I have confidence that the experiments that will begin soon at this magnificent research plant will provide answers to some of the significant problems that have beset previous programs of artificial recharge through wells. For if we are to husband our water most effectively, we must make increasing use of our underground water-bearing rocks as reservoirs in which to store surplus water during seasons of plenty and to furnish water during dry periods. Storage of water in subsurface reservoirs has several advantages: subsurface reservoirs do not constitute flood hazards, they have little or no evaporation losses, they allow use of the land surface for other purposes, and, if properly used, they never wear out.

We are becoming increasingly aware that our obligation to protect our natural heritage of ground water is fully as great as our obligation to clean up and protect our streams. Ground-water reservoirs in North America may contain 2,000 to 3,000 times as much water as is present in river channels at any one time. About 97 percent of the world's stock of fresh water available at any time is beneath the earth's surface. About half of that is within one-half mile of the surface and, therefore, is reasonably accessible.

In coastal regions, the conservation of water involves the special problem of seawater intrusion, which is an inevitable result of intercepting large amounts of seaward-flowing fresh water. Seawater intrusion in coastal subsurface water-bearing rock materials commonly escapes immediate notice and may continue for years without detection. Oftentimes, it is only when sweet well water suddenly turns salty that man is reminded that he must ultimately pay for upsetting nature's balance.

The knowledge that is being developed here, and in the programs of artificial recharge that may result, will benefit all of Long Island, for ground water moves restlessly without regard to manmade boundaries. The knowledge and techniques that are being developed also will have Nationwide and worldwide benefits, for the use of underground water-bearing rocks as reservoirs holds promise as one of the great strides that man can make in trying to restore the balance between himself and his overharvested water supplies.

In the past, when more good water was needed, the natural reaction was to increase the withdrawal—to divert more water from more streams, or to dig more wells. Now we are learning that more water is not always the best answer to a water problem—often the answer is to manage better the water that we already have.

The task of water conservation that is facing the Department of the Interior and all of America's millions is not a small one, but neither is the size of the disaster that awaits us if we default.

Mr. Speaker, our students at the elementary and secondary levels as well as undergraduate and graduate students and residents interested in conservation would do well to plan field trips to the Bay Park site to see this experimental injection well. Such trips will be of great educational value and will also provide an opportunity for the residents of Nassau County to see what is being done in water pollution control and water conservation.

SENATE

WEDNESDAY, MAY 10, 1967

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:

Most merciful God, who knowest our necessity before we ask, and our ignorance, limitations, and fallibility in asking, have compassion, we beseech Thee, upon our infirmity; strengthen us in all noble impulses, and daily increase in us the spirit of wisdom and understanding, the spirit of counsel and knowledge, and true godliness.

Dowered with privileges and with the stewardship of power as no other nation, may our high estate be to us Thy call to protect the weak and exploited, that through the potent ministry of this Republic of free men all peoples of the earth may be blessed.

"Give us, O God, the strength to build
The city that hath stood
Too long a dream, whose laws are love,
Whose ways are brotherhood;
And where the sun that shineth is
God's grace for human good."

We ask it in the name of that One whose truth shall make us and all men free. Amen.

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 the bill (S. 666) to authorize appropriations during the fiscal year 1968 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, May 9, 1967, was dispensed with.

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.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, all committees were authorized to meet during the session of the Senate today.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session, to consider the nominations on the Executive Calendar, beginning with "New Reports."

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

EXECUTIVE REPORT OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. BARTLETT, from the Committee on Commerce:

Capt. Merton W. Stoffle, U.S. Coast Guard, for promotion to the grade of rear admiral;

Capt. Roderick Y. Edwards, Capt. Robert W. Goehring, Capt. Ross P. Bullard, and Capt. Orvan R. Smeder, U.S. Coast Guard, for promotion to the grade of rear admirals.

Mr. BARTLETT. Mr. President, from the Committee on Commerce, I also report favorably sundry nominations in the Coast Guard. Since these names have previously appeared in the CONGRESSIONAL RECORD, in order to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

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

The nominations, ordered to lie on the desk, are as follows:

Melvin J. Hartman, and sundry other officers, to be permanent commissioned officers in the Coast Guard; and

Robert Jiudice, and sundry other officers, to be permanent commissioned warrant officers in the Coast Guard.

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

DEPARTMENT OF STATE

The legislative clerk read the nomination of Robert H. McBride, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary to the Democratic Republic of the Congo.

The VICE PRESIDENT. Without objection, the nomination is considered and confirmed.

AGENCY FOR INTERNATIONAL DEVELOPMENT

The legislative clerk read the nomination of R. Peter Straus, of New York, to be an Assistant Administrator of the Agency for International Development.

The VICE PRESIDENT. Without objection, the nomination is considered and confirmed.

U.S. ARMY

The legislative clerk proceeded to read sundry nominations in the U.S. Army.

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.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

NOMINATIONS PLACED ON THE SECRETARY'S DESK—AIR FORCE AND ARMY

The legislative clerk proceeded to read sundry nominations in the Air Force and the Army which had been placed on the Secretary's desk.

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.

SALINE WATER CONVERSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 210, H.R. 6133.

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

The LEGISLATIVE CLERK. A bill (H.R. 6133) to authorize appropriations for the saline water conversion program, to expand the program, 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 Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert:

That the Act of July 3, 1952 (66 Stat. 328), as amended (42 U.S.C. 1951 et seq.), is hereby further amended as follows:

(a) In section 8 strike out "$90,000,000, plus such additional sums as the Congress may hereafter authorize and appropriate but not to exceed $185,000,000," and insert $105,782,000, plus such additional sums as the Congress may hereafter authorize and appropriate but not to exceed $169,218,000,".

(b) In subsection 2(b) after "laboratory," insert "test bed,".

(c) At the end of subsection 2(b) change the semicolon to a colon and add the following: "*Provided*, That a detailed report concerning any test bed plant, module, or component costing in excess of $1,000,000 shall be submitted to the respective Committees on Interior and Insular Affairs of the Senate and the House of Representatives: *Provided, further*, That the five demonstration plants authorized by the Act of September 2, 1958 (70 Stat. 1706), as amended (42 U.S.C. 1958(d)), shall hereafter be regarded as test beds subject to the provisions of this Act, but the provisions of sections 3 and 6 of such Act and those provisions of section 4 relating to the method of disposal and disposition of the proceeds of sale shall continue to be applicable to them;".

(d) In subsection 2(c) strike out "demonstration" and insert "prototype".

(e) By adding a new section 9 to read as follows: "This Act may be cited as the 'Saline Water Conversion Act'."

SEC. 2. Of the amount of $105,782,000 authorized to be appropriated by section 8 of Saline Water Conversion Act, the unappropriated balance of $23,282,000 may be appropriated and combined with $3,500,000 heretofore appropriated but remaining unobligated at the end of fiscal year 1967, to carry out the program during the fiscal year 1968, as follows:

(i) Research and development operating expenses, not more than $18,532,000;

(ii) Design, construction, acquisition, modification, operation, and maintenance of saline water conversion test beds and test facilities, not more than $4,298,000;

(iii) Design, construction, acquisition, modification, operation, and maintenance of saline water conversion modules, not more than $2,190,000;

(iv) Administration and coordination, not more than $1,762,000:

Provided, however, That expenditures and obligations under any of these items except the last may be increased by not more than 10 per centum if such increase is accompanied by an equal decrease in expenditures and obligations under one or more of the other items, including the last.

The amendment was agreed to.

The bill was ordered to be engrossed for 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. 219), 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 MEASURE

The purpose of this legislation, which was proposed by the administration, is to authorize additional appropriations for the saline water conversion program and amend the Saline Water Conversion Act in certain other respects. The increase in the amount authorized to be appropriated, will make available for appropriation in fiscal year 1968 a total of $26,782,000, which is the amount recommended in the President's budget. The basic act is amended to provide authority for "test bed" plants and for redesignating "demonstration plants" as "prototype plants," thus clarifying the definitions for the full sequence in the development of a process and conforming the terminology in the act to that currently in use throughout the industry. In addition, the demonstration plant program is integrated into the regular research and development program, and authority is provided for using the existing demonstration plants as test bed plants.

The Senate version requires that a detailed report concerning any test bed plant, module, or component costing in excess of $1 million shall be submitted to the respective Committees on Interior and Insular Affairs of the Senate and House of Representatives.

BACKGROUND

Federal research activities in the field of saline water conversion began in 1952 (act of July 3, 1952, 66 Stat. 328). What was then conceived of as a 5-year program costing $2 million has been renewed periodically and has steadily expanded (act of June 29, 1955, 69 Stat. 198; September 2, 1958, 72 Stat. 1706; September 22, 1961, 75 Stat. 628; and August 11, 1965, 79 Stat. 509). Appropriations under these acts for basic and applied research and for demonstration plants have totaled about $110 million.

The present request for an increase in the amount authorized to be appropriated is an outgrowth of the action taken by the 89th Congress in the act last cited above. The Congress then had before it an administration proposed calling for an extension of the saline water conversion program through the fiscal year 1972 and a $200 million increase in the amount authorized to be appropriated. It concluded that, though it was proper enough for the Office of Saline Water to be given a firm basis on which to plan operations over a 5-year period at an estimated cost of $185 million, the program should be reviewed annually and that actual appropriation authorizations should likewise be sought annually. The reasoning behind these conclusions was summarized in the "Statement of the Managers on the Part of the House" when the legislation came out of the conference committee (H. Rept. 720, 89th Cong.):

The language recommended by the conference committee is necessary, in our judgment, if the responsibilities of the Congress for this program are to be met. The adoption of this language is not to be interpreted as a lack of confidence in the executive branch. The inclusion of the $185 million figure indicates approval for planning purposes of the full program recommended by the President.

By its very nature, saline water conversion is a program where it is quite uncertain from one year to the next what direction the research effort is to take. It is understandable that the program presented to the Congress for the 5-year extension was in terms only of the goals which it was hoped might be attained. The prosecution of this program for another 5 years will involve important policy decisions which cannot be made at this time—decisions which are primarily the responsibility of the Congress.

Under the language adopted by the conference committee, the program for the 5-year period can be planned and formulated as recommended by the President. The $90 million ceiling on the amount authorized to be appropriated makes available $35 million or $6 million more than the preliminary program of the Office of Saline Water for fiscal year 1967. Beginning in fiscal year 1968, it is the position of the conference committee that the research and development work to be accomplished under this program should be approved on a year-by-year basis. Therefore, the Department of the Interior should submit to the Congress at the appropriate time legislation to approve the research and development work proposed to be accomplished in fiscal year 1968.

PRESENT LEGISLATION

On February 27, the Department of the Interior submitted S. 1101 and H.R. 6133 to the Congress to provide for continuing the saline water conversion program. The legislation called not only for the authorization of appropriations for fiscal year 1968 but for the authorization of amounts expected to be needed in fiscal years 1969 and 1970.

In addition, it proposed several amendments to the basic act. One of the amendments recommended proposed to add the term "test bed" in order to give the Secretary authority to construct and use test beds; that is, intermediate size plants in the research and development work. Another called for integration of the existing demonstration plants into the regular research program in order to permit them to be used as test beds in conducting further research. A third amendment substituted the word "prototype" for the word "demonstration" in the reference to the type of plant which must be recommended to the Congress and specifically authorized by the Congress.

COMMITTEE AMENDMENT

The committee amended the House-passed bill by deleting the provision to require that any test bed plant, module or component costing in excess of $1 million be specifically authorized by Congress, believing that this would create an unnecessary administrative and legislative burden. Instead, your committee provides that a detailed report concerning all information about such facilities must be submitted to the respec-

tive Committees on Interior and Insular Affairs of the Senate and House of Representatives.

Since both the House and Senate committees intend to require an annual appropriation authorization in the future, any specific project regardless of cost could be specifically authorized at the time the annual bill is considered, if such a detailed authorization is the desire of Congress. However, there may be instances where one project that is planned for the future may be programed to begin near the end of the fiscal year. Under the language of the House bill, the Department would be required to return to Congress for authorization before continuing with the project. If both committees are fully informed of any such proposal as required by the Senate amendment, and objections are raised, it is extremely doubtful that the Office of Saline Water would proceed further with the project until the next authorization bill or unless the questions raised by the Committee have been satisfactorily answered.

RESOLUTION OF THE INDIANA GENERAL ASSEMBLY

Mr. BAYH. Mr. President, on behalf of myself and my distinguished senior colleague [Mr. HARTKE], I send to the desk a certified copy of House Concurrent Resolution 39 adopted by the recent session of the Indiana General Assembly memorializing the Congress of the United States to authorize the U.S. Army Corps of Engineers to make a feasibility study of a navigable Wabash waterway joining the Ohio River with Lakes Erie and Michigan.

I ask that this resolution be printed and appropriately referred.

The concurrent resolution was referred to the Committee on Public Works, as follows:

HOUSE CONCURRENT RESOLUTION 39

A concurrent resolution memorializing the Congress of the United States to authorize the U.S. Army Corps of Engineers to make a feasibility study of a navigable Wabash Waterway joining the Ohio River with Lakes Erie and Michigan in accordance with the recommendations of the Wabash Valley Interstate Commission as contained in the Commission's report entitled "Cross-Wabash Valley Waterway"

Whereas, the Wabash Valley Interstate Commission was created in 1959 under the authority of the Wabash Valley Compact between the States of Indiana and Illinois and approved by the Congress of the United States, and,

Whereas, the Commission was organized for the purpose of formulating a plan for the development of the human and natural resources within the 33,100 square miles comprising the Wabash Valley in Indiana and Illinois, and,

Whereas, the said Commission has conducted study and research to determine the impact of such a waterway upon the economy of the Wabash Valley and has published a summarization thereof, which indicates potential savings to the people of the States of Indiana and Illinois in excess of $90 million per year through use of the waterway and which identifies among other developments a possibility of developing extensive recreational facilities and a valuable source of water for industrial use which together with other preliminary findings indicate a probable development of extensive employment opportunities, and,

Whereas, a further study to determine the feasibility of the development of a Cross-Wabash Valley Waterway in accordance with the published report is indicated as being highly desirable; Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Congress of the United States be memorialized to authorize the U.S. Army Corps of Engineers to make a feasibility study of the development of a Cross-Wabash Valley Waterway pursuant to and in accordance with the conclusions and recommendations prepared and published by the Wabash Valley Interstate Commission and that the Congress fund such study.

DENNIS H. HEEKE,
Representative.
RICHARD A. BOEHINIG,
Representative.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. MUNDT, from the Committee on Government Operations, without amendment:

S. 188. A bill creating a commission to be known as the Commission on Noxious and Obscene Matters and Materials (Rept. No. 221).

Mr. MUNDT. Mr. President, it is with a feeling of pride, frustration, and resolve that I address the Chair to report S. 188, a bill to create a commission to be known as the Commission on Noxious and Obscene Matters and Materials from the Government Operations Committee.

I speak with pride not because I have authored the bill, but because the committee on which I sit has so quickly and competently reacted to the most recent Supreme Court opinion dealing with obscenity or smut. I mean, of course, the ruling Monday by the High Court, which further muddied the waters of the laws against obscenity. There, by another divided decision, the Supreme Court ruled that certain magazines did not violate the existing laws against obscene publications.

The most significant fact on this latest ruling is that we have further demonstration of the vital need for legal definitions of what constitutes obscene materials from which uniform laws can be developed.

Several Court rulings have now been given on obscenity and the degree of difference in each decision indicates that we are still trying to swim in a swamp because clear-cut legal guidelines are lacking.

I think the members of the committee are to be congratulated for their alert action in getting the legislative machinery rolling to provide an answer to this perplexing problem, so perplexing that the Court itself noted that they were divided over what publications are and are not obscene.

S. 188 would provide that a commission be established to explore methods of combating the traffic in obscene and noxious materials, and to, first, seek means of improving coordination between various levels of government to suppress such traffic, and second, endeavor, through the cooperation of various information and communication media, to inform the public about the problem and to further the objectives of the Commission; and third, report its findings and recommendations as to what legislative, administrative, or other forms of action need to be taken to combat the traffic in obscene and noxious materials.

The study of the Commission, composed as it would be of an impartial body of experts, can be of great benefit in clearing away many legal cobwebs. It would also be of great help in coming to grips with questions of censorship. Creation of this Commission is, in fact, the best way to avoid censorship.

However, there is one further aspect which I feel is vital. This Commission is charged with the responsibility of providing information on what action can be taken at local levels of government and by individuals. The power of the individual is almost unlimited. It only has to have direction and stimulation. Most of the problems could be solved in many communities if people knew how they can and should react. Information of this kind would be most valuable. It would have the most far-reaching effect.

I speak with frustration because I believe the need for such a commission has been demonstrated repeatedly in the past and still we have yet to enact into law this bill which has had wide bipartisan support—28 Senators this year alone—for several years.

I think there is a need for Congress to act. Surely there has been enough public outcry for action to merit legislation of this kind. If there had not been such a demand, I am sure the Senate would not have passed this bill three times without dissent.

Mr. President, I also speak with resolve. A resolve to carry this battle through to completion and to take this first vital step to stop the flow of smut and filth that daily intrudes upon our lives. I am encouraged by the vigorous action taken in the House on a companion bill. They have already held hearings and I was honored to testify before their subcommittee. They will soon, I hope, favorably report a bill introduced by Representative DOMINICK DANIELS, of New Jersey. I believe we are on the verge of success in the big battle to develop effective laws to bring an end to a multimillion-dollar racket which is not merely an under-the-counter traffic in pornography but places in the hands of children the most vile and rotten trash imaginable.

Mr. President, I ask unanimous consent that the report of the Government Operations Committee and the bill S. 188 be printed after my remarks along with an editorial entitled "Big Day for Smut," from Tuesday's Evening Star.

Mr. President, Tuesday was the day when the Supreme Court made its last bad decision encouraging the peddling of smut.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). The report will be received and placed on the calendar; and, without objection, the bill, report, and editorial will be printed in the RECORD.

The bill (S. 188), creating a commission to be known as the Commission on Noxious and Obscene Matters and Materials, the report (No. 221), and the

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

S. 188

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

FINDINGS OF FACT AND DECLARATION OF POLICY

SECTION 1. The Congress finds that traffic in obscene matters and materials is a matter of grave national concern. The problem, however, is not one which can be solved at any one level of government. The Federal Government has a responsibility to find more effective ways of preventing the transmission of such matters and materials through the instrumentalities which, under the Constitution, are subject to Federal regulation. The State and local governments have perhaps an even greater responsibility in the exercise of their police powers to protect the public, and particularly minors, from the morally corrosive effects of such matters and materials. Governmental action to be effective needs the support and cooperation of an informed public. It is the purpose of this Act to bring about a coordinated effort at the various governmental levels, and by public and private groups, to combat by all constitutional means this pernicious traffic.

ESTABLISHMENT OF THE COMMISSION ON NOXIOUS AND OBSCENE MATTERS AND MATERIALS

SEC. 2. (a) For the purpose of carrying out the provisions of this Act, there is hereby created a Commission to be known as the Commission on Noxious and Obscene Matters and Materials (hereinafter referred to as the "Commission").

(b) Service of an individual as a member of the Commission or employment of an individual by the Commission as an attorney or expert in any business or professional field, on a part-time or full-time basis, with or without compensation, shall not be considered as service or employment bringing such individual within the provisions of section 281, 283, 284, 434, or 1914 of title 18 of the United States Code, or section 190 of the Revised Statutes (5 U.S.C. 99).

MEMBERSHIP OF THE COMMISSION

SEC. 3. (a) NUMBER AND APPOINTMENT.—The Commission shall be composed of twenty members, appointed by the President, as follows:

(1) One from the Senate;

(2) One from the House of Representatives;

(3) Two from the Post Office Department;

(4) Two from the Department of Justice, one of whom shall be from the Federal Bureau of Investigation;

(5) One from the Department of Health, Education, and Welfare;

(6) Three from the clergy;

(7) One who shall be a prominent educator in the field of secondary education;

(8) One who shall be a prominent educator in the field of higher education;

(9) One who shall be a prominent librarian;

(10) One who shall be a prominent representative of the book publishing industry;

(11) One who shall be a prominent representative of the newspaper, magazine, and periodical publishing industry;

(12) One who shall be a prominent representative of the motion picture industry;

(13) One who shall be a prominent representative of the radio and television industries;

(14) One from among the attorneys general of the several States;

(15) One who shall be a chief prosecutor of a city or county government; and

(16) One who shall be a chief law enforcing officer of a city or county government.

(b) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(c) CONTINUATION OF MEMBERSHIP UPON CHANGE OF STATUS.—A change in the status or employment of any person appointed to the Commission pursuant to subsection (a) of this section shall not affect his membership upon the Commission.

ORGANIZATION OF THE COMMISSION

SEC. 4. The Commission shall elect a Chairman and a Vice Chairman from among its members.

QUORUM

SEC. 5. Eleven members of the Commission shall constitute a quorum.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 6. (a) MEMBERS OF CONGRESS.—Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(b) MEMBERS FROM THE EXECUTIVE BRANCH.—The members of the Commission who are in the executive branch of the Government shall serve without compensation in addition to that received for their services in the executive branch, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(c) MEMBERS FROM PRIVATE LIFE.—The members from private life shall each receive $100 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

STAFF OF THE COMMISSION

SEC. 7. The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of the civil service laws and the Classification Act of 1949, as amended.

EXPENSES OF THE COMMISSION

SEC. 8. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this Act.

DUTIES OF THE COMMISSION

SEC. 9. (a) INVESTIGATION, ANALYSIS, AND RECOMMENDATIONS.—It shall be the duty of the Commission—

(1) to explore methods of combating the traffic in obscene matters and materials at the various levels of governmental responsibility;

(2) to provide for the development of a plan for improved coordination between Federal, State, and local officials in the suppression of such traffic;

(3) to determine ways and means of informing the public as to the origin, scope, and effects of such traffic, and of obtaining public support in its suppression;

(4) to secure the active cooperation of leaders in the field of mass media for the accomplishment of the objectives and purposes of this Act;

(5) to formulate recommendations for such legislative, administrative, or other forms of action as may be deemed necessary to combat such traffic; and

(6) to analyze the laws pertaining to traffic in noxious and obscene matters and materials, and to make such recommendations to the Congress for appropriate revisions of Federal laws as the Commission may deem necessary in order to effectively regulate the flow of such traffic.

(b) REPORT.—The Commission shall report to the President and the Congress its findings and recommendations as soon as practicable and in no event later than January 31, 1967. The Commission shall cease to exist sixty days following the submission of its final report.

POWERS OF THE COMMISSION

SEC. 10. (a) HEARINGS AND SESSIONS.—The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the commission or such subcommittee or member may deem advisable. Subpenas may be issued over the signature of the Chairman of the Commission, of such subcommittee, or any duly designated member, and may be served by any person designated by such Chairman or member. The provisions of sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192–194) shall apply in the case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this section.

(b) ADVISORY COMMITTEES.—In carrying out its duties under this Act, the Commission (1) may constitute such advisory committees within States composed of citizens of that State, and (2) may consult with Governors, attorneys general, and other representatives of State and local government and private organizations, as it deems advisable. Any advisory committee constituted pursuant to this subsection shall carry out its duties without expense to the United States.

(c) OBTAINING OFFICIAL DATA.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality, information, suggestions, estimates, and statistics for the purpose of this Act, and each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

PURPOSE

S. 188 provides that a Commission will be established to explore methods of combating the traffic in obscene and noxious materials. and to (1) seek means of improving coordination between various levels of government to suppress such traffic; (2) endeavor, through the cooperation of various information and communication media, to inform the public about the problem and to further the objectives of the Commission; and (3) report its findings and recommendations as to what legislative, administrative, or other forms of action need to be taken to combat the traffic in obscene and noxious materials.

BACKGROUND INFORMATION

S. 188 is similar to S. 162, a bill introduced in the 87th Congress, which was favorably reported by the Government Operations Committee of the Senate (S. Rept. 284) and passed by the Senate.

