiscal year in which this subchapter is enacted for the purpose of developing and carrying out cooperative medical

programs under this section on a pilot program basis. Such pilot programs shall be carried out at Veterans' Administration hospitals in geographically dispersed areas of the United States.

"'(d) Funds authorized under this section shall not be available to pay the cost of hospital, medical, or other care of patients except to the extent that such cost is determined by the Administrator to be incident to research, training, or demonstration activities carried out under this section.

"'§ 5053. Grants

"'(a) The Administrator, upon the recommendation of the Advisory Committee on Cooperative Medical Programs, established under section 5056 of this subchapter, is authorized to make grants to medical schools, hospitals, and research centers to assist such medical schools, hospitals, and research centers in planning and carrying out cooperative agreements authorized by section 5052 of this title. Such grants may be used for the employment of personnel, the construction of facilities, the purchasing of equipment when necessary to implement such programs, and for such other purposes as will facilitate the administration of this subchapter.

"'(b) The Administrator, after consultation with the Advisory Committee on Cooperative Medical Programs, shall prescribe general regulations covering the terms and conditions for making grants under this section.

"'(c) Each recipient of a grant under this section shall keep such records as the Administrator may prescribe, including records which fully disclose the amout and disposition by such recipient of the proceeds of such grant, the total cost of the project or undertaking in connection with which such grant is made or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such records as will facilitate an effective audit.

"'(d) The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination of any books, documents papers, and records of the recipient of any grant under this section which are pertinent to any such grant.

"'§ 5054. Coordination with programs administered by the Surgeon General

"'The Administrator and the Surgeon General of the Public Health Service shall, to the maximum extent practicable, coordinate programs carried out under this subchapter and programs carried out under title IX of the Public Health Service Act.

"'§ 5055. Reports to Congress

"'The Administrator shall submit to the Congress not more than 60 days after the end of each fiscal year a report of the activities carried out under this subchapter together with (1) an appraisal of the effectiveness of the programs authorized herein and the degree of cooperation from other sources, financial and otherwise, and (2) recommendations for the improvement or more effective administration of such programs.

"'§ 5056. Advisory Committee on Cooperative Medical Programs

"'(a) There is established within the Administration a committee to be known as the Advisory Committee on Cooperative Medical Programs (hereinafter in this section referred to as the 'Committee'). The Administrator shall serve as chairman of the Committee and the Chief Medical Director shall serve as vice chairman; and both, together with the Assistant Chief Medical Director for Research and Education shall serve as permanent members of the Committee. There shall be four other members of the committee who shall be appointed by the Administrator. Such appointees shall serve for a period of three years and shall be eligible for reappointment.

"'(b) It shall be the function of the Committee to consult with and advise the Administrator on matters regarding the administration of this subchapter.'

"SEC. 2. The section analysis at the beginning of chapter 81 of title 38, United States Code, is amended by adding at the end thereof the following:

"'SUBCHAPTER IV—COOPERATIVE MEDICAL PROGRAMS

"'5051. Statement of congressional purpose.
"'5052. Authorizing cooperative medical programs.
"'5053. Grants.
"'5054. Coordination with programs administered by the Surgeon General.
"'5055. Reports to Congress.
"'5056. Advisory Committee on Cooperative Medical Programs.'"

Mr. YARBOROUGH. Mr. President, I ask unanimous consent to insert at this point in the RECORD an excerpt from the committee report.

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

This section, which is based on S. 2748 and S. 3086, amends chapter 81, title 38, United States Code, by adding a new subchapter at the end of such chapter.

Sections 5051 and 5052 state the congressional purpose and give definitions for purposes of the subchapter, respectively.

Section 5053 would authorize the Administrator, when he determines it to be in the best interest of the prevailing standards of the Veterans' Administration medical care program, to enter into agreements providing for the exchange of use (or under certain conditions the mutual use) of specialized medical facilities between Veterans' Administration hospitals and other public and private hospitals or medical schools in a medical community.

The Administrator may determine the geographical limitations of a medical community as used in this section.

Any such arrangement would include a provision for reciprocal reimbursement based on a charge, unit or otherwise, which covers the full cost of services rendered or supplies used. Any proceeds to the Government resulting from such arrangements would be credited to the applicable Veterans' Administration medical appropriation.

As indicated by its title this section has a dual purpose, to assure—

(1) strengthening and improvement of VA hospitals, and thus adequate and complete medical care for veterans; and

(2) optimum effective utilization of specialized medical resources, under the direct control of the Veterans' Administration, during periods when our immediate needs do not require maximum usage.

In the past decade the dramatic advances in medical science and technology have produced highly specialized and costly staff, procedures, and equipment. Because of the cost of such equipment, and the scarcity of the technical staff required, the availability of such resources is extremely limited. In the ever-changing complex of medicine with all of its ramifications, the cost of medical care and treatment will continue to climb for all users. This applies to the Veterans' Administration Department of Medicine and Surgery as well as to community medical facilities.

The Veterans' Administration, which operates the largest single system of medical facilities in the world, has within its system a portion of these scarce medical resources in various locations, and has provided considerable leadership in the field of medical research. This leadership, however, has its attending obligations. Today the health needs of many communities are not being met either because of the complexity of the problems, or the magnitude of the resources required.

While current law permits the use of VA facilities by nonveterans in emergencies for humanitarian reasons, VA is unable to permit the use of such facilities and equipment, as well as expertise of VA staff, for nonemergency situations even if there are no other similar facilities available. This situation exists even though these scarce medical facilities are not always utilized to the maximum and could be available to the community, without detriment to the care and treatment of veteran-beneficiaries, during periods when immediate needs do not require maximum utilization.

Possession of the newer complex medical diagnostic or treatment modalities in the Veterans' Administration, and others by affiliated or local hospitals, with shared use of each by both groups, would make for more efficient utilization of such diagnostic or treatment modalities at lower unit costs for all. For example, very special facilities, staff, and equipment are necessary for hemodialysis. Sharing some of the costs for such services by mutual use on a time available basis could have the effect of increasing the Nation's limited supply of scientists and equipment in this field.

Section 5054 authorizes the Administrator to enter into agreements with medical schools, hospitals, research centers, and individual members of the medical profession for the exchange of medical information.

The Administrator is empowered to utilize electronic equipment to provide a close educational, scientific, and professional link between Veterans' Administration hospitals and major medical centers. It is anticipated that this communication will result in reciprocal improvement in hospital care, medical treatment and research capabilities.

These facilities will be made available to all members of the medical profession, including individual physicians and public and private institutions established for treatment of patients, for medical research, * * *.

RETIREMENT OF TOM HAYTER AS CHAIRMAN OF THE SOUTH DAKOTA U.S. SAVINGS BONDS COMMITTEE

Mr. McGOVERN. Mr. President, Mr. Tom Hayter, one of the most distinguished bankers in the history of South Dakota, was honored recently by the U.S. Treasury Department in recognition of his longtime record of leadership for the U.S. savings bonds program. Mr. Hayter, 75, director and retired vice president of the First National Bank of Sioux Falls and former State chairman of the South Dakota U.S. Savings Bonds Volunteer Committee, was presented with the Treasury Department's Award of Merit in recognition of nearly 15 years of patriotic leadership. His assistance to the program began in 1941, immediately prior to Pearl Harbor. Later in 1943 he was elected president of the South Dakota Bankers Association. A transcript of his president's message shows that the association's State convention that year was "practically a war bond sales drive conference."

It is impossible to measure the miles Tom Hayter has traveled in promoting

the sale of U.S. savings bonds in South Dakota and attending conferences across America. But it is possible to measure the sales accomplishments. During the period of his leadership South Dakotans purchased nearly $405,391,000 of series E and H U.S. savings bonds.

Through his leadership he has shown a practical ability for providing simple, workable solutions which have been of great value to the U.S. savings bonds program not only in South Dakota but in the Nation. Through the years he has made an enormous contribution in keeping South Dakota one of the top sales-producing States in relation to assigned goals and objectives by the Treasury Department. He has done this with considerable "out of pocket" expense and donation of long hours of his own time. He has sponsored countless savings bonds luncheons for volunteers to outline the need for increased savings bonds purchases and also to recognize the volunteer leadership in each county which is the heart and soul of a small paid staff of the bond program within each State.

Tom Hayter has an old-fashioned natural modesty which precludes any desire for self-recognition or tribute for his accomplishments. However, I would like to point out that for his outstanding volunteer leadership he has been awarded: the President Eisenhower Prayer Award framed with wood taken from the inaugural platform; the Bronze Minute Man Award statue of the Minuteman of Concord, symbol of the savings bonds program; the U.S. Treasury's Award of Merit, the highest award for retired State chairmen of the savings bonds program.

He has been saluted by the news media across the State of South Dakota for his effective leadership of the bond program and featured in Commercial West, a regional bankers' magazine published in Minneapolis. He has also received the Lutheran Brotherhood Life Insurance God and Country Award.

President Johnson has said:

> The savings bonds program is both prudent and patriotic.

Today, in a period of unparalleled prosperity, it is even more important that we continue to develop the habit of thrift through regular purchase of U.S. savings bonds. And it is important that more patriotic volunteers like South Dakota's Tom Hayter be encouraged to contribute their talents to strengthening our democracy. It is altogether fitting that we salute Tom Hayter, of South Dakota, for his outstanding efforts on behalf of the U.S. savings bonds program.

CRIME

Mr. HICKENLOOPER. Mr. President, there recently appeared in the Ottawa Republican Times of Ottawa, Ill., an editorial written by William L. Carton entitled "Coddling Killers." Mr. Carton has expressed his views on the present crime situation very strongly and his thoughts should be read by everyone. I ask unanimous consent that the editorial be printed in the body of the RECORD.

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

CODDLING KILLERS

The brutal murder of Valerie Percy comes as a sickening shock to Americans everywhere. It points up the No. 1 problem of the nation today—that of growing crime, a problem far more real and fundamental than the politically-motivated racial issue.

Both stem from the polluted wellspring of a nation that has allowed prayers to be removed from children's classrooms and has permitted professional liberals and self-seeking social engineers to foist their experiments upon the citizenry, even denying them the full force of police protection and prosecution for which they pay taxes.

We have given our children in many cases "a philosophy of excuse," by which they may rationalize such actions as ripping up stop signs, (blaming it on ill-treatment by parents or their nurses), instead of taking them to the old-fashioned woodshed and whaling the delinquency out of them. We have spawned a generation of kooks who speak openly and irreverently against God and country and all the old-fashioned virtues that have made this country the greatest civilization the world has ever known.

As a result of our persistence in rushing the forces of nature and of evolution, we are witnessing the spectacle of policemen apprehensive about questioning killers for fear such questioning may violate the new concepts of civil rights expounded by "liberals" on the U.S. Supreme Court—the same court that found evils in classroom prayers.

The pendulum inevitably will swing back to normalcy in America, but it seems cruelly tragic that innocent people like the eight fiendishly murdered nurses in Chicago, the Percy daughter and others should pay the supreme sacrifice for our folly in allowing self-seeking men to lead us into a fool's paradise on this earth.

Citizens will join us in expressing deepest sympathy to Charles Percy and his bereaved family and in hoping that if and when the killer is caught, authorities will cease this nonsense of coddling killers totally unready for integration into a free society.

These are harsh words, but not anywhere near as dastardly as cutting up victims, one by one—or slashing an innocent girl with cold steel 10 times as she lay helpless in her bedroom.

It's time we began again expressing concern for the victims of atrocious crimes rather than for the rights of accused killers.

THE INDIANA DUNES NATIONAL LAKESHORE, AN ACHIEVEMENT OF SENATOR PAUL DOUGLAS

Mr. GRUENING. Mr. President, man sometimes can make a dream a reality. Such a man is the articulate and dedicated senior Senator from Illinois [Mr. DOUGLAS]. The dream which is almost to become a reality is the Indiana Dunes National Lakeshore—the uniquely beautiful natural wonderland and recreation area which for too many years has been sought by and in large part destroyed by industrial interests. Opponents of this national lakeshore said this use of the dunes was a dream.

Friday the House of Representatives amended and endorsed the action of the Senate and passed S. 360 which will preserve for all the people most of the remaining area of the unspoiled Indiana Dunes. The dunes lakeshore will include more than 12 miles of waterfront, and will serve more than 10 million Americans who live within a 100-mile radius in Indiana, Illinois, Wisconsin, and Michigan. This park-starved area will now have a public shoreline and park area of approximately 8,700 acres. Without doubt the sensible use of the lakeshore is to serve the vast megalopolis into which people are packed. That has been PAUL DOUGLAS's vision now finally on the eve of attainment after a decade of unremitting effort.

The essence of the House-passed Indiana Dunes National Lakeshore legislation is compromise—compromise between development and preservation.

As approved, the House version provides for the acquisition and development of approximately 13 miles of lakefront. This includes the West Beach unit and the beach fronts at Ogden Dunes and Dune Acres. The legislative intent of this House provision is that the width of the beach strip will extend no further than the toe of the dunes—which in some instances may be as narrow as 25 feet and in other instances as wide as 150 feet. Since the provision is for the acquisition only of the beach, it is not contemplated that the authority includes acquisition of any home beyond the dunes.

The bill excludes all of the noncontiguous, natural areas except the West Beach Unit and the Pinhook Bog unit. The total amount of land included in the House bill is approximately 6,570 acres—not including the Indiana Dunes State Park which is 2,182 acres. The amount authorized to be appropriated has been updated by current cost figures and revised to meet the maximum acquisition costs anticipated by the bill—an increase to $27,900,000.

Comparatively, the Senate bill was more extensive in area.

It included several noncontiguous areas—Burns Bog Unit, Mudlake Unit, the Bellington Lake Unit, Little Calumet River Unit, and Blue Heron Unit which I would have liked to have retained in the lakeshore. In addition to the elimination of these areas, the House deleted the heavily settled area of Beverly Shores and the East Beach Unit, a small tract of land to be used by the Northern Indiana Public Service Co., and a 2-acre cemetery at Furnessville. Assuming that the Ogden Dunes and Dune Acre beach strips—averaging about 100 feet in width—totaled 12 and 18 acres, respectively, the total size of the lakeshore area in the House bill would be 6,539 acres without the State park. The total size of the lakeshore as approved by the Senate was 11,292 acres, including the Indiana Dunes State Park.

Of importance, too, in the House bill, is the provision which requires that the State of Indiana donate its park if it is to be made a part of the national lakeshore.

As a member of the Senate Interior Committee which has considered this legislation for nearly a decade, I much prefer the Senate version and hope that a compromise can be worked out which will at this late hour not jeopardize the bill. For the establishment of the Indiana Dunes Lakeshore is essential. Delay has been costly. Further delay can only mean further manmade erosion.

PAUL and Emily DOUGLAS had a summer cottage in the dunes area when he taught economics at the University of Chicago. They came to love the dunes where they could relax for a bit, away from the metropolitan area. It was about the time PAUL was fighting for social security and unemployment compensation laws and after he had served so gallantly in the Pacific in World War II.

PAUL DOUGLAS got into the fight to save the dunes in 1957 when members of the nonprofit Save the Dunes Council in Indiana came to him after its pleas to the then Senators, Congressmen, and State legislators in Indiana proved fruitless. Many Indiana citizens wanted the dunes preserved, but they could find no one, then, in their own State to help. The senior Senator from Illinois accepted the invitation only after determining that the story was correct. He knew the value of the dunes, and agreed to sponsor proposed legislation to preserve them for the public.

PAUL DOUGLAS' struggle to achieve this has been long and frustrating. It has included debate with elected officials who vigorously opposed the dunes. It has included battle with monolithic and powerful business interests who stressed the desirability of steel mills rather than recreation areas. It has included fights with land speculators who sought vast profits. There was a time when the newspapers, the legislators, and the people despaired. Interest waned.

But one man persisted. One man got the conservation groups to look into the problem. One man enlisted, literally, the support of Presidents Kennedy and Johnson. One man spelled out, practically, the desirability of putting national parks where people are. The man was the senior Senator from Illinois, PAUL DOUGLAS.

More than 7 years ago the Senator from Utah [Mr. MOSS] and I went to Indiana to visit the dunes and to hold a hearing there. We were members of the Interior Committee's Public Lands Subcommittee. After we had inspected the area that June of 1959, and listened to testimony pro and con, we released our report in which we agreed that the Indiana Dunes were unique, irreplaceable, and priceless.

In our report we said:

> They offer not only an unduplicated natural phenomenon of great interest to tourists and scientists, but also a playground readily accessible to the nation's second greatest concentration of population—the Chicago area.

Having noted the contrast between the pollution of air and water created by industry at the western end of the Indiana lakefront, we found what was left to the east a truly beautiful shore of beach and dunes with their wealth of natural bounty, fauna, and flora. Some of what we then saw has since been destroyed by industry. What is left, however, is worth all the effort that PAUL DOUGLAS has put into it. He has always demonstrated that his job is serving all the people, and against an almost unbelievable combination of forces, he has persevered.

PAUL DOUGLAS knew what it meant to be crowded into a hot, tiny apartment. He knew that people must have a place in which to breathe freely. So, too today, do the majority of his fellow legislators from Indiana. My good senatorial friends, the senior and junior Senators from Indiana [Mr. HARTKE and Mr. BAYH], support the Indiana Dunes Lakeshore, as do most of their colleagues in the House.

So the Indiana Dunes Lakeshore has been preserved for the present and the future primarily because PAUL DOUGLAS persisted. The value of his work cannot be overestimated, and it will be appreciated henceforth by millions of people and by unborn generations for all time.

ALBERT AND LERA THOMAS, CONGRESSMAN AND CONGRESSWOMAN FROM TEXAS

Mr. YARBOROUGH. Mr. President, LERA THOMAS has been a Member of Congress for only a matter of months, but when she leaves the House of Representatives at the end of this session, she departs as a valued colleague of the Texas delegation and a treasured friend of many of us in Washington.

For three decades, her husband—the late Albert Thomas—was a Member of the House of Representatives, and throughout those productive years LERA THOMAS was at his side. Accordingly, it was natural that their district elected her to succeed him on his death last March.

Together LERA and Albert THOMAS have served their Houston electorate, Texas, and the Nation with outstanding ability, devotion, and understanding. The people of Houston and the people of Texas are grateful to them for the many self-sacrificing years they spent in Washington. There can be no doubt, Mr. President, that Albert and LERA THOMAS constantly placed the needs and interests of the Nation, of Texas, and Houston above their own personal advantage.

Albert Thomas was one of the ablest men ever to represent Texas in the House of Representatives. He worked diligently and effectively on behalf of the national defense and the development of the space program. Houston owes much to him for its important role in the exploration of the universe. The Nation owes even more to him for his constant scrutiny of our Armed Forces, both during peace and war.

His irrefutable concern for the workingman and his skill as a legislative engineer are evident in the major labor reforms he helped enact. He was, in fact, a vital figure on the frontiers of labor reform for he was a sponsor of the first wage and hour law, the first child labor law, and the first minimum wage legislation.

Albert Thomas will be remembered as a good man and a great Representative, and LERA THOMAS will be recalled as the woman who counseled him, and loved him, and supported him throughout their long and happy marriage. We will miss her when she leaves Congress, Mr. President, but her departure from the halls of Government does not signal the end of her interest in the public welfare. The Albert-Lera Thomas team are the only huband-wife combination ever to have served from Texas in the Congress of the United States.

At the time of his death, Albert Thomas was my best friend in the Texas delegation. I have sorely missed him.

The Thomas name stands now—as it has stood for three decades—for enlightenment, progress, and duty. I salute the Thomases, Mr. President, for Texas and the Nation owes them much.

FLY THE FRIENDLY(? ? ?) SKIES

Mr. MCGOVERN. Mr. President, on last Friday I was slated to address the national cornpicking contest in Cedar Rapids, Iowa. Because of the importance of this event and the expected large crowd, I decided after consultation with the majority leader to keep this commitment in spite of pending rollcall votes

I arranged advance reservations which were confirmed on American Airlines, leaving Washington at 10:55 a.m., arriving Chicago at 11:37 a.m., and departing on United from Chicago at 12:55 p.m., arriving Cedar Rapids at 2:01 p.m., with my speech slated for 3 p.m. On the same flight schedule was Mr. Sander Vanocur, distinguished commentator for the National Broadcasting Co., who was on assignment to cover the cornpicking contest.

Because of inclement weather, our flight arrived in Chicago only 10 minutes ahead of the departure time of our United flight. Anticipating this delay, we advised the pilot while still more than an hour from Chicago of the importance of our appearance in Cedar Rapids and asked that United Air Lines be notified of our late arrival. We also suggested that if possible a courtesy car be arranged to hurry us to the United Airlines gate, since the two airlines gates are a considerable distance apart.

American had an agent waiting for us at the gate, but no car was available, and apparently no followup call was made to United after we were on the ground to confirm the fact that we were there fully 10 minutes ahead of departure time. We raced to the United departure gate, arriving there at exactly the time the plane was supposed to depart. It was still sitting at the gate and was in the process of starting engines. United had made no effort whatsoever to delay the plane 1 minute, nor would they hold it on the ramp until Mr. Vanocur and I could board. We stood at the ticket gate with the unmoved United agent, watched the plane's engines start, idle for a while, and then taxi away.

Mr. President, as a U.S. Senator I have not asked for any special schedule privileges from the airlines. I do not intend to begin asking for such privileges now. But the callous indifference of the United Air Lines personnel in refusing to make it possible for Mr. Vanocur and me to board this flight is beyond my comprehension.

As it turned out, we were able to charter a special flight to Cedar Rapids, but

we arrived too late for my scheduled appearance. I did make a few remarks after nearly all of the crowd had left the contest site.

I have noted the United slogan: "Fly the Friendly Skies of United." I can only say that if United is friendly in the air, they were certainly most unfriendly on the ground in Chicago last Friday. If this is a sample of their friendship, one wonders who needs any enemies when traveling United. American at least made a feeble gesture toward friendship but it was hardly a convincing demonstration of the American way.

I take the time of the Senate with this matter, not out of any sense of personal pique, but simply because it is one of a series of airline travel incidents that have come to my attention involving Members of the Congress. I complain not because Senators are personally mistreated, but because I am concerned that all airline passengers be properly treated. If Senators and network commentators are treated in such an indifferent and callous fashion, perhaps that is becoming the standard treatment for the traveling public as a whole. If so, the Congress and the Civil Aeronautics Board have a responsibility to take appropriate steps to protect the public interest.

THE $200 MILLION WASTE IN CONSTRUCTION PROGRAM IN VIETNAM

Mr. GRUENING. Mr. President, in recent months I have pointed out some of the consequences of the crash procurement program in Vietnam involving the billion-dollar construction of military bases in that country. The major contractor is the combine of the construction firms Raymond International, Morrison-Knudsen, Brown-Root & Jones. With the urgency of the need for bases in Vietnam as a pretext, the U.S. Navy, which is responsible for supervising the gigantic construction program in that country, dispensed with its normal controls over contractors' operations even though the cost-plus-a-fixed-fee features of the contract mean that the American taxpayer foots the bill for all mistakes and miscalculations of the contractor.

The lack of management control by the Navy has resulted in giving RMK a free hand in subcontracting supplies and equipment in Hong Kong. I have noted previously that such unrestricted procurement resulted in RMK buying barges in Hong Kong from firms with strong Communist Chinese affiliations with the likelihood that a considerable amount of the material that went into the barges originated in Communist China. Because of this possibility I have called on the Secretary of the Treasury to investigate the possibility that there has been a violation of the Trading With the Enemy Act.

Additional instances of gross mismanagement and lack of control over the contractor's performance have come to light recently. Paul Avery and Harold Ellithorpe, former employees of RMK, write in the Saigon Daily News of September 12, 1966, that in late June the Navy's officer in charge of construction in Vietnam ordered a review of the contractor's situation which includes more than $800 million in committed funds:

The results were astounding—

A Navy engineer is reported as stating—

If no further funds are forthcoming, the program could be bankrupt in 6 months—with only about 60 percent of the work assigned having been completed.

Avery and Ellithorpe report that for the $830 million put up the military joint command has been told that only about $590 million in actual work can be completed unless additional funds are forthcoming. The report further states:

The $240 million difference—

One RMK-BRJ official says—

is the result of poor planning and waste. Even with additional funds, stringent managerial control and more efficient use of equipment and men, the loss could still be more than $100 million.

The above facts were confirmed in large part by the investigation of the House Government Operations Committee. The committee report, which was released on October 12, 1966, states:

On August 9, 1966 the Department of the Navy advised the Secretary of Defense that for fiscal year 1967 additional funding of approximately $200 million will be required to maintain the contractors' construction capability and to complete the projects currently assigned. The request is to be studied by the Office of the Secretary of Defense before final decisions are made.

The House Government Operations Committee report was also critical of the lack of managerial controls, particularly the inadequate audits of contractors' operations. The report states that:

It is apparent, however, that more extensive independent audit of these activities is necessary to adequately monitor contractor operations of the Department in South Vietnam, even though numerous Department of Defense personnel are involved in the day-to-day contractor functions. An independent review of the whole construction program is necessary in view of the many complexities that result from the war situation, the constantly changing priorities of the program based on military needs, and the overall problem of Washington control because of the distances involved.

I ask unanimous consent that the Saigon Daily News article of September 12, 1966, be included in the CONGRESSIONAL RECORD.

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

[From the Saigon Daily News, Sept. 12, 1966]

WAR CONSTRUCTION IN VIETNAM

(By Paul Avery and Harold Ellithorpe)

SAIGON.—The Navy-managed $1 billion U.S. war construction effort in Vietnam is foundering in heavy financial seas, reliable military sources here revealed last week.

It can only be saved from sinking completely, they added, if Defense Secretary Robert S. McNamara approves pumping an additional $100 million to $200 million into the program—and even then there could be a staggering loss to the American taxpayer.

The Navy, desperately trying to steer clear of what could be its second managerial scandal in Vietnam, has sent out an SOS to the Pentagon.

Thus far, the distress call hasn't been answered.

The Navy's Officer-in-Charge-of-Construction (OICC) in Vietnam ordered a review in late June of the contractor's situation, which includes more than $800 million in committed funds.

"The results were astounding," a Navy engineer declared, adding:

"If no further funds are forthcoming, the program could be bankrupt in six months—with only about 60 per cent of the work assigned having been completed."

Even with severe "deescalation" of forces and rescheduling of projects over a longer time frame, he said, taxpayers could be out "more than $200 million."

Assuming that additional funds would be made available by Washington authorities who would not want a major scandal during an election campaign, both the contractor, RMK–BRJ, and the OICC made alternative projections. Even with substantial additional funding, taxpayers would take a loss of more than $100 million.

"Only a four-year stretchout program of $1,200,000,000 would salvage the operation completely," one high RMK–BRJ official confided, "and that is unthinkable."

News of this dilemma was first reported to officers of the Navy Facilities Engineering Command for relaying to the Pentagon. Later, military advisors to General William C. Westmoreland were let in on the situation.

For the $830 million put up the military joint command has been told, only about $590 million in actual work can be completed, unless additional funds are forthcoming.

The $240 million difference one RMK–BRJ official says, is the result of "poor planning and waste." Even with additional funds, stringent managerial control and more efficient use of equipment and men, the loss could still be more than $100 million.

Experienced construction men here are comparing the Vietnam situation to the Morroccan airbase scandal of the 1950's.

Partner firms in the four-company joint venture of RMK–BRJ are Raymond International of Delaware; Morrison-Knudsen International Co., of Boise, Idaho; Brown & Root of Houston, Texas, and J. A. Jones Construction Co., of Charlotte, N.C. The combine has been operating in Vietnam since 1962.

As word is awaited from Washington officials in Saigon are arguing over who is responsible.

Charged by the Defense Department with handling all construction for the war effort, the Navy married itself to a single civilian contractor in mid-1965, but apparently failed to keep firm control over the burgeoning work which grew from a small four-project plan to more than 600 separate projects being worked by more than 50,000 men.

The first clear indication of Navy's troubles surfaced late in August when its civilian contractor began shipping home the first few hundred of a reported eventual total of 4,000 highly-paid American, Korean, and Filipino construction workers.

At the same time, RMK–BRJ began laying off a number of its Vietnamese workers and cutting down the hours worked from 60 a week to 48.

RMK–BRJ until last June enjoyed a prosperous monopoly on military construction projects in Vietnam under a cost-plus arrangement with the Navy. The situation changed suddenly when the Air Force talked the Pentagon into allowing a second contractor to work in South Vietnam.

A $50 million pact was made for a new airbase at Tuy Hoa on the South China seacoast. The new contractor, Walter Kidde Constructors of New York, is under Air Force rather than Navy jurisdiction, a major change in Viet Nam construction policy.

The Army since then has jumped on the building bandwagon and received approval

to hire still a third contractor to complete a $20-million-plus project at Cam Ranh Bay.

The loss of these two contracts was a blow to the Navy which had expected to monitor both projects and to hand the work over to its contractor, RMK-BRJ.

Told last December to "Think Big," RMK-BRJ went on a crash escalation program, ordering huge shipments of building materials and equipment. It began a major drive to recruit a work force, expected as late as June to reach more than 75,000 workers by mid-autumn.

In the span of less than a year RMK-BRJ increased its ability to finish new construction from a mere $1.5 million work in-place per month to an astounding $30 million a month pace. Its announced goal was to be a pace of $40 million a month by October.

"It's a damn shame to have built up this capability—a million dollars a day of finished work in place—and now have to tear it down," an RMK-BRJ official cried.

Despite the increasing capability of the contractor, the armed forces have carped about the Navy's lack of control, excessive waste, and the fact that crews sometimes are pulled off one service's project to salvage another service's job.

Navy men counter that saying much of the blame is on the armed services which they contend, failed to provide the OICC headquarters in Saigon with adequate plans of what they want.

"After six months of escalation, the armed forces still have not detailed half of their needs," declared an RMK-BRJ source. Less than half of the $830 million in funds set aside for new airfields, port facilities, army camps and other needed war construction has actually been laid out in design drawings for the contractor, he said.

RMK-BRJ, whose ability to build apparently outpaces the planning capacities of the armed forces has, often begun major projects on 30 per cent plans.

In some instances, projects have been completed before final drawings were finished and before the Navy could estimate the cost of the project!

The traditional-minded, engineer oriented Navy Bureau of Yards and Docks (which became the Facilities Engineering Command on May 1) is accused of being slow in reacting to the demands of this crash program.

Lacking firm controls and adequate planning data, the program has been allowed to bloom in all directions, admitted one RMK-BRJ official privately. (Examples include:

A $1 million computer installed despite a shortage of reliable data to make it function properly.

Too many Americans recruited for Vietnam jobs lacked skills to supervise the thousands of Vietnamese and Third Nationals hired by RMK-BRJ.

Weak project management at some of the 37 major sites led to excessive labor turnover, reaching on occasion more than 50 per cent for American workers.

Weak security by the company allowed excessive theft of materials and tools.

Lagging bookkeeping may be partly responsible for an estimated $70 million in "lost or unaccounted for" equipment and materiel.

A $500,000 training camp partially built and then torn down because of real estate problems with the Vietnamese government.

Shipping blockages led to double-ordering of materials and spare parts and often costly air freighting of urgently needed items.

Inadequate maintenance caused severe losses of heavy equipment and consequent project delays.

Navy and RMK-BRJ officials are anxiously watching as auditors from the General Accounting Office (GAO) study the program's books in Saigon. The Department of Defense last month assured the Moss Committee that it would tighten up accounting controls on all Vietnam spending.

Faced with a severe money crisis, RMK-BRJ is beginning to dismantle its over-expensive machine. First on the cutback list are excess employees and a number of costly sub-contracts. Purchasing has been sharply cut.

Rescheduling of projects, stop-orders on additional shipping, and offers to sell surplus equipment and material to other U.S. agencies are among the measures reportedly being taken by RMK-BRJ to salvage its operation.

Whether the crisis will mean delays of vitally-needed military projects is not yet known. Key consultants to General Westmoreland are not talking publicly about the potential impact of possible off-schedules of construction on war plans.

(It has been reported that to finish the projects currently authorized to RMK-BRJ, the U.S. government will pay 200 million dollars more to the consortium.—Ed.)

CHARLES PERCY'S IMAGINATIVE APPROACH TO THE CHALLENGE OF OUR CITIES

Mr. BENNETT. Mr. President, so often these days around the country we hear that America's cities are in trouble. And so often the quick and easy solution seems to be the ever-increasing injection of Federal money, complete with its administration by massive numbers of bureaucrats, all aimed at solving the city problems.

The time is ripe, Mr. President, for a bold new approach to the challenge of our cities, and Charles H. Percy, the Republican candidate for the U.S. Senate from Illinois, has developed such an approach which should receive the attention of the country.

Although Mr. Percy's suggestion is quite some way from final passage, I feel that it is an example of a Republican proposal which could receive serious consideration. It is also an example of what Republicans around the country are proposing—and certainly should set aside, partially at least, the President's political cry of last week that Republicans have no constructive programs to offer.

I commend Mr. Percy's speech of September 15 to others in the Senate and to the public.

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

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

A NEW DAWN FOR OUR CITIES

(An address by Charles H. Percy, Republican candidate for the U.S. Senate, to the Kiwanis Club of Chicago, the Sherman House, September 15, 1966)

Of all the problems facing the nation within its borders today, none is greater than the challenge of our cities. Seventy percent of all Americans now live in urban centers of 2500 or more, and 53% live in the great metropolitan centers. Though the growth of the city has contributed much to American economic strength, it has also brought serious problems.

Traffic clogs our streets.

The smoke and soot and smells of our industrial society pollute the air we breathe.

Our lakes and rivers have become sludgy cesspools of raw sewage and industrial waste.

Too much of our green space has given way to the axe and grader; our children play on treeless concrete prairies, or in the streets themselves.

Once stately and respectable dwellings, as the decades pass, decay slowly—and sometimes rapidly—into wretched slums.

Buildings that could be saved fall before the urban renewal bulldozer, and the splendor of high-rise apartments for the well-to-do masks the dejected exodus of the uprooted poor.

THE HUMAN PROBLEMS OF OUR CITIES

And as whole neighborhoods degenerate, their inhabitants grow weary with despair. Their bright dreams fade; their courage flags; their self-reliance flickers and dies. And the result is all too familiar. It is the psychological decline of men and women dragged down to despair, prisoners of poverty, seemingly powerless to influence their environment, buffeted back and forth by the winds of the national economy, victims of faceless forces they cannot identify and over which they have no control—free men and women reduced to easy prey for the great dehumanizing political machines, props and not actors on the stage of life.

Many of the physical problems of the city, complex as they are, will yield to the application of genius and money. But the other kinds of problems—the intimately human problems of mass urban society—present a far greater challenge. For while man in recent years has harnessed the power of the atom and brought back astronauts from outer space, we have found no ready explanation of the subtle mysteries of the human spirit; and yet a New Dawn for our cities depends on a rebirth of the spirit in those whom progress has passed by.

To meet these human problems of urban society, then, we must create and fortify a new spirit of independence, of self-reliance, of self-esteem, of human dignity, of creative initiative in the people who dwell there. Throughout the history of America, one vital concept stands out as a means of forging those values.

HOME OWNERSHIP—AN AMERICAN IDEAL

That cherished concept is Home Ownership.

Ever since the Pilgrims set foot on Plymouth Rock, home ownership has been an integral part of the American Way of Life. Long before the rise of the great cities, our forbears came to America because America held forth the bountiful promise of land—land a man could afford, land whose produce could make a man independent of the great lord of the estate, land on which a man could build his own home and there raise his family in self-reliance and security.

By contrast, our forefathers took a scornful view of tenantry. "Tenantry is unfavorable to freedom," wrote Senator Thomas Hart Benton of Missouri in 1826. "It lays the foundation for separate orders in society, annihilates the love of country, and weakens the spirit of independence. The tenant has in fact no country, no hearth, no domestic altar, no household god. The freeholder, on the contrary, is the natural supporter of a free government, and it should be the policy of republics to multiply their freeholders, as it is the policy of monarchies to multiply their tenants." Making the public lands available to homesteaders, Benton argued, "brings a price above rubies—a race of virtuous and independent farmers, the true supporters of their country, and the stock from which its best defenders must be drawn."

A century and more ago, the issue was between freehold and land tenantry. Today, in urbanized America, the context is different, but the basic principle involved is exactly the same. The freeholder of the 19th century becomes the home owner of the 20th, and the tenant farmer of an earlier day becomes the man with no choice but to rent his dwelling from another. Just as the

giants of the 19th Century favored freehold, the leaders of the mid-20th must fight with determination to bring the opportunity for actual home ownership within the reach of every American.

For a man who owns his own home acquires with it a new dignity. He begins to take pride in what is his own, and pride in conserving and improving it for his children. He becomes a more steadfast and concerned citizen of his community. He becomes more self-confident and self-reliant. The mere act of becoming a homeowner transforms him. It gives him roots, a sense of belonging, a true stake in his community and its well-being. And as it does so, the nation gains in strength.

Thus, home ownership must be a central element in any program for resurrecting America's cities and giving new life to its people; not only for the well-to-do, with their luxury apartments, nor even for the middle class, with modest homes in well-maintained neighborhoods, but also for poor people who now live in the great blighted areas of city slums.

Can it be done? Is it really possible that men and women with low incomes can become the owners of their own homes?

There are many who say that the economics of urban housing rules out home ownership for all but the middle class and the rich.

But when asked for their answers to the problem of rebuilding our cities and helping the poor to rise out of poverty, they offer only the dreary and unimaginative solutions of the musty past, solutions that have all too often proven as undesirable as the problems they were supposed to solve.

THE ANSWERS OF THE PAST

Poor people, they say? Let us rip out blocks upon blocks of their miserable slums. Let them crowd in with their relatives for a while, and then herd them into twenty story concrete cages, isolated from established neighborhoods. And then let us investigate them regularly to make sure they are not putting anything over on us, and let us evict them when their incomes rise. Or instead of putting them in public housing, they say, we will put them in subsidized private housing and hand them an unconcealed dole to pay their rent. The mere fact that this latter scheme was considered by many to be an advance points out the bankruptcy of creative thinking in this area.

Is it any wonder that our three-story walk-up slums have in many cases been replaced with twenty-story high-rise slums? These new quarters may have less rats than the old, but the crucial element of human dignity has been shoved aside in the rush to pile new concrete to the sky. Indeed, in many cases, the people packed into public housing are worse off than before; and the planners scratch their heads and wonder why.

The reason is not hard to discover. Poor people living in a landlord's slum and those living in a public housing cell block have one thing in common—they are the slaves rather than the masters of their environment. They are not tenants by choice, but by necessity. They have nothing of their own, nothing to cherish or protect. They are on the bottom of not only the economic heap, but the psychological heap as well.

If the skepticism of those of little faith was well-founded, we would have to resign ourselves to this unhappy state of affairs. But it is not.