In the 86th Congress, the Government Operations Committee of the Senate reported S. 3726 (S. Rept. 1749) and in the 89th Congress the committee reported S. 309 (S. Rept. 1355) which were identical to S. 188, and these bills were passed by the Senate.

This legislation has been introduced in an effort to bring about a workable and effec-

tive program to fight the traffic in obscene and noxious matters and materials. While considerable interest has been shown by Congress and by the general public in the serious problems involved in the distribution of pornographic literature, no single effective piece of legislation has been adopted which deals a crippling blow to this insidious industry.

Many religious, patriotic, and service organizations and groups have been continually urging Congress to take action on this serious and menacing problem. The Congress has taken note of the widespread harm done to youth and others through the dissemination of lewd, obscene, and noxious materials, and a number of bills have been introduced in Congress on the subject.

Twenty-eight additional Senators have joined in the sponsorship of this bill. It is the belief of the sponsors that the best approach to the problems resulting from the distribution of obscene materials would be through the establishment of a commission which could thoroughly examine all the facets of the problems and could then recommend steps to be taken both by legislative bodies and by private groups and citizens to meet the threat posed by the dissemination of obscene matters.

It is the belief of the sponsors that this small group of experts, drawn from a wide area of interests, could make recommendations and initiate action more effectively.

The Commission is to be made up of persons from several walks of life to have knowledge of the seriousness of the problem and the many legal problems connected with the suppression of the traffic in obscene materials.

The Commission will study the need for any new Federal regulations for controlling such traffic, as well as the general need for State laws or local ordinances for this purpose.

Efforts will be made by the Commission to alert the public, especially the parents and school-age children, about the seriousness of this pernicious traffic and give guidance to the public in suppressing the distribution of such lewd and obscene matters, or in bringing the purveyors of filth into court.

MEMBERSHIP OF THE COMMISSION

The following Government agencies will have representatives on the Commission: The Post Office Department, the Department of Justice (including the Federal Bureau of Investigation), and the Department of Health, Education, and Welfare. There will also be one Member from the House of Representatives and one Member of the Senate on the Commission.

Public members are selected from groups knowledgeable on this question both from a moral aspect and from a law enforcement aspect. This will include three clergymen, a secondary school official, a State attorney general, a county or city prosecutor, and a county or city law enforcement officer.

Representatives from the information and communications media will sit on the Commission. One member will come from the moving-picture industry, one from the radio-television industry, and one from the publishing industry.

This group will represent all segments of the population concerned with the problems resulting from distribution of noxious and obscene matters and materials.

The editorial presented by Mr. MUNDT is as follows:

[From the Evening Star, May 9, 1967]

BIG DAY FOR SMUT

A number of smutty publications which had been declared obscene in three states—New York, Kentucky and Arkansas—now enjoy, thanks to a majority of the Supreme Court, the mantle of constitutional protection.

This latest ruling reveals a court that is hopelessly divided on the issue of what constitutes punishable obscenity. At least two of the justices think that anything goes. The attitudes of the others vary in more or less significant respects. But the impression which survives is that this court would sanction almost any kind of smut as long as it does not involve the forbidden "pandering" aspects of the Ginzburg case. And that was a 5-to-4 decision.

The dissenting opinion by Justices Harlan and Clark points out that the majority changed the rules in the middle of the game in this instance. The grounds upon which the court originally agreed to review the three cases were abandoned, with the result that the issue of obscenity or otherwise was not dealt with either in the briefs or in the arguments. "In short," said Justice Harlan, "the court disposes of the cases on the issue that was deliberately excluded from review, and refuses to pass on the questions that brought the cases here."

He went on to say that "in my opinion these dispositions do not reflect well on the processes of the court, and I think the issues for which the cases were taken should be decided."

We would go a step farther. Not only should the issues (of obscenity or otherwise) have been decided, but they should have been decided so as to make punishable the sale of "girlie" junk which, masquerading as "literature," is contributing its not insubstantial bit to the corruption of our society.

Mr. LAUSCHE. Mr. President, I wish to concur in the expressions which have just been made by the Senator from South Dakota [Mr. MUNDT]. I read the editorial to which the Senator referred which was printed in the Evening Star entitled "Big Day for Smut," and I, of course, read the opinion of the Supreme Court reversing the number of decisions in which individuals were convicted of selling pornographic and licentious material.

Mr. President, unless something is done to reach this problem, it is frightening to think of the impact that showings in books and literature will have upon the moral fabric of the people of our country.

Last week I rejoiced when I read in the Cincinnati Enquirer the report that a jury of 12, consisting of eight women and four men, convicted three persons engaged in the selling of books, who were violating a State law prohibiting the sale of pornographic material.

The judge sentenced the principal offender in two pronouncements to run concurrently of 1 year to 7 years imprisonment and a $5,000 fine. I was stimulated in the belief that here was an effort made to reach these offenders. Then, with shock, I read about the Supreme Court's pronouncement on this subject. I have the feeling that the conviction by the Cincinnati jury, when it reaches the Supreme Court, will probably be reversed.

Mr. President, we must do something to cope with this dangerous moral problem confronting our country today. It is my understanding that it is the proposal of the committee, on which the Senator from South Dakota [Mr. MUNDT] just reported, for a Commission to be created to study ways and means to cope with the problem. Do I understand that correctly, I ask the Senator from South Dakota?

Mr. MUNDT. The Senator is exactly correct. It would coordinate the efforts of local and State governments, as well as the Federal Government.

Mr. LAUSCHE. Would it be its purpose to evolve a bill to stem the challenges to our Constitution which have been made by the Supreme Court?

Mr. MUNDT. I am confident that it will stem the challenges to our Constitution. I hope that it will also stem the challenges being made on it by the Supreme Court.

Mr. LAUSCHE. Mr. President, the editorial to which I have referred is an excellent one and deserves to be read by all Senators. It does not hesitate to point out the dangers of this problem. Apparently, it is difficult to decide what is prurient literature or motion pictures which will not be knocked down by the Supreme Court.

I give my full support to the proposal made by this committee.

Mr. MUNDT. I thank the Senator. I think we are going to get fast action in the Senate on this corrective measure.

Mr. LAUSCHE. Mr. President, in the Cincinnati case, Mrs. David—Polly—King, with her two employees, was arrested, prosecuted and convicted of possessing obscene books; namely, "Super Dyke," "The Sex Seller," "Sex Class," and "Hush, Hush, Sweet Harlot."

The trial lasted approximately 4 weeks. The judge sentenced Polly King to two consecutive terms of 1 to 7 years in the Marysville, Ohio, Reformatory, and fined her $4,000. Her employee, George Potts, was fined $3,000, and John Stone was fined $500.

I want especially to commend the work of the Hamilton County, Ohio, prosecutor, Melvin G. Rueger, and his assistants, Frederick J. Cartolano and Carl W. Vollman, who ably and skillfully handled the prosecution of the case.

Also, I commend the two policemen, Col. Jacob Schott and Col. Henry Sandman, for their part in bringing these people to justice.

I pay tribute to Judge Keefe for his firm stand in dealing with this menace to our society.

Mr. STENNIS. Mr. President, I, too, commend the remarks and the ideas of the Senator from South Dakota.

I state, with emphasis, my approval of everything he has said. There is not only urgency about this matter, but also a demand that his suggestion be carried out. I hope that the legislative branch will have strong representation on any commission so created.

Mr. MUNDT. I thank the Senator from Mississippi. Let me say that there will be representation by the legislative branch.

BILLS INTRODUCED

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

By Mr. JORDAN of Idaho (for himself and Mr. CHURCH):

S. 1733. A bill to provide for the differenti-

ation between private and public ownership of lands in the administration of the acreage limitation provisions of Federal reclamation law; to the Committee on Interior and Insular Affairs.

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

By Mr. KUCHEL:

S. 1734. A bill to amend section 8e of the Agricultural Adjustment Act of 1933, as amended, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and as amended by the Agricultural Act of 1961, so as to provide for the extension of the restrictions on imported commodities imposed by such section to imported olives; to the Committee on Agriculture and Forestry.

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

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 1735. A bill for the relief of Hill County, Mont.; to the Committee on the Judiciary.

By Mr. HARTKE (for himself, Mr. KUCHEL, Mr. MORSE, Mr. BAYH, Mr. BENNETT, Mr. BURDICK, Mr. COOPER, Mr. FONG, Mr. FULBRIGHT, Mr. HATFIELD, Mr. INOUYE, Mr. MCCARTHY, Mr. MCGEE, Mr. MCGOVERN, Mr. MONTOYA, and Mr. YARBOROUGH):

S. 1736. A bill to provide increased opportunities for students in higher education for off-campus employment by establishing programs of work-study cooperative education; to the Committee on Labor and Public Welfare.

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

By Mr. SPARKMAN (by request):

S. 1737. A bill to require all insured banks to clear checks at par; to the Committee on Banking and Currency.

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

By Mr. LONG of Missouri:

S. 1738. A bill for the relief of Dr. Nelson Jose Ceballos; to the Committee on the Judiciary.

By Mr. TYDINGS:

S. 1739. A bill to prohibit the business of debt adjusting in the District of Columbia except as an incident to the lawful practice of law or as an activity engaged in by a nonprofit corporation or association; and

S. 1740. A bill to provide a comprehensive program for the control of drunkenness and the prevention and treatment of alcoholism in the District of Columbia; to the Committee on the District of Columbia.

(See the remarks of Mr. TYDINGS when he introduced the above bills, which appear under separate headings.)

By Mr. JAVITS (for himself, Mr. BROOKE, and Mr. KENNEDY of New York):

S. 1741. A bill to provide certain Federal controls over foreign banking corporations operating within the United States; to the Committee on Banking and Currency.

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

By Mr. JAVITS:

S. 1742. A bill to amend chapter 37 of title 38, United States Code, in order to extend until July 25, 1970, the termination date for home, farm, and business loans under such chapter in the case of veterans of World War II; to the Committee on Labor and Public Welfare.

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

By Mr. PEARSON:

S. 1743. A bill to amend the Internal Revenue Code of 1954 to permit individuals to elect to take a credit against their Federal income tax for one-half of the State and local income taxes paid by them, in lieu of deducting such taxes; to the Committee on Finance.

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

By Mr. THURMOND:

S. 1744. A bill to limit and prevent certain concerted activities by labor organizations which interfere with or obstruct or impede the free production of goods for commerce or the free flow thereof in commerce, and for other purposes; to the Committee on the Judiciary.

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

By Mr. EASTLAND:

S. 1745. A bill for the relief of Kwan Pakhunt, Chen Yuk-oi, Kwan Mun Ying and Kwan Mo Hing;

S. 1746. A bill for the relief of Kwan Wo, Chow Shui-Ying, Kwan So-Chik, Kwan So-Kam, Kwan Kin Man, Kwan Kin Yuen and Kwan Sze Chun; and

S. 1747. A bill to amend title 18, United States Code, to prescribe punishment for persons who unlawfully refuse induction into the Armed Forces of the United States; to the Committee on the Judiciary.

By Mr. SMATHERS:

S. 1748. A bill for the relief of Dr. Ramiro de la Riva Dominguez; and

S. 1749. A bill for the relief of Dr. Enrique Jose Catasus Soto; to the Committee on the Judiciary.

By Mr. HARRIS (for himself and Mr. MONRONEY):

S. 1750. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Sac and Fox of the Mississippi in Iowa and in Oklahoma and the Sac and Fox of Missouri in Kansas and Nebraska in Indian Claims Commission dockets numbered 138 and 143; to the Committee on Interior and Insular Affairs.

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

By Mr. THURMOND:

S. 1751. A bill to authorize the Administrator of General Services to acquire certain real property in the District of Columbia determined to be necessary for use as a headquarters site for the Organization of American States or as sites for offices of other international organizations or governments of foreign countries, and for other purposes; to the Committee on Foreign Relations.

ENDORSEMENT OF THE INTERNATIONAL BIOLOGICAL PROGRAM

Mr. HARRIS. Mr. President, the quality of man's life, his health and his welfare, concerns us all. But, everyday, we are witness to a dangerous deterioration of our environment—pollution of the air we breathe and of the water we drink, decay of living conditions in our cities and in our towns, shortages of food and death from mounting starvation around the world, an exploding world population which has increased 2½ billion in 1950 to approximately 3½ billion today, and is expected to double in the next 35 years, a continuing loss of life to the chief killers of our people—heart disease, cancer, and stroke—which annually take the lives of approximately 1½ million Americans, as well as many other social problems of great magnitude.

These are some of the challenges we face, and they are challenges to which we must respond. Science and technology have brought us wondrous results in the past; we no longer helplessly fear the crippling effects of polio, we have vaccines for measles and some of the more virulent viruses. We have cures for many of the diseases which brought terror to every parent within the memory of all of us.

With such thoughts in mind I would like to call attention to an important cooperative international biological research program which will direct itself to the solution of some of the scientific aspects of these problems. I refer to the international biological program.

The IBP, as it is called, is being organized under the auspices of the International Council of Scientific Unions and the International Union of Biological Sciences; it has been in the planning stage since 1963 and is scheduled to get underway in July of this year.

When fully implemented the IBP will involve some 25,000 biologists in 60 nations in a cooperative attack on problems of major importance. The IBP will in some ways be similar to the very successful International Geophysical Year program, which spanned a 5-year period between 1956–60. It will transcend national boundaries and philosophies and will demonstrate once again that the needs of mankind and the language of science are universal.

The U.S. participation in the IBP has been organized under the auspices of the National Academy of Sciences and the National Academy of Engineering. It has attracted, and will continue to attract, the attention of many of our most distinguished biologists. It will, as well, give added attention and needed impetus to the emerging field of biomedical engineering and will open channels of communication among scientists of many nations for the benefit of all mankind.

In recognition of the importance of the international biological program, I introduce for appropriate reference a concurrent resolution and ask unanimous consent that it be printed in the RECORD, at this point in my remarks.

The PRESIDING OFFICER. The concurrent resolution will be received and appropriately referred; and, under the rule, the concurrent resolution will be printed in the RECORD, and referred to the Committee on Foreign Relations.

The concurrent resolution was referred to the Committee on Foreign Relations, as follows:

S. CON. RES. 26

Resolved by the Senate (the House of Representatives concurring), That the Congress hereby finds and declares that the international biological program, which was established under the auspices of the International Council of Scientific Unions and the International Union of Biological Sciences and which is sponsored in the United States by the National Academy of Sciences and the National Academy of Engineering, will provide a unique and effective means of meeting the urgent need for increased study and research related to biological productivity and human welfare in a changing world environment.

The Congress commends and endorses the international biological program and expresses its support of the United States National Committee and the Interagency Coordinating Committee, which together have the immediate responsibility for plan-

ning, coordinating, and carrying out such program in the United States.

The Congress calls upon all Federal departments and agencies and all persons and organizations, both public and private, to support and cooperate fully with the program and the activities and goals of such Committees.

ACREAGE LIMITATION AND RECLAMATION LAW

Mr. JORDAN of Idaho. Mr. President, the proposed application of acreage limitations relating to privately held lands under the Reclamation Act of 1902 has placed in jeopardy the continued effective operation of two farms in Idaho which are owned by the public, operated at public expense, and in existence for the public benefit.

Section 5 of the Reclamation Act states that "no right to the use of water for land in private ownership shall be sold for a tract exceeding 160 acres to any one landlord." This year the University of Idaho was advised that its Caldwell Branch Agricultural Experiment Station would be required to comply with the 160-acre limitation or be deprived of water deliveries. The Idaho State School and Hospital, an institution for the mentally retarded, was similarly advised in regard to the farm it operates as part of its rehabilitation and training efforts.

Ownership of these publicly held farms has been construed, for the purposes of the law, as private ownership. Thus, legislative action to clarify this matter and provide for the exemption of the public lands in question is dictated to permit these farms to continue to carry on the nonprofit functions they were established to perform.

I do not believe the original Reclamation Act was intended to apply in such cases. I do not believe that the term, private ownership, was intended to include lands owned by a State, county, municipality, or school.

Enforcement of the limitations applicable to private lands would in the case of these farms impose a crippling restriction on their operations which could very well force their closure. At the least, adherence to these limitations would necessitate disposition of property and minimize the public benefit of these farms which in the past has proven substantial.

Neither of the farms comprise really extensive acreages. The managers and administrators of both feel strongly that maintenance of these farms in their present size is necessary and justified in the public interest.

To underscore the anomalies of this issue, I think it should be pointed out that if corrective legislation is not enacted, it will be possible for a man and wife to hold and receive water for 320 acres of land on a Federal reclamation project while a State, county, municipality or school will be limited to 160 acres.

I assume that similar problems have or may arise in States other than Idaho affected by the Reclamation Act. Therefore I now introduce a bill which will clarify all such problems, eliminating any question as to the intent of Congress.

This bill will not in any way affect the acreage limitation under the Reclamation Act as it applies to those persons, companies or corporations which are truly private landowners. It is a simple measure. It merely provides that the limit on acreage of irrigable land held in private ownership which may receive irrigation benefits from Federal reclamation works shall not be applicable to lands owned by States, political subdivisions and agencies thereof, and local public bodies organized pursuant to State law for nonprofit purposes performing functions which are of a public nature.

Mr. President, Congress is firmly committed to education, to agricultural research, to the development of a viable agricultural economy and to the rehabilitation and training of the mentally retarded. I do not think we intend or desire to permit a feature of land law, which is itself designed to protect the public, to operate in a manner prejudicial to this commitment.

I am pleased to be joined in sponsorship of this measure by my distinguished colleague Senator FRANK CHURCH.

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

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. 1733) to provide for the differentiation between private and public ownership of lands in the administration of the acreage limitation provisions of Federal reclamation law, introduced by Mr. JORDAN of Idaho (for himself and Mr. CHURCH), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 1733

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof and supplemental thereto) which limit the acreage of irrigable land held in private ownership which may receive irrigation benefits from, through, or by means of Federal reclamation works, shall not be applicable to lands owned by States, political subdivisions and agencies thereof, and local public bodies organized pursuant to State law for non-profit purposes and performing functions which, in the opinion of the Secretary of the Interior, are of public nature and purpose.

PROTECTION FOR THE AMERICAN OLIVE INDUSTRY

Mr. KUCHEL. Mr. President, some of the richest olive groves in the Western Hemisphere are located in the valleys of California. My State is among the principal producers of olives in America and the world. A large segment of California's economy is dependent on the continued vitality of this important industry. Today, our olive producers are facing a serious challenge from the increased imports that are flooding American markets.

Prior to the last 6 months, foreign olive imports were largely in bulk shipments, which were packaged within the continental limits of the United States. This form of importation did not seriously affect California production since the domestic cost of labor tended to keep both American and foreign products on a competitive level. But the situation has drastically changed.

New and modern packaging plants are being established in Spain and are now importing vast quantities of packaged green olives into the United States. These olives are being offered on the west coast today for $3.75 per case below the same item packaged in California. The primary difference is solely one of labor. The California olive industry is paying approximately a rate per hour equal to the rate per day paid by the Spanish bottling plants. It is virtually impossible for the California industry to meet such unfair competition. The olive oil segment of our domestic olive production has already been lost because of imports of foreign olive oil, and it is not likely that it will ever again be regained. If another vital segment of the olive industry is lost because of imports, the very stability of the industry itself is doomed.

It would be a tragedy for California and the Nation if these unfair practices are allowed to continue. The domestic industry has taken considerable steps toward self-help programs to assure the American consumer of a quality product. It has encouraged sales through promotion and advertising. It has promoted progress through research at all levels, from the growers' problems of production, mechanical harvesting, and proper uses of insecticides and other spray chemicals, to research in processing to find better techniques to reduce costs and to improve the American product. This Nation cannot allow these efforts to go for naught because of foreign imports.

Mr. President, I am today introducing proposed legislation which will add olives to the list of commodities covered by section 8(e) of the Agricultural Marketing Act. This would require imports to meet the same quality and size requirements as those imposed on the domestic olive industry under the present Federal marketing order. This legislation will not only provide increased protection for the American consumer but also will bring foreign olive import prices to a more competitive level. The olive industry in this Nation realizes that its size places it at a disadvantage in obtaining adequate tariff protection through the Congress. For this reason, I am hopeful that this proposal will be expeditiously acted upon by the Senate in order to protect this vital California and American industry.

I send my bill to the desk for appropriate reference, and ask unanimous consent that the text of 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, as requested by the Senator from California.

The bill (S. 1734) to amend section 8e of the Agricultural Adjustment Act of 1933, as amended, as reenacted and amended by the Agricultural Marketing

Agreement Act of 1937, as amended, and as amended by the Agricultural Act of 1961, so as to provide for the extension of the restrictions on imported commodities imposed by such section to imported olives, introduced by Mr. KUCHEL, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 1734

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8e of the Agricultural Adjustment Act of 1933, as amended, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and as amended by the Agricultural Act of 1961, is amended by inserting in the first sentence thereof between "tomatoes" and "avocados," the following: "olives."

EXPANDING COOPERATIVE EDUCATION

Mr. HARTKE. Mr. President, today I am introducing, together with Senator KUCHEL as chief Republican sponsor, a bill to expand the opportunities for cooperative education, which is a system of alternate full-time academic study and full-time work for cooperating employers. Under this system the student gains both practical experience in full-time employment and the funds with which to meet a large share of his academic expense. I am pleased that this bill has the support of a considerable number of other Senators from both sides of the aisle, including the distinguished chairman of the Education Subcommittee [Mr. MORSE]. The Hartke-Kuchel bill has been assured hearings as an amendment to title IV of the Higher Education Act, and in fact there has already been field hearing consideration by the subcommittee.

The bill provides for a 5-year program of assistance in encouraging more institutions to set up cooperative education programs, and for expanding programs where they exist, provided the applications are approved by the Commissioner of Education in cooperation with an eight-member Advisory Committee on the Development of Work-Study Cooperative Education Programs in Higher Education. No one institution may receive a grant in excess of $65,000 in any one year. The total authorization is very modest in view of the results which can be obtained—less than $8 million per year, $725,000 of which is earmarked for grants for the training of persons in the establishment and administration of such programs and for research in this field.

There is a great and growing interest on the part of our institutions of higher education in developing these programs. Within recent months there have been significant statewide meetings of educators and persons concerned with the possibilities in the States of New Mexico, at which both Senators ANDERSON and MONTOYA spoke; Oregon, in which discussion was led by Senator MORSE—and I might add that Senator HATFIELD is also one of the cosponsors; and in my own State of Indiana, where likewise we had a good attendance and genuine enthusiasm.

Let me enumerate quickly some of the advantages of this uniquely American educational system, in which there are at present 112 institutions and 56,000 students engaged, students whose payroll from their full-time jobs in the alternate periods away from the classroom runs to $95 million. I shall elaborate on some of these points a little later, but the advantages include:

A greater degree of self-help to the students, encouraging particularly those from the lowest economic levels.

A fuller use of existing academic facilities at a time when the strain upon them is excessive, since with half the students away from the campus at any one time, and since there are no long vacation periods, the educational plant can thus serve more than double the usual number of students.

A highly practical means of assuring employment opportunities after graduation, since the demand for these graduates is high and many find permanent positions with their cooperative employers.

A highly advantageous learning process, combining the practical experience with the academic.

Mr. President, if we are to meet our educational responsibilities to space-age youth, we must support the expansion of tested innovations in higher education that experience and research have shown to be effective, useful, and productive. The administration has quite rightly included in the message on education of last February 28, a request that an amendment be made to the Higher Education Act of 1965 to make possible Federal support for expanding work-study cooperative education programs in institutions of higher education, an objective this bill fulfills.

In 60 years of successful experience with the concept of work-study cooperative education, this form of education has proven to have exceptional significance of adding, in the terms of Alfred North Whitehead, a new value of quality to learning.

Whitehead said:

> Pedants sneer at an education which is useful. But if education is not useful, what is it? Is it talent to be hidden away? Of course, education should be useful, whatever your aim in life.

He went on to say in "Aims of Education":

> Education is the art of the utilization of knowledge.

And he said:

> Unless we are careful the vast extension of universities in numbers of students and in variety of activities—of which we are so justly proud—will fail in producing proper results, by the mishandling of the catalyst, *imagination*.

The catalyst imagination is one of the inherent qualities of the work-study cooperative curriculum. Dr. Ralph W. Tyler, the distinguished educator who serves as Director for the Center for Advanced Study in the Behavioral Sciences and Chairman of the National Commission for Cooperative Education, has reported the results of the recent 2-year research study of cooperative education which he headed, which found:

> Cooperative education gives a student an education qualitatively superior in some respects to a conventional college education. Cooperative education students, through their educationally related job experience, become more mature; and their records in graduate school and in employment show that cooperative education is a first-rate college education.

The employment and academic records of these students must be good because more than 3,000 American companies, Government agencies, and public service institutions employ work-study cooperative education students. One leading company—the Ford Motor Co.—alone employs more than 800 students in cooperative education programs.

The students work in every field of economic value. They are in the engineering departments of the great industrial concerns, in the laboratories and X-ray departments of hospitals, in various departments of local, State, and Federal Government; they are in agriculture, schools, banks, advertising agencies, the news media, merchandising enterprises, and indeed, almost every form of enterprise we have.

Mr. President, our society is pressured by the rapid advances of technology, unable to cope with the scope of the science revolution, bewildered by the knowledge explosion, frustrated by the demands for new skills and by the mounting requirement for brainpower. The challenge of our times is enormous and only education can meet it; only education of the right quality and the right relevance to our needs.

The new challenge of quality is welcome to us. James Madison said that the United States was useful in proving things before held impossible. Our purpose now is to prove it possible to add new dimensions to education that encompass the demands of a new society, by enlarging this already proven institution.

I have followed the burgeoning of the idea of cooperative education with its alternating periods of work and study, and have become increasingly more impressed with its effectiveness. I have studied the program and operation at such places as Northeastern University in Boston, and at Antioch College, Yellow Springs, Ohio, and I have seen how it enhances the stature of both students and faculty. I have also seen how it provides motivation almost instantaneously to the disadvantaged youngster. In such a program he can go to college and earn a degree. And while he is achieving his baccalaureate he works at full wages in a job previously beyond his reach or expectation. Under such conditions, by no stretch of the imagination may he any longer be listed as "disadvantaged." Nor can he be viewed any more as one without hope of a future.

Work-study cooperative education is precisely the kind of innovation, the kind of bold imaginative programing we need now and shall need increasingly to solve the problems of our time.

Consider the premise that universal higher education is just around the corner. The trend toward a college educa-

tion for all high school graduates has risen sharply in recent years—to a point where more than half of them now at least enter either a 4-year or a 2-year college. Observers are convinced that 15 years hence, schooling for everyone from age 3 to 20 will have become a general pattern and education beyond the high school a necessity for most of our young people.

Yet, as Marvin Feldman, of the Ford Foundation, observes:

> It is becoming increasingly apparent that colleges are not prepared to accommodate an influx of students who are strongly oriented toward specific career goals. Rejection and first-year attrition rates in post-secondary schools are high. A large proportion of youth—those labeled non-verbal, culturally deprived, or disadvantaged—are yearly lost to the productive process and to society.

Further, Mr. President, one of the most significant strengths of a cooperative work-study program is its adaptability. It can be effectively accommodated to practically any type of educational institution and the different curricula they maintain. The flexibility possible with cooperative education is the result of integrating theoretical study and practical employment. It has proved adaptable for men and women students. Among the cooperative colleges and universities are almost every type of institution of higher education in this country. There are coeducational institutions, men's colleges and women's colleges. Some of the cooperative colleges are public municipal colleges in large cities, most of whose students live at home and commute to classes. Some of the cooperative colleges also have many evening students. Others are residential colleges located in small towns. Thus, the cooperative students sometimes live at home both when they are in classes and on cooperative jobs. Others may go away to college, but live at home during work periods. Or they may live at home when they are in classes, but travel to another city for their jobs. Or they may live away from home both at college and on the job.

Cooperative education programs can include all or only some of the students. At some institutions, every enrolled student must participate in the work periods. Very commonly, cooperative education is offered in some, but not all, departments or schools of the college or university. At others, it is an optional alternative that only some of the students choose. At still others, it is an honors program for which a student must be specially selected. At a few schools even first-year students start the alternation of work and study, but in most cases the students spend 1 or 2 full years in course work before they start their cooperative jobs.

In some programs, the student will return to the same company for each of his work periods, and in other programs, he will hold jobs with a variety of employers. Especially in engineering, the cooperative program is organized so that the student returns to the same company and completes a "job circuit" of progressively more responsible positions. Other programs, especially in the liberal arts, intentionally place the student with a number of employers so that the student has the opportunity to learn the functions of a variety of organizations in the American economy and government.

In other words, Mr. President, cooperative education can be adapted to any institution of higher education.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HARTKE. I ask unanimous consent to proceed for another 2 minutes.

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

Mr. HARTKE. Mr. President, let me cite the experience of Northeastern University, located in Boston. This university has the largest program—degrees in 27 different specialized schools—and the largest enrollment of any of the 112 universities and colleges with a cooperative education program. At Northeastern, 7,600 students are exchanging class study for jobs every 3 months. They are earning $15 million this year while gaining invaluable experience in educationally related jobs. To provide $15 million at the usual rate of return, a $300,000,000 endowment would be necessary. Here are some other salient facts about the Northeastern program:

Students are now being placed with 1,600 different employers, including all levels of government, city, county, State, and Federal.

There is a waiting list of 500 additional employers who have asked the university to supply students—a greater employment demand than the present enrollment can supply.

Among Government employers are the Library of Congress, NASA, the Office of Education, and a variety of other Government agencies who find in cooperative education an excellent selective process for recruiting permanent qualified employees.

Mr. President, enactment of the cooperative education bill as an amendment to the Higher Education Act will open up the possibility of tripling the number of institutions involved in this program. Such an expansion would lead to an additional 100,000 opportunities for students to hold off-campus jobs. I might add that one reason for the appeal to employers is that the student is not a part-time employee, but a full-time employee. Often the employer replaces one student with another when the first returns to the campus, and thus he gains an effective worker who is, for all practical purposes, a full-time employee, although embodied in two persons, thus eliminating the problems many employers would have with half-day or similar short-term student workers.

A tripling of these programs in 5 years would result in an additional income to students amounting to $150 to $190 million. In view of the fact that most of these students will have taxable income as a result, it is a safe assumption that their income taxes alone will be sufficient to carry the cost of the program's authorization, and probably a good deal besides.

I have mentioned the deep interest of business leaders, industry officials, and educators as exhibited in the New Mexico, Oregon, and Indiana meetings. On January 18, I met with leaders of all the accredited colleges and universities of the State of Indiana to confer with representatives of major employers to learn how to undertake cooperative education programs. There was great enthusiasm expressed for this program by both parties to the necessary cooperation, the industries and the schools. I am confident that in every State, if this form of expansion of higher education receives the attention and study it deserves, the attitudes will be similar. I commend it, with my colleagues who join me, to your attention.

Mr. President, I ask unanimous consent that the text of the bill may appear in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, will be printed in the RECORD.

The bill (S. 1736) to provide increased opportunities for students in higher education for off-campus employment by establishing programs of work-study cooperative education, introduced by Mr. HARTKE (for himself and other Senators), 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. 1736

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title IV of the Higher Education Act of 1965 is amended by adding at the end thereof the following new part:

"PART E—COLLEGE-INDUSTRY COOPERATIVE EDUCATION PROGRAMS

"APPROPRIATIONS AUTHORIZED

"SEC. 671. (a) For the purpose of stimulating and promoting work-study cooperative education programs at institutions of higher education, which programs alternate academic study with full-time on-the-job employment in which all compensation is paid by employers in business, industry, the professions, Government or service-type work situations and thus provide to students the opportunity to earn through employment the funds to undertake and complete their education, by enabling the Commissioner to make grants under this part to institutions of higher education to assist such institutions to establish or expand work-study cooperative education programs, there is authorized to be appropriated $7,250,000 for the fiscal year ending June 30, 1968, and for each of the four succeeding fiscal years.

"(b) There is authorized to be appropriated $725,000 for the fiscal year ending June 30, 1968 and for each of the four succeeding fiscal years for the purpose of making training grants under section 674.

"GRANTS FOR WORK-STUDY COOPERATIVE EDUCATION PROGRAMS

SEC. 672. (a) Grants for work-study cooperative education programs may be made under this part only upon application therefor by institutions of higher education filed with the Commissioner at such time or times, in such manner and containing such information as he may reasonably require. Each such application shall—

"(1) provide, in conformance with criteria prescribed by the Commissioner, for the establishment of a work-study cooperative education program, for the expansion of such a program, or for the initial research and

study required to determine whether it would be feasible to establish such a program;

"(2) provide for the making of such reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this part, and for the keeping of such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports;

"(3) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this part; and

"(4) include such other information as the Commissioner may determine necessary to carry out the purposes of this part.

"(b) The Commissioner shall seek the advice of the Advisory Committee on the Development of Work-Study Cooperative Education Programs in Higher Education established pursuant to section 675 prior to prescribing the criteria under clause (1) of subsection (a) of this section.

"(c) Applications for grants under this part may be approved by the Commissioner only if the application meets the requirements set forth in subsection (a) of this section. Amendments of applications shall, except as the Commissioner may by regulation otherwise provide, be subject to approval in the same manner as original applications.

"LIMITATIONS

"SEC. 673. No grant for a work-study cooperative education program may be made under this part to any one institution of higher education—

"(1) in excess of $65,000 in any fiscal year, or

"(2) for an aggregate period in excess of three fiscal years.

"TRAINING GRANTS

"SEC. 674. The Commissioner is authorized to make grants to institutions of higher education, and other public or nonprofit private agencies or institutions, for the training of persons capable of establishing, administering, and coordinating work-study cooperative education programs and for research in the field of promoting and extending the use of work-study cooperative education programs in institutions of higher education.

"ADVISORY COMMITTEE ON THE DEVELOPMENT OF WORK-STUDY PROGRAMS IN HIGHER EDUCATION

"SEC. 675. (a) There is hereby established in the Office of Education an Advisory Committee on the Development of Work-Study Cooperative Education Programs in Higher Education, consisting of the Commissioner, who shall be Chairman, and consisting of eight members, representing Government, industry, education, and labor, who are experienced in the field of work-study cooperative education, who shall be appointed, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, by the Commissioner with the approval of the Secretary.

"(b) The Advisory Committee shall advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this part, including the development of criteria for approval of applications thereunder.

"(c) Members of the Advisory Committee shall, while serving on the business of the Advisory Committee, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including travel time; and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently."

AN EXPANDING HORIZON FOR SELF-HELP IN HIGHER EDUCATION

Mr. KUCHEL. Mr. President, I am delighted to join with the distinguished senior Senator from Indiana and other Senators on both sides of the aisle in offering this worthwhile proposal to give impetus to the Nation's growing programs of cooperative education. What we are proposing here is a very small Federal investment, "seed money," which can greatly expand the $95,000,000 that is now earned annually by students to pay the cost of their college and university education. These millions of dollars are earnings from jobs that are educationally related to their academic work and that give valuable full-time work experience.

We are talking about a program that is self-liquidating. The proposed 3-year period of Federal support would enable colleges and institutions to organize a vast number of relationships with business and industry. This matrix of cooperation would in turn create year-round jobs appropriate to a wide range of student talents. Once this has been accomplished, the continuing costs are modest and can be defrayed from ongoing operations of the program itself because of the increased number of students this program of self-support makes possible.

"Working one's way through college" is an honorable tradition in the American West, where the tradition of individual effort has always had special meaning. In California a large number of colleges and businesses have joined in support of cooperative education programs. Among the institutions now represented are the University of California, Los Angeles State and San Jose State Colleges, the College of San Mateo, Foothill College in Los Altos, and Golden Gate College in San Francisco. Let me emphasize that both private and public institutions will be able to participate in this program; indeed, its origins in our country are to be found in the private educational sector.

California business has also taken a great interest. Among those firms now participating are Lockheed Aircraft Corp., Beckman Instruments Corp., and North American Aviation. Mr. President, I ask unanimous consent that at the conclusion of my remarks a letter to me for this Lockheed Missiles & Space Co. testifying to this interest be inserted in the RECORD.

Cooperative education, work-study programs, are sound both educationally and economically. These programs offer the opportunity of higher education to a much wider cross section of capable students. This is fully in keeping with our national ideal of a broadly based educational establishment. Moreover, a higher percentage of students in these programs go on to graduate school than do students in the conventional programs. The alternation between work and study offers the student a real opportunity to find out what he wants to do with his future, and it helps industry find him.

Ralph W. Tyler, director of the Center for Advanced Study in the Behavioral Sciences at Stanford University has said:

A program which increases student motivation, helps the student to find more meaning in his school studies, attracts more able young people into higher education and enables more of them to go to college should be extended far beyond the relatively small number of colleges now using cooperative education.

Also important is that "cooperative education" provides a proven means of meeting the costs of higher education by tapping the source of need—the rapidly expanding complex of advanced industry and business activity that desperately requires trained people. Nowhere in the modern world, Mr. President, is there a greater need for a highly trained cadre of men and women capable of solving complex technical problems of our age than in my State of California. I am pleased to take part in submitting this bill and join in urging its expeditious consideration.

Mr. President, I ask unanimous consent that a letter from Lockheed Missiles & Space Co., addressed to me and endorsing this bill, be printed in the RECORD at this point.

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

LOCKHEED MISSILES & SPACE CO.,
May 8, 1967.

Senator THOMAS H. KUCHEL,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR KUCHEL: This is to express strong support for the Kuchel-Hartke Cooperative Education Bill, which proposes to amend Title IV of the Higher Education Act of 1965 to provide financial grants to institutions of higher education for the establishment or expansion of College-Industry Cooperative Education Programs. Your coauthorship of this bill which, if passed, would significantly benefit the colleges, universities, students, and employers in the State of California, and elsewhere, is highly commendable.

I have read the pre-print of the bill, and wish to make the following comments: Lockheed Missiles & Space Company has employed students under the Cooperative Education plan since 1959. We presently have students at work from 26 different colleges and universities throughout the country, including five California institutions. As you may know, a number of other industrial firms and government agencies in California also employ Cooperative Education Students. The College of Engineering at the University of California, Berkeley, has a well-established program, as does San Jose State College's Division of Engineering. We have actively encouraged other California institutions to establish such programs, with very limited success. It is my observation that most schools are reluctant to start Cooperative Education Programs because of lack of budget to support the additional administrative functions. Those schools that have recently started experimental programs have done so on a shoestring basis. Usually some person who already has full-time faculty or administrative responsibilities is assigned, or volunteers for, the additional responsibility of administering the school's Cooperative Education activities. Many schools have indicated strong support for the principle of Cooperative Education, but have not made a start because of a lack of manpower and budget. In my opinion, the passage of your bill would make it possible for a number of schools—already favorably inclined toward

Cooperative Education—to begin offering this superior form of higher education to their students. A great many employers in this area are already enjoying the benefits of such programs and others would, I'm sure, be happy to participate if more students in Cooperative Education Programs were available for employment.

You have my best wishes for a successful passage of the Kuchel-Hartke Cooperative Education Bill.

Sincerely,

JAMES T. GODFREY,
Coordinator, Cooperative Education Program.

REQUIREMENT FOR ALL INSURED BANKS TO CLEAR CHECKS AT PAR

Mr. SPARKMAN. Mr. President, I have today introduced, at the request of the Federal Reserve Board, a bill to require all insured banks to clear checks at par.

I ask unanimous consent to include in the RECORD at this point a copy of the Federal Reserve Board's letter, together with the draft bill attached.

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

The bill (S. 1737) to require all insured banks to clear checks at par, introduced by Mr. SPARKMAN, by request, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 1737

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding the following subsection:

"(k) No insured bank shall pay any check drawn on it at less than its face amount or make any charge, by exchange or otherwise, against a person in his capacity as payee or indorsee for the payment of such checks and remission of the proceeds thereof. For each violation of this subsection, the offending back shall be subject to a penalty of not more than $100, which the Corporation may recover for its use."

SEC. 2. The first paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 342) is amended by striking ": *Provided further,* That nothing in this or any other section of this Act shall be construed as prohibiting a member or nonmember bank from making reasonable charges, to be determined and regulated by the Board of Governors of the Federal Reserve System, but in no case to exceed 10 cents per $100 or fraction thereof, based on the total of checks and drafts presented at any one time, for collection or payment of checks and drafts and remission therefor by exchange or otherwise; but no such charges shall be made against the Federal reserve banks".

SEC. 3. The amendments made by this Act shall become effective one year after the date of the enactment of this Act.

The letter presented by Mr. SPARKMAN is as follows:

BOARD OF GOVERNORS
OF THE FEDERAL RESERVE SYSTEM,
Washington, D.C., April 4, 1967.

Hon. JOHN SPARKMAN,
Chairman, Committee on Banking and Currency, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In some areas of the United States, many of the commercial banks that are not members of the Federal Reserve System make charges for the payment of checks drawn on themselves when the checks are presented by mail. These charges are generally known as "exchange charges" and the banks that impose such charges are referred to as "nonpar banks" because they do not pay at par, i.e., at face value, all checks drawn on them.

Deposits in checking accounts constitute the bulk of our country's money supply. The efficient operation of our economic machine requires that checks, like currency, be interchangeable at their face value. Present provisions of the Federal Reserve Act expressly prohibit the making of exchange charges against the Federal Reserve Banks and, as a practical matter, all checks drawn on member banks and collected through the Federal Reserve collection system are paid at par. Whatever reasons may have once existed for the making of exchange charges, it is the Board's opinion that, under today's highly developed system of check collection, there is no sound reason for any bank, whether member or nonmember, to pay less than the face amount of checks drawn upon it. Any expense that a bank incurs in the payment of checks should be absorbed by the bank or borne by its customers—the depositors who drew the checks—rather than by the payees or indorsees. This is the practice followed today by most banks.

It is obvious that nonpar banking involves inequities. For example, a seller of goods or services who is willing to accept checks in payment may receive less than the price agreed upon if the purchaser draws his check on a nonpar bank. On the other hand, he may receive full payment even if the check is drawn on a nonpar bank, because some such banks follow a discriminatory practice of "parring" items only for certain persons. In any event, as long as banks are permitted to impose exchange charges, a seller cannot be certain that he will receive full payment for checks that he accepts for his goods or services.

In addition to such inequities, nonpar banking involves unjustified costs and inefficiencies. For example, where a collecting bank presents a check to a drawee nonpar bank and pays an exchange charge and the charge is passed back through other collecting banks to the payee's bank and ultimately to the payee, each of the banks as well as the payee must make appropriate reversing entries in its books to take account of the fact that the item was not paid at its face amount.

The unjustified costs and inefficiencies of nonpar banking often take a somewhat different form. Some banks are willing to "absorb" exchange charges on checks cleared through them in return for the maintenance of a minimum deposit by the forwarding bank. To pass a check through such a bank frequently involves circuitous routing, perhaps to places quite distant from the drawee bank, thereby unnecessarily delaying the time of payment of the check.

While nonpar banks today obtain substantial income from charging exchange, banks that have shifted from a nonpar to a par status have been able to operate profitably through the substitution of an appropriate system of service charges levied against their depositors for the expense of handling transactions in their accounts. Thus, while the elimination of exchange charges will greatly facilitate the efficient operation of our nation's banking system, the loss of exchange income need not be detrimental to individual banks.

For the reasons indicated above, the Board, in its Annual Report to Congress for 1965, recommended enactment of legislation that would require all insured banks to pay checks drawn on them at par, that is, without deduction of exchange charges. The Board is making a similar recommendation in its Annual Report for 1966. In order to afford nonpar banks a reasonable time within which to adjust their practices, it is recommended that such legislation be made effective one year after the date of its enactment. A draft of a bill for this purpose is enclosed herewith.

Sincerely yours,

WM. MCC. MARTIN, Jr.

DRAFT OF A BILL TO REQUIRE ALL INSURED BANKS TO CLEAR CHECKS AT PAR

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding the following subsection:

"(k) No insured bank shall pay any check drawn on it at less than its face amount or make any charge, by exchange or otherwise, against a person in his capacity as payee or indorsee for the payment of such checks and remission of the proceeds thereof. For each violation of this subsection, the offending bank shall be subject to a penalty of not more than $100, which the Corporation may recover for its use."

SEC. 2. The first paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 342) is amended by striking ": *Provided further,* That nothing in this or any other section of this Act shall be construed as prohibiting a member or nonmember bank from making reasonable charges, to be determined and regulated by the Board of Governors of the Federal Reserve System, but in no case to exceed 10 cents per $100 or fraction thereof, based on the total of checks and drafts presented at any one time, for collection or payment of checks and drafts and remission therefor by exchange or otherwise; but no such charges shall be made against the Federal Reserve banks."

SEC. 3. The amendments made by this Act shall become effective one year after the date of the enactment of this Act.

PROHIBITION OF BUSINESS OF ADJUSTMENT IN THE DISTRICT OF COLUMBIA

Mr. TYDINGS. Mr. President, in a recent series in the Washington Star, reporter Miriam Ottenberg has performed a public service in calling attention to deceptive commercial practices of so-called "debt consolidators" in the Washington area. Debt consolidators persuade debtors to refrain from making direct payments to their creditors and instead to make payments to them. They, in turn, pay the creditors, but only after taking a healthy premium from the debtors' payments. No benefit results to the debtor from this arrangement. He merely adds a new creditor—the debt consolidator—to the already burdensome list of his creditors.

"Debt consolidation" has nothing in common with reputable enterprises which lend money to debtors so that they can pay off all creditors and then repay the single lender. A debt consolidator lends no money. He only takes it, though often misleading the harried debtor into believing that his creditors will all be repaid at once. The details of these deceptive practices are set out in Miss Ottenberg's articles. I ask unanimous consent that these be printed in the RECORD at the conclusion of my remarks.

Twenty-one States, and the city of Baltimore, have enacted legislation to outlaw the practice of debt consolida-

tion. I believe the practice must also be stopped in the District of Columbia. That is the purpose of the bill I introduce today. The District Commissioners have endorsed this bill.

Simple regulation of these practices cannot adequately protect the public, since—to be effective—regulation would require impossibly detailed and constant auditing of accounts of the numerous small debtors upon whom the debt consolidators prey. Moreover, the debt consolidators offer no useful service which should be fostered. In States where the practice is outlawed, private or public nonprofit agencies have provided needed counseling to debtors having difficulty in managing their debts. This desirable service is in no way prohibited by this bill. And where the debtor is so burdened with debts that bankruptcy is impending, legal advice from private attorneys or public legal aid agencies is necessary. There is no legitimate role for debt consolidators to play.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the articles will be printed in the RECORD.

The bill (S. 1739) to prohibit the business of debt adjusting in the District of Columbia except as an incident to the lawful practice of law or as an activity engaged in by a nonprofit corporation or association, introduced by Mr. TYDINGS, was received, read twice by its title, and referred to the Committee on the District of Columbia.

The articles presented by Mr. TYDINGS are as follows:

DEBTOR BEWARE: PAYMENTS ADJUSTOR WON'T SOLVE YOUR MONEY PROBLEMS—PART 1

(By Miriam Ottenberg)

A plumber and his wife burdened with hospital expenses for a new baby, saw their bills mounting and signed up with a nearby Maryland firm to "adjust" their debts. They were adjusted right out of their $4,000 trailer home.

A District policeman, saddled with moving bills and getting further behind because his overtime stopped when he entered the police academy, also sought help from a so-called debt adjustor. He had paid in more than $250 before he found out only a few dollars had reached a creditor.