A NEW DAWN OF OPPORTUNITY

I am proposing today a new Republican approach to meeting the challenge of our cities and their people—a plan that will make possible a New Dawn of opportunity for the thousands of today's poor people who yearn to own their own homes.

It is fitting that Republicans now come forth as champions of home ownership for all, regardless of income, race, sex, or faith. For over a century ago, the Republican Party swept to victory with Abraham Lincoln on a platform promising to open the Western frontier to the new immigrants seeking the independence of owning their own farms. The objective of the Republican Party of 1860 was to ensure that free men and freeholders settled the new states of the West, in order that the advance of slavery might be halted. In this they were bitterly attacked by the Democratic Party of their day. President Buchanan vetoed the first Homestead Act to pass Congress. Senator Mason of Virginia pointed out rightly that advocacy of free homesteads was a "political engine" adopted by the newly formed Opposition to his Democratic Party. "What is the Opposition?" he cried. "A party calling themselves the Republican Party. What is their purpose? To get control of this government that they may act directly on the condition of African bondage in the southern states."

Both purposes of the Homestead Act were achieved: The spread of slavery was halted, and then abolished altogether by a Republican President and Congress. And free men went forth to settle the great prairies of the Middle West—men who did much to continue our national character in the mold of independence and self-reliance.

Today slavery of one man to another is gone, as is all but a remnant of the public homestead lands. But can a man forced to live beholden to an absentee landlord in a ghetto slum, or regimented in the gray walls of a city-managed poverty village, be truly free?

While the Democratic Party explores new ways of making the poor man not merely dependent, but doubly dependent—once on the landlord and once on the dole—the Republican Party must again lead the way to a New Dawn of opportunity for the poor but honest man in whose heart still burns an unquenchable spark of pride—a golden opportunity to own a decent home of his own. Instead of a sod hut on the open prairie or a log cabin in the forest, his home may be a city house, an apartment in a multifamily building, or perhaps a condominium unit. But the values of home ownership on the prairies of 1866 and in the cities of 1966 are the same, and so is the promise: a rebirth of the human spirit and, with the passage of time, a rebirth and flowering of America's great cities.

NOW—A DETERMINED NATIONAL EFFORT

Some will say this cannot be accomplished. I say it can be accomplished and it has been accomplished where men of imagination and determination have insisted that it be accomplished. All that needs to be done is to launch a determined national effort involving private business, unions, churches, foundations, civic organizations, governments, and the poor people themselves to make this goal a reality.

Now let me tell you the basic premises on which this plan is based, and some of the concrete details on how it will work.

The first premise is that home ownership, as a means of encouraging human dignity, personal achievement, social stability, the physical improvement of our cities, and community participation and leadership, must be made available to aspiring low income families—and by that I mean families now eligible for public housing.

The second premise is that home ownership is an integral concept. It means not just the signing of papers, but the whole process of acquiring a sound basic education, learning needed job skills, gaining employment security, preparing to accept the responsibilities of home ownership, conserving and improving one's community, and helping to broaden the opportunities for one's neighbors.

The third premise is that private business, the independent, nonprofit sector of the economy, and concerned citizens and civic groups must accept the responsibility for putting a program for home ownership into operation. The role of government should be one of reinforcement and guarantee, rather than one of execution and control.

The fourth premise is that essential to the upgrading of neighborhoods through rehabilitation and construction of housing is a corresponding emergence of personal involvement of the residents themselves.

On these premises a sound national effort can be based. As I now envision it, we should proceed along these lines:

A NATIONAL HOME OWNERSHIP FOUNDATION

First, Congress should incorporate a National Home Ownership Foundation, in some ways similar to the Communications Satellite Corporation. The task of the Foundation would be to actively encourage the formation of local nonprofit housing associations, to provide them with technical assistance, research findings and trained administrators, and to make direct loans to the local associations for the rehabilitation or construction of housing for sale to lower-income families.

The National Foundation would be capitalized through tax-exempt, guaranteed-return debenture bonds purchased by private business, lending institutions, foundations, private pension and trust funds, and, initially, Federal, State and local government subscriptions. To make adequate capitalization possible will, of course, require that the Administration act swiftly to relieve the present pressure on credit and interest rates, brought about by its failure to take effective fiscal steps to preserve the strength and stability of the economy.

The local nonprofit housing associations would buy up housing shells and other structurally sound but rundown buildings from private owners and municipal governments.

The association would enroll and give basic instruction to unskilled and unemployed men wishing to become rehabilitation craftsmen. It would then contract with local contractors for the rehabilitation of the buildings, with the contractors agreeing to provide regular on-the-job training to trainees who had completed the introductory instruction offered by the association. Efforts would be made by the association to facilitate the entry of trainees who have acquired the basic job skills involved in home rehabilitation into the regular apprenticeship programs of local unions, leading to journeyman qualification.

Meanwhile, the association would enlist the participation of lower income persons wishing to become owners of the completed houses or, in the case of larger multifamily dwellings, condominium apartments. These persons would be counseled in such things as improving their job situations, better homemaking, financial record keeping, and neighborhood improvement responsibilities. In many cases, the prospective buyers would be men concurrently taking job training under the association's auspices, who would become rehabilitation craftsmen for the building contractors upon completion of their training. Such persons could be given the opportunity to build up "sweat equity" by contributing their own labor as part of their investment.

The rehabilitated homes or apartments would then be sold to families taking part in the program who had accumulated a small down payment. The participating buyer

would be made eligible for a regular FHA home mortgage.

The local association would continue to counsel the buyers even after completion of the sale, and to work with their employers to ensure opportunities for regular advancement, additional job training, and enhanced financial security. Consumer credit counseling and similar services would also be made available.

In order to protect new homeowners who have not yet been able to accumulate adequate savings for paying monthly carrying charges during periods of unemployment due to layoffs, ill health, or other causes beyond the buyer's control, the federal government should establish a system of mortgage payment insurance. The experience of the Federal Housing Administration indicates that such a system of insurance can be established at small cost to the insured homeowners.

Finally, the poor people themselves—now well on their way toward economic self-sufficiency and security—would be given every opportunity to contribute their own talents to helping others follow in their footsteps, and to make each new neighborhood a source of pride for all its residents.

A PROGRAM BASED OF EXPERIENCE

Now this has been a very sketchy presentation of a plan which plainly involves a great many issues and raises a great many legitimate questions. Some will undoubtedly say that this cannot be done. But let me assure you—this plan is not the product of dreamy-eyed idealists.

Every part of this plan has been developed and tested in practice by men of imagination and ability who refused to believe the skeptics who said it couldn't be done.

The program to train rehabilitation experts from the ranks of the unskilled has been tested and proven by the outstanding work of the Rev. Leon Sullivan at Philadelphia's Opportunities Industrialization Center, and by the many projects of the Board for Fundamental Education based in Indianapolis. The Board has also developed the "sweat equity" technique for helping low income workers acquire through their labor the value of a down payment on their homes.

The whole program for acquiring the building shells, contracting for their renovation, and arranging the sale to low-income families has been carried out independently by the Bicentennial Civic Improvement Corporation of St. Louis and the Interfaith Interracial Council of the Clergy in Philadelphia.

And what is perhaps most important, these programs have proven that the national effort I am proposing can be operated on a break-even basis without new government subsidies. Government at all levels would aid through tax advantages, loan guarantees, seed capital, and the rechanneling of existing Federal aid funds through the National Home Ownership Foundation, but the program can be made to work without direct government financing and domination.

There is no single part of this plan that is a brilliant new idea, for every part of it has been tried somewhere and been made to work. What is new, however, is the integration of many programs and proposals into one streamlined, coherent, well-conceived, national program to make home ownership available to lower income families in America's cities.

SOME ADVANTAGES TO BE GAINED

Let me list some of the advantages that this plan would yield.

The plan would for the first time make home ownership and all its advantages available to lower income families.

The plan would make a major contribution to the redevelopment and restoration of presently declining and blighted urban areas.

The plan would increase the opportunities for basic education, job training, counseling, etc., for lower income families as part of an effective, integrated program.

The plan would create useful jobs in private enterprise for previously unemployed persons.

The plan would strengthen small local contracting firms, many of them minority group owned.

The plan would place primary reliance on the private sector of the economy, with little additional contribution by government.

The plan would be attractive to lenders because it promises a fair rate of return and low risk, in addition to its social and philanthropic appeal.

The plan would lead to additional tax revenue through the enhanced stability and earning capacity of the families involved.

The plan would operate to encourage once-poor families to participate in community development activities and to help others advance along the same path.

No more rewarding investment could be made; for the results, in Senator Benton's words, truly bear a price above rubies. It is the price of freedom, of dignity, of independence, of all those values which ensure security and advancement to the individual and a New Dawn of progress to the society in which home ownership has given him an important and lasting stake.

SENATOR RANDOLPH, CHAIRMAN OF THE SUBCOMMITTEE ON SCIENCE AND TECHNOLOGY OF THE SELECT COMMITTEE ON SMALL BUSINESS, ANNOUNCES STUDY OF TECHNOLOGY TRANSFER

Mr. RANDOLPH. Mr. President, last year, Senator JOHN SPARKMAN, the distinguished chairman of the Select Committee on Small Business, created a Subcommittee on Science and Technology. It is my privilege to chair this subcommittee, which includes Senators SPARKMAN, SMATHERS, NELSON, JAVITS, and PROUTY.

Today, I call attention to a study that our subcommittee has initiated and which we believe will be of far-reaching benefit to small businesses and to the continuation of dynamic national economic growth.

The subcommittee is making a comprehensive study of the transfer and utilization of scientific and engineering knowledge which has been gained as a result of the vast Federal research and development programs. The question we will endeavor to answer is: How best can such new technology be most expeditiously and efficiently woven into the fabric of industry and thus into the products and services available to the American consumer?

As we know, the road between basic scientific research and consumer sales is long and extremely complicated. When there is an intervening conversion of scientific knowledge into purposes other than that for which the research was principally intended, there is an added dimension of difficulty.

In fiscal year 1966, the U.S. Government spent $16.7 billion for research and development. This expenditure amounted to 15 percent of our total Federal budget, 3 percent of our gross national product, and a total greater than the sum of all such expenditures from the beginnings of our Nation through 1954. From the end of World War II to the completion of fiscal year 1967, the United States will have spent more than $140 billion for research and development. These tremendous investments are justified on the basis of the end results for which the research is initiated. However, there is also an accompanying governmental responsibility to insure that the fruits of such research are utilized to the fullest possible advantage for the American public. This is the goal to which the subcommittee's study is committed.

Mr. President, I ask unanimous consent that a descriptive memorandum of the subcommittee's study be inserted in the RECORD at this point.

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

A STUDY OF TECHNOLOGY TRANSFER BY THE SUBCOMMITTEE ON SCIENCE AND TECHNOLOGY, SELECT COMMITTEE ON SMALL BUSINESS, U.S. SENATE

The Subcommittee on Science and Technology of the Senate Small Business Committee has undertaken a study of how to obtain maximum utilization of the scientific and technical knowledge which, at a constantly accelerating pace, is coming into the possession of the Federal Government as a result of the vast Federal expenditures on research and development.

In a sense, this study will be a continuation in depth of one aspect of a 1963 Committee study entitled "The Role and Effect of Technology in the Nation's Economy."

The Federal R&D budget for fiscal year 1966 amounted to $16.7 billion—more than the grand total of all such expenditures for all the years of our Nation's history prior to 1954. Federal R&D expenditures from the end of World War II through fiscal year 1967 will amount to $140 billion. The annual Federal expenditures for research and development comprise 15% of the national budget and 3% of our gross national product.

The Federal Government is involved in science and research and engineering in a number of ways. For example:

1. In-house "arsenal type" development of a new process or product completely within a Federal laboratory and production facilities.

2. A cost-reimbursable type contract with fixed or incentive fee for industry to do the development under Government direction.

3. Fixed price procurement of the technology from industry with perhaps some Federal support of fundamental or ancillary research.

4. Cost-sharing contractual development and demonstration.

5. Federal subsidy after development when the new technology is placed in operation.

6. Federal guarantee of loans to provide the capital for private development.

7. The underwriting of development cost with eventual recoupment by the government, as envisioned in the civil supersonic transport program.

8. The "chosen instrument" technique of providing and approving monopoly situations for private enterprise in new technology such as the Communications Satellite Corporation.

In view of the tremendous Federal involvement in the total research and development effort in the United States, it is incumbent upon this country: (1) to recognize that the possibilities for solution of national problems through research efforts

are significantly in excess of the available resources to fund such research; thus the government should be highly selective in channeling R & D expenditures; (2) to be doubly certain, in view of the limitation on available resources, that waste, duplication, and inefficiency are rooted out of our total research and development effort; and, (3) in those areas in which public funds are expended to develop new knowledge and new technology, to assure ourselves that the knowledge and technology thus derived is utilized to the fullest possible extent, not only for the benefit of other public programs, but also in the private consumer-oriented economy.

It is with number 3 above that our study will be exclusively concerned.

Unquestionably, the development of new technology is fundamental to continued economic growth. "The evidence is overwhelming that technology stimulates the rate and volume of economic growth, and that the infusion of new technology can speed the rate of economic growth." [1]

While there is almost universal agreement on this principle, there is a diversity of opinion with respect to how newly-developed technology is most efficiently disseminated into the economy.

This diversity of opinion exists even within the Federal Government itself. For example, the approach to technology dissemination by the National Aeronautics and Space Administration, on the one hand, and the State Technical Services Act,[2] on the other, are generally dissimilar.

Furthermore, there is a diversity of opinion with respect to the extent to which the Federal Government should be involved in the dissemination of new technology. The United States Chamber of Commerce, in its recent bulletin "Criteria for Federal Support of Research and Development" took the following position:

"There is unrealistic belief, often widespread in the public mind that federal research and development directed toward the accomplishment of a specific mission will somehow also generate great economic benefits out of some of its byproducts. Experience shows that byproducts from federal research and development programs are less important in industrial innovation than the public has been led to believe, and thus in the generation of new wealth and increases in economic resources.

"The application of industrial research creates new consumer products, new jobs, new capital for investment, new markets, new businesses, and leads to economic growth. To the extent that federal research is not carefully controlled and is allowed to compete with or inhibit industrial incentive, it can restrain or block economic growth and progress in our free market economy.

"When economic growth is the major concern, industrial innovation, commercialization and the building of proprietorship must be encouraged. This encouragement can be much better accomplished by federal efforts to relieve the restraints currently inhibiting investment by industry, than by large expenditures in federally-sponsored programs. Examples of constraints on private investment in research and development include inadequate protection under the patent system, tax rates and structures, restrictive application of antitrust and trade regulations and antiquated codes which prevent the application of new technology."

Harvard professor, Dr. Richard S. Rosenbloom, on the other hand, in an article written for the National Planning Association, said the following: [3]

"Technical information has become one of the most important factors of production—next to the classical factors of land, labor, capital, and management. This factor must be the concern of a government charged by law with the promotion of conditions favorable to economic growth and the creation of employment opportunities."

Regardless of the position that one takes in this issue, it is evident that Congress should define a clear public policy with respect to the Federal role in the transfer of technology that has arisen out of Federally-funded research and development projects. The National Commission on Technology, Automation and Economic Progress concluded that such a policy needs to be developed:

"The transfer of technologies developed in Federal laboratories and agencies for industrial and consumer use requires a more forthright and unified Government policy than exists at present.

"Given the range of possible activities, we cannot within our limited purview define the exact limits of governmental involvement. Certainly, it would seem that the Federal Government has a legitimate role developing weather satellites and medical research equipment. But we cannot say that it is an obligation of Government to assist all claimants or engage in partnership with profit or non-profit organizations to develop all new technologies or devices originated by Government for civilian use. These are questions to be decided on the broader base of national goals. As a minimum we do feel that the Government has a responsibility for making available for nongovernmental utilization the results of Government-performed research and other research that was substantially funded by the Government. The issue, in the future, will be a vexing one, and more detailed study is needed."

While the formation of a clear policy with respect to the transfer of new technology will affect all industry, regardless of size, the Subcommittee recognizes that small businesses might be the principal beneficiary of a well-conceived policy. The National Commission took note of the problems confronting small businesses: [4]

"Smaller businesses, which generally have limited scientific and technical resources, pose a special problem for those concerned with the nongovernmetal utilization of Government-sponsored research results. NASA, for example, has designed its technology utilization program in such a way that much of the dissemination activity will eventually be self-supporting (i.e., paid for by the beneficiary rather than the originator of the technology.) But smaller businesses have difficulty justifying expenditures for this purpose—even though the cost is relatively low. (The larger organization generally not only has better in-house capability to interpret and understand the implications of new scientific information but also has a broader technology consumption pattern, i.e., its technical interests are less specialized, generally, than those of the small company.) Effective, low-cost means of serving the needs of smaller businesses—without subsidizing them in opposition to the principle of open market competition vis-a-vis the large companies they compete with—should be explored. Currently, NASA and AEC have underway joint experimental programs with the Small Business Administration. These programs may provide some understanding of how to cope with the seemingly special needs of smaller business."

The Subcommittee recognizes that other Congressional Committees in both the Senate and the House of Representatives have broad responsibilities in the field of science and that these Committees continue to make significant contributions in the areas of their responsibility. For that reason and because the field of technology transfer opens almost unlimited study possibilities, there are certain areas which the Subcommittee will not specifically pursue:

1. Considerations of national science policy per se.

2. Limitations on the availability of Government-owned technology because of: (a) possible over-classification due to national security or other reasons; (b) difficulty of obtaining reports on new technology from private contractors for various reasons, including differences of opinion with respect to what is proprietary.

3. Duplication, waste, and inefficiency that may arise in research and development expenditures, particularly because of inadequate administrative mechanisms to assure that Federal research expenditures are not channeled to the solution of problems already solved.

The schedule for the Subcommittee's study calls for a comprehensive staff report to be completed not later than December 31, 1966. Public hearings are tentatively scheduled for March, 1967, and the final Committee Report for June 1967.

With no preconceived notion that a hypothetical model system presently envisioned might be the final conclusion of the study, the Subcommittee intends to determine the feasibility of the following:

1. The organization of a Federally-chartered Comsat-like corporation bringing together all parties to the transfer process. Such a corporation might best serve the interests of both Government and private industry by combining into one centralized new technology collection, processing, and disseminating organization—one which would be outside the Federal Government and yet be by necessity closely related to the Federal research and development structure—the administrative organizations established for these purposes in almost every Federal agency.

2. The combining of such presently diverse efforts as regional dissemination centers of the National Aeronautics and Space Administration, various regional efforts of the the Atomic Energy Commission, and the State Technical Services Program into an organization in each state, under the joint sponsorship of the Federal and state governments, so that: (a) new technology would be far more accessible to private industry; and (b) the state governments themselves would play a more significant role in the dissemination process much as they now do on a more limited basis under the State Technical Services Act.

In the pursuit of this study, the Subcommittee will want to answer the following questions:

1. What statutory obligations do Federal agencies now have for the transfer of new technology to private industry?

2. How are the agencies discharging these obligations?

3. To what extent is there inter-agency cooperation in the solution of technology transfer problems?

4. What are the views of private industry, including research institutes and similar organizations, with respect to the value of new technology now in the possession of the Federal Government, and the system by which such agencies disseminate this technology?

5. What should be the Federal role in transferring to private industry new technology developed by or for the Federal Government?

6. What is the state of the art with respect to mechanisms that might be employed to facilitate technology transfer?

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[1] "Technology and the American Economy." Report of the National Commission on Technology, Automation, and Economic Progress, February 1966. (This Commission was established by Congress in Public Law 88-444.)

[2] Public Law 89-182.

[3] "Technology Transfer—Process and Policy," July 1965.

[4] *Op. cit.*, footnote 1.

7. What new institutional concepts are indicated to accomplish technology transfer?

During the course of the study, the Committee will welcome comments and information from interested groups within the Government, the scientific and business community, and others. We expect to solicit the views of many individuals, companies, and Federal agencies having a particular expertise in this area. The Subcommittee is grateful for the support that will be given by the Science Research Policy Division of the Legislative Reference Service of the Library of Congress.

The following bibliography represents a portion of the publications already reviewed by the Subcommittee:

1. "Are Research and Technology Outgrowing Free Enterprise?" by J. S. Butz, Air Force and Space Digest, No. 1964.

2. "Background, Guidelines, and Recommendations for Use in Assessing Effective Means of Channeling New Technologies in Promising Directions," by Lesher and Howick for the National Commission on Technology, Automation, and Economic Progress. Nov. 1965.

3. Basic Research and National Goals, A Report to the House Committee on Science and Astronautics, March 1965. National Academy of Sciences, Washington, D.C.

4. Basic Research, Applied Research, and Development in Industry, 1962, National Science Foundation.

5. "The Case for Technological Transfer," by Neil P. Ruzic, Industrial Research, March 1965, p. 67.

6. The Civilian Technology Lag. By David Allison, International Science and Technology, Dec. 1963, pp. 24.

7. Commercial Profits from Defense-Space Technology, Purcell, ed., The Schur Co., Boston, 1965.

8. Criteria for Federal Support of Research and Technology, Chamber of Commerce of the U.S.A., 1965.

9. "The Fall-out Fallacy," by David Fishlock, New Scientist, Jan. 21, 1965.

10. "Harnessing the R&D Monster," by Hubert Kay, Fortune, Jan. 1965.

11. Hearings before a Subcommittee of the Select Committee on Small Business, U.S. Senate, 88th Cong., 1st Session, A Review of the Effect of Government Research and Development on Economic Growth, Parts 1–6.

12. Klaw, Spenser, "The Nationalization of U.S. Science," Fortune, v. 70, Sept. 1964, pp. 158–160, 182, 185.

13. Maddison, Angus, Economic Growth in the West, the Twentieth Century Fund, New York, 1964.

14. "Putting Technology to Work: the Social-Political Barrier," by Dr. S. Ramo, Space Digest, Oct. 1964, p. 56.

15. L. 1136, "A bill for the Establishment of a Commission on Science and Technology; to the Committee on Government Operations." (McClellan)

16. Science and the General Welfare in a Democracy. By G. T. Seaborg, USAEC, March, 1964.

The Harrelson Lecture Delivered at North Carolina State, Raleigh, North Carolina.

17. Shapero, Howell, and Tombaugh, "An Exploratory Study of the Structure and Dynamics of the R&D Industries," R&D Study Series, Stanford University, June 1964.

18. Some Opportunities and Obstacles in Transferring New Technology among Various Sections of the Economy. Presented by R. Kimball to Space, Science, and Urban Life Conference, Oakland, California, Mar. 29, 1963.

19. "Space Technology: Pay-off from Spin-off," Harvard Business Review, by J. G. Welles and R. H. Waterman, Jr., July-Aug. 1964.

20. Study Number VI, Impact of Federal Research and Development Programs, Report of the Select Committee on Government Research of the House of Representatives, 88th Cong., 2d Session.

THE ENDS DO NOT JUSTIFY THE MEANS

Mr. GRUENING. Mr. President, it was most pleasing to read in the Saturday Evening Post for October 22, 1966, a very perceptive editorial, entitled "Beware of Being Sheep," in which, in discussing the tragic involvement of the United States in an undeclared war in Vietnam, the observation is made:

> Someday we will wonder why we failed to realize that greater and ever greater amounts of force do not always solve a problem. Someday we will remember that there are no "final solutions." Someday we will wonder why we keep on being sheep.

Too often the disastrous course of action we pursue in Vietnam seems based on the belief that the end we seek justifies the use of any means whatsoever. That the United States professes a deep belief in the justice of its cause is of little comfort to the South Vietnamese mother who sees her child burned by napalm or to the Vietnamese boy orphaned by a bombing error.

What matters an ephemeral concept of freedom to the South Vietnamese if they and their country are destroyed in the process of seeking to establish it?

I ask unanimous consent that the editorial from the Saturday Evening Post for October 22, 1966, entitled "Beware of Being Sheep," be printed in the RECORD at the conclusion of my remarks.

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

BEWARE OF BEING SHEEP

Faustus: How comes it then that thou art out of hell?

Mephistophiles: Why this is hell, nor am I out of it.

In one sense, there is nothing to be added to Sybille Bedford's account of the Auschwitz trial (except to note that three more of the killers were convicted last month in a subsequent prosecution known as "the little Auschwitz trial"). There is nothing to be added, in fact, to the testimony of the witnesses who had seen and suffered and survived. This is what happened, they told us, this is the way it was when all our imaginings of Hell became reality, when, without a Judgment Day or the hope of Grace, the Inferno was built on the face of the earth.

Among the millions who never returned from Auschwitz, there was a boy of about 10, whose last hour is recorded in Peter Weiss's new play about this same trial, *The Investigation*. The boy got into a conversation with one of the guards overseeing the shipment of prisoners to the gas chambers, and the guard said through the barbed wire, "You know a lot for a boy of your age." And the boy said, "I know that I know a lot, and I also know I'm not going to learn any more." The trucks were duly loaded with women and children, and some of the children cried as they were shoved aboard for the trip to the gas chambers, and the boy who knew quite a lot for his age shouted to them, "Stop your crying. You saw the way your parents and grandparents went. Climb in. Then you'll get to see them again." And as the trucks began driving away, the boy who knew a lot for his age looked back and shouted to the guard: "You won't be forgiven anything."

The testimony of the witnesses, then, is not just a description of Hell but an insistent demand that this mindless barbarism never be forgotten or forgiven—or repeated. In a purely negative sense, we should remember these lost souls every time anyone offers a vulgar joke at the expense of some minority, or claims that some downtrodden race gets as good as it deserves. In a negative sense, too, we should remember these lost souls every time some bumptious German official calls for the reunion of his vivisected nation, every time some smoothly technocratic German general argues the need for nuclear weapons to "defend the free world," every time some pygmy philosopher of Western unity proclaims the profit in letting bygones be bygones.

But these are only the easy lessons of Auschwitz. For Auschwitz cannot be categorized simply as a dark monument to German racism, or even as a symbol of race hatred throughout the world. Its existence represents a far more profound sickness in all of us, the sickness of doing what should never be done and permitting the impermissible. The agony of the Auschwitz prisoner was no different from that of the Russian who was starved, beaten and worked to death at Vorkuta. And the brutality of the Auschwitz guard was no different from that of the French official who carefully applied electric wires to the bodies of Algerian prisoners. Among all people in all lands, men are killing and torturing, being tortured and dying.

The basic question, then, is whether the ends can justify the means. The unprecedented act of dropping an atomic bomb on the city of Hiroshima, killing perhaps 100,000 civilans, can perhaps be justified as the means that brought World War II to a rapid end. The saturation bombings of Dresden, which began a fire storm and immolated a quarter of a million people, might be justified as a blow that helped to destroy the regime that had created Auschwitz in the first place. But the terrible fact is that we are all willing to perform the atrocity as a necessary evil, with or without the justification. If there is any evidence that anyone balked at the incineration of Dresden, it remains as shrouded as the evidence of anyone's balking at serving on the death ramp at Auschwitz.

"Beware," Mrs. Bedford says, "of being sheep." But the tragic fact is that we are all sheep, and will remain sheep, bleating as we run with the flock to avoid the dogs nipping at our heels.

And so we come, inevitably, to the war in Vietnam. It can be easily said that there is no connection between Auschwitz and Vietnam, between killing for the sake of killing and killing for what we may consider a just cause. If the freedom and self-government of the people of South Vietnam is our cause, then it is indeed a just one. But the fact remains that in this "just struggle against Communism, we are killing civilians as surely as any Communist ever did. Our bombs drop on friend and enemy alike; our napalm burns them alive, friend and enemy. We are just carrying out someone's orders, of course, like all soldiers, and we are certainly not Nazis. We provide doctors to treat the children we have bombed. We hold "elections" so that we can reassure ourselves of popular support. And we promise that we will provide money someday to rebuild the land we are destroying.

But what if the ends do not justify the means? Not as a philosophic principle but as a matter of fact? What if the surgical experiment is a success but the patient dies under the knife? What if no future form of "freedom" or "self-government" can ever make up for the pain being inflicted now? Some strategists say that the Vietnamese must suffer their role as pawns, for the war concerns larger issues—the containment of Communism on a global scale, final proof that Communist "wars of liberation" will be

defeated at any cost. It is a harsh doctrine, not unlike shooting a few hostages to make the rest of the population behave, and it was well answered by U Thant, Secretary General of the United Nations. "I see nothing but danger," he said, "in the idea, so assiduously fostered outside Vietnam, that the conflict is a kind of holy war between two powerful political ideologies. The survival of the people of Vietnam must be seen as the real issue, and it can be resolved not by force but by patience and understanding, in the framework of a willingness to live and let live."

Someday we will wonder why we failed to realize that greater and ever greater amounts of force do not always solve a problem. Someday we will remember that there are no "final solutions." Someday we will wonder why we keep on being sheep.

NATIONAL VOLUNTARY SERVICE

Mr. MONDALE. Mr. President, for some time there has been growing in this country the recognition that voluntary service represents a tremendous resource and a great opportunity of this Nation. The overwhelming success of the Peace Corps, the accomplishments of VISTA, and the major contribution of many public and private voluntary programs here and abroad have demonstrated the value of such effort.

The discussion of voluntary service and its place in American life has been intensified by the current movement to reexamine our system of selecting men for military service. You will recall, Mr. President, that last May I introduced, along with several other Senators, Senate Concurrent Resolution 95 calling for a Joint Committee on National Service and the Draft to review the entire question.

Since then, President Johnson has appointed a National Advisory Commission on Selective Service, headed by the able attorney Mr. Burke Marshall, and has included in the scope of its investigation the question of voluntary service.

With such a national study in progress, I am particularly pleased to note an excellent article in the current Saturday Review which adds a great deal to the discussion. Written by Mr. Harris Wofford, an Associate Director of the Peace Corps, it states the case for universal voluntary service as an accepted element of American life.

As Mr. Wofford points out, such service can be nearly universal without being compulsory. It can not only perform important work on the national and international level; it can improve the preparation of our young people for life in the present changing world. As the article states:

> Most observers of the first 10,000 returning Peace Corps volunteers found them more mature, curious, serious, more interested in education, community development, and public service than most of their peers who stayed at home.

The article makes clear that the role of practical service in education is more fundamental and more revolutionary than anyone had supposed.

Mr. President, I ask unanimous consent that Mr. Wofford's provocative article be printed in the RECORD at the conclusion of these remarks.

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

[From Saturday Review, Oct. 15, 1966]

TOWARD A DRAFT WITHOUT GUNS

(NOTE.—A Peace Corps official's case for making universal voluntary service part of the nation's educational system; how it would work; why it is essential.)

(By Harris Wofford)

Universal civilian service, wrote William James in 1910, "is only a question of blowing on the spark till the whole population gets incandescent . . . a question of time, of skillful propagandism, and of opinion-making men seizing historic opportunities." In 1966, with the U.S. Secretary of Defense and the U.N. Secretary General both making the same proposal, and with a special Presidential Commission considering it, new sparks are flying, opinion-making men are blowing, and a historic opportunity may be at hand.

On May 18, Secretary McNamara proposed that we move toward universal service "by asking every young person in the United States to give one or two years of service to his country—whether in one of the military services, in the Peace Corps, or in some other volunteer developmental work at home or abroad." Initially, this was read as a call for compulsory civilian service. But McNamara promptly explained that he meant universal voluntary service, that "asking" every young person did not mean "requiring."

Universal voluntary service seems to be a contradiction in terms—unless the day really is coming, as Secretary General U Thant recently prophesied, when people everywhere "will consider that one or two years of work for the cause of development either in a far-away country or in a depressed area of his own community is a normal part of one's education."

That day has come in Israel. At least two years of national service, in either regular military duty, land settlement, or basic literacy education and job training, are now a normal part of the education of every young man or woman. The national service law formally reflects the pioneering tradition created by three generations of practically universal volunteering. Learning-by-service is also now established as part of all higher education in Ethiopia. The Haile Selassie I University requires, as a condition for any degree, one year of teaching or other development service in a difficult area of the country, usually after the junior year in college. Ethiopia was responding in part to the spread of the volunteer service idea around the world, represented in Haile Selassie's Court by several hundred American volunteers, and by volunteers from Sweden, Britain, and Germany—three of some thirty countries now operating their own domestic or overseas Peace Corps.

In developing countries, the need to mobilize voluntary labor, especially among educated young people, is imperative. In America, however, probably only McNamara could have rescued the idea of volunteer service from the political periphery to which it had been relegated by Vietnam. But it remains to be seen whether America—which, through the Peace Corps, has brought the idea of volunteering to world-wide attention—will now respond in turn to the Ethiopian innovation and the example of Israel.

Volunteering, according to de Tocqueville, was the animating spirit of nineteenth-century America. That spirit stirred again with John Kennedy. Will Lyndon Johnson now tap it on a much larger scale? Will the administration that established "escalate" as a word of war find ways to escalate volunteering for works of peace to a new level of practically universal participation?

In a little-noticed talk at the University of Kentucky last year, the President promised "to search for new ways" through which "every young American will have the opportunity—and feel the obligation—to give at least a few years of his or her life to the service of others in this nation and in the world." In signing the 1966 Peace Corps Act last month, he said that he hoped the search would "develop a manpower service program for young people which could work at every level to transform our society," and lead to the day "when some form of voluntary service . . . is as common in America as going to school." With the President's appointment of a special National Advisory Commission on Selective Service headed by Burke Marshall, and his listing of national service proposals as one of the items on which the Commission is to report in January, that "search for new ways" is now seriously under way.

Is there a real need for a universal service program involving 3,000,000 to 4,000,000 young people? Apparently *not* for their *military* service—or not for more than about 600,000 young men a year. Former President Eisenhower to the contrary notwithstanding, the Pentagon says it opposes universal military training. What, then, are the nation's needs for nonmilitary service by young volunteers? The President says that volunteers are required in "every area of national need," especially in teaching, alleviating poverty, and conservation.

Teaching is one field where volunteers have already proved themselves. More than 10,000 Peace Corps volunteers, few of whom were professional teachers, have taught in classrooms overseas, contributing energy, hope, enthusiasm, perspective, and innovating spirit. The same contributions have been made at home by tens of thousands of volunteers in Project Head Start and in special remedial and enrichment programs of the War on Poverty.

But we have only begun to utilize volunteer teaching to meet our educational needs. Congress and communities all over the country are calling for the expansion of Project Head Start far beyond its present enrollment of 500,000 preschool children. Other new special-education programs of the Office of Economic Opportunity and the extensive proposals of the White House Conference on Civil Rights require massive number of volunteers. And now the National Education Association is urging that full-school-year public education be extended to four- and five-year-olds.

Where are the teachers to make such education possible for 5,000,000 additional students? With special training and supervision, hundreds of thousands of volunteers, supported by a Peace Corps-like subsistence allowance, could be the answer. To move toward universal early childhood education, we may need to move toward universal service.

These needs, present or predictable, increasing as our population mounts, could readily absorb the labor of all potential college volunteers. But college students account for only 30 per cent of the eighteen to twenty-one age group. Are there important needs that could be met by the civilian service of the non-college majority? If more than 2,000,000 young men and women turning eighteen this year but neither going to college nor entering the armed services are excluded, the program should be called "college and university student service," not "universal service."

Combat commanders prefer the nineteen to twenty age group, according to recent Defense Department testimony, and eight out of ten military volunteers are under twenty. Are there not also valuable civilian roles for volunteers of this age? If men are old enough to fight, they should be old enough

to take on constructive peacetime assignments. Who is too tall to teach? Whose feet are too flat to be a tutor? Why shouldn't almost everyone be 1-A for national service?

The young men and women coming out of high school are themselves a major underdeveloped resource. They represent America's future. They need to be asked to give some kind of active national service. They need "to get the childishness knocked out of them, and to come back into society with healthier sympathies and soberer ideas," wrote James. They need to break the present lock-step system of continuous classroom education, says Father Theodore Hesburgh. They need to test themselves and discover unexpected strengths, says David Riesman. They need to cross cultural frontiers, experience the outside world, and become world citizens, says Mary Bunting.

Most observers of the first 10,000 returning Peace Corps volunteers found them more mature, curious, and serious, more interested in education, community development, and public service than most of their peers who stayed at home. The 4,000 who have returned to colleges and universities, mostly to graduate schools remind professors of the GIs who came back from World War II. American education was never so alive or teaching so worthwhile and student spirit so high as in those brief years when the majority of men on campuses had served in dangerous or frustrating assignments around the world. Haile Selassie I University reports the same thing about its first seniors who have returned from a year's service in difficult provincial teaching assignments.

The need for this kind of "experiential education"—learning-by-doing—is not limited to underdeveloped countries or to an elite group of American college students. The young men and women who don't go to college, or who wouldn't be selected by the Peace Corps, still need to discover the world, whether in a far-away country or a nearby slum; they need to develop their capacities for sympathy and citizenship; they need to be given the practical challenge of direct personal participation in teaching and community action. For their own growth the dropout from high school and the would-be Ph.D., the students from Harlem and from Scarsdale, need to come together as volunteers, to live and work, teach and learn together.

In fact, a winning strategy in the War on Poverty or in the struggle for integration must include programs that bring together young men and women of all races, religions, and classes, in radically new settings and assignments. If Negro and white, North and South, city and suburb can join in common volunteering, many of the next generation will free themselves of race prejudice and poverty. Their new perspectives, ambitions, and opportunities would make it difficult for them to sink back into apathy.

Israel is proving that this can be done. All young Israelis get an initial period of basic training. Those who come from backward communities, who do not know modern health practices and do not have any job skill, are given special training. Others go as volunteers to form new pioneer farm settlements. Others go into the regular armed forces. By drawing all of its young people into this intense educational experience, Israel is forging one nation; it is integrating not a tenth but half of its population.

How can this be done in America? Secretary McNamara has announced that the military intends to take into service and to give special training each year to 100,000 young men from "poverty-encrusted" backgrounds, who up to now would have been rejected.

How can nonmilitary programs follow suit so that the whole younger generation is involved? Probably not by drafting every young person and offering alternative civilian service to those not choosing—or not required for—military service. Such a universal draft could be seen merely as the extension of the present ten years of compulsory education to eleven or twelve. But, though a Gallup poll published in July shows 72 per cent of the people favoring such compulsory universal service, there appears to be little political support for it.

Probably not by one great new National Service Corps, either. Although Marion K. Sanders gave a good case for this in the New York Times Magazine on August 7, most of the proponents of national service prefer some form of programed diversity. Instead of a centralized bureaucracy, they seek a scheme that would be based on and would further release the power of the independent sector in American life. This would fit both the American tradition of diversity and the antibureaucratic mood of the younger generation.

Among ideas that the President's Advisory Commission might consider are:

Volunteer Service Fellowships. These fellowships would provide living allowances and possibly, later, educational assistance to volunteeers from age sixteen and up who work in voluntary service programs, at home or abroad. Like the GI Bill of Rights, which enable individual veterans to enroll in the college or university of their choice, this program would enable individuals to seek enrollment in a wide variety of volunteer efforts, both private and public. With such volunteers available, churches, civic organizations, students associations, colleges and universities, school boards, and new institutions set up for this purpose would be encouraged to design new volunteer projects.