A day worker, who prided herself on paying her bills promptly, listened to a debt adjustor's advertising and figured she could save interest if she paid off everything in six months instead of 12. She wound up paying more interest because the debt adjustor neglected the first month's payment to take out his fee.

These are typical victims of the debt adjustors, debt poolers, debt consolidators or pro-raters now preying on Washington area families. They are called by those names—and a few less flattering ones, such as parasites and profiteers of poverty.

Actually, they're not interested in the true poverty class. They prefer people with a regular paycheck and a conscientious desire to extricate themselves from a mire of debt.

They promise to consolidate bills into one low monthly payment the customer can afford, avoid garnishments and free the customer to live happily ever after. They put in no money of their own—no loan, no advance, nothing out of their pockets.

For sending each creditor something—if the customer keeps paying—they charge a "filing" or "installation" fee of $25 more plus a percentage of the debt they are "adjusting"—usually from 12 to 15 per cent.

If the customer stays with the adjuster to the end—and that's a big if—he may get his "filing" fee back, but from everything The Star could find out, he'll never get back a unsullied credit rating.

Debt consolidators are capitalizing on the money problems that have made the personal bankruptcy rate soar across the nation, filled the divorce courts with debt-prompted family crises and contributed to suicides, alcoholism and mental illness. The runaway family debts that prompt these excesses are usually blamed on too-easy credit, too available charge accounts, the plethora of credit cards and the go-now-pay-later philosophy.

Problems that are unique to the Washington area make the Nation's Capital even more attractive to the debt adjustors. Here they find the transients—Government people coming and going with each administration, service people putting in their tour of duty beside the Potomac, people who run into heavy debt while closing their home back home and finding a place to live close to schools and stores here.

In the Washington area also they find the innocent and the ignorant, the Southern families migrating northward, the small-town girls pounding Government typewriters in the big city.

The largest of the debt firms now doing business in this area, Credit Advisors, Inc., has described its customers as "debtors who are relatively unsophisticated in matters relating to their outstanding debts, interest rates, penalty charges and the like."

The description was given in a suit filed here last month by Credit Advisors against another debt adjuster—Credit Budget, Inc. In the course of accusing its competitor of "unfair competition and "misappropriation of trade secrets" Credit Advisors pulled back a bit of its own veil of secrecy.

In the suit, Credit Advisors emphasized how much it had spent on advertising and how much value it placed on its advertising copy used "repeatedly and successfully."

Without saying how much it harvested from "extensive advertising." Credit Advisors charged that its competitor had already derived "large income, profits and advantages" which rightfully belonged to Credit Advisors.

The suit predicts the future will find more rather than fewer debt consolidators in the Washington area. Credit Advisors says Credit Budget is going to expand its debt adjustment business unless restrained.

The court action was cited by Credit Advisors' local attorney as the reason why the firm couldn't answer any of a dozen questions asked by The Star about its methods of operations—easy questions like how much time the "counselors" spend on a customer and whether they ever give the customer a budget to follow to help get himself out of debt and why they don't say in their ads how long it will take to pay off a $1,000 debt at $15 a week.

Since Credit Advisors wouldn't talk, The Star got the answers to these and other questions from the customers. None of those interviewed had ever been given a budget to follow. More time reportedly was spent by the counsellor on how much money the customers could pay to Credit Advisors than how they were going to live on what was left. As for how long it would take to pay off a $1,000 debt at $15 a week, the answer was obvious—a discouraging span of months, particularly after interest and Credit Advisors' fees were piled onto the indebtedness.

There was no point in even asking about the advertised promise of "garnishments avoided" after The Star learned one creditor after another has refused to have anything to do with any debt adjustment firm.

Although seven debt consolidators were sentenced here on mail fraud charges last fall, although one firm was cited by the Federal Trade Commission for deceptive acts, although salaries continue to be garnished and automobiles repossessed despite the services of the debt consolidators, the bait of a debt-free future continues to lure customers here.

ADJUSTORS INCREASING

Despite a widespread impression that the debt consolidators are on the wane here, The Star found just the opposite to be true.

The regional credit sales manager of a national chain of department stores reported more of the store's customers in this area had become involved with the debt adjustors in the last two or three years than ever before. He attributed the rise to the "tremendous advertising program."

Department stores, discount appliance stores and finance companies in the area all note a growing trend toward the debt consolidators—a trend they don't like at all.

Why are more debt adjustors thriving here when they're on the wane in many states? They came to Washington after they were outlawed or at least regulated elsewhere. Debt adjustors by any name are banned in 21 states, including Virginia. They are regulated in 10 other states, which discourages some—but not all—of them.

Rhode Island is among the states that prohibit them but several outfits operate a mail order business from there, getting their customers from everywhere but Rhode Island through magazine and newspaper advertising. Since they can operate freely here, at least one of these Rhode Island-based outfits lists a Washington address and telephone number. Repeated calls to that number have produced nothing but a tape recorded announcement of a number to call—a Rhode Island number.

BAN IN BALTIMORE

Debt adjusting firms are banned in Baltimore, which is one reason why more of them are opening for business in nearby Maryland. Credit Advisors of Baltimore, Inc., now operates from Mt. Rainier, Md., and another has established itself as Credit Advisors of Laurel, Md.

Unprotected by any law, Washington and nearby Maryland debtors likewise lack the free budget counselling service that puts the paid debt adjustors out of business almost as fast as a law.

When a man, free of charge, can get counseling on his debts and expert help in reducing his indebtedness to a manageable level, when all he can afford to pay on his debts goes to his creditors, he has no use for a paid debt adjuster. Some 63 communities across the country provide that free service to debtors now—but not Washington.

That's why we have become a haven for debt adjusters.

DEBTOR BEWARE: ADJUSTERS SHUNNED BY MOST CREDITORS—PART 2

(By Miriam Ottenberg)

Debt consolidators can't guarantee protection from garnishment and dunning because most creditors refuse to do business with them, a Star survey shows.

The survey covered department and discount stores, areawide chain stores and national chains, credit unions and banks, finance and loan companies—a cross-section of creditors.

Although the stores and some lenders accept partial payments sent in by the debt adjusters, they will continue to dun the debtor, not the adjuster, if a regular payment is missed.

When a customer tells his creditors a debt arranger is now handling the bills, the reply is always the same: "Our contract is with you, not anybody else."

That's why the Washington Better Business Bureau suggests to anyone asking about debt consolidators that they check with his creditors before signing up with a debt ad-

justing firm. In most cases, the BBB is aware, the creditor will discourage him from signing.

"You should understand," the BBB answers inquiries, "that if you go to a bill consolidator with 10 creditors, you come out with 11."

The debt adjusting agency theoretically pools or consolidates a debtor's bills and prorates what the debtor can afford to pay among all his creditors.

That would mean a slice for each of them which, in theory, a creditor would accept eagerly to recover something on an overdue bill. Also theoretically, the size of the payments is worked out through days or even weeks of negotiation between the debt adjuster and the creditors.

But that's only in theory. In practice, the adjuster just sends the creditors a form saying what they're going to receive and asking them to accept it. All the creditors checked by The Star said flatly they throw away the form and make no agreement with the paid adjusters.

One went even further. While talking with The Star, a finance company creditor manager found in his mail a notice from a debt adjuster that he would receive $5 a month in payment for a $174 television set bought only two months earlier.

"I'm going to send the check back," the credit manager said. "We just checked this customer's credit in February. If he can't pay $17 a month now, we'll have to take back the set."

STORES WILLING TO HELP

All stores checked by The Star said if the debtor had told them he was in trouble and wanted to pay less until he was over the hump, they would have gone along with him if at all possible.

And usually it's possible.

Unless the debtor is a known deadbeat who shouldn't have been allowed to buy on credit in the first place, most stores will skip one or two payments until a customer gets back on his feet and tack those payments onto the end of the bill. Or they'll accept token payments for a while.

Banks may be able to arrange refinancing. Credit unions will help through counseling and negotiating with other creditors. Some merchants will cooperate with customers faced with an unexpected expenses by taking back the merchandise and marking it as a cancellation—saving their customer the stigma of a bad debt.

Several businessmen stressed that the man or woman who goes to a debt consolidator is usually the very type who would get the most sympathetic hearing from his creditors because he's conscientious about his debts and concerned about maintaining his credit.

More than one creditor added, however, that a debtor ruins his credit by seeking the help of paid adjusters. A loan company spokesman said he will never approve another loan for any customer who has gone to a debt consolidator.

Some stores with complex bookkeeping systems expressed concern for customers lulled into a false sense of security when they assume the debt consolidator has taken care of everything because they are not dunned. It may be as much as three months before a store's accounting machinery catches up with the debt consolidator's shrunken payments and the debtor is dunned.

A mail order house complained that customers who go to debt adjusters here may not get credit even for the short payments because the checks come in without the bill, without the customer's code number and sometimes even without his home address.

Several creditors have been made ruefully aware that the debt consolidators instruct their customers to have nothing to do with their creditors. It doesn't make a store official any happier to have a telephone banged down when he calls someone who owes him money.

Creditors don't like a middleman coming between them and their customers. They don't like hearing a customer say, "But I paid the debt pooler every week. I don't understand why he hasn't paid you." And creditors recognize with the cynicism born of experience that the creditor who screams the loudest and duns his customers the most will get the largest slice of the available money. They don't like any part of it.

A number of firms make a practice of telephoning a customer as soon as a debt consolidator sends in the notice that from now on the consolidator will be paying the bill—or part of it. Credit managers urge their customers to get clear of the debt adjusters. They point out that the customer could pay off his smaller bills with the money he's paying these people to write checks for him.

The AFL–CIO Executive Council has gone on record against the debt adjustment business as an arrangement which, in too many cases has turned out to be an "abusive scheme" for deceiving and overcharging the debtor.

The debt adjuster, the council said, frequently imposes a heavy economic burden on the already overloaded debtor who gets no effective relief in return since his property may be seized and his salary attached anyhow.

Even the best intentioned and most extensively regulated prorater, it was found, can't render effective relief without the consent of the creditors. Since The Star found that most creditors here don't consent and the proraters are free to operate any way they want here, labor's warning is particularly meaningful in the Washington area.

A formal statement from the AFL–CIO executive council concluded: "The AFL–CIO, therefore, is of the view that the debt adjustment business, regulated or unregulated, is not economically or socially desirable as a commercial activity and should be eliminated."

The statement came out in 1961 and Leo Perlis, national director of the AFL–CIO Department of Community Services, said that's still the official position.

"We're against debt consolidators," he explained, "because they add another debt on top of all the others. They don't solve the problem."

STORY OF ONE BROCHURE

The largest of the debt adjusting chains tries to give the impression that the Labor Department takes a different view. The Barden Investment Management Corp., which is under the same ownership as Credit Advisors, Inc., issued a brochure which played up this quotation from the Labor Department's Bureau of Labor Standards:

"If honestly operated, these agencies can perform a real service for persons deeply enmeshed in debt."

The quotation, it developed, was only a fragment of the whole message, like the one favorable line in a column-long unfavorable movie review.

The "if honestly operated" sentence was followed immediately by this: "Unfortunately, this has not always been the case. Sometimes the money has not been paid to the creditors at all, or only part of it paid. Frequently, creditors refuse to participate in the debt pooler's plan but the agency does not so notify the debtor.

"On many occasions the debt poolers have paid themselves their entire fee first, and it has been some time before money was available to pay the creditors.

"Accepting the services of a debt pooler has not always prevented garnishment proceedings. Frequently the debtor finds that instead of getting out of debt, he simply has another creditor—the debt pooler.

Because of the distress caused by unethical debt poolers, many states have found it necessary to take legislative action."

The debt consolidator's brochure which neglected to include this part of the Labor Department's statement waxed enthusiastic about the debt management company's contribution to the debtor's welfare.

"Perhaps the agencies (sic) most important function," the Barden brochure stated, "is providing the debtor with a learning experience. With help, the debtor learns by the judicious handling of his monies to unentangle himself from the nightmare of oppressive debts. He finds himself no longer a victim of a too easy credit system; but, instead, master of his own financial ship."

Maybe, but The Star found a number of debtors whose "learning experience" consisted of plunging deeper into debt by dealing with a paid debt adjuster.

DEBTOR BEWARE: CONSOLIDATION FIRMS INCREASING CLIENTELE—PART 3

(By Miriam Ottenberg)

One large mail order house reports more customers are getting involved with debt adjusters in the Washington area than anywhere else in the Maine to West Virginia region.

Like area business leaders, the mail order company spokesman noticed more debt-consolidated customers here now than two or three years ago.

Nobody knows exactly how many debtors have signed up with the adjusters here, but the largest of them, Credit Advisers, Inc., claims to have 5,000 customers in the city and nearby Maryland.

Credit Advisors, however, has no monopoly on customers, as dozens of complaints reaching The Star indicate.

In The Star's collection of complainers are several who blame their financial nightmare on a firm manned most days by an answering service. Before getting into the debt adjusting business, the owner of this firm pleaded guilty to mail fraud in Baltimore in 1965 and received a suspended sentence.

Others are still smarting under losses suffered from two firms convicted here last year. Some complained of being plunged deeper into debt by newer arrivals in this wide-open market, while several blamed the loss of their cars and their credit on firms that have now moved on.

Among those who brought their troubles to The Star's Action Line was one involved by long distance. A divorcee with three children to support, she agreed to pay $35 a week to Nationwide Acceptance, Inc., on the understanding that the firm would start paying her bills as soon as she sent in her first payment and payment books.

When her first payment produced nothing but duns from her creditors, she scrambled to find money to pay them and started trying to get her $35 back from the debt consolidator. Calling the firm's Washington office brought only a tape-recorded message to telephone a number in Cranston, R.I. Nationwide is one of several debt adjustment outfits now being investigated by the Postal Inspection Service.

In addition to Action Line complainers, The Star discovered other debtor victims by checking Neighborhood Legal Services offices, credit unions and creditors who took pity on families in financial troubles.

A number of those interviewed spoke of other families they knew who had also been victimized and sometimes forced to pay up to $150 to extricate themselves from the debt consolidater. More often than not, however, these victims don't complain publicly.

SUFFER IN SILENCE

Attorneys, counselors and investigators gave various reasons why victims suffer in silence. One said victims have been so brainwashed by fast-talking debt adjusters that they are easy to convince that whatever went wrong was their own fault. Thus, when creditors start dunning them again, the debt adjuster often says they are to blame for missing a payment. Since they have no receipts to prove they paid, they swallow the story.

Others know they have been taken but are too ashamed to tell anyone either that they sought help with their debts or put their trust in the wrong place.

What makes them turn to a debt adjuster? Either mismanagement or misfortune has overstrained their resources. They may have over-extended themselves because credit is too easy to get and have long forgotten the old maxim about not buying anything you can't afford.

BORDERING ON PANIC

Just as often, however, a sudden illness in the family has brought unexpected demands. Or income has shrunk through lost overtime or lay-off. They are strapped but not poverty-stricken. Most of the victims interviewed were in the $6,000 to $10,000 income class. Some made a bit less and, at the other end of the scale, an $18,000 victim was reported.

Fear bordering on panic drove them to the debt poolers.

Some were afraid of being fired because most large employers follow a standing rule that if garnishment proceedings are started against an employe, out he goes.

Some feared the car they had to have for their work would be repossessed.

And some worried about their credit—the charge accounts they counted on to keep their children fed and clothed.

They could see debts mounting. They knew they couldn't pay all the bills, that the next notice of an overdue account would be less polite. Some in sensitive government jobs worried about losing their security clearance.

Less pressed but looking to the future was the engaged couple who wanted to start married life in solvent blessedness by pooling and paying off all their bills now. They not only got further behind but nearly lost the groom's car.

Youthful inexperience brought some of the victims to the proraters. A 17-year-old couple, just married and up to their necks in debt for trousseau and furniture, thought the debt consolidator would pay off all their bills at once and then they would gradually repay him.

The young people were about to pay their $59.32 installment on their car but the debt-adjusting salesman told them to give him the money and he would take care of it. Thereafter, they started sending the debt consolidator a $31 money order each week.

They had paid out more than $250, when they began getting calls from everybody they owed. Their friend, the debt adjuster, told them not to worry because he was taking care of everything.

The rude awakening came when the bride's mother, who had signed for the car because the girl was under age, was called at her job and informed that her salary would be garnisheed if she didn't make a car payment at once.

In three months, the debt consolidator had paid $7 on the car—not even the $59.32 installment the couple had turned over to him on the night they signed his debt adjusting contract.

In almost every case investigated by The Star where the debtor lost by dealing with a debt adjuster, genuine counseling and some frankness with creditors would have given the story a different ending. But their fear and desperation made the debtors tongue-tied and wary of their creditors.

Sometimes, a fellow worker will convince someone a debt pooler will solve all their money problems just as his own problems have been solved. That's how a Rockville couple with a new baby got involved.

The young mother said a man at her husband's place of work told him how much help he was getting from a debt consolidator. She didn't know then that the debt firm would deduct from $5 up to $100 from a debtor's bill as a reward for referring other customers.

She and her husband signed a contract to pay $43 a week until all their bills were paid. Within a month, they were being dunned by their creditors. The debt consolidator told her the creditors were just trying to get more money out of her and she wasn't to pay any attention to them.

TRAILER REPOSSESSED

"Then, on May 6, 1966," the wife said, "our trailer was repossessed. The man gave us 15 minutes to get our furniture and baby out of our home. A few weeks later, our car was taken from us. I called all our creditors and found that none of them had gotten any of the money we paid to the debt adjuster.

"We lost everything we had. Our credit was ruined. We didn't even have money for food. It's been over a year now and we're just getting back on our feet. I'm glad of just one thing. I think I would kill myself if I had taken even $5 to refer anyone else to these people."

Another young couple also learned the hard way. In seven years of marriage, they had never been in a financial bind until moving expenses ate up their reserves and a debt pooler promised to bring their bills up to date.

"This man sounded on the up-and-up but after I started paying out $65 every two weeks, the bills I received were the same or larger than the ones I had before I started," the husband said.

BANK SENDS LETTER

"These people gave me the impression that all my creditors would be satisfied immediately but none of them were," he went on. "I figure the $260 I have given him was just paying his commission."

He was shaken when the bank he owed money back home sent him a copy of a letter the bank had written to notify the debt adjuster the bank refused to enter into an arrangement with him and "payments will be expected as contracted for by the borrower."

Finally, one of his creditors, a one-stop shopping center, warned him on debt consolidators.

"Why should you pay them?" the center's credit manager asked him. "Pay us directly and if you can't, just call and tell us. We'll work something out."

The wife picked up the story there.

"If it hadn't been for the way that credit manager helped us," she said, "we might still be hooked up with that so-called debt pooler. You know, you don't think of a creditor as a friend. You avoid him.

"Now I feel that if we have a problem, we are going to level with our creditors. They'll do more for us than any debt adjuster. At least, that's what happened to us."

DEBTOR BEWARE: TRICKY WORDING BAITS THE ADJUSTER'S HOOK—PART 4

(By Miriam Ottenberg)

A debt consolidator convicted of mail fraud blames carefully worded advertising and double-talking "counselors" for giving debtors the false impression that debt adjusters will pay all their bills now and collect from them later.

It's a matter of total impression, explained the former consolidator. Neither the ads nor the salesmen promise in so many words that the debt pooler will advance any money. The fact is, though, that many debtors start out believing that, and nobody disabuses them.

Victims interviewed by The Star said they thought all their creditors would be paid off at once and they would reimburse the debt adjuster in easy stages. That's how they misinterpreted the ads that say, "If you owe $1,000, pay as low as $15 a week."

The ex-adjuster illustrated the technique used with this phrase from his former spiel; "At no time do we advance any cash directly to you." True enough, but it leaves the debtor with the impression that while he's not going to get any cash, his creditors will.

Victims cited such advertising messages as "garnishment avoided," "no co-signers or security" and "now you can pay all your bills regardless of condition" as meaning—to them, at least—that the debt adjuster would take care of everything for them. Even the phrase "not a loan" failed to straighten them out since they didn't expect any loan in the sense of cash.

From the former debt adjuster, from federal investigators, from victims and from the spiels of the pro-raters themselves, The Star collected these tricks of the debt-adjusting trade:

THE COME-ON

In addition, to newspaper, magazine, radio and television advertising, the debt adjusters solicit prospects by postcard. They get names from court records of people sued for debt, from telephone crisscrosses (street address) directories for "good" neighborhoods and from some loan companies with whom they have an understanding.

Post cards to prospects simply say, "Please contact me on a matter of mutual importance." If the prospect is curious enough to call and ask for the man whose phony name is listed on the card, the salesman goes right into his opening pitch. "We understand from a mutual friend that you're having a little problem with some of your bills. We wonder if we could be of service to you."

If the prospect starts asking questions, the salesman knows he has hooked a live one and immediately makes a date to explain "exactly what we're going to do for you."

Debt adjusters who rely most on radio and television promotion usually have their salesmen cruising the area so they can speedily contact anyone who calls in response to a broadcast before he changes his mind. Most of the victims interviewed by The Star said a salesman or "counselor" came to their home within half an hour of their call expressing interest.

In every case, their visitor was more salesman that "counselor." In the 20 to 25 minutes he stayed with them, he (1) found out how much they owed, (2) how much they used for living expenses, (3) how much money they could give him that night and (4) how much they could pay weekly. As soon as he had their names on a contract, he rushed off with their payment books and their first payment.

Those who described the encounter said the salesman talked so fast they never had a chance to ask questions about how their money was to be used. All one woman remembered was that she had only $70 in the bank and the salesman took $60 of it. Several victims were positive that the salesman had told them that payments to all their creditors would start immediately. They found out soon enough that that wasn't true.

The come-on that requires the least salesmanship and nets an important share of the customer is the referral technique. Debtors already signed up with debt firms will either get a small check to reward them for each new customer they refer or anywhere from $5 to $100 will be deducted from their outstanding debt.

THE SPIEL

Once he faces a prospective customer, the "counselor" finds some negative selling frequently pays off. "Shame on you," he chides the bill-weary prospects. "Poor management got you into this. You really don't need our services. With what you make, you could take care of all these bills yourself."

The prospective victim falls for the reverse psychology. "No, I can't," he says, right on schedule. "My wife blows everything I make and forgets to enter the checks."

"Well, maybe we can help you after all," the salesman concedes and the contract is signed.

Sometimes, there's a more direct sales pitch. "You pay us and we'll take care of all

your bills. You'll be out of debt in half the time it would take by yourself." "Within four weeks all your creditors will be paid and you'll be on easy street." "Because of our reputation and volume, we can work better in your behalf than you can for yourself." "One check to the store covering many accounts will be more acceptable than your one little check covering only part of your bill." (Not true, the stores say.)

THE CONTRACT

Since they base their fee on what the debtor owes and they can collect, the adjustors try to include everything in their contract—even car payments that must be paid in full and on schedule.

They will pro-rate all the debts whether or not that's the right solution for the debtor. It's always the right solution for the pro-rater.

They try to bind the debtor by a contract warning, "This contract cancellable only by 90 days' written notice." That's on the Credit Advisors, Inc., contract, and debtors get the idea they have to pay to get out sooner, but a spokesman for Credit Advisors, Inc., insisted that the firm never sues to collect.

When a debtor plugs along with his weekly payments to the debt adjustor until the end is in sight, he may be kept on the hook by an informal letter in longhand from a "counselor." "In reviewing your account," the debtor is told, "I find that I can now reduce your payments to $13 per Monday. If this will help you at this time please sign and return the enclosed."

What sounded as welcome as a gift actually meant the debtor was stringing out his payments longer and increasing his interest. And that friendly letter virtually invited the debtor to take on a new load of debt.

The contract sets up a payment schedule for the debtor but says nothing about how the debtor is supposed to live while he's meeting that schedule. Theoretically, the debtor is counseled about his living expenses but since the "counselor" is more con-man than economist, he gets up a budget so unrealistic that even the most determined debtor is rarely able to meet it.