Volunteer Service Summers. Three-month programs would be designed for all Americans at the time they leave high school. Drawing on the experience of Outward Bound, the CCC camps, Peace Corps-VISTA training, and military basic training, they would bring together young people of all backgrounds; involve some actual service, whether in construction, conservation, or teaching; and through films, readings, discussions, and personal encounters present the wide range of volunteer opportunities open in the military, the Peace Corps, VISTA, and private programs.

A National Volunteer Registry. Every American, while in high school could be asked—but not compelled—to register in a nationally-run roster, which would then be kept up to date in later life. Registrants would record their interests, skills, volunteer experience, and available periods for service. Various volunteer agencies could use that information to recruit volunteers, sending news of relevant opportunities to the registrants at appropriate times.

Local Voluntary Service Boards. These could be established by the President to work alongside the present Selective Service Boards. They could include civic leaders, representatives of voluntary service organizations, and former Peace Corps or VISTA volunteers. They would work in the community to provide information on volunteer service opportunities, both overseas and at home.

Academic Credit for Volunteer Service. High schools, colleges, and universities could encourage students to enlist in voluntary nonmilitary programs or in the armed forces before or during their higher education. In admitting students, colleges and universities could give weight to such a period of service—or possibly even require it as a condition for admission. Or they could incorporate periods of service into their curriculum, a modification of the present "junior-year-abroad." Instead of study in Europe, students would work and learn in difficult assignments in developing areas at home or abroad, for a summer, a quarter, a semester, a year, or the regular two-year Peace Corps term. Antioch College has pioneered work-study programs, and two colleges—Western Michigan and Franconia—have introduced five-year "Peace Corps B.A.s," in which Peace Corps service is given approximately one year's academic credit. Graduate degree programs, especially for masters in teaching, agriculture, community development, and public health, could include periods of service.

In all of these proposed programs, special consideration will have to be given to designing opportunities for noncollege high-school graduates or dropouts. William James's quaint list of duties for his "army enlisted against Nature" will not be very helpful. Our "gilded youths," he wrote, would go off "according to their choice" to "coal and iron mines, to freight trains, to fishing fleets in December, to dishwashing, clothes-washing, and window-washing, to road-building and tunnel-making, to foundries and stoke-holes, and to the frames of skyscrapers."

Neither Congress nor anybody else is going to finance the fishing fleets in December. There are, however, needs, not so exotic, which younger volunteers could help meet. One of them might even involve washing dishes and clothes. Millions of working mothers, especially in poverty-stricken families, desperately need some system of good day-care for their children. Volunteers just out of high school could be trained to provide this on assignments in homes or special day-care centers.

In many of the domestic programs for college students, high school graduates could serve as part of a team, or on their own. Arranging worthwhile assignments for the high school dropouts, the ones who fail the Army's minimal examinations, and especially those demoralized by slum living and racial discrimination, will be much more difficult. So far, the Job Corps is the main social invention in this field. We must be still more inventive if universal service is to be a reality.

How does all this affect the draft? None of the above requires a revision of the draft, but without some revision no set of new programs could approach universal voluntary service. For the present draft selection and deferment system discourages non military volunteering. As one of the members of the Marshall Commission, Kingman Brewster of Yale, has said, it encourages a "cynical avoidance of service" by imposing "involuntary military service upon those who cannot hide in the endless catacombs of formal education."

Currently, uncertainty hangs over the lives of millions of men waiting until they are twenty-six or older to know if they must go into the army. A man who volunteers for the Peace Corps knows that he may still be drafted upon his return. He may be ready to spend two years of his life in some kind of service, but for many the prospect of a combined four years of service seems too long. If the call to military service, whether by lot or the present peculiar arrangement, could come for all men right after they were eighteen, then the shadow of uncertainty would be lifted. There still might be educational deferments for those called, but these would be real deferments involving a clear commitment to serve upon graduation. Those not called would be free to volunteer for nonmilitary service without the threat of being drafted later.

The President has gone further than this. On August 19, he said he was asking the Marshall Commission to consider this specific question: "Can we—without harming national security—establish a practical system of nonmilitary alternatives to the draft?"

If such alternative service were offered to the minority of men called in the draft—not imposed upon all young men but given as an option to the fraction of men called up to serve—this would be a quantum jump for

volunteering. The recent Gallup finding suggests that the armed forces would be able to get enough men under this system. Serving in Europe and America, as most military men do, or even in Vietnam, might have more appeal to many than two or three years in American slums or Asian, African, or Latin American villages. (One proposal is for three years of nonmilitary service to be an alternative to two years in the armed forces.)

This step would still only mean "moving toward" universal service, as the President and McNamara propose. Two-thirds or more of the men subject to the draft, and all women, would be affected only if they chose to volunteer. The growth of volunteering might be only tenfold in the first years of the program—not the hundredfold increase required for truly universal service. A practical way to begin would be to increase the Peace Corps to Jack Vaughn's goal of 50,000, to turn VISTA into an organizing and supervising agency for another 50,000 domestic volunteers; to increase the Job Corps to about 50,000 and add a component of service to its work; and to begin a GI-bill kind of fellowship program for another 50,000 volunteers.

If this happened, and the idea of volunteer service spread, those drafted into the Army would soon be the minority. Then, instead of talking about exemptions for Peace Corps Volunteers, we would find the problem turned upside down. It could be said that those drafted for military service were exempt from the system of universal voluntary service. In fact, if practically all young Americans came to feel the obligation to volunteer for some kind of service, the draft might be put out of business altogether. All the calculations of the high cost of putting the military on an entirely volunteer basis leave out the possibility of universal voluntary service.

How much would such a volunteer service program cost? Not as much in a year as one month of the war in Vietnam. Not as much as doing nothing—as failing to mobilize the talents and labor of the younger generation. Not as much as hiring professional teachers or social workers or construction men—if we could find enough of them—to do what these volunteers could also do. The cost may vary from a few hundred dollars per volunteer to the Peace Corps' annual per-volunteer cost of about $8,000. It is the cost of adding a year or two of essential public education for all American students.

This may seem high to Congressional armed service committees. Their legislative center of gravity is on defense rather than on matters concerned with education and development. Even Secretary McNamara might feel ill at ease making his case that defense is development before them—as ill at ease as Allen Ginsberg telling Congress about LSD. But Burke Marshall is a lawyer of far-ranging vision and he has a Commission of opinion-making men. They should appreciate the "fundamental question" that Secretary McNamara said he was asking:

"Who is Man? Is he a rational animal? . . . He draws blueprints for Utopia. But never quite gets it built. . . . Coercion, after all, merely captures Man. Freedom captivates him."

THE BRAIN DRAIN

Mr. MONDALE. Mr. President, I have recently received a most thoughtful and provocative letter on the brain drain, a subject to which I have addressed myself increasingly in recent months, from Mr. Frank L. Mott, a manpower analyst in the Labor Department's Office of Manpower, Automation, and Training. The views he expresses are not intended to necessarily represent those of his Department, but rather, as he states, he is providing some of his "own personal, unofficial thoughts on the subject."

I believe that this letter is worthy of a much wider audience, and I ask unanimous consent that it be printed at this point in the RECORD.

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

U.S. DEPARTMENT OF LABOR, OFFICE OF MANPOWER, AUTOMATION AND TRAINING,

Washington, D.C.

Senator WALTER F. MONDALE,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: In response to your letter of September 9, I wish first of all to compliment you on your excellent exposition of the complex problems generated by the "brain drain" of talented individuals from some of the less developed nations of the world. As you noted in your statement, this problem does not lend itself to easy solution. However, I am happy to give you some of my own personal, unofficial thoughts on the subject.

There is unquestionably a basic conflict between our desire not to inhibit the inherent right of individuals to move freely among the nations of the world while at the same time encouraging the continued development of the technologically less advanced nations—a development clearly dependent on a continuing supply of highly skilled technical manpower.

My personal feeling is that the only truly permanent solution to this problem is a long-range one which would involve basic institutional changes in the secondary and higher educational systems of many of these countries. As you noted in your statement, many young men and women who come to this country for their higher education pursue fields of study which are not in great demand in their home country and then, quite naturally, on completing their education have no desire to return to a home which offers them no chance to practice in their chosen profession. Ultimately, the solution to this specific aspect of the "brain drain" problem must come from the countries themselves—through an intelligent restructuring of their secondary school programs to encourage more youth to enter fields of study more closely related to their occupational demands.

There are some things, however, which I believe we can do in this country, which might have a more immediate impact. These suggestions relate principally to those youths who enter this country on temporary student visas, but then change to permanent status and never return home. These are the youth who must be their country's "leaders of tomorrow" if the high hopes of these less developed countries are to be fulfilled.

I think in certain situations it would pay for this country to expedite the building of technical institutes for sub-professional study in underdeveloped countries even if these institutes do not match up to the quality of an established institute in this country. We might even supply many of the key personnel to run these institutes. It would be an investment well spent as the needs of many of these countries are basic and it may be better at this time for them to turn out large numbers of sub-professional workers who then are immediately available in their home country then a much smaller number of very highly trained engineers and scientists who on receiving their training in this country often do not even go home.

Analogously, perhaps we might put a larger part of our funds in this area into expediting the construction of two-year colleges in these foreign countries. In this way a relatively large number of youths would be able to receive some college level training which they would immediately be able to put into practice. The alternative, which we have at present, is in many cases "overtraining" a smaller number of youths in this country to a skill level above most technical tasks in their home country.

Another possible way to cut down on this drain of young scholars would be to stipulate that all youth who come to this country on a student visa must return home for a specified period on completing their education before being eligible for immigrant status. While this might work hardships on individuals in some cases it nevertheless would be relatively equitable to the extent that all youth would know of this stipulation before they come to this country to study. In all likelihood, once these youth did return home for, let us say, a year or two, many would remain. I think that a provision of this nature, if implemented, should be complemented by intensive efforts by private and public sources to provide adequate "reindoctrination" for the youth before he goes back home to a culture which in many ways may have become more "foreign" to him during his absence than our own.

Also, I wonder what the possibilities would be for allowing foreign students to participate in our Peace Corps, or other advisory type, programs and then serve either in their home country or in a similar country with which they surely have a greater familiarity than most of their American counterparts?

In general, I would favor methods which are of a voluntary nature to solve this problem rather than legislative provisions, as being more in keeping with our traditional policies favoring the free international movement of individuals.

Sincerely yours,

FRANK MOTT.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

Mr. MUSKIE. 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. MUSKIE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECESS

Mr. MUSKIE. Mr. President, I move that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to; and (at 12 o'clock and 46 minutes p.m.) the Senate took a recess subject to the call of the Chair.

At 1 o'clock and 27 minutes p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. HART in the chair).

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its

reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 84. An act to provide for reimbursement to the State of Wyoming for improvements made on certain lands in Sweetwater County, Wyo., if and when such lands revert to the United States;

S. 1556. An act to authorize the Board of Governors of the Federal Reserve System to delegate certain of its functions, and other purposes;

S. 2829. An act to amend section 301(a)(7) of the Immigration and Nationality Act;

S. 2979. An act to extend coverage of the State Technical Services Act of 1965 to the territory of Guam; and

S. 3391. An act to amend the Shipping Act, 1916, as amended, to authorize exemption from the provisions of the act.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 13955) to establish the past and present location of a certain portion of the Colorado River for certain purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 13103) to amend the Internal Revenue Code of 1954 to provide equitable tax treatment for foreign investment in the United States; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLS, Mr. KING of California, Mr. BOGGS, Mr. KEOGH, Mr. BYRNES of Wisconsin, Mr. CURTIS, and Mr. UTT were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 17607) to suspend the investment credit and the allowance of accelerated depreciation in the case of certain real property; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLS, Mr. KING of California, Mr. BOGGS, Mr. KEOGH, Mr. BYRNES of Wisconsin, Mr. CURTIS, and Mr. UTT were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills:

S. 2338. An act to authorize the erection of a memorial in the District of Columbia to Gen. John J. Pershing; and

S. 3298. An act to amend the Federal Hazardous Substances Labeling Act to ban hazardous toys and articles intended for children, and other articles so hazardous as to be dangerous in the household regardless of labeling, and to apply to unpackaged articles intended for household use, and for other purposes.

DEMONSTRATION CITIES AND METROPOLITAN DEVELOPMENT ACT OF 1966

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Alabama [Mr. SPARKMAN], I make the following statement: The House of Representatives has passed Senate bill 3708 with an amendment. It has insisted upon the House amendment and has requested an immediate conference with the Senate. Conferees on the part of the House have been appointed.

I ask that the Chair lay before the Senate the amendment of the House of Representatives to S. 3708.

The PRESIDING OFFICER (Mr. HART in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 3708) to assist comprehensive city demonstration programs for rebuilding slum and blighted areas and for providing the public facilities and services necessary to improve the general welfare of the people who live in those areas, to assist and encourage planned metropolitan development, and for other purposes which was, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Demonstration Cities and Metropolitan Development Act of 1966".

TITLE I—COMPREHENSIVE CITY DEMONSTRATION PROGRAMS

Findings and declaration of purpose

SEC. 101. The Congress hereby finds and declares that improving the quality of urban life is the most critical domestic problem facing the United States. The persistence of widespread urban slums and blight, the concentration of persons of low income in older urban areas, and the unmet needs for additional housing and community facilities and services arising from rapid expansion of our urban population have resulted in a marked deterioration in the quality of the environment and the lives of large numbers of our people while the Nation as a whole prospers.

The Congress further finds and declares that cities, of all sizes, do not have adequate resources to deal effectively with the critical problems facing them, and that Federal assistance in addition to that now authorized by the urban renewal program and other existing Federal grant-in-aid programs is essential to enable cities to plan, develop, and conduct programs to improve their physical environment, increase their supply of adequate housing for low- and moderate-income people, and provide educational and social services vital to health and welfare.

The purposes of this title are to provide additional financial and technical assistance to enable cities of all sizes (with equal regard to the problems of small as well as large cities) to plan, develop, and carry out locally prepared and scheduled comprehensive city demonstration programs containing new and imaginative proposals to rebuild or revitalize large slum and blighted areas; to expand housing, job, and income opportunities; to reduce dependence on welfare payments; to improve educational facilities and programs; to combat disease and ill health; to reduce the incidence of crime and delinquency; to enhance recreational and cultural opportunities; to establish better access between homes and jobs; and generally to improve living conditions for the people who live in such areas, and to accomplish these objectives through the most effective and economical concentration and coordination of Federal, State, and local public and private efforts to improve the quality of urban life.

Basic authority

SEC. 102. The Secretary of Housing and Urban Development (hereinafter referred to as the "Secretary") is authorized to make grants and provide technical assistance, as provided by this title, to enable city demonstration agencies (as defined in section 112(2)) to plan, develop, and carry out comprehensive city demonstration programs in accordance with the purposes of this title.

Eligibility for assistance

SEC. 103. (a) A comprehensive city demonstration program is eligible for assistance under sections 105 and 107 only if—

(1) physical and social problems in the area of the city covered by the program are such that a comprehensive city demonstration program is necessary to carry out the policy of the Congress as expressed in section 101;

(2) the program is of sufficient magnitude to make a substantial impact on the physical and social problems and to remove or arrest blight and decay in entire sections or neighborhoods; to contribute to the sound development of the entire city; to make marked progress in reducing social and educational disadvantages, ill health, underemployment, and enforced idleness; and to provide educational, health, and social services necessary to serve the poor and disadvantaged in the area, widespread citizen participation in the program, maximum opportunities for employing residents of the area in all phases of the program, and enlarged opportunities for work and training;

(3) the program, including rebuilding or restoration, will contribute to a well-balanced city with a substantial increase in the supply of standard housing of low and moderate cost, maximum opportunities in the choice of housing accommodations for all citizens of all income levels, adequate public facilities (including those needed for education, health and social services, transportation, and recreation), commercial facilities adequate to serve the residential areas, and ease of access between the residential areas and centers of employment;

(4) the various projects and activities to be undertaken in connection with such programs are scheduled to be initiated within a reasonably short period of time; adequate local resources are, or will be, available for the completion of the program as scheduled, and, in the carrying out of the program, the fullest utilization possible will be made of private initiative and enterprise; administrative machinery is available at the local level for carrying out the program on a consolidated and coordinated basis; substantive local laws, regulations, and other requirements are, or can be expected to be, consistent with the objectives of the program; there exists a relocation plan meeting the requirements of the regulations referred to in section 107; the local governing body has approved the program and, where appropriate, applications for assistance under the program; agencies whose cooperation is necessary to the success of the program have indicated their intent to furnish such cooperation; the program is consistent with comprehensive planning for the entire urban or metropolitan area; and the locality will maintain, during the period an approved comprehensive city demonstration program is being carried out, a level of aggregate expenditures for activities similar to those being assisted under this title which is not less than the level of aggregate expenditures for such activities prior to initiation of the comprehensive city demonstration program; and

(5) the program meets such additional requirements as the Secretary may establish to carry out the purposes of this title: *Provided*, That the authority of the Secretary under this paragraph shall not be used to impose criteria or establish requirements except those which are related and essential to the specific provisions of this title.

(b) In implementing this title the Secretary shall—

(1) emphasize local initiative in the planning, development, and implementation of comprehensive city demonstration programs;

(2) insure, in conjunction with other appropriate Federal departments and agencies

and at the direction of the President, maximum coordination of Federal assistance provided in connection with this title, prompt response to local initiative, and maximum flexibility in programing, consistent with the requirements of law and sound administrative practice; and

(3) encourage city demonstration agencies to (A) enhance neighborhoods by applying a high standard of design, (B) maintain, as appropriate, natural and historic sites and distinctive neighborhood characteristics, and (C) make maximum possible use of new and improved technology and design, including cost reduction techniques.

(c) The preparation of demonstration city programs should include to the maximum extent feasible (1) the performance of analyses that provide explicit and systematic comparisons of the costs and benefits, financial and otherwise, of alternative possible actions or courses of action designed to fulfill urban needs; and (2) the establishment of programing systems designed to assure effective use of such analyses by city demonstration agencies and by other government bodies.

(d) Nothing in this section shall authorize the Secretary to require (or condition the availability or amount of financial assistance authorized to be provided under this title upon) the adoption by any community of a program (1) by which pupils now resident in a school district not within the confines of the area covered by the city demonstration program shall be transferred to a school or school district including all or part of such area, or (2) by which pupils now resident in a school district within the confines of the area covered by the city demonstration program shall be transferred to a school or school district not including a part of such area.

Financial assistance for planning comprehensive city demonstration programs

SEC. 104. (a) The Secretary is authorized to make grants to, and to contract with, city demonstration agencies to pay 80 per centum of the costs of planning and developing comprehensive city demonstration programs.

(b) Financial assistance will be provided under this section only if (1) the application for such assistance has been approved by the local governing body of the city, and (2) the Secretary has determined that there exist (A) administrative machinery through which coordination of all related planning activities of local agencies can be achieved, and (B) evidence that necessary cooperation of agencies engaged in related local planning can be obtained.

Financial assistance for approved comprehensive city demonstration programs

SEC. 105. (a) The Secretary is authorized, to approve comprehensive city demonstration programs if, after review of the plans, he determines that such plans satisfy the criteria for such programs set forth in section 103.

(b) The Secretary is authorized to make grants to, and to contract with, city demonstration agencies to pay 80 per centum of the cost of administering approved comprehensive city demonstration programs, but not the cost of administering any project or activity assisted under a Federal grant-in-aid program.

(c) To assist the city to carry out the projects or activities included within an approved comprehensive city demonstration program, the Secretary is authorized to make grants to the city demonstration agency of not to exceed 80 per centum of the aggregate amount of non-Federal contributions otherwise required to be made to all projects or activities assisted by Federal grant-in-aid programs (as defined in section 112(1)) which are carried out in connection with such demonstration program: *Provided*, That no Federal grant-in-aid program shall be considered to be carried out in connection with such demonstration program unless it is closely related to the physical and social problems in the area of the city covered by the program and unless it can reasonably be expected to have a noticeable effect upon such problems. The specific amount of any such grant shall take into account the number and intensity of the economic and social pressures in the sections or neighborhoods involved, such as those involving or resulting from population density, poverty levels, unemployment rate, public welfare participation, educational levels, health and disease characteristics, crime and delinquency rate, and degree of substandard and dilapidated housing. The amount of non-Federal contribution required for each project in a Federal grant-in-aid program shall be certified to the Secretary by the Federal department or agency (other than the Department of Housing and Urban Development) administering such program, and the Secretary shall accept such certification in computing the grants hereunder.

(d) Grant funds provided pursuant to subsection (c) of this section shall be used for projects or activities assisted under a Federal grant-in-aid program which are undertaken as part of an approved comprehensive city demonstration program, or for other projects or activities undertaken as part of such demonstration program. If used for projects or activities assisted under a Federal grant-in-aid program which are undertaken as part of such demonstration program, funds provided pursuant to subsection (c) shall be credited as part or all of the required non-Federal contribution to such projects or activities. Such grant funds, however, shall not be used—

(1) for the general administration of local governments; or

(2) to replace non-Federal contributions in any federally aided project or activity included in an approved comprehensive city demonstration program, if prior to the filing of an application for assistance under section 104 an agreement has been entered into with any Federal agency obligating such non-Federal contributions with respect to such project or activity.

Technical assistance

SEC. 106. The Secretary is authorized to undertake such activities as he determines to be desirable to provide, either directly or by contracts or other arrangements, technical assistance to city demonstration agencies to assist such agencies in planning, developing, and administering comprehensive city demonstration programs.

Relocation requirements and payments

SEC. 107. (a) A comprehensive city demonstration program shall include a plan for the relocation of individuals, families, business concerns, and nonprofit organizations displaced or to be displaced in the carrying out of such program. The relocation plan shall be consistent with regulations prescribed by the Secretary to assure that (1) the provisions and procedures included in the plan meet relocation standards equivalent to those prescribed under section 105(c) of the Housing Act of 1949 with respect to urban renewal projects assisted under title I of that Act, and (2) relocation activities are coordinated to the maximum extent feasible with the increase in the supply of decent, safe, and sanitary housing for families and individuals of low or moderate income, as provided under the comprehensive city demonstration program, or otherwise, in order to best maintain the available supply of housing for all such families and individuals throughout the city.

(b)(1) To the extent not otherwise authorized under any Federal law, financial assistance extended to a city demonstration agency under section 105 shall include grants to cover the full cost of relocation payments, as herein defined. Such grants shall be in addition to other financial assistance extended to such agency under section 105.

(2) The term "relocation payments" means payments by a city demonstration agency to a displaced individual, family, business concern, or nonprofit organization which are made on such terms and conditions and subject to such limitation (to the extent applicable, but not including the date of displacement) as are provided for relocation payments, at the time such payments are approved, by section 114 (b), (c), (d), and (e) of the Housing Act of 1949 with respect to projects assisted under title I thereof.

(c) Subsection (b) shall not be applicable with respect to any displacement occurring prior to the date of the enactment of this Act.

Continued availability of Federal grant-in-aid program funds

SEC. 108. Notwithstanding any other provision of law, unless hereafter enacted expressly in limitation of the provisions of this section, funds appropriated for a Federal grant-in-aid program which are reserved for any projects or activities assisted under such grant-in-aid program and undertaken in connection with an approved comprehensive city demonstration program shall remain available until expended.

Consultation

SEC. 109. In carrying out the provisions of this title, including the issuance of regulations, the Secretary shall consult with other Federal departments and agencies administering Federal grant-in-aid programs. The Secretary shall consult with each Federal department and agency affected by each comprehensive city demonstration program before entering into a commitment to make grants for such program under section 105.

Labor standards

SEC. 110. (a) All laborers and mechanics employed by contractors or subcontractors in the construction, rehabilitation, alteration, or repair of projects which—

(1) are federally assisted in whole or in part under this title and

(2) are not otherwise subject to section 212 of the National Housing Act, section 16 (2) of the United States Housing Act of 1937, section 109 of the Housing Act of 1949, or any other provision of Federal law imposing labor standards on federally assisted construction, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5): *Provided*, That this section shall apply to the construction, rehabilitation, alteration, or repair of residential property only if such residential property is designed for residential use for eight or more families. No financial assistance shall be extended to any such projects unless adequate assurance is first obtained that these labor standards will be maintained upon the construction work.

(b) The Secretary of Labor shall have, with respect to the labor standards specified in subsection (a), the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z-15), and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c), and the Contract Work Hours Standards Act (76 Stat. 357).

Appropriations

SEC. 111. (a) There are authorized to be appropriated, for the purpose of financial assistance and administrative expenses under sections 104 and 106, not to exceed $12,000,000 for the fiscal year ending June 30, 1967, and not to exceed $12,000,000 for the fiscal year ending June 30, 1968.

(b) There are authorized to be appropriated, for the purpose of financial assistance and administrative expenses under sections 105, 106, and 107, not to exceed $400,000,000 for the fiscal year ending June 30, 1968, and not to exceed $500,000,000 for the fiscal year ending June 30, 1969.

(c) Appropriations authorized under this section shall remain available until expended.

Definitions

SEC. 112. As used in this title—

(1) "Federal grant-in-aid program" means a program of Federal financial assistance other than loans and other than the assistance provided by this title.

(2) "City demonstration agency" means the city, the county, or any local public agency established or designated by the local governing body of such city or county to administer the comprehensive city demonstration program.

(3) "City" means any municipality (or two or more municipalities acting jointly) or any county or other public body (or two or more acting jointly) having general governmental powers.

(4) "Local" agencies include State agencies and instrumentalities providing services or resources to a city or locality, and "local" resources include those provided to a city or locality by a State or its agency or instrumentality.

Grant authority for urban renewal projects which are part of approved comprehensive city demonstration programs

SEC. 113. Section 103(b) of the Housing Act of 1949 is amended by inserting after the first sentence the following new sentence: "In addition to the authority to make grants provided in the first sentence of this subsection, the Secretary may contract to make grants under this title, on or after July 1, 1967, in an amount not to exceed $250,000,000: *Provided*, That the authority to contract to make grants provided by this sentence shall be exercised only with respect to an urban renewal project which is identified and scheduled to be carried out as one of the projects or activities included within an approved comprehensive city demonstration program assisted under the provisions of section 105(c) of the Demonstration Cities and Metropolitan Development Act of 1966."

State limit

SEC. 114. Grants made under section 105 for projects in any one State shall not exceed in the aggregate 15 per centum of the aggregate amount of funds authorized to be appropriated under section 111.

TITLE II—PLANNED METROPOLITAN DEVELOPMENT

Findings and declaration of purpose

SEC. 201. (a) The Congress hereby finds that the welfare of the Nation and of its people is directly dependent upon the sound and orderly development and the effective organization and functioning of the metropolitan areas in which two-thirds of its people live and work.

It further finds that the continuing rapid growth of these areas makes it essential that they prepare, keep current, and carry out comprehensive plans and programs for their orderly physical development with a view to meeting efficiently all their economic and social needs.

It further finds that metropolitan areas are especially handicapped in this task by the complexity and scope of governmental services required in such rapidly growing areas, the multiplicity of political jurisdictions and agencies involved, and the inadequacy of the operational and administrative arrangements available for cooperation among them.

It further finds that present requirements for areawide planning and programing in connection with various Federal programs have materially assisted in the solution of metropolitan problems, but that greater coordination of Federal programs and additional participation and cooperation are needed from the States and localities in perfecting and carrying out such efforts.

(b) It is the purpose of this title to provide, through greater coordination of Federal programs and through supplementary grants for certain federally assisted development projects, additional encouragement and assistance to States and localities for making comprehensive metropolitan planning and programing effective.

Cooperation between Federal agencies

SEC. 202. In order to insure that all Federal programs related to metropolitan development are carried out in a coordinated manner—

(1) the Secretary is authorized to call upon other Federal agencies to supply such statistical data, program reports, and other materials as he deems necessary to discharge his responsibilities for metropolitan development, and to assist the President in coordinating the metropolitan development efforts of all Federal agencies; and

(2) all Federal agencies which are engaged in administering programs related to metropolitan development, or which otherwise perform functions relating thereto, shall, to the maximum extent practicable, consult with and seek advice from all other significantly affected Federal departments and agencies in an effort to assure fully coordinated programs.

Coordination of Federal aids in metropolitan areas

SEC. 203. (a) All applications made after June 30, 1967, for Federal loans or grants to assist in carrying out open-space land projects or for the planning or construction of hospitals, airports, libraries, water supply and distribution facilities, sewerage facilities and waste treatment works, highways, transportation facilities, and water development and land conservation projects within any metropolitan area shall be submitted for review—

(1) to any areawide agency which is designated to perform metropolitan or regional planning for the area within which the assistance is to be used, and which is, to the greatest practicable extent, composed of or responsible to the elected officials of a unit of areawide government or of the units of general local goverment within whose jurisdiction such agency is authorized to engage in such planning, and

(2) if made by a special purpose unit of local government, to the unit or units of general local government with authority to operate in the area within which the project is to be located.

(b)(1) Except as provided in paragraph (2) of this subsection, each application shall be accompanied (A) by the comments and recommendations with respect to the project involved by the areawide agency and governing bodies of the units of general local government to which the application has been submitted for review, and (B) by a statement by the applicant that such comments and recommendations have been considered prior to formal submission of the application. Such comments shall include information concerning the extent to which the project is consistent with comprehensive planning developed or in the process of development for the metropolitan area or the unit of general local government, as the case may be, and the extent to which such project contributes to the fulfillment of such planning. The comments and recommendations and the statement referred to in this paragraph shall, except in the case referred to in paragraph (2) of this subsection, be reviewed by the agency of the Federal Government to which such application is submitted for the sole purpose of assisting it in determining whether the application is in accordance with the provisions of Federal law which govern the making of the loans or grants.

(2) An application for a Federal loan or grant need not be accompanied by the comments and recommendations and the statements referred to in paragraph (1) of this subsection, if the applicant certifies that a plan or description of the project, meeting the requirements of such rules and regulations as may be prescribed under subsection (c), or such application, has lain before an appropriate areawide agency or instrumentality or unit of general local government for a period of sixty days without comments or recommendations thereon being made by such agency or instrumentality.

(3) The requirements of paragraph (1) and (2) shall also apply to any amendment of the application which, in light of the purposes of this title, involves a major change in the project covered by the application prior to such amendment.

(c) The Bureau of the Budget, or such other agency as may be designated by the President, is hereby authorized to prescribe such rules and regulations as are deemed appropriate for the effective administration of this section.

Grants to assist in planned metropolitan development

SEC. 204. (a) The Secretary is authorized to make supplementary grants to applicant State and local public bodies and agencies carrying out, or assisting in carrying out, metropolitan development projects meeting the requirements of this section.

(b) Grants may be made under this section only for metropolitan development projects in metropolitan areas for which it has been demonstrated, to the satisfaction of the Secretary, that—

(1) metropolitanwide comprehensive planning and programing provide an adequate basis for evaluating (A) the location, financing, and scheduling of individual public facility projects (including but not limited to hospitals and libraries; sewer, water, and sewage treatment facilities; highway, mass transit, airport, and other transportation facilities; and recreation and other open-space areas) whether or not federally assisted; and (B) other proposed land development or uses, which projects or uses, because of their size, density, type, or location, have public metropolitanwide or interjurisdictional significance;

(2) adequate metropolitanwide institutional or other arrangements exist for coordinating, on the basis of such metropolitanwide comprehensive planning and programing, local public policies and activities affecting the development of the area; and

(3) public facility projects and other land development or uses which have a major impact on the development of the area are, in fact, being carried out in accord with such metropolitanwide comprehensive planning and programing.

(c)(1) Where the applicant for a grant under this section is a unit of general local government, it must demonstrate to the satisfaction of the Secretary that, taking into consideration the scope of its authority and responsibilities, it is adequately assuring that public facility projects and other land development or uses of public metropolitanwide or interjurisdictional significance are being, and will be, carried out in accord with metropolitan planning and programing meeting the requirements of subsection (b). In making this determination the Secretary shall give special consideration to whether the applicant is effectively assisting in, and conforming to, metropolitan planning and programing through (A) the location and scheduling of public facility projects, whether or not federally assisted; and (B) the establishment and consistent administration of zoning

codes, subdivision regulations, and similar land-use and density controls.

(2) Where the applicant for a grant under this section is not a unit of general local government, both it and the unit of general local government having jurisdiction over the location of the project must meet the requirements of this subsection.

(d) In making the determinations required under this section, the Secretary shall obtain, and give full consideration to, the comments of the body or bodies (State or local) responsible for comprehensive planning and programing for the metropolitan area.

(e) No grant shall be made under this section with respect to a metropolitan development project for which a Federal grant has been made or a contract of assistance has been entered into, under the legislation referred to in paragraph (2) of section 207, prior to February 21, 1966, or more than one year prior to the date on which the Secretary has made the determinations required under this section with respect to the applicant and to the area in which the project is located: *Provided*, That in the case of a project for which a contract of assistance under the legislation referred to in paragraph (2) of section 207 has been entered into after June 30, 1967, no grant shall be made under this section unless an application for such grant has been made on or before the date of such contract.

(f) Nothing in this section shall authorize the Secretary to require (or condition the availability or amount of financial assistance authorized to be provided under this title upon) the adoption by any community of a program to achieve a racial balance or to eliminate racial imbalance within school districts within the metropolitanwide area.

Extent of grant

SEC. 205. (a) A grant under section 204 shall not exceed (1) 20 per centum of the cost of the project for which the grant is made; nor (2) the Federal grant made with respect to the project under the legislation referred to in paragraph (2) of section 207. In no case shall the total Federal contributions to the cost of such project be more than 80 per centum. Notwithstanding any other provision of law, including requirements with respect to non-Federal contributions, grants under section 204 shall be eligible for inclusion (directly or through refunds or credits) as part of the financing for such projects: *Provided*, That projects or activities on the basis of which assistance is provided under section 105(c) shall not be eligible for assistance under section 204.

(b) There are authorized to be appropriated for grants under section 204 not to exceed $25,000,000 for the fiscal year ending June 30, 1967, and not to exceed $50,000,000 for the fiscal year ending June 30, 1968. Appropriations authorized under this section shall remain available until expended.

Consultation and certification

SEC. 206. In carrying out his authority under section 204, including the issuance of regulations, the Secretary shall consult with the Department of the Interior; the Department of Health, Education, and Welfare; the Department of Commerce; and the Federal Aviation Agency with respect to metropolitan development projects assisted by those departments and agencies; and he shall, for the purpose of section 205, accept their respective certifications as to the cost of those projects and the amount of the non-Federal contribution paid or to be paid to that cost.

Definitions

SEC. 207. As used in this title—

(1) "Metropolitan development" means all projects or programs for the acquisition, use, and development of open-space land; and the planning and construction of hospitals, libraries, airports, water supply and distribution facilities, sewerage facilities and waste treatment works, transportaton facilities, highways, water development and land conservation, and other public works facilities.

(2) "Metropolitan development project" means a project assisted or to be assisted under section 702 of the Housing and Urban Development Act of 1965; title II of the Library Services and Construction Act; section 606 of the Public Health Service Act; section 8 of the Federal Water Pollution Control Act; section 120(a) of title 23, United States Code; section 12 of the Federal Airport Act; section 3 of the Urban Mass Transportation Act of 1964; title VII of the Housing Act of 1961; or section 5(e) of the Land and Water Conservation Fund Act of 1965; or under section 101(a)(1) of the Public Works and Economic Development Act of 1965 (for a project of a type which the Secretary determines to be eligible for assistance under any of the other provisions listed above).

(3) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or an agency or instrumentality of any of the foregoing.

(4) "Metropolitan area" means a standard metropolitan statistical area as established by the Bureau of the Budget, subject however to such modifications and extensions as the Secretary may determine to be appropriate for the purposes of this title.

(5) "Comprehensive planning" includes the following, to the extent directly related to area needs or needs of a unit of general local government: (A) Preparation, as a guide for long-range development, of general physical plans with respect to the pattern and intensity of land use and the provision of public facilities, including transportation facilities; (B) programing of capital improvements based on a determination of relative urgency; (C) long-range fiscal plans for implementing such plans and programs; and (D) proposed regulatory and administrative measures which aid in achieving coordination of all related plans of the departments or subdivisions of the governments concerned and intergovernmental coordination of related planned activities among the State and local governmental agencies concerned.

(6) "Hospital" means any public health center or general, tuberculosis, mental, chronic disease, and other type of hospital and related facilities, such as laboratories, outpatient departments, nurses' home and training facilities, and central service facilities normally operated in connection with hospitals, but does not include any hospital furnishing primarily domiciliary care.

(7) "Areawide agency" means an official State or metropolitan or regional agency empowered under State or local laws or under an interstate compact or agreement to perform comprehensive planning in an area; an organization of the type referred to in section 701(g) of the Housing Act of 1954; or such other agency or instrumentality as may be designated by the Governor (or, in the case of metropolitan areas crossing State lines, any one or more of such agencies or instrumentalities as may be designated by the Governors of the States involved) to perform such planning.

(8) "Special purpose unit of local government" means any special district, public-purpose corporation, or other limited-purpose political subdivision of a State, but shall not include a school district.

(9) "Unit of general local government" means any city, county, town, parish, village, or other general-purpose political subdivision of a State.

(10) "Secretary" means the Secretary of Housing and Urban Development.

State limit

SEC. 208. Grants made under section 204 for projects in any one State shall not exceed in the aggregate 15 per centum of the aggregate amount of funds authorized to be appropriated pursuant to section 205(b).

TITLE III—FHA INSURANCE OPERATIONS

FHA mortgage financing for veterans

SEC. 301. The next to last sentence of section 203(b)(2) of the National Housing Act is amended by striking out "If the mortgagor is a veteran who has not received any direct, guaranteed, or insured loan under laws administered by the Veterans' Administration for the purchase, construction, or repair of a dwelling (including a farm dwelling) which was to be owned and occupied by him as his home," and inserting in lieu thereof the following: "If the mortgagor is a veteran,".

Areas affected by civil disorders

SEC. 302. (a) Section 203 of the National Housing Act is amended by adding after subsection (1) (added by section 101 of this Act) a new subsection as follows:

"(m) The Secretary is authorized to insure under this section any mortgage meeting the requirements of this section, other than the requirement in subsection (c) relating to economic soundness, if he determines that (1) the dwelling covered by the mortgage is situated in an area in which rioting or other civil disorders have occurred or are threatened, (2) as a result of such actual or threatened rioting or other disorders the property with respect to which the mortgage is executed cannot meet the normal requirements with respect to economic soundness, and (3) such property is an acceptable risk giving due consideration to the need for providing adequate housing for families of law and moderate income in such area."