A GS-6 Navy stenographer with take home pay of $340.80 a month signed up to pay the debt adjuster $170 a month. When her rent was deducted from what was left, she had $90 a month to cover food, clothes, medical bills, cosmetics and car maintenance.

Obviously, she couldn't make it. Nor can others. Many write off the filing fee they paid the debt adjuster as a bad guess and look for a more realistic way to get out of debt.

AFTER THE CONTRACT

Both debtors and creditors must be pacified, when bills aren't promptly paid by the debt adjuster. Credit Advisors handles the complaints they know are coming with a 16-point sheet of "customer advice."

In addition to cautioning customers against buying anything or paying any creditors without checking with Credit Advisors first, the "customer advice" warns:

"There may be a possible negative reaction from your creditors at first. There may be harassing phone calls at first. There may be routine duns and delinquent notices at first. It takes four to five weeks to get all creditors notified and make arrangements with them after the first full payment."

As for the creditors, most debt adjusters seek to pacify them by giving the biggest payment to the one who bothers the customer most. Doctors are put at the bottom of the list on the theory that you can't repossess a baby or an appendix.

Sometimes they can forestall creditors a while by saying they are cleaning up the small bills first and if he'll just wait a while, he'll get the biggest slice of the debtor's payment.

When the creditor gets tired of waiting, he sends the debtor a summons to appear in court to answer a judgment or garnishment. The debtor sends it on to the debt adjuster, who may try to get the creditor to drop the case. If the creditor refuses, some debt adjusters fail to tell their customers and the case is lost by default because the debtor isn't there to defend himself. The debtor learns what happened when his salary is garnisheed or he's notified there's a judgment outstanding against him.

Both debtors and Action Line, in behalf of debtors, have run into the same answer when things go wrong. It was used when a woman discovered the figures had been changed on her contract after she signed. It was the explanation given Action Line after a car on which the debtor had paid regularly via the debt consolidator was repossessed.

Said the debt consolidator:

"The employe who did that has been fired."

DEBTOR BEWARE: FIRMS SEEK CONTROLS TO FORESTALL A BAN—PART 5

(By Miriam Ottenberg)

The commercial debt adjusters, who make a tidy living from the fees they charge debtors, are trying to stay in business by the unique device of campaigning for laws to regulate themselves.

Since the adjusters, also known as debt consolidators, managers, liquidators, poolers and pro-raters, are now outlawed in 21 states, they strive to forestall more such laws by pushing regulation as an alternative.

They were behind efforts here to get laws regulating them. They didn't succeed but they confused the issue enough through several sessions of Congress to prevent passage of a law to put them out of business in the District.

They succeeded in pushing through a regulatory measure recently in the state of Washington—the 12th state to regulate to some extent rather than ban. They are making a determined push to keep Connecticut among the regulated states while the Hartford Times editorially campaigns for Connecticut to become the 22nd state to prohibit debt pooling.

To the debt adjusters, Maryland is very much a key state, since Baltimore already outlaws them, and they don't want the rest of the state to do likewise—particularly when business is booming for ex-Baltimore firms soliciting Washington area debtors from new locations in Mount Rainier, Hyattsville, Laurel and Marlow Heights.

Credit Advisors, Inc., the largest of the adjuster firms with several offices in nearby Maryland as well as Washington, boasts of supplying every member of the Maryland Legislature with information on regulating the consolidators. They didn't win regulation at the latest session of the legislature, but you couldn't say they lost. A bill to outlaw debt consolidation throughout Maryland died.

Dr. Arthur Dorman, Prince Georges County delegate in the Maryland legislature, had introduced the outlawing measure and was joined by two other delegates concerned about debt poolers in their counties. Their combined measure passed the House, but opponents had flown in a spokesman from the Midwest to testify against it, and the bill was "lobbied to death" in the Maryland Senate. Dr. Dorman said he and his colleagues are going to try again at the start of the next session.

The abuses of debt adjusters, from back-breaking fees to pocketing of funds entrusted to them, began prompting measures to prohibit the business in 1955 when three states—Maine, Massachusetts and Pennsylvania—outlawed them.

A year later, when Sen. Jacob K. Javits, R-N.Y., was New York's attorney general, that state outlawed them. At the time, Javits faced head-on the issue of regulation versus prohibition.

"As a matter of basic policy," Javits said, "I am opposed to outlawing any business, yet my office could suggest to the legislature no practical way to regulate properly such activities."

BALTIMORE'S EXPERIENCE

In Baltimore, City Councilman Leon A. Rubenstein did the same kind of soul searching as Javits had done a decade earlier in New York and arrived at the same conclusion.

Rubenstein, an attorney, got interested in the debt adjustment business when several clients complained that money they gave the pro-raters to spread among their creditors never got that far. After he found these firms were handling other people's money with no control whatever, he announced that he would introduce appropriate legislation.

Predictably, he was contacted at once by a debt pooler who said he wanted to cooperate and had just what Rubenstein would want—a nifty bill to regulate the business. After thinking it over, Rubenstein drafted an ordinance to get them out of town and both proposals went to the City Council Judiciary Committee.

The council chose to outlaw them, but the debt poolers made one more pitch. They tried to persuade Baltimore Mayor Theodore R. McKeldin to veto the ordinance. The death knell for the debt poolers in Baltimore was sounded at a mayor's hearing where the Legal Aid Bureau, a Bar Association committee, the Better Business Bureau, installment houses, finance companies, labor unions and retail merchants all urged the mayor to sign the ordinance. He did.

STATES JOIN BAN

The move by state legislatures to outlaw rather than try to control the debt poolers has attracted more advocates every year. Virginia and Georgia joined New York in outlawing them in 1956.

Rhode Island started out among the states regulating them but switched to an outright ban and now is figuring out what to do about the debt poolers who use Rhode Island as home base but prey on debtors all over the country—including Washington.

Other states which now forbid commercial debt consolidators are Arkansas, Delaware, Florida, Kansas, Missouri, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Texas, West Virginia and Wyoming.

THE CASE AGAINST REGULATING

Why do so many state legislatures, confronting the problem of debt pooling for profit, choose to outlaw rather than regulate the business? The Star got these answers:

1. If the business were regulated, official sanction would be at least implied and debtors would be misled into believing that the government was protecting their interests and that the debt liquidator would perform the miracles he promises. Since many creditors will have nothing to do with a pro-rater, he can't follow through on his assurance that creditors will agree to his terms.

2. None of the states which regulate instead of outlawing the debt poolers are said to have any effective supervision. It takes trained staffs to audit, examine and supervise. In the case of the pro-raters, license fees wouldn't pay for a staff large enough to police the debt poolers and make sure the money went where the debtor thought it was going.

3. Commercial debt pooling may constitute the unauthorized practice of law and cannot properly be authorized and regulated by statute. That was the reason given by the governors of Indiana and Nebraska for vetoing bills to regulate the pro-rater. The District Commissioners have taken the same position every time the debt poolers propose regulation here.

OPPOSED DIGGS BILL

In 1965, the commissioners gave this last argument in opposing a bill introduced by Rep. Charles C. Diggs Jr., D-Mich. Detroit,

Diggs' home town, is also home to Credit Advisors, Inc. An organization of debt poolers, the American Association of Credit Counselors, was credited with interesting Diggs in the measure.

Asked for comment on the Diggs bill, Commissioner Walter N. Tobriner wrote House District Committee Chairman John L. McMillan, D-S.C., that the business of debt adjusting is "of such a nature as to lend itself to grave abuses against those in the lower income brackets."

"The commissioners," said Tobriner, "are inclined to the view that debt adjusting creates a relationship of trust in which the debt adjuster may, in a situation of insolvency, be engaged in marshaling assets in the manner of a proceeding in bankruptcy.

"The commissioners believe that under such circumstances the debt adjuster's client may need advice as to the legality of the various claims against him, legal remedies governing debtor-creditor relationships and provisions of the Bankruptcy Act."

Tobriner said the commissioners would not recommend the Diggs bill but would favor a measure banning the business of debt adjusting except as an incident to the lawful practice of law.

TYPICAL OF MOVES

The 1965 effort by the debt poolers was typical of several moves to regulate rather than outlaw them here. Once they managed to switch the House District Committee from outlawing to regulating on the ground that any state violated the Constitution when it passed laws prohibiting the business.

That argument collapsed, however, when the Supreme Court in April, 1963, upheld the right of Kansas to make it a misdemeanor for any person to engage in the business of debt adjusting except as an incident to the lawful practice of the law. The high court thus ruled against Frank C. Skrupa, doing business as Credit Advisors.

Credit Advisors across the country, all 45 offices, are owned by Rudolph Barden of Detroit, whose Barden Investment Management Corp. is currently circulating a brochure—four years after the Supreme Court decision—which still raises a "serious question of constitutionality" about restricting debt adjusting to nonprofit agencies.

The profit-making Credit Advisors can be expected to fight any effort here to take the profit out of debt.

DEBTOR BEWARE: FREE AID OUSTS ADJUSTERS—PART 6

(By Miriam Ottenberg)

Across the nation thousands of people are freeing themselves from the mire of debt and avoiding the stigma of bankruptcy without paying fancy fees to commercial debt adjusters.

They are lucky enough to live in the 63 metropolitan areas and medium-sized towns where a community answer has been found for the individual's debt problems. The answer: Nonprofit, free or nominal-cost debt counseling services sponsored by a cross-section of community leaders.

Where these services are in full operation, the so-called "counselors" who make a business of debt management leave town for lack of customers. That's what The Star found in surveying more than a dozen cities with community counseling services.

A measure of the effectiveness of these services is the virulence of attacks against them by the commercial debt adjusters. The head of the nation's largest commercial adjuster network calls the nonprofit services "diabolical in terms of any understanding of finance and the free enterprise system."

The Star's survey showed why debtors shun the commercial adjusters when nonprofit services open. The fact that these services are free or nominal cost is only one reason. Here are others:

1. Instead of being "counseled" by salesmen for the commercial debt adjuster, the debtor is advised and, where necessary, his debt payments are pro-rated by such experts, as longtime credit managers, budget counselors or retired bankers.

2. While in many places—including Washington—most creditors refuse to do business with the commercial pro-raters, any creditor will go along with a nonprofit community service which is largely creditor-supported and numbers creditors as well as consumers on its board of directors and advisory committee.

3. Duns cease and repossessions and garnishments are avoided when creditors are informed by the counseling service that the debtor is working his way out of debt with the help of the service.

4. The debtor knows that every dollar he can manage to put on his debts is going to the people he owes—and is not being held back by a commercial adjustor who takes his own cut first.

5. The community's counseling service is frank with the debtor from the start. Unlike the commercial adjuster who may convey the impression that he will advance the money to pay all the bills, the nonprofit counselor makes it plain that he's there to help the debtor help himself, that any money paid to creditors will be the debtor's money.

Like the Washington area now, a number of cities had experienced an invasion of commercial debt consolidators before business and civic leaders mobilized the community behind a nonprofit counseling service.

New Orleans had some professional proraters charging customers between 40 and 50 percent interest a year on the unpaid balance of their debts plus a $17 monthly service charge. In Salt Lake City, only two of the 10 consolidators were operating on a basis acceptable to the Better Business Bureau.

In Kansas City, Mo., where the paid adjusters were charging 18 percent of the debt to do anything for the debtor, businessmen launched a two-pronged attack. First, they went to the state legislature to get the fee-charging debt adjusters outlawed. Then their firms chipped in $1,000 apiece to launch the city's counseling service.

Baltimore followed a similar pattern. First, City Councilman Leon A. Rubenstein led the fight for local legislation to outlaw the commercial adjusters. Then he worked with civic and business interests to develop the nonprofit service.

Baltimore had been so badly burned by the commercial debt consolidators that the managing director of the new counseling service fears many potential supporters still associate any debt counseling with the outfits of the past. The new and the old couldn't be more different.

In addition to exploitation of the debtors by many commercial debt adjusters, the steadily increasing community services have been prompted by the nonstop surge of personal bankruptcies, as well as the credit binge which is driving more and more once-solid citizens into hopeless debt.

Indianapolis launched its service in January, 1965, after 2,824 bankruptcy cases had been processed there the previous year, a whopping 450 percent increase over the 1958 rate.

Salt Lake City's community service was started in April, 1964, primarily because of the zooming bankruptcy rate in Utah.

The rising tide of personal bankruptcies in California, now amounting to 18 percent of the national total, led to establishment of the only statewide organization to encourage local communities to set up counseling services.

The California pilot project proved its worth in its first year of operation. The amount of money involved in personal bankruptcies in Sacramento, after it was started, decreased from $7 million in 1964 to $4.3 million in 1965. In the same period, dollar losses through bankruptcy in neighboring areas without a nonprofit counseling service increased by 7 percent.

The decrease in bankruptcies is one of many benefits communities have derived from their investment in these services. Businessmen who take the lead in sponsoring and footing the bills for nonprofit counseling cite such intangibles as marriages kept out of divorce courts, debtors' jobs saved, a healthier economic climate in office or factory when employes don't lose time from work to answer debtor's summonses.

There are many tangible results, too, as The Star's survey showed. For instance:

In Phoenix, Ariz., where the first community supported counseling service was begun in 1958, the service distributed $884,252 from debtors to their creditors in 1966.

The Atlanta service has helped some 3,500 debtors since its founding in 1964, and so far none of them have returned with another load of debt—possibly because they are given an education in budgeting while freeing themselves from debt.

In St. Paul, where both the increase in personal bankruptcies and the influx of virtually uncontrolled commercial debt adjusters spurred businessmen to launch the community service, debt payments to creditors via the service totalled $481,000 in 1966 and are expected to exceed half-a-million dollars this year.

Chicago's non-profit counseling service, in addition to its counseling, educating and prorating successes, has chalked up another plus. It has bailed out several victims of the Chicago crime syndicate's juicy loan racket—with loans at such exorbitant rates of interest that the debtor is often forced into crime to pay off.

Of the many functions performed by the noncommercial counseling services, education is given top billing as the best hope for rescuing what has become a mortgaged generation.

Organized labor particularly has stressed the preventive role that a counseling service can play in showing workers how to use their credit wisely. Businessmen are concerned about young people who learn early how to drive a car but not how to pay for it.

To fill this void, counseling services are going into educational programs as soon as they can afford it.

The Phoenix service sponsors a speakers bureau which visits high school, college and adult groups with lectures on money handling.

The Albuquerque, N.M., service offers an educational movie. Atlanta has scheduled six educational television programs for this spring and summer. In Kansas City, members of the service's board of directors take on the speaking chores. Audiences for their lectures on wise budgeting have ranged from high school seniors to mothers of preschool children. Recently, a group of exconvicts attended.

The director of the New Orleans service teaches a course in consumer credit to the inmates of the Orleans parish prison every week. Her "students" are mostly nonsupport and alimony offenders.

The great rise in nonprofit counseling services has occurred since 1963, and the catalyst has been the National Foundation for Consumer Credit, nonprofit, business-supported organization doing research and education in consumer credit.

The foundation has provided staff help and guidance to any bona fide community group interested in developing a nonprofit counseling service.

Of the 63 such services now in operation across the country, about two-thirds were created with the foundation's aid, use the foundation's plans and suggestions and have adopted the same name, "Consumer Credit

Counseling Service." The uniformity of name and copyrighted insignia assures the creditor that he's dealing with a responsible nonprofit organization when he's asked to cooperate in the rehabilitation of a hard-pressed debtor. The debtors are sure that they haven't again fallen in with the commercial pro-raters.

In an unusual gesture to a private organization, the Ohio Senate officially commended the foundation in February for sponsoring the nonprofit counseling services, especially Ohio's own in Cleveland and Columbus.

The most successful counseling services, the foundation has emphasized, are those with the broadest support. In the cities surveyed by The Star, the board of directors and advisory committee of each service covers the spectrum of the city's business and professional life.

All the bankers and finance company executives, the family service officials and labor leaders, the doctors, lawyers and merchant chiefs share one common interest. They want to help debtors wake up from their financial nightmare and regain both their credit rating and their self-respect.

AFTERMATH: TWO-PRONGED MOVE ON ADJUSTERS NEAR—PART 7

(By Miriam Ottenberg)

A Maryland Senator and a Virginia Congressman yesterday announced plans to push for legislation to outlaw the commercial debt adjusters now preying on Washington area debtors.

At the same time, the business community moved forward with its plans to replace the commercial pro-raters with a nonprofit Consumer Credit Counseling Service similar to services now aiding the debt-ridden in 63 communities across the country.

The two-pronged move to improve both the debtors' and the city's economic health was the immediate response to The Star's "Debtor Beware" series of last week.

PLANS TO OFFER BILL

On the Senate side, Senator Joseph C. Tydings (D-Md.), chairman of the Senate District Committee's business and finance subcommittee, said he was shocked to learn of the practices taking advantage of those in need of financial counseling.

He said he will introduce legislation "to outlaw these deceptive practices." This will be one of the measures included when he opens hearings soon on the need for consumer protection in a number of activities here.

In the House, Representative Joel Broyhill (R-Va.) said The Star had pinpointed a problem which should have been corrected years ago "and which I attempted to do at the time through legislation."

Broyhill recalled that at earlier hearings on legislation to outlaw commercial debt managers, a "smoke screen was built up around the old argument of regulation versus prohibition and enough confusion was generated to prevent any positive action."

"We have now had enough time since the hearings," he said, "for evidence to be collected that protection of the public desperately requires outlawing rather than regulating the commercial debt adjusters."

PREDICTS COSPONSORS

He predicted that there would be cosponsors for the legislation because of the number of victims of the debt consolidators.

Recalling instances where he had personally counseled people who had got into financial jams, Broyhill also emphasized the need for nonprofit, community-sponsored debt counseling service here.

"The lack of such a service in this area," he said, "is what leaves the door wide open for the unscrupulous to rob people in despair."

Both Tydings and Broyhill emphasized that the proposed legislation to outlaw the commercial debt poolers should specifically exempt nonprofit debt counseling services.

Meanwhile, District Commissioner Walter N. Tobriner disclosed that the Commissioners have approved legislation to prohibit the commercial budget planners and plan to send it to Capitol Hill soon.

As the Maryland and Virginia legislators emphasized, the Commissioners' measure will open the door to non-profit debt adjusting while slamming shut the door on the debt profiteers.

Strong endorsement for a non-profit consumer counseling service under community auspices came from Assistant Secretary of Labor Esther Peterson.

At the Labor Department, she pointed out, an experiment in such counseling is now under way. The two-phase program starts with a series of consumer education lectures which Labor's employees are given time off to attend. The second phase is the development and training of 30 consumer advisers who will be available to all department employees for advice and counseling.

Mrs. Peterson, who until recently was also the President's special adviser for consumer affairs, said she hoped that the Labor Department's program for its own employees will illustrate the value of counseling and consumer education not only for other departments but for the Washington area under community auspices.

Plans for establishing a free credit counseling service in the metropolitan area have been in the talking stage here for the last year. Now, community action appears less remote.

Edward F. Garretson, secretary of the Retail Credit Association of Metropolitan Washington and vice president and general manager of Credit Bureau, Inc., heads the association's committee working on the counseling service in cooperation with the National Foundation for Consumer Credit, the Better Business Bureau, industry and civic leaders.

Garretson said support already has been offered by many national chains as well as local stores and financial institutions. The committee, he said, plans to contact all elements of the community for the key roles they are expected to play in the formation of the service.

MEETING EXPECTED SOON

An organization meeting is expected as soon as sufficient support has been mobilized. The support, if it follows the pattern The Star found in other cities, will encompass educators, attorneys, family service officials, psychiatrists and other medical authorities, a representative of the military, and civic, labor and business leaders. In other cities, the business world is widely represented on both the board of directors and the advisory committee of the counseling service. Banks, stores, finance and loan companies usually foot the bills for the counseling service. They also provide considerable expertise in using credit wisely.

Until a nonprofit service is launched here, Garretson suggested that those who need credit advice should talk either to some of their own creditors or write an account of their particular problem to the Credit Bureau Inc., P.O. Box 1617, Washington 13, D.C.

MEETING THE ALCOHOLISM CRISIS IN THE DISTRICT OF COLUMBIA

Mr. TYDINGS. Mr. President, alcoholism today is more serious and extensive in its effect in the United States than in any other country in the world, ranking as our fourth major health menace, according to the Department of Health, Education, and Welfare. Approximately 5 to 6 million Americans today suffer from alcoholism and an estimated 200,000 new cases occur each year. Health, Education, and Welfare Secretary John W. Gardner points out that—

> The burden of alcoholism is not carried by them (the chronic alcoholics) alone—it directly, often tragically, affects between 16 and 20 million members of their families.

Moreover, a Louis Harris poll last year revealed that one out every five people interviewed had a close relative who is an alcoholic.

The heavy burden on our law enforcement agencies which results from handling public alcoholism as a criminal offense is particularly troubling to me. In 1965, 2 million persons were arrested, in the Nation, for public alcoholism. This amounted to one-third of all arrests in the United States. Indeed, if arrests for traffic offenses are not considered, arrests for public alcoholism account for almost half the arrests in the country. These figures bespeak an enormous misuse of law enforcement agencies—keeping police from more urgent crime-fighting, jamming places of detention, clogging already crowded court calendars—to handle public health, not criminal law, problems.

Criminal law handling of alcoholism has, among its many other disadvantages, been a complete failure in deterring public drunkenness. In Washington, D.C., about 44,000 persons were arrested in 1965 for public intoxication. About 70 percent of these were repeaters, hard-core alcoholics, who make a perpetual circle between the gutter, the courts, and the jails or workhouses. A Committee on Prisons, Probation, and Parole in the District of Columbia in 1957 studied six chronic alcoholic defendants and found that they had been arrested a total of 1,409 times and served a total of 125 years in penal institutions. And in 1964–65, 14 persons died from acute alcoholism in District of Columbia jail cells.

In my own State of Maryland, the same shocking statistics exist. During the 18-month period from January 1, 1964, through July 1, 1965, 12,785 individuals were convicted of public intoxication. And 3,533 of these people had more than one conviction for this so-called offense within a 12-month period during that time. The Baltimore Sun has reported the deaths of some 27 persons arrested for drunkenness, while waiting for a court hearing, in the past 5 years alone. A recent report of the State department of mental hygiene pointed out that—

> The State hospitals have no treatment program for habitual drunkenness offenders.

The absence of adequate treatment facilities is, unfortunately, typical throughout the country. It is incredible to me that our society has tolerated for so long this barbaric treatment of these unfortunate, sick people.

During the past year, we have come to a turning point in our community approach and attitudes toward chronic alcoholism. This juncture was reached as the result of two court decisions, Driver against Hinnant, in the Fourth Circuit—which includes Maryland—and Easter

against the District of Columbia, in the District of Columbia Circuit. Both decisions held that chronic alcoholism was a valid defense to a criminal charge of public drunkenness, and that chronic alcoholics must be treated, not as criminals, but as sick men in need of medical and rehabilitative treatment. The courts branded criminal law treatment of alcoholics as "cruel and unusual punishment" in violation of the eighth amendment to the Constitution.

The response to these landmark decisions has thus far been wholly inadequate. The President's Commission on Crime in the District of Columbia found that the Easter decision "has resulted in neither the removal of the chronic alcoholic from the criminal process nor provision for his treatment. Since Easter there has been, in fact, a marked deterioration in the health of the city's derelict alcoholics—a condition which goes unheeded only by a callous disregard for human life."

I find this situation shocking. And there is no indication that the executive branch or the District of Columbia government intends to take any significant steps to correct this situation. The recommendations regarding criminal law and administration which the Attorney General and the District government have sent to the Congress ignore the conclusion of both the National Crime Commission and the District of Columbia Crime Commission that facilities for treatment of chronic alcoholics are urgently needed.

The bill I am introducing today would put into effect the recommendations of the Crime Commissions. It would establish civil detoxification centers, as part of a comprehensive treatment program, to replace the police station as an initial point of detention for inebriates. It would provide inpatient facilities to treat chronic alcoholics through intensive care, and outpatient units, including halfway houses, to aid men getting back on their feet to obtain jobs and become useful members of society.