Cooperative housing insurance fund

SEC. 303. (a) Section 213(m) of the National Housing Act is amended by striking out ", but only in cases where the consent of the mortgagee or lender to the transfer is obtained or a request by the mortgagee or lender for the transfer is received by the Commissioner within such period of time after the date of the enactment of this subsection as the Commissioner shall prescribe".

(b) Section 213(n) of such Act is amended—

(1) by striking out "insured under this section and sections 207, 231, and 232" and inserting in lieu thereof "the insurance of which is the obligation of either the Management Fund or the General Insurance Fund"; and

(2) by adding at the end thereof the following new sentence: "Premium charges on the insurance of mortgages or loans transferred to the Management Fund or insured pursuant to commitments transferred to the Management Fund may be payable in debentures which are the obligation of either the Management Fund or the General Insurance Fund."

(c)(1) The fourth sentence of section 213(k) of such Act is amended to read as follows: "The Secretary is directed to transfer to the Management Fund from the General Insurance Fund an amount equal to the total of the premium payments theretofore made with respect to the insurance of mortgages and loans transferred to the Management Fund pursuant to subsection (m) minus the total of any administrative expenses theretofore incurred in connection with such mortgages and loans, plus such other amounts as the Secretary determines to be necessary and appropriate."

(2) The second proviso in section 213(l) of such Act is amended by striking out "pursuant to subsection (k) or (o)" and inserting in lieu thereof "pursuant to subsection (o)".

Mortgage limits for cooperative housing

SEC. 304. Section 213(b)(2) of the National Housing Act is amended—

(1) by striking out "$9,000", "$12,500", "$15,000", "$18,500", and "$21,000" in the matter preceding the first proviso and inserting in lieu thereof "$11,500", "$15,000", "$17,500", "$21,000", and "$23,500", respectively; and

(2) by striking out "$10,500", "$15,000", "$18,000", "$22,500" and "$25,500" in the first proviso and inserting in lieu thereof "$13,000", "$17,500", "$20,500", "$25,000", and "$28,000", respectively.

Supplementary financing for cooperative housing

SEC. 305. Section 213(j)(2)(A) of the National Housing Act is amended by adding at the end thereof the following: "except that, in the case of improvements or additional community facilities, the outstanding indebtedness may be increased by an amount equal to 97 per centum of the amount which the Secretary estimates will be the value of such improvements or facilities, and the new outstanding indebtedness may exceed the original principal obligation of the mortgage if such new outstanding indebtedness does not exceed the limitations imposed by subsection (b);".

Exterior land improvements under cooperative housing mortgages

SEC. 306. Section 213(b)(2) of the Housing Act is amended by striking out "as defined by the Commissioner" and inserting in lieu thereof "as defined by the Secretary, and the increase in the value of the land subject to the mortgage by reason of off-site special improvements, as defined by the Secretary, which are for the use and benefit of the occupants of the mortgaged property".

Mortgage limits under section 220 sales housing mortgage insurance program

SEC. 307. (a) Section 220(d)(3)(A)(i) of the National Housing Act is amended by striking out "(3) 75 per centum of such replacement cost in excess of $20,000" and inserting in lieu thereof "(3) 80 per centum of such replacement cost in excess of $20,000".

(b) Section 220(d)(3)(A)(i) of such Act is further amended by adding before the semicolon at the end thereof the following: ": *Provided further*, That if the mortgagor is a veteran and the mortgage to be insured under this section covers property upon which there is located a dwelling designed principally for a one-family residence, the principal obligation may be in an amount equal to the sum of (1) 100 per centum of $15,000 of the Commissioner's estimate of replacement cost of the property, as of the date the mortgage is accepted for insurance, (2) 90 per centum of such replacement cost in excess of $15,000 but not in excess of $20,000, and (3) 85 per centum of such replacement cost in excess of $20,000. As used herein, the term 'veteran' means any person who served on active duty in the Armed Forces of the United States for a period of not less than ninety days (or is certified by the Secretary of Defense as having performed extrahazardous service), and who was discharged or released therefrom under conditions other than dishonorable".

Increased mortgage limitations under section 220(d)(3)(B) for small projects containing larger family dwelling units

SEC. 308. (a) Section 220(d)(3)(B)(iii) of the National Housing Act is amended by inserting after "; and except that" the following: "with respect to rehabilitation projects involving not more than five family units, the Secretary may by regulation increase by 25 per centum any of the foregoing dollar amount limitations contained in this clause which are applicable to units with two, three, or four or more bedrooms: *Provided*, That".

(b) Section 220(d)(3)(B)(iii) of such Act is further amended—

(1) by inserting immediately before "by not to exceed 45 per centum" the following: "(as determined after the application of the preceding proviso)"; and

(2) by striking out "*Provided*, That nothing" and inserting in lieu thereof "*Provided further*, That nothing".

Mortgage limits for homes under section 221(d)(2)

SEC. 309. Section 221(d)(2)(A) of the National Housing Act is amended by striking out "$11,000" and "$18,000" and inserting in lieu thereof "$12,500" and "$20,000", respectively.

Nondwelling facilities in section 221 projects in urban renewal areas

SEC. 310. Section 221(f) of the National Housing Act is amended by inserting before the period at the end of the first sentence the following: ": *Provided*, That in the case of any such property or project located in an urban renewal area, the provisions of section 220(d)(3)(B)(iv) shall apply with respect to the nondwelling facilities which may be included in the mortgage if the mortgagor waives the right to receive dividends on its equity investment in the portion thereof devoted to community and shopping facilities".

Occupants in section 221(d)(3) housing

SEC. 311. (a) Section 221(f) of the National Housing Act is amended by adding at the end thereof the following new sentence: "Low- and moderate-income persons who are less than 62 years of age shall be eligible for occupancy of dwelling units in a project financed with a mortgage insured under subsection (d)(3), but not more than 10 per centum of the dwelling units in any such project shall be available for occupancy by such persons."

(b) Section 221(f) of such Act is further amended by adding at the end thereof (after the sentence added by subsection (a) of this section) the following new sentence: "For purposes of determining eligibility for occupancy of dwelling units in a project financed with a mortgage insured under subsection (d)(3) which receives the benefits of the interest rate provided for in the proviso in subsection (d)(5), a family or person with an annual income of more than $10,000 shall in no case be considered to be a family or person of low or moderate income."

Insurance of mortgages under section 221 to finance purchase and rehabilitation by nonprofit organizations of housing for resale to low-income purchasers.

SEC. 312. (a) Section 221 of the National Housing Act is amended by adding at the end thereof the following new subsection:

"(h)(1) In addition to mortgages insured under the other provisions of this section, the Secretary is authorized, upon application by the mortgagee, to insure under this subsection as hereinafter provided any mortgage (including advances under such mortgage during rehabilitation) which is executed by a nonprofit organization to finance the purchase and rehabilitation of deteriorating or substandard housing for subsequent resale to low-income home purchasers and, upon such terms and conditions as the Secretary may prescribe, to make commitments for the insurance of such mortgages prior to the date of their execution or disbursement thereon.

"(2) To be eligible for insurance under paragraph (1) of this subsection, a mortgage shall—

"(A) be executed by a private nonprofit corporation or association approved for purposes of this subsection by the Secretary, for the purpose of financing the purchase of property (comprising one or more tracts or parcels, whether or not contiguous) upon which there is located deteriorating or substandard housing consisting of five or more single-family dwellings of detached, semidetached, or row construction and of rehabilitating such dwellings with a view to subsequent resale as hereinafter provided;

"(B) be secured by the property which is to be purchased and rehabilitated with the proceeds thereof;

"(C) be in a principal amount not exceeding the appraised value of the property at the time of its purchase under the mortgage plus the estimated cost of the rehabilitation;

"(D) bear interest (exclusive of premium charges for insurance and service charge, if any) at the rate in effect under the proviso in subsection (d)(5) at the time of execution;

"(E) provide for complete amortization (subject to paragraph (5)(E)) by periodic payments within such term as the Secretary may prescribe; and

"(F) provide for the release of individual single-family dwellings from the lien of the mortgage upon the sale of the rehabilitated dwellings in accordance with paragraph (5).

"(3) No mortgage shall be insured under paragraph (1) unless the mortgagor shall have demonstrated to the satisfaction of the Secretary that (A) the property to be rehabilitated is located in a neighborhood which is sufficiently stable and contains sufficient public facilities and amenities to support long-term values, or (B) the rehabilitation to be carried out by the mortgagor plus its related activities and the activities of other owners of housing in the neighborhood, together with actions to be taken by public authorities, will be of such scope and quality as to give reasonable promise that a stable environment will be created in the neighborhood.

"(4) The aggregate principal balance of all mortgages insured under paragraph (1) and outstanding at any one time shall not exceed $20,000,000.

"(5)(A) No mortgage shall be insured under paragraph (1) unless the mortgagor enters into an agreement (in form and substance satisfactory to the Secretary) that it will offer to sell the dwellings involved, upon completion of their rehabilitation, to individuals or families (hereinafter referred to as 'low-income purchasers') determined by the Secretary to have incomes below the maximum amount specified (with respect to the area involved) in section 101(c)(1) of the Housing and Urban Development Act of 1965.

"(B) The Secretary is authorized to insure under this paragraph mortgages executed to finance the sale of individual dwellings to low-income purchasers as provided in subparagraph (A). Any such mortgage shall—

"(i) be in a principal amount equal to that portion of the unpaid balance of the principal mortgage covering the property (insured under paragraph (1)) which is allocable to the individual dwelling involved; and

"(ii) bear interest at the same rate as the principal mortgage, and provide for complete amortization by periodic payments within a term equal to the remaining term (determined without regard to subparagraph (E)) of such principal mortgage.

"(C) The price for which any individual dwelling is sold to a low-income purchaser under this paragraph shall be the amount of the mortgage covering the sale as determined under subparagraph (B), except that the purchaser shall in addition thereto be required to pay on account of the property at the time of purchase such amount (which shall not be less than $200, but which may be applied in whole or in part toward closing costs) as the Secretary may determine to be reasonable and appropriate in the circumstances.

"(D) Upon the sale under this paragraph of any individual dwelling, such dwelling shall be released from the lien of the principal mortgage, and such mortgage shall thereupon be replaced by an individual mortgage insured under this paragraph to the extent of the portion of its unpaid balance which is allocable to the dwelling covered by such individual mortgage. Until all of the individual dwellings in the property covered by the principal mortgage have been sold, the mortgagor shall hold and operate the dwellings remaining unsold at any given time as though they constituted rental units in a project covered by a mortgage which is insured under subsection (d)(3) (and which receives the benefits of the interest rate provided for in the proviso in subsection (d)(5)).

"(E) Upon the sale under this paragraph of all of the individual dwellings in the property covered by the principal mortgage, and the release of all individual dwellings from the lien of the principal mortgage, the insurance of the principal mortgage shall be terminated and no adjusted premium charge shall be charged by the Secretary upon such termination.

"(F) Any mortgage insured under this paragraph shall contain a provision that if the low-income mortgagor does not continue to occupy the property the interest rate shall increase to the highest rate permissible under this section and the regulations of the Secretary effective at the time of commitment for insurance of the principal mortgage; except that the increase in interest rate shall not be applicable if the property is sold and the purchaser is (i) the nonprofit organization which executed the principal mortgage, (ii) a public housing agency having jurisdiction under the United States Housing Act of 1937 over the area where the dwelling is located, or (iii) a low-income purchaser approved for the purposes of this paragraph by the Secretary."

(b)(1) Section 221(g)(1) of such Act is amended by inserting after "paragraph (2) of subsection (d) of this section" the following: "or paragraph (5) of subsection (h) of this section".

(2) Section 221(g)(2) of such Act is amended by inserting after "paragraph (3) or (4) of subsection (d) of this section" the following: "or paragraph (1) of subsection (h) of this section".

(c) Section 221(f) of such Act is amended by inserting after "Housing Act of 1961," in the fourth sentence "or which meet the requirements of subsection (h),".

(d) Section 305(h) of such Act is amended by striking out "section 221(d)(3)" and inserting in lieu thereof "sections 221(d)(3) and 221(h)".

Application of Davis-Bacon Act to cooperative housing projects insured under section 221 (d)(3) and (d)(4) and mortgages insured under section 221(h)(1)

SEC. 313. The third sentence of section 212(a) of the National Housing Act is amended by striking out "subsection (d)(3) or (d)(4)." and inserting in lieu thereof "subsection (d)(3) or (d)(4) and (deeming the term 'construction' as used in the first sentence of this subsection to mean rehabilitation) of any mortgage described in subsection (h)(1) which covers property on which there is located a dwelling or dwellings designed principally for residential use for more than eight families; except that compliance with such provisions may be waived by the Secretary—

"(1) with respect to mortgages described in such subsection (d)(3) or (d)(4), in cases or classes of cases where laborers or mechanics (not otherwise employed at any time in the construction of the project) voluntarily donate their services without compensation for the purpose of lowering their housing costs in a cooperative housing project and the Secretary determines that any amounts saved thereby are fully credited to the cooperative undertaking the construction, and

"(2) with respect to mortgages described in such subsection (h)(1), in cases or classes of cases where prospective owners of such dwellings voluntarily donate their services without compensation, or other persons (not otherwise employed at any time in the rehabilitation of the property) voluntarily donate their services without compensation, and the Secretary determines that any amounts saved thereby are fully credited to the nonprofit organization undertaking the rehabilitation."

Waiver of deduction on assignment of property to Secretary in lieu of foreclosure

SEC. 314. Title V of the National Housing Act is amended by adding at the end thereof the following new section:

"Waiver of deduction on assignment of property to Secretary in lieu of foreclosure

"SEC. 523. Notwithstanding any other provision of this Act, from and after the date of the enactment of the Housing and Urban Development Act of 1966, the Secretary, under such terms and conditions as he may approve, may waive all or a part of the 1 per centum deduction otherwise made from insurance benefits with respect to multifamily housing or land development mortgages assigned to him, where the assignment is made at his request in lieu of foreclosure of the mortgage."

Armed services housing mortgage insurance program

SEC. 315. (a) Section 803(a) of the National Housing Act is amended—

(1) by striking out "$2,300,000,000" and inserting in lieu thereof "$3,350,000,000";

(2) by striking out "October 1, 1962" and inserting in lieu thereof "October 1, 1969"; and

(3) by striking out "twenty-eight thousand" and inserting in lieu thereof "eighty-eight thousand".

(b) Section 803(b) of such Act is amended—

(1) by striking out "$16,500" each place it appears in paragraph (3)(B) and inserting in lieu thereof "$17,500"; and

(2) by striking out "4½ per centum" in the sentence following paragraph (3)(C) and inserting in lieu thereof "5½ per centum".

Increase in units insurable under section 810 program

SEC. 316. (a) Section 810(i) of the National Housing Act is amended by striking out "five thousand dwelling units" and inserting in lieu thereof "ten thousand dwelling units".

(b)(1) The first sentence of section 810(e) of such Act is amended by inserting before the period at the end thereof "or other mortgagor approved by the Commissioner".

(2) The third sentence of section 810(e) of such Act is amended by inserting after "or trust" the following "or other mortgagor".

TITLE IV—LAND DEVELOPMENT AND NEW COMMUNITIES

Mortgage insurance for new communities

SEC. 401. Title X of the National Housing Act is amended by inserting after section 1003 the following new section 1004 and redesignating the remaining sections accordingly:

"New communities

"SEC. 1004. (a) New communities consisting of developments, satisfying all other requirements under this title, may be approved under this section by the Secretary for mortgage insurance if they meet the requirements of subsection (b) of this section.

"(b) A development shall be eligible for approval as a new community if the Secretary determines it will, in view of its size and scope, make a substantial contribution to the sound and economic growth of the area within which it is located in the form of—

"(1) substantial economies, made possible through large-scale development, in the provision of improved residential sites;

"(2) adequate housing to be provided for those who would be employed in the community or the surrounding area;

"(3) maximum accessibility from the new residential sites to industrial or other employment centers and commercial, recreational, and cultural facilities in or near the community; and

"(4) maximum accessibility to any major central city in the area".

Mortgage amount and term

SEC. 402 (a) Section 1002(c) of the National Housing Act is amended by striking out "$10,000,000" and inserting in lieu thereof "$25,000,000".

(b) Section 1002(d)(1) of such Act is amended to read as follows:

"(1) contain repayment provisions satisfactory to the Secretary and have a maturity not to exceed seven years, or such longer maturity as the Secretary deems reasonable (A) in the case of a privately owned system for water or sewerage, and (B) in the case of a new community approved under section 1004;".

Encouragement of small builders

SEC. 403. The section of the National Housing Act redesignated as section 1005 by section 401 of this Act is amended by inserting "particularly small builders," after "broad participation by builders,".

Water and sewerage facilities

SEC. 404. The section of the National Housing Act redesignated as section 1006 by section 401 of this Act is amended to read as follows:

"Water and sewerage facilities

"SEC. 1006. After development of the land it shall be served by public systems for water and sewerage which are consistent with other existing or prospective systems within the area, except that—

"(a) in the case of systems for water, the land may be served by privately or cooperatively owned systems which are consistent with other existing or prospective systems within the area; are approved as adequate by the Secretary; and are regulated or supervised by the State or political subdivision or an agency thereof, or (in the absence of such State or local regulation or supervision) are otherwise regulated in a manner acceptable to the Secretary, with respect to user rates and charges, capital structure, methods of operation, rate of return, and conditions and terms of any sale or transfer; and

"(b) in the case of systems of sewerage, the land may be served by—

"(1) existing privately or cooperatively owned systems (including reasonable extensions thereto) which are approved as adequate by the Secretary, and which are regulated or supervised by the State or political subdivision or an agency thereof, or (in the absence of such State or local regulation or supervision) are otherwise regulated in a manner acceptable to the Secretary; or

"(2) if it is necessary to develop a new system and the Secretary determines that public ownership of such a system is not feasible, an adequate privately or cooperatively owned new system (A) which he finds consistent with other existing or prospective systems within the area, (B) which during the period of such ownership will be regulated or supervised by the State or political subdivision or an agency thereof, or (in the absence of such State or local regulation or supervision) will be otherwise regulated in a manner acceptable to the Secretary, with respect to user rates and charges, capital structure, methods of operation, and

rate of return, and (C) regarding which he receives assurances, satisfactory to him, with respect to eventual public ownership and operation of the system and with respect to the conditions and terms of any sale or transfer."

Federal National Mortgage Association special assistance for new communities

SEC. 405. Section 302(b) of the National Housing Act is amended by inserting after "or title VIII," in the proviso the following: "or under title X with respect to a new community approved under section 1004 thereof,".

Urban planning grants

SEC. 406. Section 701(a)(4) of the Housing Act of 1954 is amended by inserting before the semicolon at the end thereof the following: ", or for areas where rapid urbanization is expected to result on land developed or to be developed as a new community approved under section 1004 of the National Housing Act".

Public facility loans

SEC. 407. Section 202(b)(4) of the Housing Amendments of 1955 is amended by adding before the period at the end of the second sentence the following: ", or (iii) to be provided in connection with the establishment of a new community approved under section 1004 of the National Housing Act".

TITLE V—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES

Purpose

SEC. 501. It is the purpose of this title to assure the availability of credit on reasonable terms to units or organizations engaged in the group practice of medicine, optometry, or dentistry, particularly those in smaller communities, to assist in financing the construction and equipment of group practice facilities.

Establishment of program

SEC. 502. (a) The National Housing Act is amended by adding at the end thereof the following new title:

"TITLE XI—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES

"Insurance of mortgages

"SEC. 1101. (a) The Secretary is authorized (1) to insure mortgages (including advances on such mortgages during construction), upon such terms and conditions as he may prescribe, in accordance with the provisions of this title, and (2) to make commitments for the insuring of such mortgages prior to the date of their execution or disbursement thereon. No mortgage shall be insured under this title after October 1, 1969, except pursuant to a commitment to insure issued before that date.

"(b) To be eligible for insurance under this title, the mortgage shall (1) be executed by a mortgagor that is a group practice unit or organization, approved by the Secretary, (2) be made to and held by a mortgagee approved by the Secretary as responsible and able to service the mortgage properly, and (3) cover a property or project which is approved for mortgage insurance prior to the beginning of construction or rehabilitation and is designed for use as a group practice facility which the Secretary finds will be constructed in an economical manner, will not be of elaborate or extravagant design or materials, and will be adequate and suitable for carrying out the purposes of this title. No mortgage shall be insured under this title unless it is shown to the satisfaction of the Secretary that the applicant would be unable to obtain the mortgage loan without such insurance on terms comparable to those specified in subsection (c).

"(c) The mortgage shall—

"(1) not exceed $5,000,000;

"(2) not exceed 90 per centum of the amount which the Secretary estimates will be the value of the property or project when construction or rehabilitation is completed. The value of the property may include the land the proposed physical improvements, equipment, utilities within the boundaries of the property, architects' fees, taxes, and interest accruing during construction or rehabilitation, and other miscellaneous charges incident to construction or rehabilitation and approved by the Secretary;

"(3) have a maturity satisfactory to the Secretary but not to exceed twenty-five years, and provide for complete amortization of the principal obligation by periodic payments within such term as the Secretary shall prescribe; and

"(4) bear interest (exclusive of premium charges for insurance, and service charges if any) at a rate of not to exceed 5 per centum per annum of the amount of the principal obligation outstanding at any time, or not to exceed such rate (not in excess of 6 per centum per annum) as the Secretary finds necessary to meet the mortgage market.

"(d)) Any contract of insurance executed by the Secretary under this title shall be conclusive evidence of the eligibility of the mortgage for insurance, and the validity of any contract for insurance so executed shall be incontestable in the hands of an approved mortgage from the date of the execution of such contract, except for fraud or misrepresentation on the part of such approved mortgagee.

"(e) Each mortgage insured under this title shall contain an undertaking (in accordance with regulations prescribed under this title and in force at the time the mortgage is approved for insurance) to the effect that, except as authorized by the Secretary and the mortgagee, the property will be used as a group practice facility until the mortgage has been paid in full or the contract of insurance otherwise terminated.

"(f) No mortgage shall be insured under this title unless the mortgagor and the mortgagee certify (1) that they will keep such records relating to the mortgage transaction and indebtedness, to the construction of the facility covered by the mortgage, and to the use of such facility as a group practice facility as are prescribed by the Secretary at the time of such certification, (2) that they will make such reports as may from time to time be required by the Secretary pertaining to such matters, and (3) that the Secretary shall have access to and the right to examine and audit such records.

"Premiums

"SEC. 1102. The Secretary shall fix premium charges for the insurance of mortgages under this title, but such charges shall not be more than 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any time, without taking into account delinquent payments or prepayments. In addition to the premium charge, the Secretary is authorized to charge and collect such amounts as he may deem reasonable for the analysis of a proposed project and the appraisal and inspection of the property and improvements. Where the principal obligation of any mortgage accepted for insurance under this title is paid in full prior to the maturity date, the Secretary is authorized to require the payment by the mortgagee of an adjusted premium charge. This charge shall be in such amount as the Secretary determines to be equitable, but not in excess of the aggregate amount of the premium charges that the mortgagee would otherwise have been required to pay if the mortgage had continued to be insured until the maturity date. Where such prepayment occurs, the Secretary is authorized to refund to the mortgagee for the account of the mortgagor all, or such portion as he shall determine to be equitable, of the current unearned premium charges theretofore paid. Premium charges fixed under this section shall be payable by the mortgagee either in cash, or in debentures which are the obligation of the General Insurance Fund at par plus accrued interest, at such times and in such manner as may be prescribed by the Secretary.

"Payment of insurance benefits

"SEC. 1103. The mortgagee shall be entitled to receive the benefits of the insurance under this title in the manner provided in subsection (g) of section 207 with respect to mortgages insured under that section. For such purpose the provisions of subsections (g), (h), (i), (j), (k), (l), and (n) of section 207 shall apply to mortgages insured under this title and all references in such subsections to section 207 shall be deemed to refer to this title.

"Regulations

"SEC. 1104. The Secretary shall prescribe such regulations as may be necessary to carry out this title, after consulting with the Secretary of Health, Education, and Welfare with respect to any health or medical aspects of the program under this title which may be involved in such regulations.

"Administration

"SEC. 1105. (a) At the request of individuals or organizations operating or contemplating the operation of group practice facilities (as defined in section 1106(1)), the Secretary may provide or obtain technical assistance in the planning for any construction of such facilities.

"(b) With a view to avoiding unnecessary duplication of existing staffs and facilities of the Federal Government, the Secretary is authorized to utilize available services and facilities of any agency of the Federal Government in carrying out the provisions of this title, and to pay for such services and facilities, either in advance or by way of reimbursement, in accordance with an agreement between the Secretary and the head of such agency.

"Definitions

"SEC. 1106. For the purposes of this title—

"(1) The term 'group practice facility' means a facility in a State for the provision of preventive, diagnostic, and treatment services to ambulatory patients (in which patient care is under the professional supervision of persons licensed to practice medicine or surgery in the State or, in the case of optometric care or treatment, is under the professional supervision of persons licensed to practice optometry in the States, or, in the case of dental diagnosis or treatment, is under the professional supervision of persons licensed to practice dentistry in the State) and which is primarily for the provision of such health services by a medical or dental group.

"(2) The term 'medical or dental group' means a partnership or other association or group of persons licensed to practice medicine or surgery in the State, or of persons licensed to practice optometry in the State, or of persons licensed to practice dentistry in the State, or of any combination of such persons, who, as their principal professional activity and as a group responsibility, engage or undertake to engage in the coordinated practice of their profession primarily in one or more group practice facilities, and who (in this connection) share common overhead expenses (if and to the extent such expenses are paid by members of the group), medical and other records, and substantial portions of the equipment and the professional, technical, and administrative staffs, and which partnership or association or group is composed of at least such professional personnel and makes available at least such health services as may be provided in regulations prescribed under this title.

"(3) The term 'group practice unit or organization' means—

"(A) a private nonprofit agency or organization undertaking to provide, directly or

through arrangements with a medical or dental group, comprehensive medical care, optometric care, or dental care, or any combination thereof, which may include hospitalization, to members or subscribers primarily on a group practice prepayments basis;

"(B) a private nonprofit agency or organization established for the purpose of improving the availability of medical, optometric, or dental care in the community or having some function or functions related to the provision of such care, which will, through lease or other arrangement, make the group practice facility with respect to which assistance has been requested under this title available to a medical or dental group for use by it; or

"(C) a medical or dental group.

"(4) The term 'nonprofit organization' means a corporation, association, foundation, trust, or other organization no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual except, in the case of an organization the purposes of which include the provision of personal health services to its members or subscribers or their dependents under a plan of such organization for the provision of such services to them (which plan may include the provision of other services or insurance benefits to them), through the provision of such health services (or such other services or insurance benefits) to such members or subscribers or dependents under such plan.

"(5) The term 'State' includes the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the District of Columbia.

"(6) The term 'mortgage' means a first mortgage on real estate in fee simple, or on the interest of either the lessor or lessee thereof (A) under a lease for not less than ninety-nine years which is renewable, or (B) under a lease having a period of not less than fifty years to run from the date the mortgage was executed. The term 'first mortgage' means such classes of first liens as are commonly given to secure advances (including but not limited to advances during construction) on, or the unpaid purchase price of, real estate under the laws of the State in which the real estate is located, together with the credit instrument or instruments, if any, secured thereby, and any mortgage may be in the form of one or more trust mortgages or mortgage indentures or deeds of trust, securing notes, bonds, or other credit instruments, and, by the same instrument or by a separate instrument, may create a security interest in initial equipment, whether or not attached to the realty.

"(7) The term 'mortgagee' means the original lender under a mortgage, and his or its successors and assigns, and includes the holders of credit instruments issued under a trust mortgage or deed of trust pursuant to which such holders act by and through a trustee named therein.

"(8) The term 'mortgagor' means the original borrower under a mortgage and his or its successors and assigns."

(b) The first sentence of section 227 of such Act is amended by inserting after "new or rehabilitated multifamily housing" the following: "or a property or project described in title XI".

Labor standards

SEC. 503. Section 212(a) of the National Housing Act is amended by adding at the end thereof the following new sentence: "The provisions of this section shall also apply to the insurance of any mortgage under title XI; and each laborer or mechanic employed on any facility covered by a mortgage insured under such title shall receive compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in any workweek in excess of eight hours in any workday or forty hours in the workweek, as the case may be."

Amendments to other Federal laws

SEC. 504. (a)(1) The sixth sentence of paragraph "'Seventh" of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), is amended by inserting after "Federal Home Loan Banks," the following: "or obligations which are insured by the Secretary of Housing and Urban Development under title XI of the National Housing Act."

(2) The third sentence of the first paragraph of section 24 of the Federal Reserve Act, as amended (12 U.S.C. 371), is amended by inserting after "or sections 1471–1484 of title 42," the following: "or which are insured by the Secretary of Housing and Urban Development pursuant to title XI of the National Housing Act,".

(b) Subsection (a) of section 304 of the Trust Indenture Act of 1939 (15 U.S.C. 77ddd) is amended by striking out the word "or" at the end of paragraph (8); by striking out the period at the end of paragraph (9) and inserting in lieu thereof a semicolon and the word "or"; and by adding after paragraph (9) a new paragraph as follows:

"(10) any security issued under a mortgage or trust deed indenture as to which a contract of insurance under title XI of the National Housing Act is in effect; and any such security shall be deemed to be exempt from the provisions of the Securities Act of 1933 to the same extent as though such security were specifically enumerated in section 3(a)(2), as amended, of the Securities Act of 1933 (15 U.S.C. 77c(a)(2))."

(c) Section 263 of chapter X of the Bankruptcy Act (11 U.S.C. 663) is amended by adding at the end thereof the following: "Nothing contained in this chapter shall be deemed to affect or apply to the creditors of any corporation under a mortgage insured pursuant to title XI of the National Housing Act."

TITLE VI—PRESERVATION OF HISTORIC STRUCTURES

Preservation of historic structures as part of urban renewal projects

SEC. 601. (a) Section 110(b) of the Housing Act of 1949 is amended by inserting "historic and architectural preservation," after "land acquisition,".

(b) Section 110(c)(6) of such Act is amended by inserting "to promote historic and architectural preservation," after "deterioration,".

(c) Section 110(c) of such Act is further amended by striking out "and" at the end of clause (8), and by striking out clause (9) and inserting in lieu thereof the following:

"(9) relocation within or outside the project area of structures which will be restored and maintained for architectural or historic purposes; and

"(10) restoration of acquired properties of historic or architectural value."

Local grant-in-aid credit for relocation and restoration of historic structures

SEC. 602. Clause (2) of section 110(d) of the Housing Act of 1949 is amended by striking out "clause (2) and clause (3)" and inserting in lieu thereof "clauses (2), (3), (9), and (10)".

Grants to National Trust for Historic Preservation to cover restoration costs

SEC. 603. (a) The Secretary of Housing and Urban Development is authorized to make grants to the National Trust for Historic Preservation, on such terms and conditions and in such amounts (not exceeding $90,000 with respect to any one structure) as he deems appropriate, to cover the costs incurred by such Trust in renovating or restoring structures which it considers to be of historic or architectural value and which it has accepted and will maintain (after such renovation or restoration) for historic purposes.

(b) There are authorized to be appropriated such sums as may be necessary for the grants to be made under subsection (a).

Urban planning grants for surveys of historic structures

SEC. 604. Section 701 of the Housing Act of 1954 is amended by adding at the end thereof the following new subsection:

"(h) In addition to the other grants authorized by this section, the Secretary is authorized to make grants to assist any city, other municipality, or county in making a survey of the structures and sites in such locality which are determined by its appropriate authorities to be of historic or architectural value. Any such survey shall be designed to identify the historic structures and sites in the locality, determine the cost of their rehabilitation or restoration, and provide such other information as may be necessary or appropriate to serve as a foundation for a balanced and effective program of historic preservation in such locality. The aspects of any such survey which relate to the identification of historic and architectural values shall be conducted in accordance with criteria found by the Secretary to be comparable to those used in establishing the National Register maintained by the Secretary of the Interior under other provisions of law; and the results of each such survey shall be made available to the Secretary of the Interior. A grant under this subsection shall not exceed two-thirds of the cost of the survey for which it is made, and shall be made to the appropriate agency or entity specified in paragraphs (1) through (9) of subsection (a) or, if there is no such agency or entity which is qualified and willing to receive the grant and provide for its utilization in accordance with this subsection, directly to the city, other municipality, or county involved."

Loans for acquisition and rehabilitation of historic structures

SEC. 605. (a) Section 312(a) of the Housing Act of 1964 is amended by inserting "(1)" after "(a)", by striking out the second sentence, and by adding at the end thereof the following new paragraphs:

"(2) To assist in the preservation of historic structures both within and outside of urban renewal areas, the Secretary is also authorized under this section to make loans to the owners or tenants of structures which are determined in accordance with regulations prescribed by him to be of historic or architectural value to finance the rehabilitation or restoration of such structures, and to make loans to other persons to finance the acquisition and rehabilitation or restoration by them of structures which are determined in accordance with such regulations to be of historic or architectural value.

"(3) No loan shall be made under this section unless the Secretary finds (A) that the applicant is unable to secure the necessary funds from other sources upon comparable terms and conditions, and (B) the loan is an acceptable risk, taking into consideration the security available for the loan, the ability of the applicant to repay the loan, and the need for the rehabilitation or restoration involved.

"(4) Nothing in this section shall prevent a person from receiving a loan under this section with respect to property in connection with which he receives a grant under section 115 of the Housing Act of 1949, if and to the extent that such person is otherwise eligible to receive such loan under this section."

(b)(1) The heading of section 312 of such Act is amended to read as follows:

"Loans for rehabilitation or historic preservation"

(2) Section 312(b)(1) of such Act is amended by striking out "or the urban renewal plan" and inserting in lieu thereof ", or the urban renewal plan if any,".

(3) Section 312(b)(3) of such Act is amended by striking out "rehabilitation loan" and inserting in lieu thereof "loan".

(4) So much of section 312(c) of such Act as precedes paragraph (1) thereof as amended by striking out "rehabilitation loan" and inserting in lieu thereof "loan".

(5) Section 312(c)(4) of such Act is amended by striking out "the cost of rehabilitation" in subparagraphs (A) and (B) and inserting in lieu thereof in each instance "the cost of the rehabilitation, restoration, or acquisition and restoration".

Grants for historic preservation

SEC. 606. (a) The heading of title VII of the Housing Act of 1961 is amended to read as follows:

"TITLE VII—OPEN-SPACE LAND, URBAN BEAUTIFICATION, AND HISTORIC PRESERVATION"

(b) Section 701 of such Act is amended by redesignating subsection (c) as subsection (d), and by inserting after subsection (b) a new subsection as follows:

"(c) The Congress further finds that there is a need for timely action to preserve and restore areas, sites, and structures of historic or architectural value in order that these remaining evidences of our past history and heritage shall not be lost or destroyed through the expansion and development of the Nation's urban areas."

(c) Section 701(d) of such Act (as redesignated by subsection (b) of this section) is amended—

(1) by inserting after "urban development," the following: "to assist in preserving areas and properties of historic or architectural value,"; and

(2) by striking out "and (2)" and inserting in lieu thereof "(2) acquire, improve, and restore areas, sites, and structures of historic or architectural value, and (3)".

(d) Section 702(e) of such Act is amended to read as follows:

"(e) The Secretary shall consult with the Secretary of the Interior on the general policies to be followed in reviewing applications for grants under this title. To assist the Secretary in such review, the Secretary of the Interior shall furnish him (1) appropriate information on the status of national and statewide recreation and historic preservation planning as it affects the areas to be assisted with such grants, and (2) the current listing of any districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture which may be contained on a National Register maintained by the Secretary of the Interior pursuant to other provisions of law. The Secretary shall provide current information to the Secretary of the Interior from time to time on significant program developments."

(e) Section 706 of such Act is amended by striking out the proviso.

(f) Section 708 of such Act is amended by inserting "(a)" after "SEC. 708.", by inserting "(b)" before "The" in the second paragraph, and by adding at the end thereof a new subsection as follows:

"(c) Notwithstanding any other provision of this title, the Secretary may use not to exceed $10,000,000 of the sum authorized for contracts under this title for the purpose of entering into contracts to make grants in amounts not to exceed 90 per centum of the cost of activities which he determines have special value in developing and demonstrating new and improved methods and materials for use in carrying out the purposes of this title."

(g) Title VII of such Act is amended by redesignating section 709 as section 710, and by adding after section 708 a new section as follows:

"Grants for historic preservation

"SEC. 709. The Secretary is authorized to enter into contracts to make grants to States and local public bodies to assist in the acquisition of title to or other permanent interests in areas, sites, and structures of historic or architectural value in urban areas, and in their restoration and improvement for public use and benefit, in accordance with the comprehensively planned development of the locality. The amount of any such grant shall not exceed 50 per centum of the total cost, as approved by the Secretary, of the assisted activities. The remainder of such cost shall be provided from non-Federal sources."

(h) Commencing three years after the date of the enactment of this Act, no grant shall be made (except pursuant to a contract or commitment entered into less than three years after such date) under section 709 of the Housing Act of 1961 or section 701(h) of the Housing Act of 1954, or under section 103 of the Housing Act of 1949 to the extent that it is to be used for historic or architectural preservation, except with respect to districts, sites, buildings, structures, and objects which the Secretary of Housing and Urban Development finds meet criteria comparable to those used in establishing the National Register maintained by the Secretary of the Interior pursuant to other provisions of law.

TITLE VII—URBAN RENEWAL

Local grants-in-aid

SEC. 701. Section 110(d) of the Housing Act of the 1949 is amended by inserting immediately after the colon at the end of the first proviso the following: *"Provided further,* That any publicly owned facility, the construction of which was begun not earlier than three years prior to the date of enactment of the Demonstration Cities and Metropolitan Development Act of 1966, shall be deemed to benefit an urban renewal project or projects to the extent of 25 per centum of the total benefits of such facility, if such facility (A) is used, or is to be used, by the public predominantly for cultural, exhibition, civic, or municipal purposes; (B) is located within, adjacent to, or in the immediate vicinity of such urban renewal project or projects; (C) is found to contribute materially to the objectives of the urban renewal plan or plans for such project or projects; and (D) is not otherwise eligible as a local grant-in-aid:".

Air rights sites in urban renewal projects

SEC. 702. (a) Section 110(c)(1) of the Housing Act of 1949 is amended by inserting in clause (iv), between the word "income" and the colon immediately preceding the first proviso, the following: "or, if the area is found by the local public agency to be unsuitable for use for low or moderate income housing, for use for industrial development".

(b) Section 110(c)(7) of such Act is amended by inserting immediately before the semicolon the following: ", or construction of foundations and platforms necessary for the provision of air rights sites for industrial development".

Application of Davis-Bacon Act to multifamily housing construction in urban renewal areas

SEC. 703. Section 105 of the Housing Act of 1949 is amended by adding at the end thereof the following new subsection:

"(f) All laborers and mechanics employed by contractors or subcontractors in the construction of any multifamily housing (as defined for purposes of this subsection by the Secretary of Housing and Urban Development or his designee) which may be involved in the redevelopment of the urban renewal area, and which is not subject to the provisions of section 212 of the National Housing Act or to other provisions of Federal law imposing similar standards, will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). No contract for loan or capital grant shall be entered into under this title with respect to an urban renewal area whose redevelopment will involve the construction of such housing without first obtaining adequate assurance that the labor standards imposed by the preceding sentence (or, in the case of housing which is subject to the provisions of section 212 of the National Housing Act or to other provisions of Federal law imposing similar standards, the labor standards imposed by such provisions) will be maintained upon the construction work. The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z-15), and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c)."

Additional requirements for redevelopment of urban renewal area

SEC. 704. (a) Section 105 of the Housing Act of 1949 is amended by adding at the end thereof (after the new subsection added by section 703 of this Act) the following new subsection:

"(g) The redevelopment of the urban renewal area unless such redevelopment is for predominantly nonresidential uses, will provide a substantial number of units of standard housing of low and moderate cost and result in marked progress in serving the poor and disadvantaged people living in slum and blighted areas."

(b) The amendment made by subsection (a) shall apply only in the case of contracts for loans or capital grants which are made with respect to urban renewal projects undertaken pursuant to urban renewal plans approved after the date of the enactment of this Act.

Three-fourths grants for projects in certain redevelopment areas

SEC. 705. Section 103(a)(2)(B) of the Housing Act of 1949 is amended by inserting after "to avoid hardship," the following: "or at any time after such contract or contracts are entered into and prior to the time the final grant payment has been made pursuant thereto,".

Expenditures by educational institutions and hospitals

SEC. 706. Section 112(a) of the Housing Act of 1949 is amended by inserting before the period at the end thereof the following: ": *Provided further,* That no such expenditure shall be deemed ineligible as a local grant-in-aid connection with an urban renewal project, to the extent that the expenditure is otherwise eligible, if the facilities, land, buildings, or structures with respect to which the expenditure is made are located within one mile of the project (or within such greater distance from the project as the Secretary may specify in the case of an expenditure and project which the Secretary determines meet the objectives of this section but cannot be encompassed within the one-mile limitations)".

Requirement of separate sewer systems in redevelopment of urban renewal area

SEC. 707. Section 105 of the Housing Act of 1949 is amended by adding at the end thereof (after the new subsection added by section 703 of this Act) the following new subsection:

"(g) The urban renewal area will be served to the maximum extent feasible after its redevelopment by a storm sewer system or systems separate from and independent of the area's sanitary sewer system or systems."

TITLE VIII—RURAL HOUSING

SEC. 801. Section 501(a) of the Housing Act of 1949 is amended by striking out "previously occupied" wherever it appears.

SEC. 802. Section 502(a) of the Housing Act of 1949 is amended by striking out "In cases of applicants who are elderly persons, the" and inserting in lieu thereof "The".

SEC. 803. Section 504 of the Housing Act of 1949 is amended by striking out "$1,000" and inserting in lieu thereof "$1,500".

SEC. 804. (a) Section 515(a) of the Housing Act of 1949 is amended by inserting after "income" the following: "or other persons and families of low income".

(b) Section 515(d)(1) of such Act is amended by striking out "elderly persons or elderly families" and inserting in lieu thereof "occupants eligible under this section".

SEC. 805. (a) Subsections (a) and (b) of section 515 of the Housing Act of 1949 are each amended by striking out "rental housing" and inserting in lieu thereof "rental or cooperative housing".

(b) Section 515(b) of such Act is amended by inserting after "families" the following: "or other persons and familes of moderate income".

(c) Section 515(d)(4) of such Act is amended by adding at the end thereof the following: "Such fees and charges may include payments to qualified consulting organizations or foundations which operate on a nonprofit basis and which render services or assistance to nonprofit corporations or consumer cooperatives who provide housing and related facilities."

SEC. 806. Section 517(a)(1) of the Housing Act of 1949 is amended—

(1) by inserting "and" before "(B)"; and

(2) by striking out ", and (C)" and all that follows and inserting in lieu thereof the following: "; but no loan under this paragraph shall be insured or made after October 1, 1969, except pursuant to a commitment entered into before that date; and".

SEC. 807. (a) Section 501(a) of the Housing Act of 1949 is amended by inserting before the period at the end thereof the following: ", and (4) to an owner described in clause (1), (2), or (3) for refinancing indebtedness which—

"(A) was incurred for an eligible purpose described in such clause,

"(B) if not refinanced, is likely to result at an early date in loss of the applicant's necessary dwelling or essential farm service buildings,

"(C) is not held or insured by the United States or any agency thereof, and

"(D) was incurred prior to the enactment of this clause."

(b) Section 501(c) of such Act is amended by inserting before the semicolon at the end of clause (1) the following: ", or that he is the owner of a farm or other real estate in a rural area who needs refinancing of indebtedness described in clause (4) of subsection (a)".

TITLE IX—MISCELLANEOUS

Housing for the elderly or handicapped

SEC. 901. Section 105(b) of the Housing and Urban Development Act of 1965 is amended—

(1) by inserting "(1)" after "(b)";

(2 by striking out "Effective with respect to loans made on or after the date of the enactment of this Act, section" and inserting in lieu thereof "Section"; and

(3) by adding at the end thereof a new paragraph as follows:

"(2) The interest rate provided by the amendment made in paragraph (1) shall be applicable (A) with respect to any loan made on or after August 10, 1965, and (B) with respect to any loan made prior to such date if construction of the housing or related facilities to be assisted by such loan was not commenced prior to such date, and not completed prior to the filing of an application for the benefits of such interest rate."

Low-rent housing in private accommodations for displaced families—Term of lease

SEC. 902. Section 23(d) of the United States Housing Act of 1937 is amended by inserting after "thirty-six months" the following: "(except that it may be for a term of up to sixty months in any case in which the public housing agency determines that the housing to be leased thereunder is needed for displaced families)".

Application of Davis-Bacon Act to low-rent housing projects consisting of privately built housing

SEC. 903. Section 16(2) of the United States Housing Act of 1937 is amended by inserting after "the development of the project involved" the following: "(including a project for the use of privately built housing in any case, other than under the authority of section 23 of this Act, where the public housing agency and the builder or sponsor enter into an agreement for such use before construction or rehabilitation is commenced), and that each such laborer or mechanic shall receive compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in any workweek in excess of eight hours in any workday of forty hours in the workweek, as the case may be".

Assistance for housing in Alaska

SEC. 904. (a) The Secretary of Housing and Urban Development (hereinafter referred to as the "Secretary") is authorized to make loans and grants to the State of Alaska, or any duly authorized agency or instrumentality thereof, in accordance with a statewide program prepared by such State, agency, or instrumentality, and approved by the Secretary, to assist in the provision of housing and related facilities for Alaska natives and other Alaska residents who are otherwise unable to finance such housing and related facilities upon terms and conditions which they can afford. The program shall (1) specify the minimum and maximum standards for such housing and related facilities (not to exceed an average of $7,500 per dwelling unit); (2) to the extent feasible, encourage the proposed users of such housing and related facilities to utilize mutual and self-help in the construction thereof; and (3) provide experience, and encourage continued participation, in self-government and individual home ownership.

(b) Grants under this section shall not exceed 75 per centum of the aggregate cost of the housing and related facilities to be constructed under an approved program.

(c) There is authorized to be appropriated not to exceed $10,000,000 to carry out the purposes of this section.

Federal National Mortgage Association participation in Federal Housing Administration-insured construction financing

SEC. 905. Section 305 of the National Housing Act is amended by adding at the end thereof the following new subsection:

"(i) In any case where the Association makes a commitment to purchase under this section (1) a mortgage insured under section 213, (2) a mortgage insured under section 220, or (3) a mortgage insured under section 221(d)(3) and executed by a cooperative (including an investor-sponsor), a limited dividend corporation, a private non-profit corporation or association, or a mortgagor qualified under section 221(e), such commitment may provide for participation by the Association in the making of insured advances on the mortgage during construction. Such participation shall be limited to 95 per centum of the amount of each of the advances involved, and the mortgagee providing the balance of such amount shall perform all necessary servicing and processing of such advances until the final insurance endorsement of the mortgage. The Secretary of Housing and Urban Development shall approve the reasonableness of the fee to be paid a participating mortgagee, taking into account its services and the extent of its participation in the advances."

Federal National Mortgage Association special assistance for financing low-cost homes

SEC. 906. The Congress hereby finds that the sharp decline in new home construction over the past year threatens to undercut our present high level of prosperity and employment as such declines have in the past; that the substantial reduction which has taken place has had its greatest impact on families of modest income who are seeking to achieve the goal of homeownership; that this decline in homebuilding is due primarily to the shortage of mortgage financing on terms which moderate income families can afford; and that our national policy objectives in the field of housing and community development are thereby being thwarted. The Congress therefore expresses its intent that the special assistance funds made available to the Federal National Mortgage Association for the financing of new low-cost homes by the Act of September 10, 1966 (Public Law 89-556), should be released immediately to halt the continuing decline in the construction of new homes for families of moderate income.

Federal National Mortgage Association standby commitments

SEC. 907. Section 304(a)(1) of the National Housing Act is amended by striking out the last sentence.

Planning grants for research on State statutes affecting local governments

SEC. 908. Section 701(b) of the Housing Act of 1954 is amended by inserting before the period at the end thereof the following: ", and for grants to assist in the conduct of studies and research relating to needed revisions in State statutes which create, govern, or control local governments and local governmental operations".

Public facility loans

SEC. 909. Section 202 of the Housing Amendments of 1955 is amended by adding at the end thereof a new subsection as follows:

"(f) The restrictions and limitations set forth in subsection (c) of this section shall not apply to assistance to municipalities, other political subdivisions and instrumentalities of one or more States, and Indian tribes, for specific projects for cultural centers, including but not limited to, museums, art centers and galleries, and theaters and other physical facilities for the performing arts, which would be of cultural, educational, and informational value to the communities and areas where the centers would be located."

Use of open-space grants for development of existing open-space land

SEC. 910. (a) Section 701(b) of the Housing Act of 1961 is amended by inserting ", for the development and redevelopment of existing parks and other open space," after "the Nation's urban areas".

(b)(1) The first sentence of section 702(a) of such Act is amended by inserting before the period at the end thereof the following: ", or the development or redevelopment, for open-space uses, of existing open-space land".

(2) The second sentence of section 702(a) of such Act is amended by inserting before the period at the end thereof the following: "or such development or redevelopment".

Applying advances in technology to housing and urban development

SEC. 911. (a) To encourage and assist the housing industry to continue to reduce the cost and improve the quality of housing by the application to home construction of advances in technology, and to encourage and assist the application of advances in technology to urban development activities, the Secretary of Housing and Urban Development (hereinafter referred to as the "Secretary") is directed to—

(1) conduct research and studies to test and demonstrate new and improved techniques and methods of applying advances in technology to housing construction, rehabilitation, and maintenance, and to urban development activities; and

(2) encourage and promote the acceptance and application of new and improved techniques and methods of constructing, rehabilitating, and maintaining housing, and the application of advances in technology to urban development activities, by all segments of the housing industry, communities, industries engaged in urban development activities, and the general public.

(b) Research and studies conducted under this section shall be designed to test and demonstrate the applicability to housing construction, rehabilitation, and maintenance, and urban development activities, of advances in technology relating to (1) design concepts, (2) construction and rehabilitation methods, (3) manufacturing processess, (4) materials and products, and (5) building components.

(c) The Secretary is authorized to carry out the research and studies authorized by this section either directly or by contract with public or private bodies or agencies, or by working agreement with departments and agencies of the Federal Government, as he may determine to be desirable. Contracts may be made by the Secretary for research and studies authorized by this section for work to continue not more than two years from the date of any such contract.

(d) There are authorized to be appropriated to carry out the provisions of this section not to exceed $5,000,000 for the fiscal year ending June 30, 1967, and not to exceed $10,000,000 for the fiscal year ending June 30, 1968. All funds so appropriated shall remain available until expended.

(e) Nothing contained in this section shall limit any authority of the Secretary under title III of the Housing Act of 1948, section 602 of the Housing Act of 1956, or any other provision of law.

Urban environmental studies

SEC. 912. (a) The Congress finds that, with the ever-increasing concentration of the Nation's population in urban centers, there has occurred a marked change in the environmental conditions under which most people live and work; that such change is characterized by the progressive substitution of a highly complex, man-contrived environment for an environment conditioned primarily by nature; that the beneficient or malignant influence of environment on all living creatures is well recognized; and that much more knowledge is urgently needed concerning the effect on human beings of highly urbanized surroundings. It is the purpose of this section to authorize a comprehensive program of research, studies, surveys, and analyses to improve understanding of the environmental conditions necessary for the well-being of an urban society, and for the intelligent planning and development of viable urban centers.

(b) In order to carry out the purpose of this section, the Secretary is authorized and directed to—

(1) conduct studies, surveys, research, and analyses with respect to the ecological factors involved in urban living;

(2) document and define urban environmental factors which need to be controlled or eliminated for the well-being of urban life;

(3) establish a system of collecting and receiving information and data on urban ecological research and evaluations which are in process or are being planned by public or private agencies, or individuals;

(4) evaluate and disseminate information pertaining to urban ecology to public and private agencies or organizations, or individuals, in the form of reports or otherwise;

(5) initiate and utilize urban ecological information in urban development projects initiated or assisted by the Department of Housing and Urban Development; and

(6) establish through interagency consultation the coordinated utilization of urban ecological information in projects undertaken or assisted by the Federal Government which affect the growth or development of urban areas.

(c)(1) The Secretary is authorized to establish such advisory committees as he deems desirable for the purpose of rendering advice and submitting recommendations for carrying out the purpose of this section. Such advisory committees shall render such advice to the Secretary upon his request and may submit such recommendations to the Secretary at any time on their own initiative. The Secretary may designate employees of the Department of Housing and Urban Development to assist such committees.

(2) Members of such advisory committees shall receive not to exceed $100 per day when engaged in the actual performance of their duties, in addition to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

(d) The Secretary is authorized to carry out the studies, surveys, research, and analyses authorized by this section either directly or by contract with public or private bodies or agencies, or by working agreement with departments and agencies of the Federal Government, as he may determine to be desirable. Contracts may be made by the Secretary for work under this subsection to continue not more than two years from the date of any such contract.

(e) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section. All funds so appropriated shall remain available until expended when so provided in appropriation Acts.

Mortgage relief for certain homeowners

SEC. 913. That part of section 107 of the Housing and Urban Development Act of 1965 which precedes subsection (f) is amended to read as follows:

"Mortgage relief for certain homeowners

"SEC. 107. (a) For the purposes of this section—

"(1) The term 'mortgage' means a mortgage which (A) is insured under the National Housing Act, or (B) secures a home loan guaranteed or insured under the Servicemen's Readjustment Act of 1944 or chapter 37 of title 38, United States Code.

"(2) The term 'Federal mortgage agency' means—

"(A) the Secretary of Housing and Urban Development when used in connection with mortgages insured under the National Housing Act, and

"(B) the Administrator of Veterans' Affairs when used in connection with mortgages securing home loans guaranteed or insured under the Servicemen's Readjustment Act of 1944 or chapter 37 of title 38, United States Code.

"(3) The term 'distressed mortgagor' means an individual who—

"(A) was employed by the Federal Government at, or was assigned as a serviceman to, a military base or other Federal installation and whose employment or service at such base or installation was terminated subsequent to November 1, 1964, as the result of the closing (in whole or in part) of such base or installation; and

"(B) is the owner-occupant of a dwelling situated at or near such base or installation and upon which there is a mortgage securing a loan which is in default because of the inability of such individual to make payments due under such mortgage.

"(b)(1) Any distressed mortgagor, for the purpose of avoiding foreclosure of his mortgage, may apply to the appropriate Federal mortgage agency for a determination that suspension of his obligation to make payments due under such mortgage during a temporary period is necessary in order to avoid such foreclosure.

"(2) Upon receipt of an application made under this subsection by a distressed mortgagor, the Federal mortgage agency shall issue to such mortgagor a certificate of moratorium if it determines, after consultation with the interested mortgagee, that such action is necessary to avoid foreclosure.

"(3) Prior to the issuance to any distressed mortgagor of a certificate of moratorium under paragraph (2), the Federal mortgage agency, the mortgagor, and the mortgagee shall enter into a binding agreement under which—

"(A) the mortgagor will be required to make payments to such agency, after the expiration of such certificate, in an aggregate amount equal to the amount paid by such agency on behalf of such mortgagor as provided in subsection (c), together with interest thereon at a rate not to exceed the rate provided in the mortgage; the manner and time in which such payments shall be made to be determined by the Federal mortgage agency having due regard for the purposes sought to be achieved by this section; and

"(B) the Federal mortgage agency will be subrogated to the rights of the mortgagee to the extent of payments made pursuant to such certificate, which rights, however, shall be subject to the prior right of the mortgagee to receive the full amount payable under the mortgage.

"(4) Any certificate of moratorium issued under this subsection shall expire on whichever of the following dates is the earliest—

"(A) two years from the date on which such certificate was issued;

"(B) thirty days after the date on which the mortgagor gives notice in writing to the Federal mortgage agency that he is able to resume his obligation to make payments due under his mortgage; or

"(C) thirty days after the date on which the Federal mortgage agency determines that the mortgagor to whom such certificate was issued has ceased to be a distressed mortgagor as defined in subsection (a)(3).

"(c)(1) Whenever a Federal mortgage agency issues a certificate of moratorium to any distressed mortgagor with respect to any mortgage, it shall transmit to the mortgagee a copy of such certificate, together with a notice stating that, while such certificate is in effect, such agency will assume the obligation of such mortgagor to make payments due under the mortgage.

"(2) Payments made by any Federal mortgage agency pursuant to a certificate of moratorium issued under this section with respect to the mortgage of any distressed mortgagor may include, in addition to the payments referred to in paragraph (1), an amount equal to the unpaid payments under such mortgage prior to the issuance of such certificate, plus a reasonable allowance for foreclosure costs actually paid by the mortgagee if a foreclosure action was dismissed as a result of the issuance of a moratorium certificate. Payments by the Federal mort-

gage agency may also include payments of taxes and insurance premiums on the mortgaged property as deemed necessary when these items are not provided for through payments to a tax and insurance account held by the interested mortgagee.

"(3) While any certificate of moratorium issued under this section is in effect with respect to the mortgage of any distressed mortgagor, no further payments due under the mortgage shall be required of such mortgagor, and no action (legal or otherwise) shall be taken or maintained by the mortgagee to enforce or collect such payments. Upon the expiration of such certificate, the mortgagor shall again be liable for the payment of all amounts due under the mortgage in accordance with its terms.

"(4) Each Federal mortgage agency shall give prompt notice in writing to the interested mortgagor and mortgagee of the expiration of any certificate of moratorium issued by it under this section.

"(d) The Federal mortgage agencies are authorized to issue such individual and joint regulations as may be necessary to carry out this section and to insure the uniform administration thereof.

"(e) There shall be in the Treasury (1) a fund which shall be available to the Secretary of Housing and Urban Development for the purpose of extending financial assistance in behalf of distressed mortgagors as provided in subsection (c) and for paying administrative expenses incurred in connection with such assistance, and (2) a fund which shall be available to the Administrator of Veterans' Affairs for the same purpose, except administrative expenses. The capital of each such fund shall consist of such sums as may, from time to time, be appropriated thereto, and any sums so appropriated shall remain available until expended. Receipts arising from the programs of assistance under subsection (c) shall be credited to the fund from which such assistance was extended. Moneys in either of such funds not needed for current operations, as determined by the Secretary of Housing and Urban Development, or the Administrator of Veterans' Affairs, as the case may be, shall be invested in bonds or other obligations of the United States, or paid into the Treasury as miscellaneous receipts."

Acquisition of certain properties situated at or near military bases which have been ordered to be closed

SEC. 914. (a) Notwithstanding any other provision of law, the Secretary of Defense is authorized to acquire title to, hold, manage, and dispose of, or, in lieu thereof, to reimburse for certain losses upon private sale of, or foreclosure against, any property improved with a one- or two-family dwelling which is situated at or near a military base or installation which the Department of Defense has, subsequent to November 1, 1964, ordered to be closed in whole or in part, if he determines—

(1) that the owner of such property is, or has been, a Federal employee employed at or in connection with such base or installation (other than a temporary employee serving under a time limitation) or a serviceman assigned thereto;

(2) that the closing of such base or installation, in whole or in part, has required or will require the termination of such owner's employment or service at or in connection with such base or installation; and

(3) that as the result of the actual or pending closing of such base or installation, in whole or in part, there is no present market for the sale of such property upon reasonable terms and conditions.

(b) In order to be eligible for the benefits of this section such employees or military personnel must be or have been—

(1) assigned to or employed at or in connection with the installation or activity at the time of public announcement of the closure action,

(2) transferred from such installation or activity, or terminated as employees as a result of reduction-in-force, within six months prior to public announcement of the closure action, or

(3) transferred from the installation or activity on an overseas tour unaccompanied by dependents within fifteen months prior to public announcement of the closure action:

Provided, That, at the time of public announcement of the closure action, or at the time of transfer or termination as set forth above, such personnel or employees must—

(i) have been the owner-occupant of the dwelling, or

(ii) have vacated the owned dwelling as a result of being ordered into on-post housing during a six-month period prior to the closure announcement:

Provided further, That as a consequence of such closure such employees or personnel must—

(i) be required to relocate because of military transfer or acceptance of employment beyond a normal commuting distance from the dwelling for which compensation is sought, or

(ii) be unemployed, not as a matter of personal choice, and able to demonstrate such financial hardship that they are unable to meet their mortgage payments and related expenses.

(c) Such persons as the Secretary of Defense may determine to be eligible under the criteria set forth above shall elect either (1) to receive a cash payment as compensation for losses which may be or have been sustained in a private sale or foreclosure, in an amount not to exceed the difference between (A) 95 per centum of the fair market value of their property prior to public announcement of intention to close all or part of the military base or installation and (B) the fair market value of such property at the time of the sale or foreclosure, or (2) to receive, as purchase price for their property, an amount not to exceed 90 per centum of prior fair market value as such value is determined by the Secretary of Defense, or the amount of the outstanding mortgages. An election to receive a cash payment as compensation for loss sustained in a private sale shall not be effective in any case in which the property at the time of the sale is encumbered by a mortgage loan guaranteed, insured, or held by a Federal agency unless such mortgage loan is paid or otherwise fully satisfied at or prior to the time such cash payment is made, or is assumed by the purchaser (who must be determined to be satisfactory to such Federal agency in the case of a sale occuring after the date of the enactment of this Act). In the event of foreclosure by mortgages commenced prior to the one hundred and twentieth day after the date of the enactment of this Act, the Secretary may pay or reimburse for direct costs of foreclosure, including deficiency judgments.

(d) There shall be in the Treasury a fund which shall be available to the Secretary of Defense for the purpose of extending the financial assistance provided above. The capital of such fund shall consist of such sums as may, from time to time, be appropriated thereto, and shall consist also of receipts from the management, rental, or sale of properties acquired under this section, which receipts shall be credited to the fund and shall be available, together with funds appropriated therefor, for purchase or reimbursement purposes as provided above, as well as to defray expenses arising in connection with the acquisition, management, and disposal of such properties, including payment of principal, interest, and expenses of mortgages or other indebtedness thereon, and including the cost of staff services and contract services, costs of insurance, and other indemnity. Any part of such receipts not required for such expenses shall be covered into the Treasury as miscellaneous receipts. Properties acquired under this section shall be conveyed to, and acquired in the name of, the United States. The Secretary of Defense shall have the power to deal with, rent, renovate, and dispose of, whether by sales for cash or credit or otherwise, any properties so acquired: *Provided, however,* That no contract for acquisition, or acquisition, shall be deemed to constitute a contract for or acquisition of family housing units in support of military installations or activities within the meaning of section 406(a) of the Act of August 30, 1957 (42 U.S.C. 1594i), nor shall it be deemed a transaction within the contemplation of section 2662 of title 10, United States Code.

(e) Payments from the fund created by this section may be made in lieu of taxes to any State or political subdivision thereof, with respect to real property, including improvements thereon, acquired and held under this section. The amount so paid for any year upon such property shall not exceed the taxes which would be paid to the State or subdivision, as the case may be, upon such property if it were not exempt from taxation, and shall reflect such allowance as may be considered appropriate for expenditures, if any, by the Government for streets, utilities, or other public services to serve such property.

(f) The title to any property acquired under this section, the eligibility for, and the amounts of, cash payable, and the administration of the preceding provisions of this section, shall conform to such requirements, and shall be administered under such conditions and regulations, as the Secretary of Defense may prescribe. Such regulations shall also prescribe the terms and conditions under which payments may be made and instruments accepted under this section, and all the determinations and decisions made pursuant to such regulations by the Secretary of Defense regarding such payments and conveyances and the terms and conditions under which they are approved or disapproved, shall be final and conclusive and shall not be subject to judicial review.

(g) The Secretary of Defense is authorized to enter into such agreement with the Secretary of Housing and Urban Development as may be appropriate for the purposes of economy and efficiency of administration of this section. Such agreement may provide authority to the Secretary of Housing and Urban Development and his designee to make any or all of the determinations and take any or all of the actions which the Secretary of Defense is authorized to undertake pursuant to the preceding provisions of this section. Any such determinations shall be entitled to finality to the same extent as if made by the Secretary of Defense, and, in event the Secretaries of Defense and Housing and Urban Development so elect, the fund established pursuant to subsection (d) of this section shall be available to the Secretary of Housing and Urban Development to carry out the purposes thereof.

(h) Section 223(a)(8) of the National Housing Act is amended to read as follows:

"(8) executed in connection with the sale by the Government of any housing acquired pursuant to section 915 of the Demonstration Cities and Metropolitan Development Act of 1966."

(i) No funds may be appropriated for the acquisition of any property under authority of this section unless such funds have been specifically authorized for such purpose in a military construction authorization act, and no moneys in the fund created pursuant to subsection (d) of this section may be expended for any purpose except as may be provided in appropriation acts.

(j) Section 108 of the Housing and Urban Development Act of 1965 is repealed.

Leasing of facilities for housing bachelor military personnel

SEC. 915. Notwithstanding any other provision of law, the Secretary of a military department may acquire by lease in the United States, its territories or possessions, structures and real property relating thereto that are not located on a military base and that are needed for housing bachelor military personnel. A lease under the authority of this section may not be for a period of more than fifteen years.

College housing

SEC. 916. (a) Section 404(b)(4) of the Housing Act of 1950 is amended by striking out "public" immediately before "educational institution".

(b) Section 401(d) of such Act is amended by inserting before the period at the end thereof the following: "and, notwithstanding the first proviso of this subsection, the amount of this annual increase which is not utilized for loans for hospitals may be utilized for loans for other educational facilities, as defined herein".

Study concerning relief of homeowners in proximity to airports

SEC. 917. Section 1113 of the Housing and Urban Development Act of 1965 is amended—

(1) by inserting "(a)" after "SEC. 1113.";

(2) by striking out "one year after the date of the enactment of this Act" and inserting in lieu thereof "six months after the date of the enactment of the Demonstration Cities and Metropolitan Development Act of 1966"; and

(3) by adding at the end thereof the following new subsection:

"(b) There is authorized to be appropriated the sum of $100,000 to carry out subsection (a)."

Hydrology research for urban development

SEC. 918. (a) The Congress finds that there is an increasingly severe impact upon the national economy occasioned by storm water damages and costs of storm drainage control in urban and metropolitan areas; that engineering technology directed toward the specialized storm drainage problems of urbanized areas has not kept pace with the growth of drainage problems in such areas; and that effective areawide comprehensive planning requires efficient planning and design of all elements of urban drainage systems.

(b) The Secretary of Housing and Urban Development is authorized—

(1) by contract with public or private agencies to conduct studies, investigations, research, and demonstrations to develop and improve all aspects of the science and technology of urban hydrology as it relates to storm drainage systems for urban and metropolitan areas and to collection sewers for such areas, and by working agreements with other departments and agencies of the Federal Government to conduct studies, investigations, research, and demonstrations to develop and improve all aspects of the science and technology of urban hydrology;

(2) to evaluate the studies, investigations, research, and demonstrations authorized by this section; and

(3) to make available, through publications and other appropriate means, the information resulting from such studies, investigations, research, and demonstrations.

(c) The Secretary shall annually submit a report to the President and to the Congress concerning the studies, investigations, research, and demonstrations undertaken under this section with such recommendations as he deems desirable for additional legislation to develop the science of urban hydrology and its application.

(d) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

(e) Nothing contained in this section shall limit any authority of the Secretary under title III of the Housing Act of 1948, section 602 of the Housing Act of 1956, or any other provision of law.

Quarters and facilities for Federal home loan banks and the Federal Home Loan Bank Board

SEC. 919. (a) The second sentence of section 12 of the Federal Home Loan Bank Act (12 U.S.C. 1432) is amended by striking out "but no bank building shall be bought or erected to house any such bank, nor shall any such bank make any lease" and inserting in lieu thereof "but, except with the prior approval of the board, no bank building shall be bought or erected to house any such bank, or leased by such bank under any lease".

(b) Section 18 of such Act (12 U.S.C. 1438) is amended—

(1) by adding at the end of subsection (b) the following new sentence: "Such assessments may include such amounts as the board may deem advisable for carrying out the provisions of subsection (c) of this section."; and

(2) by adding at the end thereof the following new subsection:

"(c)(1) The board, utilizing the services of the Administrator of General Services (hereinafter referred to as the 'Administrator'), and subject to any limitation hereon which may hereafter be imposed in appropriation Acts, is hereby authorized—

"(A) to acquire, in the name of the United States real property in the District of Columbia, for the purposes set forth in this subsection;

"(B) to construct, develop, furnish, and equip such buildings thereon and such facilities as in its judgment may be appropriate to provide, to such extent as the board may deem advisable, suitable and adequate quarters and facilities for the board and the agencies under its administration or supervision;

"(C) to enlarge, remodel, or reconstruct any of the same; and

"(D) to make or enter into contracts for any of the foregoing.

"(2) The board may require of the respective banks, and they shall make to the board, such advances of funds for the purposes set out in paragraph (1) as in the sole judgment of the board may from time to time be advisable. Such advances shall be in addition to the assessments authorized in subsection (b) and shall be apportioned by the board among the banks in proportion to the total assets of the respective banks, determined in such manner and as of such times as the board may prescribe. Each such advance shall bear interest at the rate of 4½ per centum per annum from the date of the advance and shall be repaid by the board in such installments and over such period, not longer than twenty-five years from the making of the advance, as the board may determine. Payments of interest and principal upon such advances shall be made from receipts of the board or from other sources which may from time to time be available to the board. The obligation of the board to make any such payment shall not be regarded as an obligation of the United States. To such extent as the board may prescribe any such obligation shall be regarded as a legal investment for the purposes of subsections (g) and (h) of section 11 and for the purposes of section 16.

"(3) The plans and designs for such buildings and facilities and for any such enlargement, remodeling, or reconstruction shall, to such extent as the chairman of the board may request, be subject to his approval.

"(4) Upon the making of arrangements mutually agreeable to the board and the Administrator, which arrangements may be modified from time to time by mutual agreement between them and may include but shall not be limited to the making of payments by the board and such agencies to the Administrator and by the Administrator to the board, the custody, management, and control of such buildings and facilities and of such real property shall be vested in the Administrator in accordance therewith. Until the making of such arrangements such custody, management, and control, including the assignment and allotment and the reassignment and reallotment of building and other space, shall be vested in the board.

"(5) Any proceeds (including advances) received by the board in connection with this subsection, and any proceeds from the sale or other disposition of real or other property acquired by the board under this subsection, shall be considered as receipts of the board, and obligations and expenditures of the board and such agencies in connection with this subsection shall not be considered as administrative expenses. As used in this subsection, the term 'property' shall include interests in property.

"(6) With respect to its functions under this subsection the board shall (A) annually prepare and submit a budget program as provided in title I of the Government Corporation Control Act with regard to wholly owned Government corporations, and for purposes of this sentence, the terms 'wholly owned Government corporations' and 'Government corporations', wherever used in such title, shall include the board, and (B) maintain an integral set of accounts which shall be audited annually by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions as provided in such title, and no other audit, settlement, or adjustment shall be required with respect to transactions under this subsection or with respect to claims, demands, or accounts by or against any person arising thereunder. Except as otherwise provided in this subsection or by the board, the provisions of this subsection and the functions thereby or thereunder subsisting shall be applicable and exercisable notwithstanding and without regard to the Act of June 20, 1938 (D.C. Code, secs. 5–413—5–428), except that the proviso of section 16 thereof shall apply to any building constructed under this subsection, and section 306 of the Act of July 30, 1947 (61 Stat. 584), or any other provision of law relating to the construction, alteration, repair, or furnishing of public or other buildings or structures or the obtaining of sites therefor, but any person or body in whom any such function is vested may provide for delegation or redelegation of the exercise of such function.

"(7) No obligation shall be incurred and no expenditure, except in liquidation of obligation, shall be made pursuant to the first two subparagraphs of paragraph (1) of this subsection if the total amount of all obligations incurred pursuant thereto would thereupon exceed $13,200,000, or such greater amount as may be provided in an appropriation Act or other law."

Small Business Act

SEC. 920. Paragraph (1) of section 8(b) of the Small Business Act is amended by inserting "(A)" after "(1)", by inserting "and" after "Administration;", and by adding at the end thereof a new subparagraph as follows:

"(B) to allow an individual or group of persons cooperating with it in furtherance of the purposes of subparagraph (A) to make such use of its office facilities and related materials and services as it deems appropriate;".

Use of certain lands for civil defense purposes

SEC. 921. Section 2 of the Act entitled "An Act to provide for the conveyance of a tract of land in Prince Georges County, Maryland, to the State of Maryland for use as a site for

a National Guard Armory and for training the National Guard or for other military purposes", approved August 10, 1949 (63 Stat. 592), is amended by striking out "The land" and inserting in lieu thereof "(a) Except as provided in subsection (b) of this section, the land" and by adding at the end thereof the following new subsection:

"(b) The Secretary of Housing and Urban Development shall execute the necessary instrument or instruments to provide that a certain portion of land, not to exceed two acres, on the easterly side of the land described in the first section of this Act, as more particularly determined and designated by the Secretary of the Army, may be used for civil defense or other emergency preparedness purposes or the purposes stated in subsection (a) and that such use shall not cause the reverter clause set forth herein to become operable."

Mortgage insurance for land development—Clarifying amendments

SEC. 922. Section 1001(d) of the National Housing Act is amended—

(1) by striking out "sewerage disposal installations," and inserting in lieu thereof "sewage disposal installations, steam, gas, and electric lines and installations,";

(2) by striking out the semicolon after "or common use", and inserting in lieu thereof a period and the following new sentence: "Related uses may include industrial uses, with sites for such uses to be in proper proportion to the size and scope of the development.";

(3) by striking out "but such term" and inserting in lieu thereof: "The term improvements"; and

(4) by inserting after "sewage disposal installation," in clause (1) the following: "or a steam, gas, or electric line or installation,".

Miscellaneous and technical amendments

SEC. 923. (a) Section 106(d) of the Housing Act of 1949 is repealed.

(b) Section 227(a) of the National Housing Act is amended by striking out "subsection (b)(2)" in clause (vi) and inserting in lieu thereof "subsection (b)".

(c) The last sentence of section 305(e) of the National Housing Act is amended by striking out "supplementing" and inserting in lieu thereof "supplementary".

(d) Section 308 of the National Housing Act is amended by striking out "(a)".

(e) Section 512 of the National Housing Act is amended by striking out "or IX" and inserting in lieu thereof "IX, X, or XI".

(f) Section 1001(c) of the National Housing Act is amended by striking out " 'mortgage' " and inserting in lieu thereof " 'mortgagee' ".

(g) Section 1 of the National Housing Act is amended by striking out "and X" wherever it appears and inserting in lieu thereof "X, and XI".

(h) Section 102(h) of the Housing Amendments of 1955 is amended by striking out "section 213 of the National Housing Act, as amended, the Commissioner" and inserting in lieu thereof "section 213 of the National Housing Act, section 221(d)(3) of the National Housing Act, and section 101 of the Housing and Urban Development Act of 1965 (insofar as the provisions of such sections relate to cooperative housing), the Secretary of Housing and Urban Development", and by striking out "such section" each place it appears and inserting in lieu thereof "such sections".

Mr. MANSFIELD. Mr. President, I move that the Senate disagree to the amendment of the House and agree to the conference requested by the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. SPARKMAN, Mr. DOUGLAS, Mr. PROXMIRE, Mr. WILLIAMS of New Jersey, Mr. MUSKIE, Mr. LONG of Missouri, Mr. MCINTYRE, Mr. TOWER, Mr. BENNETT, and Mr. HICKENLOOPER conferees on the part of the Senate.

CORRECTION IN ENROLLMENT OF SENATE BILL 3488

Mr. MANSFIELD. Mr. President, the Senate and the House both recently passed a bill which created the Washington Metropolitan Area Transit Regulation Compact. This legislation is, of course, of great importance to the future of transportation in this area.

After the Senate had passed the bill (S. 3488), it was sent to the House, where it passed with several amendments. The Clerk of the House erroneously included in the engrossed copy of the bill one amendment which had been rejected by the House.

The bill including the rejected amendment was returned to the Senate. This error was unnoticed, and the Senate accepted the bill in the form in which it was returned from the House.

Briefly, therefore, Congress sent to the President a bill embodying an amendment which neither the Senate nor the House desired. I am, therefore, submitting a concurrent resolution that will correct this error, and I ask for its immediate consideration.

The PRESIDING OFFICER. The concurrent resolution will be stated.

The assistant legislative clerk read the concurrent resolution, as follows:

S. CON. RES. 115

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be, and he is hereby, requested to return to the Senate the enrolled bill (S. 3488) entitled "An Act to grant the consent of Congress for the States of Virginia and Maryland and the District of Columbia to amend the Washington Metropolitan Area Transit Regulation Compact to establish an organization empowered to provide transit facilities in the National Capital Region and for other purposes and to enact said amendment for the District of Columbia"; that upon its return, the action of the Speaker of the House of Representatives and the President pro tempore of the Senate in signing the said bill be deemed to be rescinded; and that in the reenrollment of said bill, the Secretary of the Senate be, and he is hereby, authorized and directed to make the following change, *viz.*: In Section 3 of the engrossed bill, change subsection (a) to read: "To assure uninterrupted progress in the development of the facilities authorized by the National Capital Transportation Act of 1965, the transfer of the functions and duties of the National Capital Transportation Agency (herein referred to as the Agency) to the Washington Metropolitan Area Transit Authority (herein referred to as the Authority) as required by Section 301(b) of the National Capital Transportation Act of 1960 shall take place on September 30, 1967."