The bill would make treatment and rehabilitation available to chronic alcoholics whose only "crime" is that they are sick men. The bill would also provide facilities for civil commitment and treatment of those chronic alcoholics who, when intoxicated, endanger the safety of others. The public would be protected, and chronic alcoholism would be recognized, and treated, as an illness.

In addition, the bill provides for submission by the District of Columbia government of a comprehensive alcoholism treatment plan to the Secretary of Health, Education, and Welfare. This bill is essentially similar to a bill introduced in the House by Representative HAGAN, though it has been modified to take account of information developed in recent House committee hearings

Washington is not alone in failing to meet the desperate problems of alcoholism. Most communities in the country have similarly failed. I believe Washington, D.C., should provide a model for a national effort of alcoholism care and control. That is the purpose or the bill I introduce today.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1740) to provide a comprehensive program for the control of drunkenness and the prevention and treatment of alcoholism in the District of Columbia, introduced by Mr. TYDINGS, was received, read twice by its title, and referred to the Committee on the District of Columbia.

FEDERAL REGULATION NEEDED OF FOREIGN BANKS IN THE UNITED STATES

Mr. JAVITS. Mr. President, I send to the desk on behalf of the Senator from Massachusetts [Mr. BROOKE], the Senator from New York [Mr. KENNEDY], and myself, a bill to provide for Federal regulation of foreign banking corporations doing business in the United States and its territories.

The banking world—and many persons in this country—were stunned by the failure of Intra Bank, whose New York office held deposits of many individual investors in addition to an estimated $21 million loan from the U.S. Commodity Credit Corporation. I am informed that under CCC regulations the Intra Bank—or any foreign bank with a branch or agency in the United States—is classified as a U.S. bank and, therefore, becomes eligible for credits—in this case for wheat—at a rate of interest 1 percent less than a "foreign bank." Although Intra was treated as any other U.S. bank by the CCC, there was no Federal supervision whatsoever of the bank's activities by any agency of the Federal Government. I am informed that in spite of its loss in the Intra Bank situation, the CCC continues to treat foreign agencies or branches as "U.S. banks."

Federal legislation is needed to protect the private investor as well as the Government from such activities and to give added respect to the many foreign banks in this country carrying on highly reputable business transactions.

It is in the public interest to have Federal supervision of the foreign banks because of the degree of knowledge and expertise required to examine and regulate foreign institutions. Because these activities constitute such a small proportion of the supervisory functions of any State, the desired specialization in the international banking field has not been developed.

Although the Constitution provides that the Congress has responsibility for controlling money and for managing the international monetary affairs of the Nation, none of the various Federal banking agencies—that is the Comptroller of the Currency, Federal Reserve, the FDIC—has any jurisdiction over foreign banks. I feel that the legislation is even more necessary in order for us to gain an overall picture of what is happening in the foreign banking field.

I have made certain changes from my proposal on this matter made last year. I think the changes help to make the proposal more practical. While I still feel there is a need for overall supervision by one agency of all activities of foreign banking corporations operating within this country, I also believe that the dual banking concept should be applied to branches and agencies of foreign banks. My new proposal would allow a foreign bank to go either to the State or to the Federal Government to receive permission to do business in this country. Under existing law, only the States can give such permission and only Massachusetts, New York, and Oregon have done so.

A foreign banking corporation which decides to obtain Federal permission must apply to the Secretary of the Treasury who will consider among other things the convenience of the business community where the agency, branch, or controlled subsidiary is to be located, the number of other offices which the foreign banking corporation may have in a particular State, and whether approval of such an application would be in the national public interest. The national public interest is defined as, among other things, the encouragement of legitimate activities of foreign banks in the United States, the encouragement of other nations to grant reciprocal privileges to banks chartered in the United States which operate or wish to operate abroad, and the promotion of foreign commerce of the United States. In addition, the Secretary shall not approve the application of any foreign banking corporation to operate an agency, branch, or controlled subsidiary in any State if, under the laws of such State, an agency, branch, or subsidiary would not be permitted to carry on the business of banking. Thus, the foreign banking corporation can only operate where State law specifically does not prohibit its activities and such corporation must also comply with the branching laws of the State in which it will operate. Although there is no specific renewal time period contained in the bill, there is a firm—but appealable—revocation and suspension procedure. Administratively, the Secretary shall cause the foreign banking corporations to be examined at least as regularly as national banks and also the Federal Reserve shall set reserve requirements which in no event would be lower than those required of national banks.

Where a foreign bank chooses to go to the State for permission to operate, the bill provides that the Secretary of the Treasury must determine that the granting of this permission is in the national public interest before the State may grant permission. Also the Secretary will receive reports of all examinations from the appropriate State banking agency and if necessary conduct examinations of his own—or an authority he may delegate—to insure that there is one agency which has some supervision over the activities of all the foreign banks operating within the country. It is too easy under present law for a particular interest to move into two separate States without either of the State authorities knowing of the dual activities. Under my proposal, then, the Secretary will not only examine the banks which have obtained Federal permission to operate but also will receive examination reports from State banking authorities regarding operations of foreign banking

corporations, who have received permission from the State to operate.

If in the view of the Secretary, examination reports reveal any agency, branch, or subsidiary is conducting its operations in an unsafe or unsound manner, the Secretary shall ask the State to take necessary action for the protection of investors. Finally, whenever the Secretary determines, with the approval of the Secretary of State, that continued State permission to operate a certain foreign banking corporation is contrary to the national public interest, he shall so inform the appropriate State banking authority, and that authority shall act to terminate the operations of the foreign banking corporation.

There seems no reason why the foreign banking corporation should not have the same choice as our domestic banks of whether to go the Federal or State route in seeking permission to operate. The distinctions between the foreign and the domestic situation, I think, are settled by giving the Federal Government a "veto" power over the State when the national public interest is involved.

There will no doubt be much debate over some of the details of this legislation, but my intention is to arouse sufficient interest in the general proposition to which the bill is committed; that is, that the Federal Government should oversee foreign banking operations. I intend to seek hearings on this proposal as soon as possible as I believe we must enact a Federal law now to better protect our citizens from a repetition of the Intra Bank closing.

The idea behind this proposal has been brilliantly set out by Prof. Jack Zwick, of Columbia University, in a paper entitled "Foreign Banking in the United States," prepared for the Joint Economic Committee of the Congress. Professor Zwick points out that foreign banks would not be a threat to the small deposit-oriented bank, but rather foreign banking operations are likely to be limited to a handful of major foreign trade centers—where it would be economical to operate. Although at the present time credit balances of foreign banks represent less than 1 percent of aggregate balances in the States where the foreign banks are located, increased involvement is anticipated in the future. With few exceptions, foreign banks concentrate on the financing of international trade between the United States and their home nations or third countries and operate to a substantial degree with dollar balances obtained from non-U.S. residents. Foreign banks have expanded the volume of international trade and trade financing which domestic banks—together with branches, subsidiaries, and agencies of foreign banks—have financed to an increasing degree.

Certain of the foreign controlled subsidiary banks, particularly the Puerto Rican and Israeli banks in New York, and the Japanese banks in California, are established principally to serve their respective ethnic communities. These banks have offered banking services, such as installment loans in the case of the Puerto Rican branches, which domestic banks often did not provide. It is believed that these banks to some extent have attracted "mattress money," which in their absence would have been held outside the banking system. My proposal also calls upon the Federal Deposit Insurance Corporation to submit within 90 days to the Congress a proposal which would allow those foreign banking corporations who so choose to obtain deposit insurance.

In neither New York nor California, where domestic bankers were interviewed, have there been complaints regarding competition provided by foreign banks. On the contrary, virtually all bankers have suggested that the existence of foreign banks has increased the prestige of U.S. money markets, expanded the volume of trade financing, and has facilitated the overseas expansion of American banks on a reciprocal basis.

The balance-of-payments effects associated with the existence of foreign banks cannot be assessed unequivocally. The general nature of foreign bank activities here and the fact that the presence of foreign banks here has facilitated the opening of branches and subsidiaries abroad by U.S. banks have contributed to the conclusion which is open to rebuttal: that our balance-of-payments position has been aided. One thing is certain—foreign trade has been aided and there the balance of payments in our favor is clear and needs to be increased.

The bill has been under preparation by me for a long time. It has been discussed much in the press. I introduce it after having worked out what I considered to be the problems of Federal-State relationships and also rebutting any idea that we are seeking to retaliate against Canada or any other country in connection with the handling of foreign banks in the United States.

I hope very much that early hearings will be had in the Committee on Banking and Currency. I have already acquainted many of the committee members beside Senator BROOKE who serves on the committee with the proposed legislation.

I send the bill to the desk and ask that it be appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1741) to provide certain Federal controls over foreign banking corporations operating within the United States, introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Banking and Currency.

WORLD WAR II VETERANS BENEFITS NEED EXTENSION

Mr. JAVITS. Mr. President, eligibility for home and small business loans to veterans of World War II will expire on July 25 of this year. In effect, this termination will deprive 4,683,000 World War II veterans of opportunities provided by such loans.

Although the number of veterans taking advantage of these loans has decreased in recent years, last year 166,000 persons did utilize the program, and already this year 37,500 persons have participated. This certainly is not an insubstantial number. I feel that as long as a reasonably large number of veterans are taking advantage of this loan program, the program should be available for their benefit.

I point out that similar benefits for veterans of the Korean war have been extended recently by the Congress until 1975—25 years after their inception. The bill I introduce today would extend the termination date for World War II veterans for home and small business loans from July 25, 1967, to July 25, 1970—25 years after their inception. I hope to obtain speedy approval of this measure before the present program expires this July.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1742) to amend chapter 37 of title 38, United States Code, in order to extend until July 25, 1970, the termination date for home, farm, and business loans under such chapter in the case of veterans of World War II, introduced by Mr. JAVITS, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

DISPOSITION OF FUNDS APPROPRIATED TO PAY CERTAIN JUDGMENTS OF THE SAC AND FOX INDIANS

Mr. HARRIS. Mr. President, for myself and Senator MONRONEY, I introduce for appropriate reference, a bill to provide for the disposition of funds appropriated to pay judgments in favor of the Sac and Fox of the Mississippi in Iowa and in Oklahoma, and the Sac and Fox of Missouri in Kansas and Nebraska in Indian Claims Commission dockets Nos. 138 and 143.

The Sac and Fox Nation was awarded judgments under docket 138 in the amount of $1,096,533.42 and under docket 143 in the amount of $1,789,201.45. This money has been appropriated and is drawing interest at the annual rate of 4 percent.

On May 7, 1966, selected members of the business committees of each of the three Sac and Fox Tribes or Bands convened in Topeka, Kans., to discuss the division of these two judgments. After considerable discussion on the constitutions of each group with regard to membership within that tribe, a resolution was proposed and adopted by the delegates, and subsequently adopted by the General Council of the Sac and Fox Tribe of Oklahoma endorsing this legislation.

The bill I introduce would divide the judgments on the basis of the 1891 and 1892 rolls.

Mr. President, I ask unanimous consent to have a letter dated April 18, 1967, from the principal chief of the Sac and Fox Tribe of Oklahoma printed in the RECORD. In support of the bill, I also ask that the minutes and resolution of the Sac and Fox Nation dated May 7, 1966, and the portion of the minutes endorsing the resolution by the Sac and Fox Tribe of Oklahoma's general coun-

cil meeting in Stroud, Okla., on August 27, 1966, be included in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter and resolutions will be printed in the RECORD.

The bill (S. 1750) to provide for the disposition of funds appropriated to pay judgments in favor of the Sac and Fox of the Mississippi in Iowa and in Oklahoma and the Sac and Fox of Missouri in Kansas and Nebraska in Indian Claims Commission dockets Nos. 138 and 143; introduced by Mr. HARRIS (for himself and Mr. MONRONEY), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The letters and resolutions presented by Mr. HARRIS are as follows:

SAC AND FOX NATION

BUSINESS MEETING HELD MAY 7, 1966, HOTEL JAYHAWK, TOPEKA, KANS.

Tribal officials

Sac and Fox Tribe of the Mississippi in Iowa: Mr. George Youngbear, Chairman; Mr. Kenneth Youngbear, Treasurer; Mrs. Adeline Wanatee, Councilwoman.

Sac and Fox Tribe of Missouri: Mr. Charles Roubidoux, Chairman; Mrs. Dorothy Gilfillan, Secretary; Mr. Anthony Wapp, Vice Chairman; Mrs. Rita Bahr, Councilwoman; Mrs. Martha Morris, Councilwoman.

Sac and Fox Tribe of Oklahoma: Mr. Elmer Manatowa, Principal Chief; Mr. Henry Scott, Second Chief; Mrs. Peggy Southern, Secretary-Treasurer; Mr. Sam Morris, Councilman; Mr. George Harris, Councilman.

Representatives from the Bureau of Indian Affairs

Mr. Norman Holmes, Area Tribal Operations Officer, Anadarko, Oklahoma; Mr. John E. Taylor, Area Field Representative, Shawnee, Oklahoma; Mr. Hans Walker, Jr., Tribal Operations Officer, Minneapolis, Minn.; Mr. Raymond R. Wolf, Officer-in-charge Sac and Fox AFO, Tama, Iowa; Mr. Jim Roberts, Tribal Operations Officer, Anadarko, Oklahoma; Mr. Buford Morrison, Area Field Representative, Horton, Kansas.

Members of the Business Committees of the three Sac and Fox Tribes or Bands convened for a business meeting in Topeka, Kansas, May 7, 1966, for the purpose of discussing the division of judgments awarded in Docket 138 and Docket 143, and to try to agree on a proposal agreeable to each group as to the division of these judgments.

The meeting was called to order by the Chairman, Mr. John Taylor, there being present representatives from all three groups of Sac and Fox.

Thereupon the first item was the introduction of the various business committees, Bureau of Indian Affairs representatives and visiting attorneys.

Thereupon the Chairman gave a brief resume of events leading up to the present meeting today, advising the meeting was called to exchange ideas and to see if the groups can come up with something that will be acceptable to each other in order that they might be able to go to Congress with a Bill setting out the division of the claims, and ultimately lead to each group making use of their funds as its general council directs.

Thereupon, Mr. Elmer Manatowa, Principal Chief of the Sac and Fox of Oklahoma, requested the Bureau give some guide lines of what is needed by them and what should be accomplished today.

Tribal Affairs Officer, Mr. Norman Holmes, advised the Sac and Fox Nation has been awarded judgments under Docket 138 in the amount of $1,096,533.42 and under Docket 143 in the amount of $1,789,201.45. That this money has been appropriated is now in the U.S. Treasury drawing 4% interest. That each group should express their opinion and propose a division of this money to be submitted to the Commissioner of Indian Affairs.

Thereupon, the Chairman called for proposals from each group with a discussion to follow. The following proposals were made:

Mr. Charles Roubidoux, Chairman of the Sac and Fox Tribe of Missouri proposed the division be made ⅓ to each group. The Missouri band feels they have a greater equity in the area involved in these two dockets than did the other two groups, and based on this equity, they feel they are entitled to a larger share than they would receive if the groups use an old roll or a current membership in the division of the judgments.

Mr. Elmer Manatowa proposed the division be made on a current membership basis. The Oklahoma group feels every member of the Sac and Fox Nation should receive the same amount regardless of whether they live in Kansas, Iowa, Oklahoma, California or any other place, as long as they are members of one of the three groups of Sac and Fox involved in these judgments.

Mr. Kenneth Youngbear, Treasurer of the Iowa group, proposed the division be made on the Allotment rolls of 1891. The Iowa group feels that the increase in population of the Oklahoma group would make a division by any other means unfair to them.

Thereupon a general discussion was held on the constitution of each group with regard to membership within that particular Tribe.

To obtain membership with the Missouri group, a person must now reside within the Potawatomi area as set out in their constitution. No degree of Sac and Fox blood is involved, only the area in which a person resides. The Bureau has proposed they amend their constitution to allow a more fair enrollment. This action is pending. They now have 210 members.

To obtain membership in the Oklahoma group, a person must be at least ¼ Sac and Fox of Oklahoma and have at least one parent on the tribal roll. They now have 1800 members.

Membership in the Iowa group is restricted to a pater lineal system. No degree of Sac and Fox blood is involved. They now have 768 members.

After discussions both pro and con by all groups, a stalemate seemed apparent.

Thereupon, Mr. Elmer Manatowa, still advocating a division on the current rolls, proposed a compromise amendment to the Iowa proposal. This proposal would divide the judgments on the basis of the 1891 and 1892 rolls and information as proposed by the Iowa group, but withholding from each group 5%. This 5% to be withheld until such time as a final determination is made by the Bureau, or by the Secretary. If it is determined to be divided on a current membership basis, then this 5% would be redistributed to the deserving group. If it is determined to be divided on old rolls, each group would get their 5% back. Percentages would be set out as follows:

[In percent]

	Old rolls	Less 5
Sac and Fox of Iowa	36.91	31.91
Sac and Fox of Oklahoma	51.70	46.70
Sac and Fox of Kansas	11.39	6.39
Total	100.00	85.00

Thereupon the motion was seconded by Mr. Sam Morris, and a roll call vote was taken. Eight votes were cast in favor of the motion and five votes were cast opposing the motion. Tabulation of the votes is listed below.

Mr. George Youngbear, Yea; Mr. Kenneth Youngbear, Yea; Mrs. Adeline Wanatee, Yea; Mr. Elmer Manatowa, Yea; Mr. Henry Scott, Yea; Mr. Sam Morris, Yea; Mr. George Harris, Yea; Mrs. Peggy Southern, Yea.

Mr. Charles Roubidoux, Nay; Mrs. Dorothy Gilfillan, Nay; Mr. Anthony Wapp, Nay; Mrs. Rita Bahr, Nay; Mrs. Martha Morris, Nay.

Thereupon the Kansas group was advised that since they were opposed to this division, they should submit their views to Washington outlining their opposition.

Thereupon, Mr. George Youngbear made a motion to retain the current organization with Mr. John Taylor as Chairman and Mrs. Peggy Southern as Secretary until the disposition of the 15% is settled. The motion was seconded by Mr. Kenneth Youngbear and it carried by a unanimous vote.

There being no further business, the meeting was adjourned.

PEGGY SOUTHERN,
Recording Secretary.

SAC AND FOX NATION

BUSINESS MEETING HELD MAY 7, 1966, HOTEL JAYHAWK, TOPEKA, KANS.

Resolution

Be it resolved that the Sac and Fox Nation, acting through their Business Committees, their Principal Chiefs or other officers designated by the Business Committee, shall negotiate with each other for the purpose of reaching an agreement as to the division of awards made by the Indian Claims Commission in the proceedings referred to in this resolution as follows:

Docket No. 138, Cession 151—Western Iowa and northwestern Missouri.

Docket No. 143, Cession 152—Northeastern and northcentral Iowa.

That the Tribes hereby agree to a division of the awards which have been allowed in these cases among the Missouri Sac and Fox, the Iowa Sac and Fox and the Oklahoma Sac and Fox, and will be based on the following information:

Sac and Fox Indians of Mississippi located in Oklahoma Allotment Roll of February 13, 1891. Number of allottees	549
Sac and Fox Indians of Mississippi located in Iowa Annuity Payment Roll of 1892. Number on payment roll	392
Sac and Fox Indians of Missouri located in Kansas Allotment Roll of February 28, 1891. Number of allottees	121

That this division will be broken down into percentages, and

That 5% is to be withheld from each group until such time as the Bureau of Indian Affairs determines the most equitable basis for divisions, the current membership rolls, or the allotment and annuity rolls.

That if it is determined to be divided on a current membership basis, the 15% will be redistributed to the deserving groups.

That if it is determined to be divided on the allotment rolls and annuity roll that 5% will be returned to this group.

That percentages will be as follows:

[In percent]

	Old rolls	Less 5
Sac and Fox of Iowa	36.91	31.91
Sac and Fox of Oklahoma	51.70	46.70
Sac and Fox of Kansas	11.39	6.39
Total	100.00	85.00

That the foregoing authorization and any agreement as to the division of awards received in the above proceedings shall be subject to receiving the approval thereof by the membership of these Tribes.

That, subject to the foregoing, the officers of the Tribe shall be authorized to enter into, execute and deliver on its behalf such agree-

ments with the Tribes and do or cause to be done such other acts and things as may be necessary and desirable to carry out the intent and purpose of this resolution.

Passed and approved this 7th day of May, 1966.

Certification

We, John Taylor, duly elected Chairman, and Peggy F. Southern, duly elected Recording Secretary, do certify that the meeting was properly noticed, called, convened and held on the 7th day of May, 1966 and that it was attended by three (3) members of the Sac and Fox Tribe of the Mississippi in Iowa, five (5) members of the Sac and Fox Tribe of Missouri, and five (5) members of the Sac and Fox Tribe of Oklahoma, that the above resolution was adopted by a vote of eight (8) in favor of the resolution and five (5) opposing the resolution, and that said resolution has not been amended or rescinded.

Signed this 7th day of May, 1966.

JOHN E. TAYLOR,
Chairman.

Attest:

PEGGY SOUTHERN,
Recording Secretary.

SAC AND FOX TRIBE OF OKLAHOMA GENERAL COUNCIL MEETING, STROUD, OKLA., AUGUST 27, 1966

In accordance with the Constitution and By-Laws of the Sac and Fox Tribe of Oklahoma, Article III Section 1, and pursuant to a notice sent by members of the Business Committee to members of the Sac and Fox Tribe of Oklahoma, one hundred fifty eight (158) members convened for a general council meeting at the Sac and Fox reservation at Stroud, Oklahoma, August 27, 196ᴗ for the purpose of discussing tribal business.

The meeting was called to order by the Second Chief Henry Scott. Reverend Sam Morris gave the invocation. Mr. Scott advised the Principal Chief would be unable to attend the morning session because of a funeral, but would preside after lunch. The secretary read the minutes of the last general council meeting and the minutes were approved as read.

. . . The next item on the agenda was a discussion of the joint meeting held in Topeka, Kansas between the three groups of Sac and Fox for the purpose of reaching an agreement as to the division of awards made by the Indian Claims Commission. Mr. Manatowa read the resolution which was voted on by the three groups and asked for a discussion and/or motion approving this resolution by the membership of the tribe. Mr. Levi Jones made the motion that this resolution be adopted by the membership of the tribe. Mable Harris seconded the motion. The motion carried by a vote of 112 in favor of the motion and none against. Resolution SF-67-4 is attached to these minutes.

PEGGY F. SOUTHERN,
Secretary.

SAC AND FOX TRIBE OF OKLAHOMA

BUSINESS MEETING OF THE GENERAL COUNCIL, AUGUST 27, 1966

Resolution

Be it resolved that the Sac and Fox Tribe of Oklahoma accepts the proposed resolution approved in Topeka, Kansas by the Business Committee as to the division of awards made by the Indian Claims Commission in proceedings referred to as follows:

Docket No. 138, Cession 151—Western Iowa and northwestern Missouri.

Docket No. 143, Cession 152—Northeastern and northcentral Iowa.

That the Tribe hereby agrees to a division of the awards which have been allowed in these cases among the Missouri Sac and Fox, the Iowa Sac and Fox and the Oklahoma Sac and Fox, and will be based on the following information:

Sac and Fox Indians of Mississippi located in Oklahoma. Allotment Roll of February 13, 1891. Number of allottees ---------- 549

Sac and Fox Indians of Mississippi located in Iowa. Annuity Payment Roll of 1892. Number on payment roll---- 392

Sac and Fox Indians of Missouri located in Kansas. Allotment Roll of February 28, 1891. Number of allottees-------- 121

That this division will be broken down into percentage, and

That 5% is to be withheld from each group until such time as the Bureau of Indian Affairs determines the most equitable basis for division, the current membership rolls, or the allotment and annuity rolls.