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

There being no objection, the concurrent resolution (S. Con. Res. 115) was considered and agreed to.

Mr. MANSFIELD. 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. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. RUSSELL of South Carolina in the chair). Without objection, it is so ordered.

MILITARY CONSTRUCTION—CONFERENCE REPORT

Mr. STENNIS. Mr. President, our friend from Massachusetts [Mr. SALTONSTALL] has taken a very valuable part in legislation on military matters for many years, as well as on every other major phase of this Government. I do not know of any Senator who has attended as many conferences as he has—certainly in the span of years he has served. This may be the last conference report that may come before us in which he has taken such a conspicuous part during his tenure of office. I have asked him if he would present the conference report.

Mr. SALTONSTALL. Mr. President, the Senator from Mississippi is again acting with his usual courtesy. He and I have been members of the Military Construction Subcommittee for many years. I think he and I have been, for the most part, the Senate representatives on committees of conference on this bill. I appreciate very much his permitting a Member on this side of the aisle to present the conference report. I think it is the first time it has been done for at least 10 years, and it is done now only through his courtesy and generosity. It comes as a great surprise to me. I shall be glad to do it. The conference report was unanimously agreed to, and there was great cooperation on both sides.

Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17637) making appropriations for military construction for the Department of Defense, for the fiscal year ending June 30, 1967, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of Oct. 14, 1966, pp. 26998–26999, CONGRESSIONAL RECORD.)

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

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

Mr. SALTONSTALL. Mr. President, the report was signed by all the conferees on the part of the House of Representatives and the Senate and has been agreed to by the House.

The total of the bill as agreed to in conference is $979,570,000. This is only $6,948,000 under the sum approved by

the Senate and $39,770,000 below the amount of the House-passed bill. The total amount of reduction from the budget estimated is $135,377,000.

As is apparent, the Senate position prevailed in most instances. The large reduction made by the Senate of $40,100,000 for foreign aid construction in South Vietnam which should have been in the foreign aid bill was agreed to by the House. Another large reduction agreed to by the House was $5,281,000 for protective facilities in Europe. The House also agreed to this reduction.

I may interpolate that on these two large reductions, the conferees agreed that they did not belong in a military construction bill, but, rather, belonged in a foreign aid appropriation bill. The House agreed to that contention.

In the area of minor construction, the conferees restored to the bill $1,700,000 of an original amount of $6 million in dispute. This was the largest individual reduction from the Senate position.

For the Army the conferees approved a project at Edgewood Arsenal, Md., for an explosive test chamber in the amount of $636,000 and a petroleum laboratory at New Cumberland Army Depot, N.J., in the amount of $55,000.

The Senate position prevailed in projects in the amount of $290,000 at Naval Shipyard, Portsmouth, N.H., an applied training building at Naval Air Station, Memphis, Tenn., for $1,188,000, and a commissary costing $404,000 at Naval Station, Puget Sound, Wash. In addition, the conferees agreed that the community support facilities should be built at Chichi Jima, Bonin Islands, for $204,000.

In the Air Force, agreement was reached to keep three projects at Hill Air Base amounting to $870,000. At Tinker Air Force Base, agreement was reached to spend $450,000 for officers quarters. The original request was for $956,000. The conferees agreed to go ahead with the maintenance hangar at Holloman Air Force Base for $1,477,000, as well as alteration of headquarters at Offutt Air Force Base, Nebr., in the amount of $560,000; a sewage treatment plant at Dover Air Base, Del., $250,000 and a jet engine test cell, $473,000 for Tyndall Air Force Base, Fla. The much-needed fleet service facilities costing $374,000 at Travis Air Force Base, Calif., was approved. Agreement was reached by the conferees on three much-needed projects at Malmstrom Air Force Base, Mont. The sums agreed to were $300,000 for heated auto storage facilities; a civil engineering facility, $888,000, and an airmen's dormitory, $400,000.

Under the housing category, Department of Defense, the reduction of $4 million made by the Senate was agreed to.

Mr. President, this concludes my summary of the conference. I am sure that the Senator from Mississippi, as I, would be pleased to answer any questions concerning individual projects considered by the conferees.

Mr. President, I ask unanimous consent that a table summarizing the military construction appropriation bill of 1967, as passed, be printed in the RECORD at the end of these remarks.

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

(See exhibit 1.)

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. SALTONSTALL. Mr. President, I thank the Senator from Mississippi [Mr. STENNIS] for permitting me, as a Member of the minority, to make this statement on behalf of the conferees.

I can only say that the conferees were all in agreement, and that, under the leadership of the Senator from Mississippi, the military construction bill has generally been approved by both bodies unanimously over the past few years. It has been an honor and a pleasure to serve with the Senator from Mississippi on that committee as well as on other committees.

Mr. STENNIS. Mr. President, I thank the Senator very much for his very kind and gracious remarks. It has been a privilege to work with him, and it was a privilege to have him present this report to the Senate.

I understand the Senator from Ohio has a question.

Mr. LAUSCHE. Yes. When the military assistance bill was before the Senate, the Senator from Louisiana [Mr. ELLENDER] offered an amendment providing that it be cut by approximately $40 million. In his presentation, he showed that it was anticipated that the holdover from last year would be $5 million, but instead of being $5 million, it was $45 million, and therefore the Senator from Louisiana moved to have the military assistance appropriation cut by $40 million.

Does the bill as passed have any relationship at all to that item?

Mr. SALTONSTALL. Mr. President, I am not sure that this will answer the Senator's question directly, but $40 million has been taken out of this bill. As I think I said before the distinguished Senator came into the Chamber, this represents $40 million, approximately, that was requested by the administration to be provided for military construction. The Senator from Mississippi and I, and others, and ultimately the Senate, agreed that this was a proper item for military foreign assistance rather than for military construction, because it concerned operations in Vietnam.

Possibly that was what the Senator from Louisiana was referring to.

Mr. LAUSCHE. The Senator from Massachusetts cannot definitely state that this item of $40 million is the same item that Senator ELLENDER discussed?

Mr. SALTONSTALL. I believe it is not.

Mr. STENNIS. Will the Senator yield to me?

Mr. LAUSCHE. I yield.

Mr. STENNIS. I think the Senator from Massachusetts is perhaps correct, although I did not hear the discussion by the Senator from Louisiana at the time.

This is $40 million that was put in the regular military construction appropriation bill, which we found was intended to be used in Vietnam as a part our our military assistance program there, or military aid; and, therefore, regardless of the merits of it, it had no place in this bill. So we took it out, and the House agreed with us.

I state for the Senator's information that there is money in the appropriation bill for the Department of Defense that can be used, if the Secretary sees fit, for this purpose, in Vietnam. But it will have to come out of his discretionary funds.

Mr. SALTONSTALL. Will the Senator yield at this point?

Mr. STENNIS. I yield.

Mr. SALTONSTALL. I call to the attention of the Senator from Ohio the remarks of Mr. SIKES, who is in charge of military construction in the House of Representatives, on page 26998 of the CONGRESSIONAL RECORD of October 14. I read just one sentence:

> When such details were available, the other body felt that the Secretary of Defense had enough flexibility and funds to cover the cost of this construction in the $200 million contingency fund approved in the Supplementary Defense Appropriations Act for fiscal year 1966.

I think that is what the Senator from Louisiana was referring to.

Mr. LAUSCHE. I thank the Senator.

Mr. SALTONSTALL. Mr. President, I understand there are two items in disagreement. I ask that the Chair lay before the Senate the message from the House of Representatives thereon.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 17637, which was read as follows:

> *Resolved*, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17637) entitled "An Act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1967, and for other purposes."
>
> *Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 1, to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$114,014,000."
>
> *Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 3, to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$205,495,000".

Mr. SALTONSTALL. Mr. President, I move that the Senate concur in the House amendments to amendments 1 and 3 of the Senate to the bill (H.R. 17637).

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to.

Mr. SALTONSTALL. Mr. President, I move to reconsider the votes by which the conference report was agreed to, and by which the motion to concur in the House amendments to the Senate amendments was agreed to.

Mr. STENNIS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXHIBIT 1

Military construction appropriation bill, 1967

Item	1966 appropriation	1967 budget estimate	Passed House	Passed Senate	Conference action	Conference action compared with— 1966 appropriation	1967 budget estimate	House	Senate
Military construction, Army	$833,143,000	$190,600,000	$146,406,000	$117,314,000	$114,014,000	−$719,129,000	−$76,586,000	−$32,392,000	−$3,300,000
Military construction, Navy	570,905,000	133,600,000	126,227,000	127,418,000	126,918,000	−443,987,000	−6,682,000	+691,000	−500,000
Military construction, Air Force	622,373,000	242,900,000	209,564,000	208,643,000	205,495,000	−416,878,000	−37,405,000	−3,069,000	−3,148,000
Military construction, Defense agencies [1]	269,268,000	7,547,000	7,547,000	7,547,000	7,547,000	−261,721,000			
Military construction, Naval Reserve	9,500,000	5,400,000	5,400,000	5,400,000	5,400,000	−4,100,000			
Military construction, Air Force Reserve	4,000,000	3,600,000	3,600,000	3,600,000	3,600,000	−400,000			
Military construction, Army National Guard	10,000,000					−10,000,000			
Military construction, Air National Guard	10,000,000	9,400,000	9,400,000	9,400,000	9,400,000	−600,000			
Total, military construction	2,329,189,000	593,047,000	508,144,000	479,322,000	472,374,000	−1,856,815,000	−120,673,000	−35,770,000	−6,948,000
Family housing, Army: Operation, maintenance, and debt payments	220,494,000	178,907,000	175,633,000	174,633,000	174,633,000	−45,861,000	−4,274,000	−1,000,000	
Family housing, Navy and Marine Corps: Operation, maintenance, and debt payments	162,647,000	110,524,000	105,298,000	103,798,000	103,798,000	−58,876,000	−6,726,000	−1,500,000	
Family housing, Air Force: Operation, maintenance, and debt payments	279,983,000	228,114,000	225,910,000	224,410,000	224,410,000	−55,573,000	−3,704,000	−1,500,000	
Family housing, defense agencies: Operation, maintenance, and debt payments	2,695,000	4,355,000	4,355,000	4,355,000	4,355,000	+1,660,000			
Total, family housing	665,846,000	521,900,000	511,196,000	507,196,000	507,196,000	−158,650,000	−14,704,000	−4,000,000	
Grand total	2,995,035,000	1,114,947,000	1,019,340,000	986,518,000	979,570,000	−2,015,465,000	−135,377,000	−39,770,000	−6,948,000

[1] Includes $5,000,000 for loran stations.

Mr. STENNIS. Mr. President, further supplementing the remarks of the Senator from Massachusetts with reference to the $40 million that has been deleted from the bill, I ask unanimous consent that an excerpt from page 4 of the committee report (No. 1695) be printed in the RECORD at this point.

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

The committee does not recommend approval of the Department of Defense appropriation request of $40,100,000. When the details of the requirement and the standards have been established, the Secretary of Defense has enough flexibility to cover such costs within the $200 million appropriated in the military construction supplemental appropriations for fiscal year 1966. It is the understanding of the committee that this contingency appropriation was to finance this type of emergency, and the information developed indicated that only approximately $100 million of the $200 million has been utilized as of the present time.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECESS

Mr. STENNIS. Mr. President, in keeping with what I understand to be the wishes of the majority and minority leaders, I move that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to; and (at 1 o'clock and 46 minutes p.m.) the Senate took a recess subject to the call of the Chair.

At 3 o'clock and 28 minutes p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. RUSSELL of South Carolina in the chair.)

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 3, Public Law 88–630, the Speaker had appointed Mr. HUNGATE of Missouri as a member of the Lewis and Clark Trail Commission, vice Mr. MORRIS, excused.

The message also informed the Senate that, pursuant to the provisions of section 2, Public Law 89–617, the Speaker had appointed Mr. OLSEN of Montana and Mr. NELSON of Minnesota as members of the Commission on Political Activity of Government Personnel, and pursuant to the foregoing provisions, the Speaker had appointed the following gentlemen from private life: Mr. Robert Ramspeck of Maryland, and Mr. Charles Oscar Jones of Arizona.

The message announced that the House had passed, without amendment, the following bills of the Senate:

S. 476. An act to amend the act approved March 18, 1950, providing for the construction of airports in or in close proximity to national parks, national monuments, and national recreation areas, and for other purposes;

S. 688. An act to amend title III of the Bankhead-Jones Farm Tenant Act, as amended, to provide for additional means and measures for land conservation and land utilization, and for other purposes; and

S. 3389. An act to provide for the establishment of the Joseph H. Hirshhorn Museum and Sculpture Garden, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 18119) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1967, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ROONEY of New York, Mr. SIKES, Mr. SLACK, Mr. SMITH of Iowa, Mr. FLYNT, Mr. JOELSON, Mr. MAHON, Mr. BOW, Mr. LIPSCOMB, and Mr. CEDERBERG were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 9985. An act to provide for the mandatory reporting by physicians and hospitals or similar institutions in the District of Columbia of injuries caused by firearms or other dangerous weapons;

H.R. 10304. An act to provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children;

H.R. 11660. An act relating to interest on income tax refunds made within 45 days after the filing of the tax return, and for other purposes;

H.R. 11782. An act to amend the Internal Revenue Code of 1954 to allow a deduction for additions to a reserve for certain guaranteed debt obligations, and for other purposes;

H.R. 13448. An act to amend title 39, United States Code, with respect to mailing privileges of members of the U.S. Armed Forces and other Federal Government personnel overseas, and for other purposes;

H.R. 15748. An act to amend title 10, United States Code, to authorize a special 30-day period of leave for a member of a uniformed service who voluntarily extends his tour of duty in a hostile fire area; and

H.R. 16715. An act to amend the Manpower Development and Training Act of 1962.

RECESS

Mr. RUSSELL of Georgia. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair.

The motion was agreed to; and (at 3 o'clock and 29 minutes p.m.) the Senate

took a recess subject to the call of the Chair.

At 3 o'clock and 39 minutes p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. RUSSELL of South Carolina).

SAFETY OF LIFE AT SEA—CONFERENCE REPORT

Mr. COTTON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10327) to require operators of ocean cruises by water between the United States, its possessions and territories, and foreign countries to file evidence of financial security and other information. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of Wednesday, Oct. 19, 1966, pp. 27677–27679, CONGRESSIONAL RECORD.)

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

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

Mr. COTTON. Mr. President, this might be called the *Yarmouth Castle* bill—legislation aimed at preventing a repetition of that maritime tragedy which claimed the lives of 90 American citizens.

Briefly, as approved by all the conferees of both Houses, the conference report contains the following provisions:

First, the bill applied to all ships, U.S. flag or foreign flag, which use U.S. ports and which have accommodations for 50 or more passengers.

These vessels must:

Meet international safety standards, as modified and improved at a special 1966 conference, by November 2, 1968, or lose the right to carry passengers from U.S. ports. Frankly, I had hoped that this date could be advanced, but this was not possible in view of the position of the House conferees and because of the widespread international ramifications of an earlier date.

Must establish their financial responsibility, in amounts fixed by the bill, to meet judgments which may arise out of personal injury or death to passengers and crew members.

Require financial responsibility adequate to reimburse passengers if the vessel, for any reason, does not provide the transportation.

Require that all advertising for the vessel contain a disclosure of the safety standards with which the vessel complies.

Imposes penalties which the conferees believe are wholly adequate to assure compliance with its provisions.

I regard this as a major step toward improved safety of passenger vessels on the high seas, and I hope the Senate will approve it.

Mr. President, I move that the conference report be adopted.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

RECESS

Mr. COTTON. Mr. President, I move that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to; and (at 3 o'clock and 41 minutes p.m.) the Senate took a recess, subject to the call of the Chair.

At 4 o'clock and 40 minutes p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. RUSSELL of South Carolina in the chair.)

APPOINTMENT OF SPECIAL SUBCOMMITTEE OF THE JUDICIARY COMMITTEE TO STUDY ENCROACHMENTS BY THE EXECUTIVE AND JUDICIAL BRANCHES UPON THE POWERS OF THE CONGRESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1709, Senate Resolution 305.

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

The LEGISLATIVE CLERK. A resolution (S. Res. 305) providing for the appointment of a special subcommittee of the Judiciary Committee to study encroachments by the executive and judicial branches upon the powers of the Congress.

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

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Rules and Administration, with amendments on page 2, line 3, after the word "The", to strike out "special subcommittee" and insert "committee"; in line 6, after the word "of", to strike out "its" and insert "the"; in line 8, after the word "the", where it appears the second time, to strike out "special subcommittee" and insert "committee"; in line 13, after the word "appointment", to strike out "for each three or final fraction thereof selected by the majority, and" and insert "and"; in line 15, after the word "person", to strike out "or persons"; in the same line, after the word "and", to strike out "the" and insert "his"; in line 16, after the word "compensation", to strike out "of at least one such person"; in line 17, after the word "less", to strike out "than" and insert "by"; in the same line, after the word "than", where it appears the second time, to strike out "$2,200" and insert "$2,300"; in line 24, after the word "the", to strike out "special subcommittee" and insert "committee"; in line 25, after the word "exceed", to strike out "$100,000" and insert "$25,000 from November 1, 1966, to January 31, 1967, inclusive"; and, on page 3, line 3, after the word "the", to strike out "special subcommittee" and insert "committee"; so as to make the resolution read:

Resolved, That (a) the chairman of the Committee on the Judiciary is authorized and directed to appoint a special subcommittee of such committee which shall make a full and complete study of the separation of powers between the executive, judicial, and legislative branches of Government provided by the Constitution, the manner in which power has been exercised by each branch and the extent if any to which any branch or branches of the Government may have encroached upon the powers, functions, and duties vested in any other branch by the Constitution of the United States.

(b) The committee shall submit a final report to the Senate before the expiration of the Ninetieth Congress, and may submit such interim reports as it deems advisable. Upon submission of the final report the subcommittee shall cease to exist.

SEC. 2. For the purposes of this resolution, the committee is authorized to (1) make such expenditures as it deems advisable; (2) employ upon a temporary basis technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized at its discretion to select one person for appointment and, the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,300 than the highest gross rate paid to any other employee of the committee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. Expenses of the committee under this resolution, which shall not exceed $25,000 from November 1, 1966, to January 31, 1967, inclusive, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. MANSFIELD. Mr. President, I move that the committee amendments be considered en bloc, and that the bill, as amended, be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

Mr. MANSFIELD. I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 2, line 4, strike the word "90th" and insert "first session of the 90th".

The amendment was agreed to.

The resolution, as amended, was agreed to, as follows:

S. RES. 305

Resolved, That (a) the chairman of the Committee on the Judiciary is authorized and directed to appoint a special subcommittee of such committee which shall make a full and complete study of the separation of powers between the executive, judicial, and legislative branches of Government provided by the Constitution, the manner in which power has been exercised by each branch and the extent if any to which any branch or branches of the Government may have encroached upon the powers, functions, and duties vested in any other branch by the Constitution of the United States.

(b) The committee shall submit a final report to the Senate before the expiration of the first session of the Ninetieth Congress, and may submit such interim reports as it

deems advisable. Upon submission of the final report the subcommittee shall cease to exist.

SEC. 2. For the purposes of this resolution, the committee is authorized to (1) make such expenditures as it deems advisable; (2) employ upon a temporary basis technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized at its discretion to select one person for appointment and, the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,300 than the highest gross rate paid to any other employee of the committee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. Expenses of the committee under this resolution, which shall not exceed $25,000 from November 1, 1966, to January 31, 1967, inclusive, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the subcommittee.

AMENDMENTS TO SECTION 5545(c)(1), TITLE 5, UNITED STATES CODE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1697, H.R. 16114.

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

The LEGISLATIVE CLERK. A bill (H.R. 16114) to correct inequities with respect to the determination of basic compensation of employees of the Federal Government for purposes of certain employment benefits, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Post Office and Civil Service, with an amendment, to strike out all after the enacting clause and insert:

That title 5, United States Code, is amended as follows:

(1) Section 8114(e) is amended by striking out "is included" and inserting in lieu thereof "and premium pay under section 5545(c)(1) of this title are included".

(2) Section 8331(3) is amended—

(A) by striking out the word "and" after the last semicolon in subparagraph (A);

(B) by striking out "title 2;" in subparagraph (B) (ii) and inserting in lieu thereof "title 2; and";

(C) by inserting the following new subparagraph after subparagraph (B):

"(C) premium pay under section 5545(c)(1) of this title;"; and

(D) by striking out "except as provided by subparagraph (B)" and inserting in lieu thereof "except as provided by subparagraphs (B) and (C)".

(3) Section 8704(c) is amended by inserting the following new sentence at the end thereof: "For the purpose of this chapter, 'annual pay' includes premium pay under section 5545(c)(1) of this title."

SEC. 2. Section 9(d) of the Act of October 29, 1965 (Public Law 89-301), is amended by inserting at the end thereof the following new sentence: "For the purpose of this subsection, 'basic compensation' includes premium pay under section 5545(c)(1) of title 5, United States Code."

SEC. 3. Section 8348(g) of title 5, United States Code, does not apply with respect to annuity benefits resulting from the enactment of this Act.

SEC. 4. The amendments made by this Act apply with respect to premium pay payable from and after the first day of the first pay period which begins after the date of enactment of this Act.

The amendment was agreed to.

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

The bill was read the third time, and passed.

The title was amended, so as to read: "An Act to provide for the inclusion of premium pay under section 5545(c)(1) of title 5, United States Code, for the purpose of determining benefits under the civil service retirement, group life insurance, and injury compensation provisions of such title, and for other purposes."

INCREASE IN THE AMOUNT OF BENEFITS PAYABLE TO WIDOWS OF CERTAIN FORMER EMPLOYEES OF THE LIGHTHOUSE SERVICE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1711, S. 2980.

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

The LEGISLATIVE CLERK. A bill (S. 2980) to increase from $75 to $100 per month the amount of benefits payable to widows of certain former employees of the Lighthouse Service.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, with amendments; on page 1, line 3, after the world "That", to insert a comma and "effective on the first day of the first month which begins after the date of enactment of this Act,"; on page 2, after line 6, to strike out:

SEC. 2. The amendments made by this Act shall take effect on the first day of the first month which begins after the date of the enactment of this Act.

And, in lieu thereof, to insert:

SEC. 2. Each annuity payable under the Act entitled "An Act to provide benefits for widows of certain persons who were retired or are eligible for retirement under section 6 of the Act entitled 'An Act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes', approved June 20, 1918, as amended", approved August 19, 1950 (33 U.S.C. 771–775), and each annuity payable under section 6 of the Act entitled "An Act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes", approved June 20, 1918 (33 U.S.C. 763), shall be increased by the same percentage, adjusted to the nearest dollar, and on the same effective date, as each increase hereafter allowed under the cost-of-living annuity adjustment provisions of section 18(b) of the Civil Service Retirement Act (5 U.S.C. 2268(b)).

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That effective on the first day of the first month which begins after the date of enactment of this Act, the first section and section 2 of the Act entitled "An Act to provide benefits for widows of certain persons who were retired or are eligible for retirement under section 6 of the Act entitled 'An Act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes', approved June 20, 1918, as amended", approved August 19, 1950 (33 U.S.C. 771 and 772), are each amended by striking out "$75 per month" and inserting in lieu thereof "$100 per month".

SEC. 2. Each annuity payable under the Act entitled "An Act to provide benefits for widows of certain persons who were retired or are eligible for retirement under section 6 of the Act entitled 'An Act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes', approved June 20, 1918, as amended", approved August 19, 1950 (33 U.S.C. 771–775), and each annuity payable under section 6 of the Act entitled "An Act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes", approved June 20, 1918 (33 U.S.C. 763), shall be increased by the same percentage, adjusted to the nearest dollar, and on the same effective date, as each increase hereafter allowed under the cost-of-living annuity adjustment provisions of section 18(b) of the Civil Service Retirement Act (5 U.S.C. 2268(b)).

The amendments were agreed to.

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

The title was amended, so as to read: "A bill to increase the amount of benefits payable to widows of certain former employees of the Lighthouse Service, and thereafter to provide for cost-of-living increases in benefits payable to such widows and to such former employees."

WIDOW OF ALBERT M. PEPOON

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1713, S. 2205.

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

The LEGISLATIVE CLERK. A bill (S. 2205) for the relief of the widow of Albert M. Pepoon.

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

There being no objection, the bill (S. 2205) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the Civil Service Retirement Act of May 29, 1930 (as in effect on August 31, 1956), Albert M. Pepoon shall be considered to have retired on August 31, 1956, pursuant to section 6 of such Act, and to have elected at such time, pursuant to section 4(b) of such Act, to receive a reduced annuity and an annuity after death payable to his widow, Loretta C. Pepoon.

SEC. 2. No annuity shall be payable by reason of the enactment of this Act for any period prior to the first day of the month in which this Act is enacted.

SEC. 3. Notwithstanding any other provision of law, benefits payable by reason of the enactment of this Act shall be paid from the civil service retirement and disability fund.

COMMITTEE MEETING DURING SENATE SESSION TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be permitted to meet during the session of the Senate tomorrow.

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

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

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

AUTHORITY TO RECEIVE MESSAGES AND SIGN BILLS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that during the adjournment of the Senate from the close of business today until 12 o'clock noon tomorrow, the Secretary of the Senate be authorized to receive messages from the President of the United States and the House of Representatives, and the Vice President or President pro tempore be authorized to sign duly enrolled bills.

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

PRINTING OF REPORT OF THE ACCOMPLISHMENTS AND STATISTICS FOR THE 89TH CONGRESS, 2D SESSION, AS A SENATE DOCUMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate Democratic policy committee be permitted to print as a Senate document the yearend report of the accomplishments and statistics for the 89th Congress, 2d session, together with a statement by me.

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

CRIME AND CRIMINAL PROCEDURE IN THE DISTRICT OF COLUMBIA—CONFERENCE REPORT

Mr. BIBLE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5688) relating to crime and criminal procedure in the District of Columbia. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of today.)

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

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

Mr. BIBLE. The conference report on this omnibus crime bill was signed by a majority of the conferees of both the Senate and the House.

Mr. President, violent crime in the District of Columbia will reach an all-time, record high in 1966 if the present trend continues, adding to the fact that crime in the District has increased every year since 1957.

Mr. President, this has been, I think, without doubt the most troublesome bill that the Senate District Committee has dealt with in this present session, and in the 88th and 87th sessions of the Congress. So I am happy to bring to the floor of the Senate a conference report which attempts to meet some of the problems that we have in the Nation's Capital in the area of crime.

I wish to make it abundantly clear that this is certainly no panacea for solving all the crime problems in the District of Columbia. There are many causes, and there still remain many more to be dealt with. I do think that this bill which we bring to the Senate today will go a long way toward correcting some of the crime problems that confront us in the Nation's Capital.

Mr. President, during the 89th Congress, the upsurge of crime in the District of Columbia was the foremost problem considered by the committee of which I am chairman, and no single subject has received greater attention by the committee in more than 10 years. An in-depth examination of the need for strengthening the District of Columbia Criminal Justice Code was made by the Senate Committee on the District of Columbia commencing in the 87th and 88th Congresses, and extending into the 89th Congress. During the 88th Congress, the committee conducted more than 12 days of hearings, receiving testimony from more than 50 witnesses, including outstanding legal scholars, defense attorneys and prosecutors, law-enforcement officers, and community leaders and concerned local residents.

In the 89th Congress, the committee held more than 7 days of additional crime hearings between April and August 1965, hearing 36 witnesses to update the previous hearings. After careful study of various crime measures before the committee, H.R. 5688, as it passed the House, was amended substantially and reported to the Senate, where it passed on August 31, 1965.

Conferees for both Houses have since met on nine occasions, and the staffs of the Senate and House committees have labored many more hours working out details of the agreements reached in executive session.

Mr. President, the bill as agreed to in conference represents what I believe will be an effective weapon in the fight against crime in the District of Columbia, by providing procedures to bring the criminal to swift and sure justice, while respecting the civil libertes afforded every American by his Constitution.

Under title I of the crime bill, Mr. President, the conferees reached a compromise on the so-called Mallory rule amendment. In some measure the conferees approved a provision similar to title I, that had previously passed the Senate. Under title I, as approved, statements and confessions otherwise admissible in the courts of the District of Columbia shall not be inadmissible solely because of delay in taking an arrested person before a Commissioner or other officer empowered to commit persons charged with criminal offenses if—

First. Immediately prior to any questioning the person is advised that he has a right to remain silent, that any statement he does make may be used as evidence against him, and that he has a right to the assistance of an attorney—either retained by or appointed for him—prior to and during such questioning; and

Second. In the case of such person who makes a valid waiver of his right to have the assistance of an attorney during questioning, the aggregate period of such questioning, exclusive of interruptions first, during the absence of an attorney; and second, prior to the time such person is taken before a commissioner or other officer empowered to commit persons charged with offenses against the laws of the United States, does not exceed 6 hours.

In finally approving this post-arrest procedure, the conferees recognize the urgent necessity for proper guidelines that would provide:

First. Proper safeguards for the person during his police custody, and

Second. Protection for the public in keeping law and order by permitting the police to carry on necessary questioning of arrested persons under clearly defined criteria and procedures.

Mr. President, in my view, the conferees, in reaching agreement on the so-called Mallory problem, have accomplished what the Honorable Ramsey Clark, the Deputy Attorney General of the United States, had in mind when he testified before the committee in connection with crime legislation (H.R. 5688) on April 27, 1965. At that time he stated:

> I am convinced that our system of government can devise procedures which will at once permit reasonable police interrogation of suspects while fully protecting their constitutional rights. Moreover, if this committee develops rules which meet the practicalities of modern-day, big city law enforcement, and which are clear and understandable, the police can fairly be expected to assume responsibility for their observance. Where they fail the courts will review.

The full extent of the Honorable Ramsey Clark's testimony is contained in the printed hearings of the Senate on H.R. 5688, the pending measure.

Mr. President, in my view, the procedures approved in Title I by the conferees will do much to remedy the difficult problems in the District which have resulted from the so-called Mallory rule. Once this title becomes law, a completely voluntary statement or confession will not be ruled out at trial on the basis of very minimal delay alone in bringing a person before a commissioner or other judicial officer. Contrarily, the period of delay to disqualify a confession will be reasonable and adequately defined, and enmeshed with adequate and complete safeguards for the detained person during his police custody. The safeguards

that have now been written into title I are those which the Supreme Court set forth in the Miranda case, decided on June 13, 1966. This landmark case, while requiring a person to be provided legal counsel prior to questioning, and also providing complete protection against self-incrimination, does not, in my opinion, rule out reasonable interrogation by police officers.

Mr. President, now that the Supreme Court has spoken as it has in the Miranda decision, it seems patently clear that the Congress should no longer delay taking legislative action to provide clear and adequate procedures for interrogation by police officers of an accused when he is taken into custody. Title I, as approved by the conferees, accomplishes this need and provides the legislation that will fill the void in this important area of criminal procedure.

It goes without saying that title I is the area in this field of criminal law legislation that caused the conferees the greatest amount of concern and raised the most difficult problems.

We were not alone in this regard. The American Law Institute has been wrestling with this problem for a number of years. There has been conference after conference in an attempt to get groups of lawyers, judges, police officers, defense counsel, and prosecutors to write laws that in some measure represent understandable rules to govern this very delicate and sensitive area of the law.

It is not an easy task. There is no better evidence of this than the fact that the American Law Institute has never been able to come to a complete agreement with regard to this particular phase of the criminal law.

Much of the trouble is caused, of course, by the interpretations of the Mallory case and the subsequent extension of such case by the courts.

We have done our dead-level best to attempt to draw guidelines that will meet the constitutional objections. In this endeavor we hope that we have been successful.

I might point out that from the very start of our conference, the other points in the crime bills were resolved rather easily.

It seems to me that the end result is one which speaks well for the determined effort on the part of the conferees to attempt to formulate criminal procedure that will withstand a constitutional test.

In title II, the conferees adopted the American Law Institute insanity test which is contained in the House bill, to replace the existing Durham-McDonald test derived from case law. Under the agreed-upon definition, a person is not responsible for criminal conduct if at the time of such conduct as a result of mental disease or defect he lacks substantial capacity either to know or appreciate the wrongfulness of his conduct, or to conform his conduct to the requirements of law. Also, the conferees adopted an ALI recommendation that precludes a person manifesting a mental disease or defect only by repeated criminal or otherwise antisocial conduct from pleading an insanity defense; and a recommendation that establishes mental disease or defect excluding responsibility as an affirmative defense which the defendant must establish by a showing of substantial evidence.

The conferees also adopted, with slight modification, the Senate version requiring a defendant to give notice of intention to plead an insanity defense. Also, the conferees agreed to retain the existing pre-trial and post-trial insanity commitment procedures presently in the District of Columbia Code in lieu of enacting the various procedures in the House-passed bill. Finally, the conferees modified existing case law with respect to the requirement that the jury be instructed that if the defendant is found not guilty by reason of insanity, he will go to a mental hospital until he has recovered his sanity and is no longer dangerous to the community, by providing that the jury shall not be instructed by the court or counsel regarding the consequences of a verdict of not guilty or acquittal on the ground of mental disease or defect excluding responsibility.

This, of course, for those who are familiar with the law in this particular field demonstrates the attempt on the part of the conferees to take care of the problems which arose by virtue of the so-called Lyles case.

Mr. President, in title III, the conferees adopted a modified version of the Uniform Arrest Act. However, at the outset, I want to make it perfectly clear that the Uniform Arrest Act was not adopted in its entirety but was modified by the conferees so as to rule out the possibility of investigating arrests being sanctioned in the District of Columbia.

Under the approved provisions of title III, a Metropolitan Police officer may detain anyone who he has probable cause to believe is committing, or has committed, a crime, and may demand of him his name, address, business abroad, and where he is going. The provisions of the title will also allow further detention for a period not to exceed 4 hours of any person who fails to identify himself and explain his actions to the satisfaction of the officer. At the end of the prescribed detention period, the person shall be released or be arrested and charged with a crime. In the event the person is not charged, such detention shall not be recorded as an arrest in the official police records.

This provision largely follows with some modifications, the Uniform Arrest Act. The problem for the conferees centered about the number of hours that one can be detained. The conferees adopted a period of 4 hours which period of time appears to be quite reasonable.

A review of the Uniform Arrest Act in other States discloses that periods of detention vary from a high of 4 hours to a low of 2 hours.

I want to make clear at this point that this section should not be construed to mean that the safeguards provided under Miranda would not be applicable with respect to a person who is retained under this title. At this posture of the law, it is not clear to what extent Miranda will be made applicable to all persons who are brought under police detention. The extent and scope of Miranda will be known only when the various Federal courts provide follow-up court decisions.

I believe that the Supreme Court presently has an additional facet of the Miranda case under consideration—if I correctly understand its ruling of last Monday or a week ago Monday.

Mr. President, the conferees, with regard to the material witness provision of title IV, adopted a compromise of the Senate and House bills. The conferees provided that in felony cases where there is probable cause to believe that a person is a material and necessary witness to the commission of a crime, and will not be available to testify at the trial, such person shall be taken before a court or Commissioner without unnecessary delay, and that any delay in appearance will not be unnecessary delay if it occurs within 6 hours after the witness was taken into custody. The conferees added portions of the Senate bill providing the detained person a hearing before a court of Commissioner, and requiring that he be advised of his constitutional rights including the right to counsel and to be represented by counsel. The conferees further provided for the detention of a person as a material witness by a judge or Commissioner upon determination that the person is a material and necessary witness and there is a reasonable possibility he will not be available at time of trial. The conference substitute also provides for the release of witnesses on bond or collateral, or the provision of suitable accommodations separate from quarters used for the confinement of persons charged with crime; it also provides for the payment of witness fees to any person detained under the section, and for the release of witnesses detained for an unreasonable period of time.

The conferees, in reaching agreement on a material witness provision, recognized that existing law on detention of material witnesses—4 District of Columbia Code 144—is very indefinite and provides many problems for securing the presence of witnesses for trial.

Under title V of the conference substitute, the conferees added the crime of "robbery" to the list of crimes of violence.

In title VI of the conference substitute, the conferees reached compromises on establishing minimum sentences for specified crimes of violence. Section 601 provides that the minimum sentence for the crimes of assault with intent to kill or to commit rape, or to commit robbery, or to poison with the intent to kill or willfully to poison a water supply, shall be 2 years, retaining the present maximum punishment at 15 years.

Section 602 of title VI defines burglary as a separate crime, in lieu of the crime of housebreaking. Subsection (a) defines burglary in the first degree as being applicable to dwellings in which any person is in actual occupation, and prescribes punishment of 5 to 30 years' imprisonment.

Subsection (b) defines burglary in the second degree as being particularly applicable to commercial establishments and other structures or dwellings whether

occupied or not. The punishment for burglary in the second degree shall be not less than 2 nor more than 15 years. Section 603 changes the minimum penalty for robbery to 4 years from the present minimum of 6 months.

The House conferees receded on House changes of existing law on offenses involving corrupt influence in connection with athletic contests. However, Mr. President, under section 604 of title VI a provision was added to existing law to make it amply clear that professional athletic teams can legally provide bonuses and other forms of compensation to players to encourage better performance.

Also, in section 605 of title VI the conferees modified the Senate and House language providing for additional punishment for armed crimes of violence. The agreed-upon language provides for an indeterminate sentence in addition to the prescribed punishment for the crime, where the person is armed or has readily available a pistol or other firearm or other dangerous or deadly weapon. If a person is convicted more than once under this section, the court shall not suspend his sentence or give him a probationary sentence.

In connection with amending the existing law of indecent publications, the conferees adopted section 606, containing provisions essentially the same in both bills, and restating existing law that makes it a crime for a person with knowledge to sell, offer to sell, or give away obscene material or have obscene matter in his possession for these purposes or for the purpose of exhibition. A new provision of law was added making it unlawful to act in, pose for, record, or produce or participate in the production of obscene or indecent publication or matter. The conferees adopted punishment provided by the Senate bill, which is a fine of not more than $5,000 or imprisonment for not more than 1 year, or both. In the case of injunctive powers, the conferees generally followed the Senate version, and authorized the U.S. Attorney for the District to petition the U.S. district court for preliminary and permanent injunctions to restrain the sale, gift, exhibition, duplication and reproduction of obscene matter and to restrain the use of real or personal property for such purpose. The conferees removed the broad seizure powers of the House bill and limited seizures under the injunctive power to matters that are obscene, lewd, or indecent. Also, the Senate provision was retained providing the court discretion as to what disposition to make of seized obscene matter. The conferees removed from operation of the bill persons licensed under the Communications Act of 1934, as amended.

The conferees reached agreement with regard to a minimum sentence for the crime of placing explosives with intent to destroy or injure property. Section 607 of title VI contains provision for the addition to present law of a minimum penalty of 4 years' imprisonment.

The conferees also agreed to adopt in setion 608 of title VI, the Senate language providing a minimum penalty of a fine of $300 or imprisonment not exeeding 30 days for the false or ficticious reporting of the commission of crimes or other matters to the Metropolitan Police. Such conduct was established as a crime under bills that passed both the House and Senate.

Finally, title VII provides that persons who, prior to the enactment date of this act, commit offenses under laws amended by this act, shall be sentenced in accordance with the law in effect on the date he committed the offense.

Mr. President, the conferees in approving this conference substitute had the common objective of strengthening the Criminal Justice Code in the Nation's Capital City so as to provide law enforcement agencies, the courts, and the citizenry as a whole with more effective tools to deal with the criminal.

I believe this is a good bill and possibly as good as any that can be worked out by conferees who have strong and varying views on how to deal with this difficult problem.

Mr. President, I believe the conference substitute provides ample protection to the public while not doing violence to constitutional principles. As I emphasized at the start of my presentation, I want to emphasize that this is not a panacea for all the criminal ills confronting society here in the District of Columbia, but it is indeed a big step forward in that direction.

In closing I want to commend both the House and Senate conferees for their diligent and tireless effort in hammering out this compromise. Mr. President, I hope that the Senate will approve this conference report without delay.

Before asking the Presiding Officer to put the question, I want to file at this point a statement from Senator TYDINGS, who has signed the conference report. I ask unanimous consent that this statement be made a part of the RECORD at the conclusion of my statement.

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

STATEMENT BY SENATOR TYDINGS

As a former U.S. Attorney and a Senator from a neighboring State, I am very much concerned with the crime problem here in the District of Columbia. I am well aware of the rising crime rates, and of the mounting public concern and fear which increased crime engenders. We must spare no ammunition in an all-out war on crime.

We do a disservice to the community, however, if we allow it to think that the crime problem will be solved, or significantly alleviated, by passage of this bill. In the short run, crime can be substantially reduced by supporting the reforms of the Metropolitan Police Department recommended by the President's District of Columbia Crime Commission and by appropriating adequate funds to improve police services. In the long run, crime can be reduced only by solving the underlying causes of crime: poverty, ignorance, and lack of opportunity.

This bill may make it possible to obtain some additional convictions and to impose longer sentences, but it will not significantly reduce crime or resolve the underlying problems.

The House has come a long way to meet the Senate's objections to its original crime bill. While the bill is far from perfect, it is considerably less objectionable than the House-passed version.

I have signed the conference report on the District of Columbia crime bill primarily because this bill has been a stumbling block to other District legislation. The House District Committee has made agreement on a crime bill and sine qua non of mutual accommodation between the two Houses of Congress on other District matters. I hope that by enacting this bill, the Senate will help to create a climate in which it is possible to obtain legislation and appropriations which are needed to attack the underlying causes of crime in the District of Columbia.

The principal defect on the present bill is that it may confuse, more than it clarifies, the law of post-arrest interrogation. Titles I and III appear to be mutually inconsistent in the period of post-arrest interrogation they permit. While I would have preferred a technically consistent bill, these provisions can, I believe, be reconciled by the courts in full accord with the letter and the spirit of the Supreme Court's decision in *Miranda* v. *Arizona*.

I read title III as restating the present law of arrest. Although the arrest is called a "detention" and under some circumstances an official arrest record may not be made, I do not believe it permits arrests for investigation or on any evidence less than the present requirements of "probable cause."

Mr. BIBLE. Mr. President, I have conversed with the Senator from Oregon [Mr. MORSE]. He has very strong and definite feelings on this particular bill, as was well evidenced at the time it was before the Senate a year ago. He evidenced his feelings at that time very forcefully and filed minority views. His objection was to title I of the bill. He still has some very grave reservations about this title, as well as title III. He did not sign the conference report. He has asked me to ask unanimous consent to file a statement of his views insofar as the omnibus crime bill is concerned.

I also ask unanimous consent that there be printed for Senator MORSE the minority views which I filed in connection with H.R. 5688 at the time the crime bill was reported by the Senate Committee on the District of Columbia.

There being no objection, the statement and minority views were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MORSE

Titles I and III of the omnibus crime bill—as they now stand—would give the police powers over the citizens of the District of Columbia which would be appropriate only in a most totalitarian society. As such, they could not withstand a challenge under the Constitution. The pervasive device which renders these proposals illegal is that they leave vital questions of personal liberty to the complete discretion of the police, who are responsible only to other police.

This is what could happen to a "suspect" in the District of Columbia if these proposals become law. A policeman comes upon a citizen whom the policeman suspects—with probable cause—has committed a crime. Under Title III of the Bill he questions the individual, and dissatisfied with the answers he "detains" him and interrogates him further for four hours. Under this proposal the suspect is not advised of his right to counsel, nor if he is aware of that right that he be provided counsel. At the end of this four hours, still dissatisfied, the policeman arrests the suspect and Title I of the Act comes into play. Then the suspect is told of his right to counsel, and counsel is appointed if the suspect desires. The questioning, however, continues either in the presence of counsel or, if the suspects makes

a waiver of counsel, without such assistance. The act in effect provides no limit on the length of detention of a suspect before a preliminary hearing. The only limitation is that if a suspect waives his right to counsel he may be questioned only for a total of six hours during his detention. It is only when the police have decided that they have exhausted their need for detention of the suspect that they take him to a committing magistrate so that probable cause for his arrest and detention can be proved and bail set. In effect, these provisions represent an attempt to deprive arrested persons in the District of Columbia of the right to a speedy presentment and the right to bail—both rights which are inherent in the Constitutional scheme.

I cannot understand how the supporters of this conference report can justify Section 301 in view of the Supreme Court's holding in the Miranda case when the Court stated:

"We hold that when an individual is taken into custody or otherwise deprived of his freedom by the authorities and is subjected to questioning, the privilege against self-incrimination is jeopardized. Procedural safeguards must be employed to protect the privilege, and unless other fully effective means are adopted to notify the person of his right of silence and to assure that the exercise of the right will be scrupulously honored, the following measures are required. He must be warned prior to any questioning that he has the right to remain silent, that anything he says can be used against him in a court of law, that he has the right to the presence of an attorney, and that if he cannot afford an attorney one will be appointed for him prior to any questioning if he so desires. Opportunity to exercise these rights must be afforded to him throughout the interrogation. After such warnings have been given, and such opportunity afforded him, the individual may knowingly and intelligently waive these rights and agree to answer questions or make a statement. But unless and until such warnings and waiver are demonstrated by the prosecution at trial, no evidence obtained as a result of interrogation can be used against him."

Even from a cursory description of the procedure proposed in Title III of the Act it is clear that this flies directly in the face of the rules laid down in the landmark case of *Miranda* v. *Arizona* decided in the last term of the Supreme Court. The police quite simply cannot hold a person for questioning for four hours—whether under the guise of "detention" or not—without advising him of his right to counsel and without providing him counsel if he desires. And any statements obtained during such a "detention" would not be admissible in a subsequent criminal proceeding. It can only be safely ventured that if during this period of secret police detention the police obtain leads to other evidence, it too will be excluded from any subsequent prosecution under the rule of *Wong Sun* v. *United States*, which forbids the use of the fruits of an unlawful detention.

Perhaps the conferees who signed the conference report thought that the rules could be avoided by semantic legerdemain—making a distinction between detention and arrest. But the court in *Miranda* repeatedly emphasized that the rules of that case apply to anyone "taken into custody or otherwise deprived of his freedom of action in any significant way." Title III, then, represents a bald attempt to circumvent a clear Constitutional mandate.

Beyond this blatant attempt to repeal *Miranda*, Titles I and III amount to no less than a repeal of Rule 5(a) of the Federal Rules of Criminal Procedure—a repeal limited of course to the District of Columbia, where few of our constituents reside—which requires presentment to a committing magistrate without unnecessary delay after an arrest. Perhaps the draftsmen of these rules feel that compliance with the requirements of *Miranda* after four hours of detention satisfies the reasons for the requirement of a prompt presentment. Thus, they would permit unlimited detention at the complete discretion of the police, even if it should run into days or weeks. What is not taken into consideration is the fact that presentment to a committing magistrate is necessary to protect Constitutional rights as sacred as that which provides for the assistance of counsel. Upon presentment to the committing magistrate the police must establish that there is probable cause for detention of the suspect. Under the Omnibus Crime Bill a suspect could be detained for days and weeks on an unreviewed and unreviewable police determination that there is probable cause.

At presentment, the magistrate is also required to set bond, as provided in the Constitution. Again, under the Omnibus Crime Bill the police could deny a suspect his Constitutional right to bond for a period as long as they desire, considerations of necessity or convenience to the individual notwithstanding.

It is plain on the face of these provisions that what the authors of this bill intend is to bring back to the District of Columbia arrests for investigation. Such unlawful arrests were brought to a well-deserved end as a result of the now famous Horsky report which concluded that they were not only unconstitutional but unnecessary to efficient police administration—conclusions which have not been meaningfully challenged by any legal scholar of repute.

The practicable effect of Titles I and III would be to provide legislative sanction for arrests without probable cause, and detention while the police scurry about to try and dig up evidence to justify the arrest. If there is any doubt as to this purpose, note carefully that Section 101(a) of Title I which provides that any evidence obtained during a period of unnecessary delay before the presentment shall be admissible. There can be no justification for this flagrant attempt to invade the Constitutional rights of the citizens of the District of Columbia.

There are other, and equally disturbing overtones in this legislation. What is to prevent repeated "detentions" of four hours at a stretch under Title III? The law will provide for release after a detention of four hours, unless the policeman chooses to magic the detention into arrest, but the law is silent as to redetention. The parallel which comes readily to mind is the system of detention of political prisoners now used in South Africa, ostensibly limited to a fixed period of time but in fact used—by redetention for indefinite *in camera* confinement. The difference between that outrage and the possibilities of abuse under Title III of the Omnibus Crime Bill are differences in degree only. Further evidence of the unfettered discretion given policemen by this act lies in Title III where the policemen, after confronting an individual whom he has probable cause to believe he has committed a crime, can decide whether to "arrest" him so that his *Miranda* rights accrue, or merely to "detain" him so that he is subject to the secret police interrogation forbidden by *Miranda*.

One final example of the numerous troubling implications in these proposals. "Detention" under Title III shall not be recorded as an arrest in any official record. Is this a suggestion that no record be kept of these bodily seizures by the police? We all recognize the unfortunate consequences which sometimes flow from having an arrest record, but we should work to correct that rather than permit the police to make arrests—and the word detention cannot fog that issue—in secret and without the necessity of an accounting.

In my judgment, the bill contains clearly unconstitutional provisions in it. Therefore I refused to sign the conference report. I want the CONGRESSIONAL RECORD to show that I am opposed to the conference report.

MINORITY VIEWS OF SENATOR WAYNE MORSE

The Mallory rule

The purpose of title I of the bill is to destroy the application of the *Mallory* rule [1] to the District of Columbia. Rule 5(a) of the Federal Rules of Criminal Procedure requires that an arrested person must be brought before a committing magistrate "without unnecessary delay." The *Mallory* rule simply provides that no statement obtained during a period of unlawful detention in violation of rule 5 shall be admissible in a Federal court. In short, the *Mallory* rule tells the police that they, like all citizens in a free society, must obey the law, and that if they break the law, they shall not profit from their wrongdoing because evidence unlawfully obtained may not be admitted against the defendant.

The *Mallory* rule does not exclude a spontaneous confession after arrest; it excludes only those statements obtained during an "unnecessary delay." The Supreme Court made this much clearer in the *Mallory* decision:

"The duty enjoined upon arresting officers to arraign without unnecessary delay indicates that the command does not call for mechanical or automatic obedience. Circumstances may justify a brief delay between arrest and arraignment, as for instance, where the story volunteered by the accused is susceptible of quick verification through third parties. But the delay must not be of a nature to give opportunity for the extraction of a confession."

What constitutes "unnecessary delay" has been the subject of numerous opinions in the District of Columbia [2] and the other Federal circuits.[3] The opinions have not always been harmonious. It is clear, however, the differences of opinion on the question among learned judges are not confined to the judges of the District of Columbia.

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[1] *Mallory* v. *United States*, 354 U.S. 449 (1957).

[2] See *Watson* v. *United States*, 249 F. 2d 106 (D.C. Cir., 1957); *Trilling* v. *United States*, 260 F. 2d 677 (D.C. Cir., 1958); *Naples* v. *United States*, 307 F. 2d 618 (D.C. Cir., 1962); *Jones* v. *United States*, 307 F. 2d 397 (D.C. Cir., 1962); *Tatum* v. *United States*, 313 F. 2d 579 (D.C. Cir., 1962); *Coleman* v. *United States*, 313 F. 2d 576 (D.C. Cir., 1962); *Metoyer* v. *United States*, 250 F. 2d 30 (D.C. Cir., 1957); *Perry* v. *United States*, 253 F. 2d 337 (D.C. Cir., 1957); *Porter* v. *United States*, 258 F. 2d 685 (D.C. Cir., 1958); *Heideman* v. *United States*, 259 F. 2d 943 (D.C. Cir., 1958); *Lockley* v. *United States*, 279 F. 2d 915 (D.C. Cir., 1959); *Goldsmith* v. *United States*, 277 F. 2d 335 (D.C. Cir., 1959); *Day* v. *United States*, 281 F. 2d 33 (D.C. Cir., 1960); *Turberville* v. *United States*, 303 F. 2d 411 (D.C. Cir., 1962); *Hughes* v. *United States*, 306 F. 2d 287 (D.C. Cir., 1962); *Jackson* v. *United States*, 313 F. 2d 573 (D.C. Cir., 1962); *Muschette* v. *United States*, 322 F. 2d 989 (D.C. Cir., 1963); *Pailly* v. *United States*, 328 F. 2d 542 (D.C. Cir., 1964; *Sprigs* v. *United States*, No. 17962, decided June 19, 1964; *Seals* v. *United States*, 325 F. 2d 1006 (D.C. Cir., 1963).

[3] See *United States* v. *Ladson*, 294 F. 2d 535 (2d. Cir., 1961); *United States* v. *Vita*, 294 F. 2d 524 (2d. Cir., 1961); *Holt* v. *United States*, 280 F. 2d 273 (8th Cir., 1960); *Teguer* v. *United States*, 302 F. 2d 214 (8th Cir., 1962); *Evans* v. *United States*, 325 F. 2d 596 (8th Cir., 3 1963); *Williams* v. *United States*, 273 F. 2d 781 (9th Cir., 1959); *Spinoza* v. *United States*, 279 F. 2d 616 (9th Cir., 1960); *Muldrow* v. *United States*, 281 F. 2d 903 (9th Cir., 1960).

The purpose of rule 5 and the *Mallory* rule are several:

(1) To prevent conflicts over the nature of secret interrogations and to minimize the temptation and opportunity to obtain confessions as a result of coercion, threats, or unlawful inducements;

(2) To effectuate and implement the citizen's constitutional rights by insuring that a person arrested is informed by a judicial officer of his privilege against self-incrimination; his right to counsel and his right to be admitted to bail and given an opportunity to exercise these rights;

(3) To protect the citizen from a deprivation of liberty as a result of an unlawful arrest by requiring that the Government establish probable cause to the satisfaction of a judicial officer before a citizen can be detained by the police.

I am at a loss to understand why this rule excites so much citicism.

I agreed with the Department of Justice last year when it asserted during the hearings on similar legislation that "the *Mallory* rule is a good one." I believe now, as I believed then, that if the rule is a "good one" for this Nation, then it certainly is a "good one" for its Capital City. I was gratified by the testimony during the 1965 hearings of the Honorable Ramsay Clark, Deputy U.S. Attorney General, that the Justice Department "would not challenge the wisdom, fairness, or necessity of the *Mallory* doctrine" (1965 hearings, pt. I, p. 32). If the Department of Justice regards the *Mallory* rule as good, wise, fair, and necessary, and does not seek to curtail its nationwide application to Federal criminal prosecutions, I see no reason for carving out an exception where the District of Columbia is concerned.

Why the Mallory rule should not be changed

Title I of H.R. 5688 would destroy the vitality of rule 5 and the *Mallory* rule in the District of Columbia. Citizens of the District of Columbia would be deprived of substantial rights guaranteed to other citizens throughout the Federal system. The objectives of rule 5 and the *Mallory* rule would be discarded in favor of a procedure designed to permit the police to extract confessions from citizens who waive important constitutional rights through ignorance or failure to appreciate the significance of these rights.

My reasons for opposing title I of H.R. 5688 can be summarized as follows:

(1) The postponement of the presentation of a defendant to a magistrate for any period of time for the sole purpose of interrogating that defendant is an unconstitutional erosion of several of the rights guaranteed to an accused by the fourth, fifth, sixth, and eighth amendments to the Constitution of the United States.

(2) The clear purpose of title I is the circumvention and subversion of the defendant's constitutional right not to be convicted out of his own mouth.

(3) The philosophy of title I is foreign to our accusatorial system of criminal justice.

(4) Congressional action with respect to the *Mallory* rule is not appropriate at this time because important studies of the rule are still in progress, and because the attitude of law enforcement officials toward the rule has not yet crystallized, but rather is in the process of evolution.

(5) As title I is now drafted, it will not even achieve the purpose its sponsors have in mind.

(6) Section 103 of title I, as it is presently worded, raises serious problems of interpretation, is bound to provoke a heavy volume of litigation, and erects safeguards meaningful only to the wealthy.

(7) Since the bill allows at least a 3-hour delay between arrest and arraignment, it is bound to become in practice a device for arresting any person for investigation and interrogation for 3 hours.

The 3-hour rule

By title I of H.R. 5688, as approved by the majority of this committee, the Congress is requested to legislate into existence a several-hour interval between the arrest of any individual in the District of Columbia, and his presentment before the U.S. commissioner or one of the judges of the District of Columbia court of general sessions. The Congress is asked to do this by a statute defining the words "unnecessary delay" in rule 5(a) of the Federal Rules of Criminal Procedure to exclude at the bare minimum, the first 3 hours after an accused is arrested. In order to evaluate both the constitutionality and the desirability of isolating an arrested person from a representative of the judiciary branch of the Government for a 3-hour period, it is essential for the Senate to understand fully the procedure that occurs when an accused is presented to the magistrate. For all must agree that one who is asked to postpone a procedure for at least 3 hours should at least know what it is that he is postponing.

The procedure that occurs before the magistrate is spelled out in rule 5(b) of the Federal Rules of Criminal Procedure:

"The commissioner shall inform the defendant of the complaint against him, of his right to retain counsel, and of his right to have a preliminary examination. He shall also inform the defendant that he is not required to make a statement and that any statement made by him may be used against him. The commissioner shall allow the defendant reasonable time and opportunity to consult counsel and shall admit the defendant to bail as provided in these rules."

Rule 5(b) should be read in conjunction with the following provisions from the Bill of Rights:

"The right of the people to be secure in their persons * * * against unreasonable * * * seizures shall not be violated, and no Warrants shall issue, but upon probable cause * * * (fourth amendment).

"No person * * * shall be compelled in any criminal case to be a witness against himself * * *(fifth amendment).

"In all criminal prosecutions, the accused shall enjoy the right * * * to be informed of the nature and cause of the accusation * * * and to have the assistance of counsel for his defense (sixth amendment).

"Excessive bail shall not be required * * * (eighth amendment)."

Constitutional issues

Can any person read rule 5(b) and these provisions of the Bill of Rights (with the interpretation put upon them by over 170 years of judicial decisions), and yet say that there are no constitutional implications to title I of this bill? Can any person read rule 5(b) and the fourth, fifth, sixth, and eighth amendments, and reach any conclusion other than that the proceeding before the magistrate is the method for activating these provisions of the Bill of Rights for use in each particular criminal case? Can any person read rule 5(b) together with those amendments and not conclude that by title I of this bill the Congress is asked to hold those constitutional rights in a state of suspended animation for at least the first 3 hours after a person is arrested? And, if the Congress has the power to suspend the application of these rights to the individual defendant for 3 hours, can anyone explain why it would not also have the power to suspend the application of those rights for 12 hours, or 24 hours, or a week, or a month?

If any Senator were bold enough to introduce a bill to the effect that an accused person shall have no right to be free on bail during the first 3 hours after his arrest, the vast majority of the Senate would immediately recognize it as an unconstitutional narrowing of the right to bail conferred by the eighth amendment. Yet, is this not exactly what we are asked to do by title I of this bill?

Suppose the Senate were asked to enact a statute to the effect that until a defendant has been in custody for at least 3 hours, there shall be no judicial inquiry into the question of whether there was probable cause to arrest him at all. Does any Senator seriously doubt that such a statute would quickly and correctly be branded unconstitutional by the U.S. Supreme Court? Yet this is precisely what the Senate is asked to do through the provisions of title I of this bill.

Suppose the Senate were asked to pass a bill to the effect that unless a defendant is able on short notice and while in police custody to contact a criminal lawyer and unless he has enough funds to retain that lawyer, the accused shall have no right to an attorney and no right to his freedom to seek an attorney until at least 3 hours have passed after his arrest. Can any person read the recent decisions of the U.S. Supreme Court and conclude that such a statute would be constitutional? Yet, by indirection, we are asked to enact the substance of such a plainly unconstitutional provision when we are asked to enact into law title I of this bill.

But in the final analysis, it is misleading to speak of a 3-hour delay in arraignment, for the delay may be, and in practice undoubtedly will be, much longer; in some cases, it might come out to a matter of days. Section 103(3) of title I of this bill places a 3-hour limit on questioning, but it places no limit at all on the delay between arrest and arraignment. Moreover, section 103(3) permits an aggregate 3 hours of questioning, exclusive of interruptions. In a particular case, then, an individual could be arrested, questioned for 15 minutes, held incommunicado overnight, questioned intensively for an hour, returned to his cell for several hours or days, and then questioned again for an additional hour and three-quarters, either in one continuous session or in a series of shorter sessions. The interrogation-interruption-interrogation combinations are limitless. It will be only a matter of time before techniques will be developed by the police which will enable them in effect to detain and question a suspect as long as may be necessary to break him. Section 103(3) is worded to make the interrogation procedure which it creates as palatable as possible, but no matter how it may be sugar coated, it still means that once an accused has been arrested, his constitutional right to liberty may be withheld from him for at least 3 hours while the police try to persuade him to waive his constitutional right not to be a witness against himself. And it also means that it shall not be necessary that the accused actually receive the advice of counsel on whether to make such a waiver, although he is not to be denied the "opportunity" to obtain this advice provided he is wise enough to ask for it and wealthy enough to pay for it. It also means that an accused may be held for at least 3 hours before any judicial inquiry is undertaken into the validity of his having been arrested in the first place.

Inquisition is foreign to our system of justice

Even if one can force himself for the moment to overlook the formidable constitutional problems that are presented by title I of H.R. 5688, it is plain that legislation of this sort runs against the grain of the Anglo-American system of administering criminal justice. This legislation would inject into our accusatorial system of criminal law enforcement the seeds of the inquisitional system. This legislation could signal the beginning of the end of the privilege against self-incrimination, which in many ways is the hallmark of our systems of criminal justice. We do not wish to burden this minority report with lengthy quotations, but the following observations by Justice Felix

Frankfurter, the author of the *McNabb-Mallory* rule, are so pertinent to the issue presented by title I that we do believe they justify quotation here:

"To turn the detention of an accused into a process of wrenching from him evidence which could not be extorted in open court with all its safeguards, is so grave an abuse of the power of arrest as to offend the procedural standards of due process.

"This is so because it violates the underlying principle in our enforcement of criminal law. Ours is the accusatorial as opposed to the inquisitorial system. Such has been the characteristic of Anglo-American criminal justice since it freed itself from practices borrowed by the star chamber from the continent whereby an accused was interrogated in secret for hours on end. [Citation omitted.] Under our system society carries the burden of proving its charge against the accused not out of his own mouth. It must establish its case, not by interrogation of the accused even under judicial safeguards, but by evidence independently secured through skillful investigation. * * * The requirement of specific charges, their proof beyond a reasonable doubt, the protection of the accused from confessions extorted through whatever form of police pressures, *the right to a prompt hearing before a magistrate*, the right to assistance of counsel, to be supplied by government when circumstances make it necessary, *the duty to advise an accused of his constitutional rights*—these are all characteristics of the accusatorial system and manifestations of its demands. Protracted, systematic, and uncontrolled subjection of an accused to interrogation by the police for the purpose of eliciting disclosures or confessions is subversive of the accusatorial system. It is the inquisitorial system without its safeguards. For a while under that system the accused is subjected to judicial interrogation, he is protected by the disinterestedness of the judge in the presence of counsel (*Watts* v. *Indiana*, 338 U.S. 49 (1949))." [Emphasis added.]

No one who testified during the hearings on this bill did, or could, contest the proposition that one who is arrested has an absolute constitutional right to refuse to make any statement whatsoever to the police. Since this is so, it is difficult to see the justification for a statute which would have the effect of delaying his right to go free on bail for any period of time, be it 1 minute or 3 hours, so that the police can ask him questions which he has a constitutional right not to answer. Moreover, although in some respects a period of 3 hours can seem a relatively short space of time, 3 hours or even 1 hour, of questioning of any sort is certainly an unpleasant experience and one which most people would find an ordeal.

Proposed modifications of Mallory rule erode procedural rights of accused

Even if we assume that the time is propitious for tampering with the judicially determined meaning of rule 5(a); and even if we believe that such tampering is permissible under the Constitution and desirable in view of the special problems that are alleged to exist with respect to law enforcement in the District of Columbia, we are still brought to the question of whether title I is a good way to go about the matter. Certainly, no one could have any objection to section 101 of title I, other than that it is surplusage, since the due process clause of the Constitution would prohibit the use of a confession obtained under the circumstances described in section 101. I would have no quarrel with section 102 of title I, for it simply is a legislative enactment of the rule announced by the Supreme Court in *McNabb* v. *United States* (318 U.S. 332 (1943)).

It is against section 103 of title I that the thrust of my objections is directed. Paragraph (1) of that section required that any interrogation be preceded by advice from the police to the defendant that he is not required to make any statement and that any statement made by him may be used against him. This provision is an open invitation to litigation. What do the words "plainly advise" mean?

Moreover, how are we to be certain that this plain advice was given in situations where the defendant denies it and the police officers affirm it? It is difficult to overlook a natural tendency of trial judges to accept the word of an officer rather than the word of a defendant. In any event, this section is bound to raise the contention in many criminal trials in the District of Columbia that such plain advice was not given to the accused in fact.

In addition, there is indication that this advice to the defendant is an overrated safeguard. How many defendants really understand the significance of what they are told? Since so many give statements after receiving this advice from the police, and since it is obviously not in their interest to do so, we are justified in concluding that most defendants do not fully appreciate and comprehend what they are told. Indeed, the U.S. attorney for the District of Columbia, David Acheson, who is the author of title I, virtually acknowledged this. During the 1964 hearings, when Senator DOMINICK asked whether defendants would not simply postpone any confession until the statutory period had expired, he replied:

"Senator, I think that is attributing a degree of sophistication to even a hardened criminal that very few of them seem to possess. At the present time for all practical purposes if he can hold out for 2 hours or 2½ hours, he is pretty well in the clear, but very few of them do" (1964 hearings, p. 443).

When a defendant gives any statement to the police, he is, ipso facto, waiving his constitutional right to remain silent. The waiver of such a vital constitutional right should always be preceded by legal advice as to the wisdom of doing so. This brings us logically to section 103(2) of title I, which is obviously contrived to meet these objections.

Section 103(2), which provides that a defendant shall be afforded a reasonable opportunity to notify a friend or relative and to consult with counsel of his own choosing, creates the illusion of fairness, but as a practical matter this safeguard will evaporate in the police station. First of all, how does the defendant select counsel with whom to consult? The classified pages of the telephone directory contain a formidable list of attorneys with no indication of their specialty. One can just imagine the kind of "consulting" which would go on if a patent attorney were roused from his sleep at 4:30 a.m. on a Sunday morning by an unknown defendant arrested on a charge of robbery.

Mr. Acheson all but conceded that this safeguard was an empty one:

"Usually, Senator, these people don't know a lawyer. * * * They are offered the telephone. I think a classic situation here is the famous defendant Killough in a murder case, who was offered the telephone. He did not make use of it. He didn't know a lawyer to call * * *. The police, with some reason, feel that it would be quite improper for them to select counsel for defendants, and I believe that the Legal Aid Agency at the present time is not authorized to accept the call of the police to represent defendants in the custody of the police" (1964 hearings, p. 444).

Moreover, an attorney, asked to render such time-consuming service on such short notice and in what is essentially an emergency situation, has a right to demand a fee for his services. Since approximately two-thirds of the defendants who are tried on felony charges in the U.S. District Court of the District of Columbia are represented by court-appointed counsel, it follows a fortiori that an even larger percentage of those arrested will be indigent and couldn't offer a lawyer any guarantee of a fee for his earned services.

Concededly, section 103(2) could be very meaningful for the habitual criminal, for the rich defendant, for the gangster, and for the member of an organized crime syndicate. However, for those who are indigent, for those who are charged with their first offense, for those who are not linked with organized crime, it is an empty provision.

The Justice Department appreciates that the interrogation would be unconstitutional unless preceded by the opportunity to obtain counsel (1964 hearings, p. 433).

Nevertheless, the bill contains no provision for appointment of counsel for the indigent. The Legal Aid Agency Act (D.C. Code 2-2201, June 27, 1960, 74 Stat. 229, Public Law 86-531) does not authorize staff attorneys of the Legal Aid Agency to appear in criminal cases before preliminary hearing. Neither the proposed changes in the Federal Rules of Criminal Procedure (rule 44(b), second preliminary draft (1964)) nor the Criminal Justice Act of 1964 (S. 1057) provide for the appointment of counsel before the preliminary hearing.

In *Massiah* v. *United States* (377 U.S. 201 (1964)), the Supreme Court held that a statement obtained from an indicted defendant at a time when the defendant was not represented by counsel violated the sixth amendment and was inadmissible. The Court observed that—

"A Constitution which guarantees a defendant the aid of counsel at * * * trial could surely vouchsafe no less to an indicted defendant under interrogation by the police in a completely extrajudicial proceeding. Anything less * * * might deny a defendant effective representation by counsel at the only stage when legal aid and advice would help him."

On June 22, 1964, the Supreme Court in *Escobedo* v. *Illinois* (378 U.S. 478), held that the failure of the police to warn a defendant taken into custody of his right to remain silent and the refusal by the police to permit the defendant to consult his counsel upon request constituted a violation of the 6th and 14th amendments and rendered statements elicited from the defendant inadmissible in a criminal proceeding. In his dissenting opinion in the *Escobedo case*, Justice White pointed out the broad effect of the decision:

"* * * Although the opinion purports to be limited to the facts of this case it would be naive to think that the new constitutional right announced will depend upon whether the accused has retained his own counsel * * * or has asked to consult with counsel in the course of interrogation."

It seems clear that Mr. Justice White is correct in foreseeing that the Supreme Court will not tolerate a system which permits the rich defendant to consult with counsel while providing no counsel to advise the majority of defendants who cannot afford legal assistance. In a series of decisions, the Court has reiterated the theme that equal justice under law means that no defendant may be deprived of an important procedural right because of poverty. *Griffin* v. *Illinois* (351 U.S. 12, 17-18 (1956)); *Smith* v. *Bennett* (365 U.S. 708 (1961)); *Coppedge* v. *United States* (369 U.S. 438, 446-447 (1962)); *Gideon* v. *Wainwright* (372 U.S. 335 (1963)); *Douglas* v. *California* (372 U.S. 353 (1963)); *Lane* v. *Brown* (372 U.S. 477, 483-84 (1963)); *Hardy* v. *United States* (375 U.S. 277, 280 (1964)).

The provisions of the bill must be regarded as unconstitutional if they are interpreted in such a way as to deny counsel to an indigent during the police interrogation.

There remains the possibility that the bill could be interpreted in such a way as to require the appointment of counsel for an indigent, upon the theory that a defendant has not "in fact" been afforded the opportunity to consult with counsel if he is unaware of his right to have counsel appointed for him, or if no provision exists for the appointment of counsel. If such is the intention of the Senate, the provision should be rewritten to conform with the language of proposed rule 5(b) (second preliminary draft, proposed revision of Federal Rules of Criminal Procedure) and should expressly state that—

"(b) prior to any such questioning the arrested person was advised by the officers having custody of him that he would be afforded reasonable opportunity * * * to consult counsel of his choosing and of his right to request the assignment of counsel if he is unable to obtain counsel."

While the bill permits a detention for 3 hours, it purports to recognize the right to counsel of a defendant who is the subject of an accusatory proceeding. Obviously the wealthy defendant may implement his constitutional rights by hiring a lawyer. The bill makes no provision for the poor defendant. Certainly the bill cannot preclude such a citizen from asserting his right to counsel and avoid successful constitutional attack. Perhaps the neighborhood legal services project of the United Planning Organization, created and funded as a part of the Government's war on poverty, the Legal Aid Agency created by the Congress, or voluntary attorneys will come forward to provide the counsel needed. Assurance by the spokesmen for the Department of Justice that the Department recognizes the right of all to have access to counsel at this early stage of the proceeding constitutes a clear commitment that it will do nothing to frustrate the implementation of the right to counsel in the administration of the procedure authorized by the bill. If counsel can be provided to the indigent in this way, some of the constitutional questions raised by the bill could possibly be alleviated.

The bill should contain a section providing that counsel may be provided for the indigent by the Legal Aid Agency for the District of Columbia. Anything less will render the bill unconstitutional in its application to indigent defendants.

Finally, if section 103(2) should happen to function as it should in the ideal situation, the whole purpose of title I; namely, to allow interrogation of a defendant for a 3-hour period after his arrest, would be frustrated, for no attorney who has any competence in the criminal law is going to advise a defendant who is under arrest to make a statement to the police; and especially not during the 3 hours after his arrest, when, presumably, the attorney could not possibly have had enough time to make an intelligent investigation of the facts surrounding the police charges. Any competent lawyer would advise his client to remain silent until the lawyer has investigated the case and a committing magistrate has had an opportunity to pass judicially on the question of probable cause justifying the arrest by the police in the first instance.

That there is force in this observation concerning section 103(2) is borne out by the fact that two persons testifying before the committee in 1964 with quite different viewpoints on the question of interrogation of arrested individuals raised similar objections. Chief Robert V. Murray, of the Metropolitan Police Department, who favored legislation nullifying the *Mallory* rule, and Dean Kenneth A. Pye, of Georgetown University Law Center, who opposed such legislation, each agreed that the practical problems created by section 103(2) would be so great as to render the statute more trouble than it was worth. (See 1964 hearings, pp. 578–580; 555–558.) Dean Pye testified:

"That bill results in no interrogation, either. If you give him the right to counsel and if you give him counsel, then counsel is going to tell him that he does not have to have interrogation. So while I have no objection to that proposal, I do not think you will accomplish his (Mr. Acheson's) objective" (1964 hearings, p. 394).

Chief Murray took substantially the same position, although for altogether different reasons:

"As I have testified to your committee, the current policy and practice of this department is to permit an arrested person to communicate with an attorney upon his request, and I would not oppose writing this policy and practice into the law. On the other hand, I believe that the additional requirement that the police specifically advise an arrested person of this opportunity must certainly incur a new handicap on police investigations. I believe that the testimony of witnesses before your committee has been unanimous that any attorney will immediately advise his client to make no statement whatever to the police, and to require the police to actively solicit this probability would operate to effectively preclude any incustody questioning of the defendant" (1964 hearings, pp. 578–579).

The proponents of title I have argued that the necessities of law enforcement require that the police be able to interrogate suspects in order to elicit damaging statements from them. However persuasive such an argument may be, it is not longer permissible. The desirability of obtaining incriminatory admissions from uninformed or unappreciative defendants is no longer debatable. The practice has been prohibited by the Supreme Court. The Court specifically dealt with the issue in the *Escobedo* case:

"It is argued that if the right to counsel is afforded prior to indictment, the number of confessions obtained by the police will diminish significantly because most confessions are obtained during the period between arrest and indictment, and 'any lawyer worth his salt will tell the suspect in no uncertain terms to make no statement to police under any circumstances' (*Watts* v. *Indiana*, 338 U.S. 49, 59 (Jackson, J., concurring in part and dissenting in part)). This argument, of course, cuts two ways. The fact that many confessions are obtained during this period points up its critical nature as a 'stage when legal aid and advice' are surely needed (*Massiah* v. *Untied States, supra*, at —; *Hamilton* v. *Alabama, supra; White* ——— v. *Maryland, supra*. The right to counsel would indeed be hollow if it began at a period when few confessions were obtained. There is necessarily a direct relationship between the importance of a stage to the police in their quest for a confession and the criticalness of that stage to the accused in his need for legal advice. Our Constitution, unlike some others, strikes the balance in favor of the right of the accused to be advised by his lawyer of his privilege against self-incrimination.

"We have learned the lesson of history, ancient and modern, that a system of criminal law enforcement which comes to depend on the confession will in the long run be less reliable and more subject to abuses than a system which depends on extrinsic evidence independently secured through skillful investigation. As Dean Wigmore so wisely said:

"'(A)ny system of administration which permits the prosecution to trust habitually to compulsory self-disclosure as a source of proof must itself suffer morally thereby. The inclination develops to rely mainly upon such evidence and to be satisfied with an incomplete investigation of the other sources. The exercise of the power to extract answers begets a forgetfulness of the just limitations of that power. The simple and peaceful process of questioning breeds a readiness to resort to bullying and to physical force and torture. If there is a right to an answer, there soon seems to be a right to the expected answer—that is, to a confession of guilt. Thus the legitimate use grows into the unjust abuse: ultimately, the innocent are jeopardized by the encroachments of a bad system. Such seems to have been the course of experience in those legal systems where the privilege was not recognized,' (8 Wigmore, Evidence (third edition, 1940) 309). [Emphasis in original.]

"This Court also has recognized that 'history amply shows that confessions have often been extorted to save law enforcement officials the trouble and effort of obtaining valid and independent evidence * * *' (*Haynes* v. *Washington*, 373 U.S. 503, 519).

"We have also learned the companion lesson of history that no system of criminal justice can, or should, survive if it it comes to depend for its continued effectiveness on the citizens' abdication through unwareness of their constitutional rights. No system worth preserving should have to fear that if an accused is permitted to consult with a lawyer, he will become aware of, and exercise, these rights. If the exercise of constitutional rights will thwart the effectiveness of a system of law enforcement then there is something very wrong with that system."

In the *Escobedo* case the right to remain silent has been reinforced by the right to counsel. The inquisitorial system prior to indictment has been rejected. This is a matter of constitutional law. It is beyond the power of Congress to change. We do not see how a Senator can read the *Escobedo* decision and still support title I of the bill.