That if it is determined to be divided on a current membership basis, the 15% will be redistributed to the deserving groups.

That if it is determined to be divided on the allotment rolls and annuity roll that 5% will be returned to each group.

That percentages will be as follows:

[In percent]

	Old rolls	Less 5
Sac and Fox of Iowa	36.91	31.91
Sac and Fox of Oklahoma	51.70	46.70
Sac and Fox of Kansas	11.39	6.39
Total	100.00	85.00

That the business committee shall be authorized to enter into, execute and deliver on its behalf such agreements with the Tribes and so or cause to be done such other acts and things as may be necessary and desirable to carry out the intent and purpose of this resolution.

Passed and approved this 27th day of August, 1966.

Certification

We, Elmer Manatowa, Jr., Principal Chief of the Sac and Fox Tribal Business Committee and Peggy F. Southern, Secretary-Treasurer of the Sac and Fox Tribal Business Committee do hereby certify that a regular meeting of the General Council was properly noticed, called, convened, and held on 27th day of August, 1966 there being a quorum present of 158 enrolled members and that the above resolution was adopted by a vote of 112 in favor and no votes against the resolution, and that said resolution has not been amended or rescinded.

Signed this 27th day of August, 1966.

ELMER MANATOWA, Jr.,
Principal Chief.

PEGGY F. SOUTHERN,
Secretary-Treasurer.

SAC AND FOX TRIBE OF OKLAHOMA,
Cushing, Okla., April 18, 1967.

Senator FRED HARRIS,
Senator MIKE MONRONEY,
Representative TOM STEED,
Capitol Office Building,
Washington, D.C.

GENTLEMEN: On May 7, 1966 the three bands of Sac and Fox met in Topeka, Kansas for the purpose of reaching an agreement as to the division of awards made by the Indian Claims Commission dockets 138 and 143.

Funds were appropriated by the Act of April 30, 1965 (79 Stat. 81) to cover an award of $1,096,533.42 in docket 138 and by the Act of October 31, 1965 (79 Stat. 81) to cover an award of $1,789,201.45 in docket 143. The awards represent additional payment to the Sac and Fox of the Mississippi in Iowa and in Oklahoma and the Sac and Fox of Missouri in Kansas and Nebraska for lands in Iowa ceded under the Treaty of July 15, 1830 and for lands in western Iowa and northwestern Missouri ceded under the Treaties of October 21, 1837. The judgment funds are on deposit in the United States Treasury to the credit of the respective Sac and Fox Tribal groups and draw interest at the rate of four percent per annum.

The Bill authorizes the judgment funds to be apportioned among the three groups, who are regarded to be the successors in interest to the Sac and Fox Nation as it existed in 1830 and 1837 on the basis of membership in the respective groups in accordance with allotment rolls of February 13, 1891 for the Sac and Fox of the Mississippi located in Oklahoma, 1892 annuity roll for the Sac and Fox of the Mississippi located in Iowa, and February 28, 1891 allotment roll for the Sac and Fox of Missouri located in Kansas.

The three Sac and Fox groups are organized under approved constitutions and by laws and represent political entities. The Bill provides that funds to which these tribes are entitled in dockets 138 and 143 may be advanced or expended for any purpose authorized by the respective tribal governing bodies. These tribes have retained allotted and/or tribally owned lands and members reside on such lands in substantial numbers. They can be assisted in the elevation of their social and economic conditions by use of judgment money.

Since the actions of the Business Committees need the approval of the respective general councils as set out in paragraph 8 of the resolution, we are attaching the approved minutes, plus the resolution passed by the Sac and Fox Tribe of Oklahoma last August 27, 1966.

We are very anxious to have this Bill introduced in this session of Congress and any help you can give us will be greatly appreciated.

Yours very truly,
SAC AND FOX TRIBE OF OKLAHOMA,
ELMER MANATOWA, Jr.,
Principal Chief.

THE RAIL SITUATION

AMENDMENTS NOS. 191 AND 192

Mr. JAVITS. Mr. President, our Subcommittee on Labor is now holding hearings on the rail situation with a view toward acting on the President's request for what I have called mandatory settlement.

The administration has been gravely remiss in not having sent us permanent legislation on this subject. It is now caught in the same trap in which it has been caught before, in the previous railroad emergency in 1963, when it had to seek interim legislation to protect the public interest from the effects of a nationwide railroad shutdown.

The interim legislation now sought, Senate Joint Resolution 81, has such a heavy coloration of compulsory arbitration as to be alarming to management, labor, to the Nation, and certainly to me. In my judgment, it would be acceptable only as a last resort; that is, only if there is really nothing else that we can do to keep the trains running.

The solution proposed by the President is, as expected, ad hoc. But while in terms it would be applicable only to the current dispute, I think there can hardly be any doubt that whatever action Congress takes with respect to the current dispute will have a profound effect on any general legislation which may be considered by the Congress in the near future.

We cannot, therefore, merely accept the President's proposal as a necessary expedient and let it go at that. Nor can we afford to indulge in sophistry to avoid recognizing the compulsory features of

the President's proposed legislation. Assuming for purposes of argument, that Senate Joint Resolution 81 does not have all the bad features of compulsory arbitration, and that the parties have not been engaged in mere shadowboxing in preparation for a binding determination by a special board, the fact remains that this resolution, if enacted in its present form, would greatly encourage the belief that a similar approach would be adopted on either an ad hoc or a general basis to deal with future disputes which imperil the health and safety of the Nation.

In order to dispel any notion that this is, in fact, the case, I am introducing this morning two amendments to Senate Joint Resolution 81.

The amendments would do the following: They would amend section 5 of Senate Joint Resolution 81, which in its present form provides that the determination of the Special Board shall automatically go into effect at the end of 90 days if the parties have not reached an agreement; my amendments would provide that if the parties have been unable to agree upon the expiration of the 90-day period, the President would have the power to direct that the determination of the Special Board shall become effective, subject however to the right of both Houses of Congress, by a concurrent resolution passed within 20 days of the President's direction, to declare that the Special Board determination shall not go into effect. Provisions are included to insure that any such proposed concurrent resolution would not be subject to a filibuster or buried in committee.

Under one of the amendments, however, the President would be given an alternative to directing that the determination of the Special Board shall become effective. Instead, he could order a limited seizure of the carriers by directing the Attorney General to petition a Federal district court for the appointment of a special receiver to take possession of the equipment and facilities of the carriers involved in the dispute in the name of the United States.

The conditions under which the special receiver would take possession of the railroads and operate them are the same as those specified in S. 1456, the general bill authorizing limited seizure in all emergency labor disputes which I and Senator KUCHEL introduced earlier this year.

I believe that by incorporating either of these amendments into the proposed legislation before us, we would put to rest the notion that Congress is in any way committed to the principle of compulsory arbitration as the best method of settling labor disputes which threaten the national health or safety.

My own views in opposition to compulsory arbitration are well known, and I know they are shared by many of the members of this committee. I also know that most representatives of both labor and management are of the view that compulsory arbitration is an anathema to the process of free collective bargaining. That process represents our own unique form of economic self-government and I, for one, am deeply concerned to see that it should not be compromised—even on an ad hoc basis.

There are other alternatives, such as the very limited form seizure or a congressional veto of a mandate with which Congress does not agree, which are incorporated in the amendments I have introduced this morning. It is my hope that before we take action all the possible alternatives will be fully explored.

I ask unanimous consent that my amendments be printed and appropriately referred.

The PRESIDING OFFICER. The amendments will be received, printed, and appropriately referred.

The amendments Nos. 191 and 192 were referred to the Committee on Labor and Public Welfare.

AMENDMENT OF UNIVERSAL MILITARY TRAINING AND SERVICE ACT—AMENDMENTS

AMENDMENT NO. 193

Mr. HATFIELD submitted amendments, intended to be proposed by him, to the bill (S. 1432) to amend the Universal Military Training and Service Act, and for other purposes, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 194

Mr. GRUENING submitted an amendment, intended to be proposed by him, to Senate bill 1432, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 195

Mr. HATFIELD proposed an amendment to Senate bill 1432, supra, which was ordered to be printed.

"CONGRESSIONAL COUNSEL GENERAL"—A CHANGE IN TITLE FOR S. 1384 ("LEGISLATIVE ATTORNEY GENERAL")—AMENDMENT

AMENDMENT NO. 196

Mr. HARTKE. Mr. President, on March 23 of this year, I introduced a bill—S. 1384—that will provide the Congress with its own advocate. This advocate would provide advice to the Congress on the constitutionality and validity of congressional acts or actions. He would provide representational services for the Congress whenever so directed. He would issue advisories on the intent of Congress when so directed or upon approval of the Congress and in certain court cases would appear, by right, as a party or as amicus curiae.

Since introduction, Mr. President, the discussion this bill has generated has indeed been widespread. Private citizens, attorneys, U.S. attorneys, various bar associations, and Federal appellate judges have written me in praise of the bill and what it would do to affirm the coordinate role of the Congress and the doctrine of separation of powers. The overwhelming majority of mail has been in favor of the idea as supported by constitutional argument.

There has, however, been mail that indicates some uneasiness with the title. It expresses concern that the use of the title "Legislative Attorney General" puts the congressional lawyer in seeming competition with the Cabinet officer Attorney General. To reduce any adverse response to the bill, I now propose to change the title of the officer to "Congressional Counsel General." This title change does not bring about any lessening in what I hope will be the effectiveness and prestige of the Congressional Counsel General. In this change I assert here, as I have asserted many times, that the Congressional Counsel General will not be in competition with the President's Attorney General. They will both function in their own areas. The Attorney General will remain the legal representative of the Executive and the Congressional Counsel General will provide the above outlined services for the Congress. But the title of Congressional Counsel General is more accurately descriptive and less subject to misinterpretation.

Mr. President, at this point I should like to express my thanks to the many individuals and associations that have taken the time to write concerning this matter. The many thoughtful letters, some of great length, that I have received demonstrate just how aware the people have become of the necessity of the Congress providing itself with a voice for its intent and will, a voice that can speak for it clearly, authoritatively and unequivocally.

Mr. President, I send to the desk an amendment that will change the title of the officer designated by S. 1384 from "Legislative Attorney General" to "Congressional Counsel General," and ask that it be appropriately referred.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred.

The amendment (No. 196) was referred to the Committee on the Judiciary.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

Mr. JORDAN of Idaho. Mr. President, I ask unanimous consent that, at the next printing of Senator DIRKSEN's bill, S. 515, which would prohibit the desecration of our flag, my name be added as a cosponsor.

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

Mr. AIKEN. Mr. President, early in the session I introduced, on behalf of the Senator from North Dakota [Mr. YOUNG], the Senator from Ohio [Mr. LAUSCHE], and myself, S. 109, the purpose of which is to discourage discrimination against members of farm organizations.

I ask unanimous consent that at its next printing the names of the following Senators be added as cosponsors of that bill: Senators BURDICK, CHURCH, HART, HICKENLOOPER, MCCARTHY, TYDINGS, and BAYH.

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

Mr. BREWSTER. Mr. President, I ask unanimous consent that the names of the Senator from California [Mr. KUCHEL] and the Senator from South Carolina [Mr. HOLLINGS] be added as cosponsors of S. 854 to reclassify certain positions in the postal field service, and for other purposes, at its next printing.

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

Mr. HARTKE. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Rhode Island [Mr. PASTORE] be added as a cosponsor of the bill, S. 1681, to amend title II of the Social Security Act to provide disability insurance benefits thereunder for any individual who is blind and has at least six quarters of coverage, and for other purposes.

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

Mr. MUNDT. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Wisconsin [Mr. NELSON], the Senator from Idaho [Mr. CHURCH], and the Senator from Nebraska [Mr. HRUSKA] be added as cosponsors of the joint resolution (S.J. Res. 64) to establish a Commission on Balanced Economic Development.

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

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Indiana [Mr. BAYH], I ask unanimous consent that, at the next printing of Senate Joint Resolution 80, a proposed constitutional amendment providing for congressional representation for the District of Columbia, the names of my colleagues, the Senator from Wyoming [Mr. MCGEE] and the Senator from Alaska [Mr. GRUENING] be added as cosponsors.

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

Mr. KUCHEL. Mr. President, I ask unanimous consent that at its next printing, the name of my distinguished colleague from California [Mr. MURPHY] be added as a cosponsor of my bill, S. 861, to authorize the construction, operation, and maintenance of the Colorado River Basin project, and for other purposes.

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

RUMANIAN INDEPENDENCE

Mr. BROOKE. Mr. President, I wish to call to the attention of the Senate this anniversary of the achievement of Rumanian independence.

Through the relentless efforts of Rumanian patriots, an independent Rumanian dynasty was created exactly 101 years ago today, on May 10, 1866. Under the leadership of Prince Charles, of Hohenzollern, the Rumanians declared their independence from the Ottoman Empire, after which the country enjoyed a long period of prosperity and progress. By the end of World War I, Rumania had become an example of peace and stability in central Europe.

The situation changed in the closing months of World War II, when Russian troops moved into Rumania to free it from the Axis powers. They put loyal Communists and Moscow-trained cadre into local and national government positions, and, by 1945, the people of Rumania were under a virtual Stalinist dictatorship.

But despite the iron hand of Josef Stalin and the continued occupation of Soviet troops, the independent spirit of the Rumanian people could not be quelled. Unlike many of the other nations of Eastern Europe, the Rumanian people and even their indigenous Communist leaders began to reject the Moscow-trained leadership. As early as 1952, the Communist Party of Rumania purged the "Muscovite" faction, and began to lead their country on the path of truly Rumanian national communism.

In the more relaxed atmosphere in Eastern Europe which followed the death of Stalin, the Rumanian Government concentrated on its own development. The leaders of Rumania resisted efforts to include all Eastern Europe into a single economic bloc. They preferred to develop their own heavy industry and meet their own consumer needs. As a consequence of this independence, Rumania has progressed from a nation which was 80 percent agricultural in 1945 to one of the most advanced industrial nations in Europe.

In foreign affairs, the Rumanian Government has established independent trade and diplomatic ties with a number of Western nations, including Britain, France, and the United States, and has voted independently of the Soviet Union on a number of issues in the United Nations.

In cultural affairs, Rumania has sent cultural exhibits to the West, and was one of the first of the Eastern European nations to open its borders to Western tourists. Western newspapers and other publications are readily available in Rumanian cities.

Rumania today is playing an increasingly important role in world affairs. The Rumanian people, who once served as a bridge between the Roman and Slavic worlds, are now an important meeting ground between two equally disparate worlds: Western democracy and Soviet communism. For those who believe bridges can and should be built between the two worlds, the example of Rumania is heartening indeed.

Though their form of government may not meet with our approval, we must nevertheless have faith in their essential integrity and independence through trade and cultural contact and deeper understanding, to play a creative role in world affairs.

It is therefore fitting that those who hold the cause of freedom in high regard should pause at this time to pay respects to the brave Rumanian people.

RUMANIAN NATIONAL HOLIDAY

Mr. SCOTT. Mr. President, Americans of Rumanian origin, through the sponsorship of the Rumanian National Committee, commemorate today, May 10, as a triple anniversary of important events in the history of their native land.

On May 10, 1866, the people of Rumania ended internal strife among native candidates to the throne by proclaiming Charles, Prince of Hohenzollern-Sigmaringen of the Prussian royal family as the Bucharest Prince of Rumania.

On May 10, 1878, the Rumanians proclaimed their independence after severing political ties with the Ottoman Empire.

On May 10, 1881, Charles I was crowned King of Rumania, and a kingdom was established by the will of the people. The country prospered for more than six decades.

Today, the people of Rumania live under Communist rule, and are no longer allowed to observe this national holiday of independence. Instead, they must observe May 9, the anniversary of Soviet victory over their country.

Today, I join with all Americans in recognition of Rumania's fight for freedom. I share with all who cherish independence the hope that Rumania again will be free.

"HOW TO END THE BOMBING AND DEESCALATE"—AN ARTICLE BY ARNAUD DE BORCHGRAVE

Mr. MANSFIELD. Mr. President, the May 15, 1967, issue of Newsweek magazine contains an article entitled "How To End the Bombing and Deescalate." The article was written by Newsweek Senior Editor Arnaud de Borchgrave, whom I have known for some years, but whom I have not seen in recent years.

Mr. de Borchgrave has been following events in Vietnam closely ever since he parachuted into Dienbienphu in 1953. He now offers a suggestion as to how the bombing could be ended and descalation begun.

In effect, the article advances the idea of a barrier zone extending across the area south of the 17th parallel from the vicinity of the South China Sea, over into Laos, and ending at Savannakhet on the Thai-Laotian border.

Mr. de Borchgrave writes—and I wish to call this to the attention of the Senate—that a proposal of this nature would be able to stop infiltration; that it would be able to end bombing of the north; that it would achieve major deescalation; and that it would confine the war to the south.

If I understand Mr. de Borchgrave's reasoning correctly, I assume that what he has in mind is that with the kind of barrier zone he proposes—a barrier to be protected by minefields, electrified concertina wire, boobytraps, pillboxes, helicopter patrols, and automated alarm systems—what has been one of the chief objectives of bombardments of the north; that is, to cut drastically, if not to prevent entirely, the movement of materiel and men along the Ho Chi Minh Trail, could be done more effectively on the plan he proposes. If this were the case, following my understanding of Mr. de Borchgrave's reasoning, the need for further bombing in the north to bring about that objective would not be necessary.

Mr. President, I would also point out that the bombing of the north was supposed to entail, I believe, a second objective in addition to stopping the infiltration of men and supplies; namely, to bring Hanoi to the conference table. It would appear that neither of these objectives has been achieved.

Mr. President, I ask unanimous consent that the article, entitled "How To End the Bombing and Deescalate," by Arnaud de Borchgrave, be printed in the RECORD.

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

HOW TO END THE BOMBING AND DEESCALATE

At bottom, most critics of present U.S. policy in Vietnam favor one of two equally unappealing courses of action; further—and massive—escalation, or simple acceptance of defeat. Below, Newsweek *Senior Editor Arnaud de Borchgrave, who has been following events in Vietnam, closely ever since he parachuted into Dienbienphu in 1953, suggests there is a third and far more acceptable possibility.*

It now seems fairly obvious that the Vietnam war is not going to end by negotiation. The difficulty is that each side sees negotiations essentially as a device to cover the other's retreat. As far as the U.S. is concerned, negotiations can only be designed to facilitate a return to the status quo ante—i.e., the continued division of Vietnam at the 17th parallel with a non-Communist government in the south. Hanoi, on the other hand, has warned its party cadres in the south that "if negotiations are ever held, they will be purely tactical; fighting in the south must continue until final victory."

Deadlock: The U.S., however, will never attain its objectives in South Vietnam so long as infiltration from the north continues—and infiltration cannot be halted by bombing raids against the north. Already, our pilots have virtually run out of worthwhile military and industrial targets, and the bombing of civilian population centers, besides being morally abhorrent, can only drive Russia and China into a common effort to help North Vietnam survive as a socialist state. The bomb-them-out-of-existence proponents, moreover, seem to forget that Ho Chi Minh and his associates fought the French to a standstill without ever holding possession of a major Vietnamese town.

In short, escalation will serve no useful purpose. But neither will be de-escalatory moves most commonly proposed. Hanoi cannot afford to stop supplying the 100,000 regular troops it now has in the south simply in return for an end to the bombing. By the same token we cannot afford to give up bombing in return for a mere agreement to sit down and talk.

Proposal: Nonetheless, I believe that there is a way to (1) stop infiltration; (2) end the bombing of the north; (3) achieve major de-escalation; and (4) confine the war to the south. It is also the only way, in my judgment, to return to our policy of limited war with limited objectives and limited means.

The idea is to establish a "physical barrier" south of the Demilitarized Zone at the 17th parallel. This has been studied by the Joint Chiefs in Washington for at least two years. So far, the plan has been rejected—partly because of its cost (an estimated $1 billion) and partly because, at least during the construction period, it would require the addition of three or more divisions to the U.S. forces now in Vietnam.

Admittedly, construction of such a barrier would pose immense engineering and military problems. It would also oblige the U.S. to indulge in one more violation of the moribund 1962 Geneva accord which established the neutrality of Laos. For, to be effective, the barrier would have to start at the South China Sea and run for about 170 miles across a range of jungle-covered mountains and down through the plains of Laos to the town of Savannakhet on the Thai-Laotian border (map).

To my mind, however, the advantages of the barrier plan are overwhelming. Protected by mine fields, electrified concertina wire, booby traps, pillboxes, helicopter patrols and automated alarm systems which would call in artillery and air strikes whenever a breach was signaled, the barrier would effectively cut off the Ho Chi Minh supply trails and access to the south through Laos and Cambodia. The impact would be comparable to that which Yugoslavia's closing of the Greek border had on the Greek guerrillas during the Communist uprising after World War II.

No less important, the bombing of North Vietnam would then become unnecessary. In fact, the President could tell the world that all raids—except in reprisal for attacks on the line—would cease as soon as the barrier becomes operational.

Feasibility: Is construction of the barrier economically and physically feasible? The answer is certainly yes. The U.S. now has in Vietnam construction capacity sufficient to duplicate the Suez Canal in eighteen months; on a crash basis, the barrier could probably be completed in less than a year. As for cost, the U.S. has already spent an estimated $5.8 billion on the air war over the north. (Just in terms of military hardware, the U.S. has already lost $2.5 billion worth of aircraft in the north and has dropped $1.5 billion worth of ordnance there.)

Once operational, I believe that the barrier would be a shattering blow to the Viet Cong. It would enable the South Vietnamese to get on at long last with the job of rebuilding their nation; it would be universally recognized as a strictly defensive, nonaggressive move and it would give the world hope that major de-escalation is finally in sight.

The alternative, unless the U.S. is prepared to abandon South Vietnam, is a long war of attrition which U.S. opinion does not seem willing to support. The pressures will then build up again for still further escalation with the attendant risk of a major Asian conflagration.

UNIVERSAL MILITARY TRAINING AND SERVICE ACT EXTENSION

Mr. STENNIS. Mr. President, I have made a committal on another Senate matter which will keep me away from a portion of the debate on S. 1432, a bill to amend the Universal Military Training and Service Act.

I therefore wish to make a few remarks in support of that measure now.

Mr. President, as chairman of the full committee, the Senator from Georgia [Mr. RUSSELL], with his great resources and fine experience, held a wonderful hearing on the bill. He heard every witness who wished to testify and then, under his leadership, the entire committee worked out a bill that is very reasonable and, in my opinion, absolutely essential.

I have no doubt that it will be passed overwhelmingly by the Senate.

I support it wholeheartedly based upon the great need, as I see it.

I favor extension of selective service for 4 years as being absolutely essential. I also favor the idea of at least a minimum of 2 years' service under the act. I wish it could be less, but it cannot be.

I strongly support retaining power, as heretofore, in the local draft boards, who know the facts and can therefore do a better job than anyone else in passing on these matters.

As I stated, the bill was worked out by the full committee and had its unanimous vote, although the Senator from Ohio made some reservations as to making an amendment.

I hope and believe that the bill will pass by a resounding vote.

To fail to support the extra features in the bill would be, in effect, to repeal our resolve—that resolve about which General Westmoreland spoke—the need to carry it on being so essential.

Anything less than this bill as reported, I think, would repeal that very essential resolve, which is something the American people do not want to lose. I believe that they are overwhelmingly in support of the bill.

ORDER FOR RECOGNITION OF SENATOR THURMOND

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of morning business and after the remarks to be made by the distinguished junior Senator from Kansas [Mr. PEARSON] the distinguished senior Senator from South Carolina [Mr. THURMOND] be recognized for 20 minutes.

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

SALE OF PORNOGRAPHIC AND OBSCENE LITERATURE TO MINORS

Mr. BREWSTER. Mr. President, on Monday the U.S. Supreme Court handed down a series of decisions dealing with the sale of books and magazines alleged to be obscene. The Court decided that the items in question were not obscene, and reversed the convictions of the sellers.