The sum and substance of this is that this committee has recommended to the Senate that it enact into law section 103 of title I on the basis of a record before the committee which demonstrated that if section 103 (2) is effective, the legislation would be useless, and if section 103(2) is ineffective, the legislation would be unconstitutional. The action of the majority of the committee just does not make sense.

Section 103(3) purports to create for the first time in the Federal system a right of interrogation for 3 hours. We believe that in practice this will be considered by the police as a license to resurrect the investigative arrest provided the person so arrested is not questioned for more than 3 hours. We must remember that the clearly unconstitutional practice of making an arrest on suspicion or for investigation grew up in the District of Columbia despite a clear constitutional provision that all arrests must be based upon probable cause; despite a rule of procedure which required that all arrested persons must be immediately presented before a magistrate; despite the absence of any statutory authorization for the interrogation of the arrested person. Now if the arrest for investigation could flourish despite such a constitutional, procedural, and statutory climate there is every reason to believe that it will reappear if the Senate authorizes 6 hours of interrogation of all arrested persons.

It is significant that the bill provides no protection against unlawful arrests. What will prevent the police from arresting a defendant for investigation, interrogating him until a damaging statement is obtained, and then using the statement to establish probable cause at the subsequent hearing before the commissioner?

This is no theoretical problem. The report of the Commissioners' Committee on Police Arrests for Investigation (1962), the Horsky report, establishes that during 1961, 5,524 persons were arrested for suspicion, and 3,743 of these were listed as arrested for in-

vestigation. A higher number of arrests on suspicion or investigation were made in previous years. During 1960 and 1961, 17 out of each 18 persons arrested were ultimately released. A substantial percentage, perhaps as many as 45 percent of these arrests, were unlawful because there was no probable cause at the time of the arrest.

That Committee recommended that arrests for investigation should be stopped. The Chief of Police replied to the report in a memorandum to the Board of Commissioners. In this memorandum Chief Murray attempted to justify the existing practices.

Chief Murray concluded his memorandum by urging the Commissioners not to implement the recommendations of their Committee "until satisfactory alternatives are established to provide the police force with tools to continue an effective war on crime." The Commissioners disregarded his advice and ordered that the practice of police arrests for investigation should cease. The testimony of police officials before committees of the Congress during the last year provides ample proof that the police do not regard the decision to be fair and that they are exploring all avenues to find "satisfactory alternatives."

The procedure permitted by the present bill would provide such an alternative. Ultimately these efforts will be thwarted by court decisions suppressing all statements obtained as a result of unlawful arrests. (See *Wong Sun* v. *United States*, 371 U.S. 471 (1963).) During the interval, title I of the bill will provide justification for their conduct. It is difficult to estimate how many citizens will be arrested unlawfully during the interval.

The witnessing and recording provision

Section 103(4) of the bill requires that the questioning and the warning and advice be witnessed by a "responsible person" who is not a "law enforcement officer" or recorded "whenever reasonably possible." The section raises many problems of interpretation and administration. What is meant by "reasonably possible"? Where are "responsible persons" who are not law enforcement officers to be obtained? In any case the protection of this section is relevant only to the issue of involuntary confessions. The "protection" of the section bears no relation to the problems arising under the fifth, sixth, and fourth amendments.

The equal protection of the law

Rule 5(a) of the Federal Rules of Criminal Procedure governs all criminal prosecutions in the Federal system in the United States. This is so now, and it will be so even if title I is enacted. Title I does not change the wording of rule 5(a). What it does do is to define the words "unnecessary delay," which appear in that rule, in one way for the District of Columbia, while leaving unchanged a quite different definition of those identical words which was made by the Supreme Court in the *Mallory* case. Is not the concept of equal protection of the laws inherent in the due process clause of the fifth amendment substantially invaded if the Congress says that the same rule of criminal procedure means one thing in the District of Columbia and another thing in the 50 States of the Union? We should not lose sight of the fact that the only thing that separates the District of Columbia from the eastern district of Virginia (and the Federal district court which sits in Alexandria, Va.) is the Potomac River. Does Congress have the power to say by legislation that the same rule of criminal procedure means one thing on one side of the river and another on the other side? It would seem obvious that a person arrested for a violation of the Harrison narcotics law in the District of Columbia cannot be legislatively subjected to an interrogation which would be impermissible if he were arrested in Alexandria, Va., or Baltimore, Md., for the same charge.

Nor should the Senate allow itself to be stampeded into the enactment of title I of the bill by those who seek to blame any increase in the District of Columbia crime rate on the U.S. Supreme Court's *Mallory* rule. The statistics which are offered to support this position cannot carry the burden which they seek to place upon them. Indeed, the U.S. attorney for the District of Columbia, David C. Acheson, acknowledged that repeal of the *Mallory* rule would have little or no impact insofar as the prevention of crime is concerned (1965 hearings, pt. 1, p. 57).

The Department of Justice has acknowledged during the hearings before this committee that it is impossible to establish a cause and effect relationship between the District of Columbia crime rate and the *Mallory* rule. The following colloquy bears this out:

"Senator McINTYRE. One final question. Taking into account all the crimes that are committed in this District, do both of you feel that a substantial number of criminals evade punishment because of this?

"Mr. KATZENBACH. I don't know of any facts that could be cited that would lead to that conclusion.

"Senator McINTYRE. I take it your answer means that you do not believe there are a substantial number of criminals that evade punishment because of the *Mallory* rule?

"Mr. KATZENBACH. I phrased it as I did, Senator, because people whose judgment I respect do take the view that there are. I simply don't know of any way of establishing that by——

"Senator McINTYRE. There are no statistics on it?

"Mr. KATZENBACH (continuing). By factual evidence that would lead anybody to that conclusion" (1964 hearings, p. 446).

The Senate should recall that in 1957 when the Supreme Court rendered its *Mallory* decision, Chief Robert Murray predicted that it would result in a complete breakdown in law enforcement in the District of Columbia, and further stated that "most of the murders, rapes, and robberies would have gone unsolved and unpunished under the *Mallory* decision."

Yet, 3 years after the *Mallory* decision, Oliver Gasch, the U.S. attorney for the District of Columbia, reported "*Mallory* questions, that is to say, confessions or admission, are of controlling importance in probably less than 5 percent of our criminal prosecutions."

During the hearings this year, Mr. Acheson said that only a "handful" of prosecutions were declined by his office because of the anticipated impact of the *Mallory* rule (1965 hearings, pt. 1, p. 56).

I am convinced that title I is an unconstitutional piece of legislation. By recommending passage of any bill containing this title, the committee is asking the Congress to buck the current of present-day constitutional thinking.

Moreover, interrogation of the accused is alien to the traditions of our system of criminal justice, which is and should be accusatorial.

Finally, during the short life that title I would have until the Supreme Court declared it unconstitutional—which I think in all probability will happen eventually—it would create a volume of litigation that would clog the administration of criminal justice in the District of Columbia.

Mr. BIBLE. Senator KENNEDY of New York also did not sign the conference report; and he has asked me to ask unanimous consent to have incorporated, as a part of his objections to this conference report, a statement which he has prepared. I ask unanimous consent that it be made a part of the RECORD at this point.

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

STATEMENT BY SENATOR KENNEDY OF NEW YORK

There is no doubt that a serious crime problem exists in Washington, D.C. The annual statistics compiled by the Federal Bureau of Investigation reveal that in 1965 alone 25,000 serious offenses were reported to police officials in this city.

These same statistics show that Washington's crime problem is not decreasing; it is not even remaining stable. From 1963 to 1964 serious crime rose by 25 percent; from 1964 to 1965, it rose by 11 percent. During the first half of 1966, Washington experienced a 5.7 percent rise in crime.

No member of this Congress can disregard these statistics. Washington is the Capital of this country. It houses this Nation's Federal Government. The attention of people throughout the country—nay throughout this world—is focused on Washington. This city must stand as a model for all urban centers. And if we are to make Washington into such a city, then we must ensure above all else that every citizen who lives, works, or visits here feels secure in his person and possessions.

As Attorney General of the United States and now as a member of the Senate, I have vigorously supported legislation to eradicate both the causes and manifestations of crime. For if we are to wage a successful war on crime, we must not only seek effective law enforcement but we must alleviate the conditions that produce criminal behavior. It is senseless to expand and upgrade our police departments, to tighten our gun laws, and to rehabilitate the victims of narcotics addiction and drug abuse, if we do not also seek to ensure that in this rich nation no person need suffer from want to adequate food, shelter, education, or meaningful employment.

But I have never believed that new legislation to deal with the problem of crime is an end in and of itself. Any change that Congress authorizes in this field must bear the imprint of cogent analysis and careful drafting. A delicate balance exists between the rights of the police and the rights of the individual. Legislation that carelessly broadens the powers of law enforcement officials will of necessity threaten the freedoms that all Americans cherish. At last year's hearings before the Senate Committee on the District of Columbia, Deputy United States Attorney General Ramsey Clark took note of this balancing problem when he stated that, "As we seek to deter and apprehend those who would take away our liberty to walk the streets in safety, we must take care not to lose our liberties in other ways."

I have carefully studied the omnibus crime bill agreed to in conference by the House and Senate District of Columbia Committees. I am fully aware of the difficulties that were involved in bringing H.R. 5688 out of conference. Once more, I salute the Chairman of the Committee on the District of Columbia, the distinguished Senator from Nevada, [Mr. BIBLE], for the hearings that he has held and the efforts that he has made to prepare a bill that would satisfy both Houses of Congress. I regret that I cannot support this bill as it is presently drafted because of the provisions found in Title I and Title III, the provisions that deal with the arrest, the detention, and interrogation of criminal suspects. In my judgment, these provisions are unclear in their scope and subject to police abuse. The threat they pose to the civil

liberties of this city's citizenry cannot be taken lightly.

Title I and Title III of the instant bill must be read in conjunction. Only in this way, can we understand their collective effect on existing law and their relationship to each other.

Title Section 101. (a) provides that no evidence obtained from or about an arrested person shall be inadmissible solely because of delay in taking that person before an arraignment officer. Section 101. (b) provides that any confessions or statements made by "a person in the custody of a law enforcement officer . . . during any pretrial questioning" shall be admissible if the following conditions are met:

1. Prior to questioning, the accused shall be advised that he has a right to remain silent, that he has the right to have his own or an appointed attorney present prior to and during the interrogation, and that any statements he makes may be used as evidence against him, and

2. The period of questioning prior to arraignment for any person who has made a valid waiver of his right to have the assistance of an attorney during this interrogation period shall not during the absence of an attorney exceed six hours—exclusive of interruptions.

Title III permits a police officer to stop any person abroad whom he has probable cause to believe is committing or has committed a crime. The policeman may demand that the person give his name, address, business abroad, and destination. If the person fails to identify himself or to explain his actions satisfactorily, the police officer may detain and interrogate him for up to four hours. At the end of this period, the detained person must either be released or be arrested and charged with a crime. The detention shall not be recorded as an arrest in any official record.

Since Title III is meant to deal with and control the initial contacts that a police officer has with a criminal suspect, I turn to it first. Those who originally proposed that Title III be added to this crime bill intended to incorporate a version of the Uniform Arrest Act into the law governing the District of Columbia.

The Uniform Arrest Act permits police officials to take persons into custody upon a less strict standard than probable cause. Five jurisdictions have accepted this Act or analogous statutes. Most legal scholars as well as the American Law Institutes have looked with disfavor on the Act. They consider it unwise and an unnecessary intrusion upon the rights of individuals. More importantly they believe it is an unconstitutional attempt to circumvent the provisions of the Fourth Amendment.

Any language that would have clearly sanctioned investigative detentions was struck from H.R. 5688 during conference. Unfortunately, Title III itself was not struck. It remains an unclear compromise, a hybrid that neither authorizes nor forbids such detentions.

In its most general language, Title III merely restates the present law of arrest. It declares that a detention shall occur only when probable cause exists to believe that a person is committing or has committed a crime. But Title III does not refer to this detention as an arrest. In fact it clearly states that after this period of detention the person shall be either arrested or released.

How can such provisions produce anything but confusion? If the police officer is making an arrest when he originally decides to detain the suspect, how can he again arrest him after four hours? If the original act of detaining is not an arrest, why should the same probable cause requirement that is needed for an arrest be utilized for the detention? If some other standard is intended under Title III, what is it? Are we implicitly returning to the type of investigative detentions so severely condemned by such authorities as former Attorney General Nicholas Katzenbach and the distinguished Senator from North Carolina the Chairman of the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary SAM ERVIN?

Title III does not state that the suspect must be taken to a police station. Can the police detain the man in a squad car or in a hotel room or in an alley? And how are we to interpret Title III's language permitting interrogations? There is no language in this Title that compels the police to follow the requirements laid down in the landmark case of *Miranda* v. *Arizona* and issue the appropriate warnings to the detained suspect. Does Title III authorize unregulated interrogation sessions? The answer is unclear.

Moreover, how do we insure that the detention will last only four hours? In unambiguous terms, Title III provides that the detention authorized shall not be recorded on the official records as an arrest. Who will be there to keep track of the hours or days spent in custody? How does the judiciary control or even keep track of the police practices allowed under Title III?

I have heard it argued that Title III implicitly adopts the provisions of Title I and that it can clearly be understood if reference is made to Title I. I submit that any attempt to formulate a unified and cohesive pattern for dealing with arrest, detention and interrogation by commingling these two Titles is impossible. Title I is not even internally consistent and clear. It will certainly not serve as the key for unraveling Title III.

Title I represents a legislative attempt to set forth permissible police practices during the period that separates the arrest and the arraignment of a criminal suspect. At present, Federal Rule of Criminal Procedure 5(a) provides only that after making an arrest, the police officer shall have the suspect arraigned "without unnecessary delay." In the cases of *McNabb* v. *United States* and *Mallory* v. *United States*, the Supreme Court of the United States held that any confession obtained from an accused unlawfully detained in custody shall be excluded from evidence at any subsequent judicial proceeding. Since neither Federal Rule 5(a) nor the holdings of the Supreme Court designate when an unnecessary delay constitutes an unlawful detention, much confusion and conflict have permeated the rulings of trial and appellate judges in the District of Columbia. Permissible as opposed to unnecessary delay is a subtle and difficult question. Different cases and different judges produce different answers.

Unfortunately, Title I of the instant bill does not approach the problem created by Rule 5(a) and the interpretive case law directly. It does not adopt the solution proposed by the American Law Institute in its Model Code of Pre-Arraignment Procedure and define clearly and carefully the time period that may elapse between the time of arrest and the time of arraignment. Instead Title I focuses solely on the need to obviate the *McNabb-Mallory* rule. Only implicitly does it provide any clues to the fundamental problem of what constitutes a reasonable delay.

Section 101.(a) sets forth the broad principle that delay in the arraigning of a criminal suspect shall not be grounds for excluding evidence obtained from or about that suspect. But Section 101.(b) establishes the conditions under which any confessions or statements obtained during the period between arrest and arraignment will qualify as admissible evidence. Section 101.(a) now becomes almost superfluous. Its broad language covers only such unspecified problems as fingerprint and line-up identifications made of the suspect during a period of unnecessary and unlawful detention.

We have dealt with the cart, but what of the horse? What constitutes an unnecessary delay? Title I states only that six hours of interrogation—exclusive of interruptions—will be permitted if the warnings specified by *Arizona* v. *Miranda* are given, if the suspect waives his right to an attorney, and if no attorney is in fact present.

Even a cursory examination of these provisions reveals their deficiencies. Over how many days or weeks can the six hours of interrogation stretch? Can the police question a suspect for one hour a day or a half hour a day or ten minutes a day until the six hour limit is reached? And how do the courts deal with the situation where a suspect waives his right to an attorney but an attorney representing the prosecution observes the questioning session? Under the wording of these provisions, the presence of any attorney at the interrogation may permit a period of interrogation other than six hours.

Even these questions do not cover the full range of problems introduced into the law by Title I. Let us assume that an arrested person does not waive his right to an attorney. How many hours can he then be held by the police? I have heard it suggested that the four hour period provided for in Title III must be utilized. But surely this cannot be so. Title III clearly states that the four hour period is for "further interrogation." Are we, or are the courts simply to cover up these two words when the problem involves statutory interpretation?

And what if an arrested person who waives his right to an attorney at the outset of the police interrogation suddenly decides that he desires an attorney? In the *Miranda* case, the Supreme Court carefully provided for this situation "If . . . [the person detained] indicates in any manner and at any state of the interrogation that he wishes to consult with an attorney before speaking there can be no questioning . . . the mere fact that he may have answered some questions or volunteered some statements on his own does not deprive him of the right to refrain from answering any further questions until he has consulted with an attorney and thereafter consents to be questioned." Why is a provision similar to this not included in Title I? What procedure applies to this suspect who invokes his rights after an original waiver? For how many more hours can the police continue to hold him? Title I supplies none of the relevant answers.

Finally, we must face the question of how the provisions of Title I and Title III can be harmonized. Does each Title deal with a different type of police detention? If so, why is this not made clear, and the constitutional problems that would be involved in such an interpretation dealt with plainly? Or does Title III deal with the same types of detentions and interrogations provided for in Title I? If so, how do we explain the process by which a minimum of six hours to provide for interrogation is fit into a maximum of four hours of detention.

No matter how these provisions are interpreted, they must cause confusion—confusion for the police, confusion for the courts, and confusion for our citizenry. The bill before us will not clarify the law. It will only muddy further the already murky waters of criminal procedure.

It is true that if we were to pass this bill, we would succeed in overturning the Supreme Court's decisions in the *McNabb* and *Mallory* cases. But our goal is not simply to abrogate a judicial rule, a rule that we have been told many times has no effect on crime and its increase.

Had we devised a bill that provided more effective guidelines for our police than are now established in those Supreme Court de-

cisions, I would have supported it. Such a bill could have been drafted from the proposals made by the American Law Institute in its Model Code of Pre-Arraignment Procedure. Then we could have truly stated that in abrogating the *McNabb-Mallory* rule, we had substituted clear provisions for regulating the processes governing the arrest, detention, and interrogation of criminal suspects, provisions that demonstrated this Congress' concern for both the needs of society and the rights of the individual. Unfortunately, I cannot pay such tribute to the bill that is now before us.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

HOUSEWIVES FOR LOWER FOOD PRICES

Mr. HART. Mr. President, this morning 20,000 Denver Housewives for Lower Food Prices began a boycott of 5 supermarket firms as their protest against "exorbitant food prices." According to Cervi's Rocky Mountain Journal, for an "indefinite time" the housewives will not buy in any of the supermarkets. They plan to make their purchases from smaller chains and neighborhood stores.

This boycott is one expression of anger over what is often called inflation. But that unhappy generalization is a description, not an explanation.

In September, during hearings on economic concentration, the Antitrust and Monopoly Subcommittee heard testimony from Willard Mueller, chief economist of the Federal Trade Commission. In discussing the conglomerate enterprise in food retailing, he presented some facts on the Denver price situation. Citing the FTC-National Tea Co. case, he said there the FTC found the company took profits from concentrated markets and used them to subsidize losing stores in competitive markets.

One of the cities paying for the lower prices elsewhere was Denver. Dr. Mueller's testimony was of special interest to me for one of the cities where the company was trying to break into the market by subsidization was Detroit. And while the lower prices might be considered a break for my constituents I am well aware that traditionally once a company has managed to drive out competition with excessively low prices, prices then tend to go up—and up.

Dr. Mueller also named Denver as an example of a city in which four chains do 60 percent of the food retailing. And, if consideration is limited to competition between supermarkets, the degree of concentration is even higher—perhaps 70 to 80 percent, which by any standards is a rather high-grade oligopolistically structured market.

The National Tea case showed that the chain had greater profits in markets where it held large shares than where it did not. The Denver store, for instance, had a far greater net income as a percentage of sales than in its branches in less concentrated markets.

Mr. President, for 2½ years the Senate Antitrust and Monopoly Subcommittee has been conducting this study of concentration. While the subject matter would not win any prizes for popular appeal the Denver housewives with their boycott have focused attention on the very problem for which we are seeking solutions.

Buried in all the economic theory, the statistics, and the concentration ratios in our hearing record is one fact—which becomes more and more clear as we develop our study: Concentration has a great deal to do with the prices consumers pay. And I do not recall one example brought to the subcommittee's attention of a concentrated industry which resulted in lower consumer prices.

The lesson should now be clear—fiscal and monetary policy alone will not stop inflation. Antitrust policy is the third leg of the economic tripod. Both monetary and fiscal solutions assume a competitive economy. But when concentration stifles price competition, the high prices are the inevitable result no matter what other policies we pursue.

Denver food prices are another example of this little-understood fact and I salute these housewives for dramatizing the situation.

Mr. President, I ask unanimous consent that an article on the Denver boycott from the October 5, 1966, issue of Cervi's Rocky Mountain Journal be inserted at this point in the RECORD.

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

HOUSEWIVES PLAN PRICE BOYCOTT—WAR ON SUPERMARKETS WILL OPEN OCTOBER 17

(By Douglas Bradley)

Housewives of the metropolitan area, mobilized in a campaign against the high prices of food, will declare outright war against the grocery chains with a boycott, Cervi's Journal has learned exclusively.

Timing for the assault on the bastions of the supermarkets is set for October 17. It will continue as long as the Housewives Council determines it is necessary to bring it home to the chains that the buyer—not the seller—is the integral element in the economy of the nation, and in the fortunes of the chains.

The five supermarket firms named by the Housewives Council as major culprits responsible for the staggering costs to consumers are: Safeway, Miller's, King Soopers, Furr's and Red Owl.

While the boycott lasts, not one dime will be spent in the supermarkets by the participating housewives. The grocery basket will be filled by purchases from smaller chains and neighborhood stores.

The housewives are technically unorganized. They have some echelons of command in their crusade to win equitable prices for the consumer related to the average income.

Volunteers have been appointed to spearhead drives for support. They are armed with petitions and are canvassing women throughout the area.

Signing the petition costs nothing and commits the signatories to no more than support for the Housewives for Lower Food Prices.

The housewives, a direct action group, are to waste no time in debates or talk. They have set a preliminary boycott from October 17 to 31, and will extend it if they consider it necessary.

The petitions themselves will be duplicated and sent to every legislator in Colorado and every congressman and senator in Washington. The petitions ask lawmakers to step up their probe into the alarming rise in the price of meats, groceries and produce. A thorough investigation into the business practices of the large chain stores is also requested.

The housewives, fed up with the supermarkets' gluttonous appetite for profits, believe that the time to strike is before political candidates approach them for support in the forthcoming elections.

They will shun any politician who doesn't support their boycott with something more than words. They think too, that they are striking a blow towards stabilizing the nation's economy, in that their war is anything but inflationary.

The boycott on the supermarkets is being invoked to show that the housewives mean business. "If the petition simply asked the lawmakers to investigate, we know what would happen," said one woman who showed she had no illusions the meek can harness the earthy ambitions of the venal. "When they know we are not going to put up with being taken by the supermarkets and that legislative votes are on the line, maybe then, they will do something."

Perhaps, too, when the supermarkets face the housewives' barrage, they will do something.

The Housewives Council of the Denver area may have sparked a grassroots movement which will become nationwide. Already enquiries have been received from other metropolitan areas and the results which emanate from the housewives campaign here will be publicized across the nation.

"This is our strength and our weakness," observed one sage woman to Cervi's reporter. "The supermarkets here are so alarmed by the rumors they've heard, they've started courting us to prevent a national movement."

This woman's talk about "weakness" was spurred by the fear that some housewives will fall for price blandishments when they strike against the supermarkets.

"It's important that those who sign the petitions stop shopping at the supermarkets during the war," she said. "Don't spend a dime. It may cost you even more at the small grocery but you have to bring the food bandits at the supermarket to heel, otherwise there won't be any small grocery stores left to shop at. Where will the housewife be if it becomes a complete monopoly?"

Circulation of the housewives petitions is in the early stages but already the returns are showing that thousands of housewives are signing up.

Women have been appointed to circulate the petitions in various districts—others are being sought.

Members of the loosely-knit Housewives Council are reluctant to be quoted on their individual and sometimes trenchant observations. Despite their decided views about the supermarkets, or in spite of that, they are somewhat self-effacing and modest.

They don't regard themselves as giant-killers and in fact, are a little apprehensive over the task they have undertaken spontaneously and without organized support or funds.

They have solicited no support—other than editorial—from this newspaper. For years Cervi's Journal has predicted that the housewives' rebellion against ever spiraling food costs was inevitable.

The housewives also did approach the Denver Post and Rocky Mountain News for some publicity on their fight for a better deal. They got the cold shoulder from both papers which rake in millions of dollars annually from supermarket advertising.

"We contacted the daily papers but they said they didn't think they would be interested," said Mrs. Paul West of 8361 E. Lehigh dr. She acts—without the title—as a public relations representative for the housewives.

"None of us have any title or position of authority," she said. "We are a bunch of volunteers." (Her phone number is 771-3172).

Other women who are trying to do something in the war on supermarkets' high prices and from whom additional information can be obtained include:

Mrs. Frances Foster (288-3491); Mrs. J. Chapla (429-5403); Mrs. C. D. Nuttall (794-0245); Mrs. Dixie Thiel (771-0106); Mrs. Marilyn Cummings (288-2183); Mrs. Jackie Threlkeld (771-3254).

These women are only fractionally representative of the movement which has spread combustion-like, from Littleton south of Denver to Commerce City in the north, and from Aurora in the east to Lakewood in the west, and to Westminster and Boulder.

Foreknowledge will be of little avail to the supermarkets whose buying schedules are mapped well in advance, along with their secret agreements over which firm will put on which special, each week, for advertising in the dailies.

The Post and News advertising departments are not worried about the housewives boycott itself but are concerned about possible long term effects on supermarkets advertising practices and budgets.

"The boycott should step up the chains advertising in an immediate effort to lure the housewives back," one advertising executive said privately to Cervi's reporter.

His view was that the housewives lack the stamina and perseverance to conduct a long drawn-out war however.

Some executives of supermarkets have discounted the threat of an attack by the housewives on their profits. Typical of the light esteem displayed for the housewives lament about high food prices, was the reaction of Safeway Stores, flushed last week with heady reports of record highs in sales and profits.

The Safeway chain sent along a minor executive, Cal Pond, to mollify the women and explain to them why they should continue to accept chain profiteering as being in the housewife's interest.

He failed abysmally. Mrs. West said the women delegates present were unable to swallow Pond's arguments or those of other chain store spokesmen. When Pond departed, the women made it clear they were unlikely to swallow Safeway's exorbitant food either.

The housewives, in an objective effort to show the supermarkets what the ever-increasing prices meant to the family budget, had invited executives of the chains to explain why retail prices keep going up when costs at the production level remain stable.

"It was futile," said one of the women. "They came, we listened and we were disgusted."

The supermarket executives, housewives agreed, displayed an appalling ignorance on basic economics or were good actors in their pretense.

"Mr. Pond admitted this was his first contact with a farmer," said Mrs. West. "When one farmer said he wasn't getting anything extra out of the additional prices being charged by Safeway, Pond said: 'Well now—that isn't right. We'll have to do something about that.'"

Mrs. West didn't know whether Pond was being facetious or not . . . "but the housewives didn't think it was a joke."

She said there was evidence aplenty for the housewives that the supermarkets were making a false contention when they blamed middlemen for price spiral.

"Vegetable growers tell us they can't sell to the chains except at prices dictated by the supermarkets," she said. "Safeway brings in 18 carloads of potatoes from Oregon and then holds them over the heads of Colorado growers. They bring in beans from Texas and let Colorado beans rot in the fields unless they get them at the price they want. The public still pays dearly for potatoes and beans."

The supermarkets and their captive daily newspapers can now be expected to mount a counter-offensive to woo the women from their crusade. Prices may come tumbling down in an effort to torpedo the offensive before it gets under way.

The housewives are unlikely to be deterred. They are tired of supermarkets passing the buck; editorials which analyze their plight while absolving the chains from blame; and tired of government statistics which are unrelated to government action.

ADJOURNMENT

Mr. BIBLE. Mr. President, in accordance with the order previously entered, I move that the Senate stand in adjournment until 12 o'clock tomorrow noon.

The motion was agreed to; and (at 5 o'clock and 9 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, October 18, 1966, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate October 17, 1966:

DIPLOMATIC AND FOREIGN SERVICE

Robert G. Neumann, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Afghanistan.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Rutherford M. Poats, of Virginia, to be Deputy Administrator, Agency for International Development.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Emmett J. Rice, of New York, to be U.S. Alternate Executive Director of the International Bank for Reconstruction and Development for a term of 2 years and until his successor has been appointed, vice Bernard Zagorin.

THE JUDICIARY

Jack B. Weinstein, of New York, to be U.S. district judge for the eastern district of New York vice Leo F. Rayfiel, retired.

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

Subject to qualifications provided by law, the following for permanent appointment to the grade indicated in the Environmental Science Services Administration:

To be lieutenant

Ralph J. Land

To be lieutenant (junior grade)

James W. Leggate

CONFIRMATIONS

Executive nominations confirmed by the Senate October 17, 1966:

POSTMASTERS

ALABAMA

Percy L. Beech, Chatom.

ARKANSAS

Irvin L. Cox, Bonnerdale.
A. G. Harvey, Chidester.
Ruth O. Ware, Emerson.
Russell R. Broyles, Farmington.
Euneva W. Kaylor, Lavaca.

CALIFORNIA

Thomas F. Polidori, Boyes Hot Springs.
Alyce J. Clay, Butte City.
Olive P. Patterson, Nestor.
Lois E. Bevans, Potter Valley.
Donald G. McIntosh, Ramona.

COLORADO

Joseph J. Lis, Broomfield.

CONNECTICUT

John J. Di Bella, Brookfield.
Theodore I. Blanchette, Moosup.
Robert R. Cassidy, Plainville.
James C. Murphy, Pomfret.
Stanley B. Gregory, Wilton.

GEORGIA

Betty B. Torbert, Bluffton.
Dennis R. Pittman, Lula.

IDAHO

Mildred E. Snell, Cambridge.
Verla E. Hall, Genesee.

ILLINOIS

Buford C. Hornecker, Augusta.
Donald E. King, Bushnell.
Henry W. McGee, Chicago.
Lois A. Woods, Dahinda.
Bruce M. Cobb, Humboldt.
Jane L. Lowery, Joppa.
Matthew J. Viscum, Lockport.
William D. Hart, Minonk.
Lester W. Lindelof, Sibley.

INDIANA

Basil Hoffman, Birdseye.
Fred J. Bertucci, North Judson.
James C. Jones, Pine Village.

IOWA

Donald R. Lammers, Alton.
Robert H. Remmes, Charter Oak.
Severance A. Sill, Cresco.
Richard A. Netolicky, Ely.
Donald C. Roe, Garner.
Dolvin V. Miland, Goodell.
William P. Haroff, Hastings.
Teddy L. Harmon, Vinton.

KANSAS

Ward K. Watkins, Brookville.
Herman H. Williams, Clearwater.
LeRoy E. Berland, Palco.

KENTUCKY

Archie Slone, Pippa Passes.

LOUISIANA

Nell E. B. Dominique, Belle Rose.
Clyde H. Martin, Crowley.
Preston E. Richard, Jonesville.

MAINE

Bert G. Clifford, Unity.

MARYLAND

Warren M. Bloomberg, Baltimore.
T. Clayton Long, Denton.
Carolyn G. Cochran, Whiteford.

MASSACHUSETTS

Charles W. Stiles, Duxbury.
John F. Zaleski, Jr., Nabnasset.
Andrew A. Gomes, North Carver.
John M. Horan, Stow.
William O. O'Reilly, West Dennis.
Robert T. O'Neill, Williamsburg.

MICHIGAN

Pauline L. Coon, Alba.
Jerry F. Horky, Blissfield.
Jerry J. Adamek, Chesaning.
Daniel R. Tomak, Higgins Lake.
Donald R. Ahnen, Ramsay.

MINNESOTA

Frank W. Foslien, Garfield.
George O. Tveit, Kiester.
Robert E. Dumas, Long Lake.
Luverne J. Anderson, Sargeant.
Laverne D. Schuster, Tintah.

MISSOURI

George H. Patterson, Braymer.
Margaret J. Carr, Farber.
Joseph F. Gosen, Rhineland.

MONTANA

Bruce D. Watters, Dillon.

NEBRASKA

Stanley D. Thompson, Amelia.
Charles D. Adams, Auburn.

Kenneth D. Carlow, Bloomfield.
Clair E. Stubbs, Boelus.
George E. Martin, Genoa.
Evelyn A. Skokan, Niobrara.
John W. Hamer, North Loup.
Ernest E. Kuhl, Orleans.
Lloyd E. Cork, Page.
Rose Rasmussen, Rockville.
Robert F. Brazda, Wisner.

NEVADA

Geraldine E. Cooper, Weed Heights.

NEW HAMPSHIRE

Lois E. Nason, Freedom.
Roland A. Thibault, Greenville.
Raymond B. Brooks, Ossipee.
Franklin C. Barrett, Walpole.

NEW YORK

Mary J. Donato.
Aloys V. Smith, Garnerville.
Mary C. Berger, Grafton.
Marwood S. Myer, Haines Falls.
C. Ross McCluskey, Hopewell Junction.
Marian G. Flugel, Morton.
George H. Doyle, Ontario.
Ethel W. Andrus, Silver Bay.
David C. Call, Speculator.
Anthony Maiorano, West Haverstraw.
Paul J. Ennis, West Henrietta.

NORTH CAROLINA

George F. Carpenter, Charlotte.

NORTH DAKOTA

S. Earl Feick, Neche.

OHIO

David McIlrath, Chagrin Falls.
Oscar W. Tisher, Hannibal.
Enoch S. Allen, Ironton.
Carl R. Harris, Mowrystown.

OKLAHOMA

James R. Jobe, Chickasha.
William A. Holcombe, Colcord.
Turner Q. Poindexter, Wilson.

OREGON

William F. C. Borgelt, Tillamook.
Robert F. Ebenal, Woodburn.

PENNSYLVANIA

Francis C. Dickman, Coplay.
Agnes I. Friel, Crum Lynne.
Patricia E. Chynoweth, Davidsville.
J. Vernon Dixon, Everett.
Marshall M. Capriotti, Fairbank.
Samuel E. Turner, Furlong.
Myra E. Taylor, Gastonville.
Stanley A. Mokowski, Jeannette.
Erma E. Watson, LeRaysville.
Joseph Sulewski, Nanticoke.
Glenda T. Cramer, Newburg.
Hugh A. Armstrong, New Providence.
Georgia R. Briggs, Roulette.
William R. Ewing, Saegertown.
Robert R. Mease, Springtown.
Martha E. Hontz, Treichlers.
Benjamin B. Mitchell III, Troy.

PUERTO RICO

Efrain Lamberty, Coto Laurel.
Victor Mulero, Culebra.

SOUTH DAKOTA

Evelyn K. Bjerke, Volga.

TENNESSEE

Billy T. Cash, Bradford.
Maurice A. Peck, Jr., Charleston.
Wilma H. Williams, Cosby.
Ernest M. Cardwell, Elizabethton.
William A. Myers, Hermitage.
George B. Moore, Oakdale.

TEXAS

Charles B. Britt, Collinsville.
Lois W. Pack, Garrison.
Bobby J. Bonner, Palmer.

UTAH

Clark J. Riches, Green River.

VERMONT

Donald R. Devarney, Milton.

VIRGINIA

Mary W. Pearson, Manquin.
Bobby H. Colyer, Wise.

WASHINGTON

Lawrence T. Murphy, Elma.
Gordon J. Donovan, Ferndale.
Sarah E. Robbins, White Swan.
Donald C. Arnaud, Zenith.

WISCONSIN

Paul E. Boettcher, Brokaw.
George E. P. Farah, Green Bay.
Bruce J. Bennett, Mineral Point.
Joseph J. Zobal, New Lisbon.
Alvin R. Stever, Saxon.
Martin O. Feuling, Sun Prairie.
Arved J. Mickelson, Westby.

WYOMING

Imogene L. Stalder, Linch.
Dwight S. Despain, Lovell.
Richard Hays, Riverton.
Dolores M. Robbins, Sunrise.

EXTENSIONS OF REMARKS

The Veterans Pension Act of 1966

EXTENSION OF REMARKS

OF

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1966

Mr. BRAY. Mr. Speaker, this year the House Committee on Veterans' Affairs had before it for consideration 188 bills dealing with veterans' pension legislation. H.R. 17488, concerning non-service-connected disability pensions and other matters, was passed by the House on September 19 by a vote of 315 to 2. I was pleased to support this measure, which had the backing of all veterans' organizations.

At this time, the bill has not yet cleared the Senate. During hearings before the House committee, administration spokesmen made it quite clear that the administration was opposed to not only this bill but all other pending bills to increase pension payments. The administration felt that, in spite of the sharp rise in the cost of living over the last year and a half, pension increases made since 1960 are sufficient. Many of us are in sharp disagreement to the administration's policy in opposing any increase of veterans' benefits.

The bill's main provisions are:

A cost-of-living rate increase for all veterans alone, veterans with dependents, widows alone, widows with children alone who are now receiving a pension under Public Law 86–211.

A substantially greater increase for widows and widows with children in the lowest income category. The increase will be around 8½ percent.

A $5 per month increase for about 56,427 Spanish-American and prior war widows whose average age is 84 and are now receiving the monthly pension of $65.

An increase of $5 per month for the "housebound" allowance under current law for veterans, raising it to $40 per month.

Presumption of permanent and total disability for pension purposes on attainment of age 65.

This is a good bill as far as it goes, but, as was shown during floor debate in the House prior to passage, there are still some fields where more work must be done.

Among further matters for consideration are increasing certain income limits on pension rates for veterans and widows; consider reducing the 90-day service requirement; elimination of all payments from any source as income when a veteran reaches age 72; revise present laws to protect veterans who have become ineligible for benefits because of a slight increase in social security benefits.

I personally believe that no income from social security or railroad pension should be counted toward the income limit of those drawing veterans' pensions.

I have always supported and worked for sound, equitable measures in fields affecting veterans, their dependents and their survivors. I hope that next year we can get speedy and favorable action on further improvements to the present pension and compensation system.

National Business Women's Week

EXTENSION OF REMARKS

OF

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1966

Mr. MARSH. Mr. Speaker, this is National Business Women's Week, and I take this occasion to salute the great and growing contribution of women to the business community of the United States. We read often of the extent to which women control the wealth of this Nation, and we see figures with respect to their stockholdings in major corporations. What I have in mind more particularly at this time, however, is the role of women in active administrative, research, and decisionmaking functions of American business.

This has been a development of accelerating pace, and, more and more, there is an acceptance of women on the basis of individual competence, in the demanding assignments of business, both in the major cities and in the smaller communities.