The language of the Court in these cases suggests that there is an effective constitutional approach to one aspect of the pornography problem. The major evil of pornographic pictures and publications, in my judgment, is the impact they may have on young people who are immature and impressionable.

The Supreme Court recognized this legitimate concern. Its opinion noted specifically that none of the State laws in question "reflected a specific and limited State concern for juveniles." And it thereby implied, as it had in earlier decisions, that a properly drawn statute aimed at the sale of pornographic material to juveniles would be constitutional.

I certainly agree with the Court that such limited statutes should be considered constitutional. Sale to an adult who knows what he wants, knows what the effects will be, and buys the material is one thing; victimization of our youth is another matter.

This is the major reason for my concern about the smut and filth that floods the newsstands of Washington, the surrounding States, and the entire country. This material can be bought by youngsters as easily as bubble gum.

Now this situation must be viewed in the context of the first amendment. That amendment, of course, guarantees a broad freedom of speech and of the press. This Nation is founded on the assumption that, in the long run, the public welfare will be better served by a free interchange of ideas than it will by a harsh censorship which inhibits literary and political freedom.

So a book may not be banned completely, merely because it is offensive to me, or to the Senate, or even to the majority of the community. The Supreme Court has said—and we must accept that decision—that such publications must be

utterly without redeeming social value in order to be banned altogether.

But the Court has as much as said that it will allow restrictions on the sale of such materials to minors. And I believe that the Congress should follow the Court's invitation and enact legislation which would protect the young people of the District of Columbia—as well as many young people from the Maryland and Virginia suburbs—from pornographic materials.

I have been preparing legislation which would prohibit the dissemination by sale or loan for money of pornographic materials to our young people. This proposed statute would make it a criminal offense to sell specified categories of photographs, drawings, books, magazines, or motion-picture films to minors under the age of 18. This limitation would, of course, not apply to bona fide textbooks and other such educational material.

I wish to refine the proposed legislation further, in light of Monday's Supreme Court holdings, before I introduce it. And I am certain that the District of Columbia Committee will make further improvements when it considers the bill. But I do believe that it is essential for us to act in this area. As we keep alcohol out of the hands of our young people, we can also keep pornography out of their hands.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial "Big Day for Smut," published in the Washington Evening Star of Tuesday, May 9, 1967.

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

BIG DAY FOR SMUT

A number of smutty publications which had been declared obscene in three states—New York, Kentucky and Arkansas—now enjoy, thanks to a majority of the Supreme Court, the mantle of constitutional protection.

This latest ruling reveals a court that is hopelessly divided on the issue of what constitutes punishable obscenity. At least two of the justices think that anything goes. The attitudes of the others vary in more or less significant respects. But the impression which survives is that this court would sanction almost any kind of smut as long as it does not involve the forbidden "pandering" aspects of the Ginzburg case. And that was a 5-to-4 decision.

The dissenting opinion by Justices Harlan and Clark points out that the majority changed the rules in the middle of the game in this instance. The grounds upon which the court originally agreed to review the three cases were abandoned, with the result that the issue of obscenity or otherwise was not dealt with either in the briefs or in the arguments. "In short," said Justice Harlan, "the court disposes of the cases on the issue that was deliberately excluded from review, and refuses to pass on the questions that brought the cases here."

He went on to say that "in my opinion these dispositions do not reflect well on the processes of the court, and I think the issues for which the cases were taken should be decided."

We would go a step farther. Not only should the issues (of obscenity or otherwise) have been decided, but they should have been decided so as to make punishable the sale of "girlie" junk which, masquerading as "literature," is contributing its not insubstantial bit to the corruption of our society.

RATIFICATION OF HUMAN RIGHTS CONVENTIONS

WHERE DOES THE UNITED STATES STAND ON HUMAN RIGHTS? FAILURE TO RATIFY SINGLE HUMAN RIGHTS LEAVES GREAT DOUBT—LXIX

Mr. PROXMIRE. Mr. President, as I have during every session of the 90th Congress, I rise again today to urge the Senate to ratify the Human Rights Conventions on Forced Labor, Genocide, Political Rights of Women, and Slavery.

As an American, I am proud of the great achievements of our Nation and our people in realizing the magnificent dream of equal human rights for all our citizens.

But I wonder how millions of our fellow human beings—who have never breathed free American air or participated in free American debate—but are aware of the failure of the United States to ratify a single Human Rights Convention—view the United States and human rights.

What do the people of Afghanistan, the people of Burundi, the people of Chad, the people of Ecuador, the people of Jamaica, the people of Pakistan think about the United States and the U.N. convention to outlaw forced labor? Every one of these governments has ratified the Convention on Forced Labor, but the United States has not.

Mr. President, I wonder what the people of Argentina, the people of China, the people of Czechoslovakia, the people of Finland, the people of India, the people of Nepal, the people of Thailand really think about the United States and our national attitude toward the political rights of women.

Every one of their governments has ratified the Convention on the Political Rights of Women, but the United States has not.

Again how about the people of Algeria, the people of Brazil, the people of Cambodia, the people of Malaysia, the people of Norway, the people of Portugal, the people of the United Arab Republic? What are they to think about us and our national position on the fundamental human question of slavery?

Every one of their governments has ratified the Convention on Slavery, but the United States has not.

Mr. President, the Senate can rectify any misimpressions or misunderstandings the people of these countries may have about the United States and human rights.

The Senate can do so by ratifying the Human Rights Conventions on Forced Labor, Genocide, Political Rights of Women, and Slavery.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from Wisconsin may be permitted to proceed for 5 additional minutes.

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

Mr. PROXMIRE. I thank the distinguished Senator from West Virginia.

MASSACHUSETTS MERCHANTS SUPPORT TRUTH IN LENDING

Mr. PROXMIRE. Mr. President, the Federal Reserve Board was represented this morning before the Banking and Currency Committee's Subcommittee on Financial Institutions by its Vice Chairman, Gov. J. L. Robertson. Governor Robertson expressed the unanimous viewpoint of the Federal Reserve Board—all seven members—in stating that they all endorse and support the truth-in-lending bill which is now pending before the Banking and Currency Committee. The Board suggested some very significant, interesting, and helpful amendments to the bill; but the testimony of Governor Robertson was most helpful, and I expect, at a later date, to bring it to the attention of all Senators by asking to have it printed in the RECORD.

This morning I wish to address myself to the myth that truth in lending is unworkable has been dramatically repudiated by the Massachusetts truth-in-lending bill. Recent testimony before our committee revealed that merchants have had no problem with disclosing the full cost of credit both in dollars and as an annual percentage rate.

One of the most impressive statements was delivered by Mr. Willet Smith, the credit manager of Leachmere Sales of Cambridge, Mass. Leachmere does about $45 million of business, of which approximately $22 million is done on credit. Moreover, $20 million of this $22 million is on revolving credit—one of the most hotly disputed items in the bill. Thus, Mr. Smith is in an excellent position to testify on the impact of the bill on business. Mr. Smith has testified that he has encountered no problems of any consequence with the Massachusetts truth in lending law. He says his firm has not lost any business as a result of the bill. Moreover, he testified that the bill protects the ethical businessman from unfair competition based on deceptive credit terms.

Mr. President, I ask unanimous consent that Mr. Smith's excellent statement be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. PROXMIRE. Mr. President, it is also interesting to note that the New England automobile dealers have gone on record requesting their national association to reconsider their position on truth in lending. Mr. William Mitchell, the regional vice president of the National Automobile Dealers Association and a prominent automobile dealer in Massachusetts, has written as follows:

I would say that in the discussion that was held on this subject at our NADA Region I meeting—our President of our State Association, our State Association manager and myself outlined that we did not feel that it had hurt us in any way shape or manner and that we were inclined to feel that despite limited experience it was going to clean up the atmosphere in this area—particularly where loan sharking has hurt the ethical automobile dealer.

From these statements I think it is abundantly clear that the dire predictions of some members of the credit in-

dustry have simply not materialized. Moreover, it is evident that many organizations who have opposed truth in lending have apparently not fully consulted with their members. The vast majority of businessmen certainly have nothing to fear from truth in lending. On the contrary such a measure would be of considerable benefit to business. Moreover, I am confident that if more businessmen could study the Massachusetts experience they would arrive at a similar conclusion. I am hopeful, therefore, that the Congress will look behind the claims of those who purport to represent the interests of businessmen in opposing truth in lending.

Mr. President, I ask unanimous consent that the letter from Mr. Mitchell outlining his views and the copy of the resolution passed by the New England Automobile Dealers Association also be printed in the record following my remarks.

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

(See exhibit 2.)

EXHIBIT 1

STATEMENT OF WILLET SMITH, CREDIT MANAGER, LECHMERE SALES CO., CAMBRIDGE, MASS.

Mr. Chairman and members of the subcommittee, you have asked that I appear before you today to comment on the Truth in Lending Bill. I am glad to give you such assistance as I can in your consideration of this proposal.

The Massachusetts Credit Law became effective November 1, 1966. In order to comply with the act the retailer was obliged to change his credit forms and credit applications. Except for the minor cost of changing these forms and applications, there was no extra expense to the retailer as a result of the passing of this law.

Lechmere Sales does about $45,000,000 volume annually of which approximately $22,000,000 of business is done on credit. We encountered no problems of any consequence, either with our record keeping or our customers, as a result of this law.

So far as I have been able to determine the law is informative for the consumer and fair, workable, and helpful to the businessman. It prevents "tricky" selling of credit programs which often call for low monthly plans but include a balloon-ending note; all of which tend to cover up the true interest cost and deceive consumers.

It is my feeling that anything that is good for the consumer is good for business. I believe that this law is good for the consumer because it corrects abuses in the extension of credit and eliminates gimmicky selling and advertising of credit.

I know of no instance where Lechmere Sales lost a single sale because the law requiring that the customer be informed of the true interest rate or because of the use of the new credit forms or applications for credit.

A National "Truth in Lending" Bill will permit companies doing business in different states to operate under a uniform credit law rather than under a different law in each state of the United States.

I heartily endorse the law as passed in the Commonwealth of Massachusetts.

WILLET SMITH.

EXHIBIT 2

NATIONAL AUTOMOBILE DEALERS ASSOCIATION,
Washington, D.C., April 13, 1967.

Mr. DERMOT SHEA,
Executive Secretary, Massachusetts Consumer Council, State House, Boston, Mass.

DEAR DERMOT: I was pleased to discuss the various matters that we were involved in on the telephone with you. Although I did not call you on it it was interesting to hear that you were going to be in Washington next week and appear before the banking and currency committee. This was true because just this week the Region I of the NADA recommended as per the enclosed copy of recommendation that NADA Board of Directors study again their position on this legislation.

I am enclosing copy of a letter to Senator Brooke in this regard. You will note that I state that this recommendation of Region I which comprises 5 states—does not in any way shape or manner indicate that the full Board of Directors of the National Automobile Dealers Association would change its position with respect to this legislation.

I am committed as a Regional Vice President, however, to carry this resolution to our full Board meeting in June. I am sure that the other Directors from Rhode Island, New Hampshire, Vermont, Maine and myself from Massachusetts were in full accord on this resolution at our meeting this week.

In connection with your inquiry as to how the truth and lending had affected us here in Massachusetts—I would say that in the discussion that was held on this subject at our NADA Region I meeting—our President of our State Association, our State Association manager and myself outlined that we did not feel that it had hurt us in anyway shape or manner and that we were inclined to feel that despite limited experience it was going to clean up the atmosphere in this area—particularly where loan sharking has hurt the ethical automobile dealer. By that I mean that certain people got into the automobile business purely as a front for financing purposes.

I trust the above meets with your requirements. With best regards.

WILLIAM H. MITCHELL, Jr.

Whereas—it would seem that a "truth in lending" bill is becoming more popular in consumer thinking and

Whereas—automobile dealers depend greatly for their business through the extension of credit and

Whereas—automobile dealers are consumer minded, therefore, Be it resolved by the members present of this New England Region meeting convened here today wish to go on record to NADA that it reconsider its expressed opinion or position concerning this particular legislation, and if a simple, workable bill can be created, then go on record favoring "truth in lending" legislation.

DEPARTMENT OF JUSTICE ENDORSES TRUTH IN LENDING

Mr. PROXMIRE. Mr. President, the Department of Justice in a report to the Banking and Currency Committee endorses S. 5, the truth in lending bill. The Department indicated the bill would be in accord with the program of the President and indicated the bill would protect consumers and promote competition in the field of consumer finance.

It is also encouraging to note that the Department, which has access to some of the best legal talent in the country, saw no conflict between Federal disclosure legislation and the various State statutes on consumer credit.

Some witnesses on behalf of the credit industry have raised a vague doubt that somewhere some way, some State judge or Federal court might misconstrue the act. It is noteworthy, therefore, that this dire prediction is not evident in the Department of Justice's report.

Mr. President, I ask unanimous consent that the Justice Department report be printed in the RECORD.

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

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., April 13, 1967.

Hon. JOHN SPARKMAN,
Chairman, Committee on Banking and Currency, U.S. Senate, Washington, D.C.

DEAR SENATOR: This is in response to your request for the views of the Department of Justice on S. 5, a bill to assist in the promotion of economic stablization by requiring the disclosure of finance charges in connection with extension of credit.

This Truth in Lending Bill is similar to the following bills concerning which we have commented in the past: S. 750 (88th Cong., 1st Sess.); S. 1740 (87th Cong., 1st Sess.); and S. 2755 (86th Cong., 2d Sess.).

This Department favors the enactment of this legislation which would (1) protect the consumer by enabling every borrower to make an informed choice of alternate credit prices, and (2) promote competition in the field of consumer finance. The bill is consistent with and would implement "Truth in Lending" proposals made in the President's message "American Consumer Protection," House of Representatives Document No. 57, 90th Congress.

The major substantive section of this bill is Section 4. Subsection (a) of Section 4 provides for dsclosure of finance charges, and states that, except as provided in subsection (b) which relates to revolving or open-end credit plans any creditor shall furnish to each person to whom credit is extended a written statement which states, to the extent applicable and ascertainable:

(1) the cash or delivered price of the property or service to be acquired;

(2) the amounts, if any, to be credited as down payment and/or trade-in;

(3) the difference between 1 and 2;

(4) the charges, individually itemized, which are paid or to be paid by borrower in connection with the transaction but which are not incident to the extension of credit;

(5) the total amount to be financed;

(6) the finance charge in dollars and cents;

(7) the finance charge expressed as an annual percentage rate;

(8) the time and amount of payments scheduled to repay the indebtedness; and

(9) the terms applicable in the event of advanced or delayed payments.

Subsection (b) of Section 4 provides that any creditor agreeing to extend credit pursuant to a revolving or open-end credit plan shall, in accordance with the rules of the Federal Reserve Board:

(1) furnish, prior to agreeing to extend credit, a written statement setting forth;

(i) the periodic dates of the balances against which a finance charge will be imposed;

(ii) the percentage rate per period of the finance charge to be imposed;

(iii) the periodic rate of finance charge expressed as an annual percentage rate.

(2) furnish to such person, at the end of each period determined for assessing finance charges, a written statement setting forth to the extent applicable and ascertainable:

(A) the outstanding balance as of the beginning of such period;

(B) the amount of each extension of credit during such period;

(C) the total amount credited to the account during such period;

(D) the outstanding unpaid balance at the end of such period;

(E) the annual percentage rate used to compute the finance charge for such period;

(F) the balance on which such periodic finance charge was computed; and

(G) the finance charge imposed for such period.

Subsection (c) of Section 4 provides that if the information disclosed in accordance with this section and any regulations pre-

scribed by the Board is rendered inaccurate as a result of a prepayment, a late payment or other adjustment, through mutual consent of the parties, the inaccuracy resulting therefrom shall not constitute a violation of Section 4.

Section 5 of the bill gives the Federal Reserve Board broad powers to prevent circumvention or evasion of the bill's provisions and to facilitate the enforcement of the legislation. In the exercise of its powers the Board is to request regulatory functions with respect to creditors subject to the provisions of the bill, and such agencies are to furnish such views when so requested.

The Board is also to establish an advisory committee of not more than nine members, representative of the interest of sellers of merchandise on credit, lenders and the public. The Board is directed to advise and consult such advisory committee on the exercise of its powers under this Act.

Section 6 of the bill provides that State laws relating to credit transactions are not to be superseded except where such State laws are directly inconsistent with the provisions of the bill or regulations issued thereunder. The section also exempts from the provisions of the bill credit transactions which the Federal Reserve Board determines are effectively regulated by State laws so as to require the disclosure by the creditor of the same information as is required by Section 4 of the bill.

Section 7, paragraph (a), provides that any creditor who fails to provide information required by the bill would be liable to the person to whom such information should have been furnished, in amounts from $100 to $2,000, on any credit transactions, dependent on the nature of the violation of the bill's provisions. Court action to recover such penalty is provided for.

Paragraph (b) of Section 7 provides that any person who gives false or inaccurate information, or fails to provide information required by the bill's provisions or regulations issued thereunder, or who otherwise willfully violates any provision of the bill or a regulation issued under it, shall be fined not more than $5,000 or imprisoned not more than one year or both, provided, however, that no such punishment or penalty shall apply to the United States, or any agencies thereof, or any state or political subdivision thereof, or any agency of any state or political subdivision.

Section 8 of the bill provides that the provisions of the bill would not apply to extensions of credit to business firms as such, governments, or governmental agencies or instrumentalities, or to transactions in securities or commodities in accounts by a broker-dealer registered with the Securities and Exchange Commission.

We note that the second sentence in Subsection 5(a) of the bill states that rules and regulations prescribed by the Federal Reserve Board shall include a description of methods of determining percentage rates required to be disclosed, prescribe reasonable tolerances of accuracy with respect to disclosing information, and require that information required to be disclosed be displayed prominently. We think Section 5, read as a whole, evidences an intent to authorize the Board to make regulations other than those dealing with the matters listed in the second sentence, to the extent necessary. However, it might be contended after enactment of the bill that the listing of subjects for regulation in the second sentence was intended to be comprehensive. It might be desirable to avoid the possibility of such a contention by inserting after the word "shall" in the second sentence the words and commas, ", among other things,".

Section 7(a) of the bill provides that "any creditor who in connection with any credit transactions fails to disclose to any person any information in violation of this Act . . . shall be liable to such person in the amount of $100 . . ."

This language may not indicate with precision who may sue the creditor for the civil penalty, in that it refers to "any person" to whom information is not disclosed in connection with a credit transaction. It would appear that the suit should be limited to the person to whom the credit was actually extended without the required disclosures, that is, the same person referred to in Section 4 of the statute. We therefore suggest that in the second line of Section 7(a), after the word "person" the following wording be inserted: ". . . to whom credit is extended any information which is required to be furnished to such person by Section 4 of this Act or any regulation issued to implement this Act, shall be liable . . ."

It is noted that Section 7(b) contains the word "willfully." This word might be found not to apply to intentional, voluntary acts but only to acts performed with a criminal intent, see Screws v. United States, 325 U.S. 91, 101–103 (1945); Morrissette v. United States, 342 U.S. 246 (1952). As this does not appear to be the purpose of the bill, it is suggested that the word "willfully" be replaced with the word "knowingly."

We also suggest that, in accordance with customary drafting techniques, it would be preferable to designate the subsections of Sections 3 and 8 by letters instead of numbers. Also, we suggest that the subdivision designations in Subsections 4(b)(1) and 4(b)(2) be conformed to one consistent style.

The Bureau of the Budget has advised that enactment of the legislation along the lines of S. 5 would be in accord with the President's program.

Sincerely,

——— ———,
Attorney General.

THE 25TH ANNIVERSARY OF THE SEABEES

Mr. DIRKSEN. Mr. President, a quarter-century ago, in the early, dangerous days of World War II, the finest construction men of America stepped from civilian life into the ranks of a brandnew outfit and raised the proud Latin banner: "Construimus, Batuimus: We Build, We Fight."

These were the men who formed the U.S. Navy construction battalions—the famous Seabees of World War II—the men who so soon and so deservedly enriched our language with that brief and stirring motto which so splendidly expresses the spirit of America—"Can Do."

This year of 1967 marks the 25th anniversary of the Navy Seabees, and the 100th anniversary of the Navy Civil Engineer Corps whose officers lead the Seabee battalions and teams in action.

The legendary feats of the Seabees, in building and in battle, in World War II, are a bright page in the military lore of these United States.

Later, in answer to the Communist challenge in Korea, the Seabees served again, and they supported General MacArthur in the famed Inchon landing.

Today, in Vietnam, the Seabees again are performing construction miracles in support of American and allied forces and on behalf of the Vietnamese people. Long years after the battle for the freedom and peace of Vietnam has concluded, monuments to the Seabees who now work there will remain—the "instant" airfields and deepwater ports, the cantonments and building complexes, the communications facilities, the countless miles of roads and highways where none existed before.

In recent years the Seabees have added anew to their tradition. They have become the "Navy Peace Corps," sending their 13-man Seabee teams into Africa, Latin America, and Asia to help the villagers in underdeveloped nations.

In recognition of the Seabee Silver 25th anniversary, Gov. Otto Kerner, of the State of Illinois, recently proclaimed Seabee Month in Illinois.

I ask unanimous consent to have the text of this proclamation entered in the RECORD, at this point in my remarks.

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

PROCLAMATION, STATE OF ILLINOIS

Whereas, The twenty-fifth anniversary of the founding of the Seabees (United States Naval Construction Battalions) is March 5, 1967 and the one hundredth anniversary of the founding of the Navy Civil Engineer Corps is March 2, 1967, and

Whereas, The skill, energy and gallantry shown by the Seabees in constructing and maintaining bases for our armed forces in World War II, Korea and the present Vietnamese conflict has added many brilliant pages to the military annals of our Republic, and

Whereas, Small teams of Seabees are exhibiting their "Can Do" motto by bringing technical skills to the village level in Southeast Asia, thus exemplifying the spirit of cooperation which is so vital a factor in building a desire for freedom in the populace, and

Whereas, To accord official recognition to this anniversary seems fitting and proper,

Now, therefore, I, Otto Kerner, Governor of the State of Illinois, do hereby proclaim the month of March 1967 as Seabee Month in Illinois, and call upon all citizens of this state to join me in due recognition of this noteworthy and patriotic event by such acts, ceremonies and support as may be fitting to the dignity and importance of the occasion.

OTTO KERNER,
Governor.
PAUL POWELL,
Secretary of State.

JUSTICE DELAYED IS JUSTICE DENIED

Mr. DIRKSEN. Mr. President, some time ago I submitted for the RECORD an article from the Christian Science Monitor, by Howard James, dealing with our courts and the administration of justice. A second and third article by Howard James has appeared in the Christian Science Monitor dealing with the administration of justice in the courts of our land. The April 19, 1967, article is entitled "Justice Delayed is Justice Denied," and the April 26, 1967, article is entitled "Juggled Justice in the Minor Courts." Because of the paramount importance the administration of justice should be to every Member of this body I ask unanimous consent that the widest possible attention be given to these articles by their insertion in the CONGRESSIONAL RECORD at this point.

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

JUSTICE DELAYED IS JUSTICE DENIED

(By Howard James)

(NOTE.—Jammed courts spell injustice. Innocent defendants can languish in jail for months, injured plaintiffs must wait years to collect legitimate damage claims—all because state courts in the United States are not

meeting the needs of the jet age. Today's article, second of 13, explains why courts are so clogged.)

If you are arrested today in Cleveland on a serious charge and can't make bail, you may still be in jail awaiting your day in court when Christmas rolls around. Even if you are innocent.

Or take the case of a New York housewife. Driving her auto down a Bronx street she is hit by another car. Doctors say she is seriously injured and expenses pile up.

If the other driver's insurance company haggles over a settlement, it could be 1972 before she collects a dime. It often takes that long to get a civil case before a jury.

Nor are Cleveland and New York exceptions. Most state courts, especially those in large cities, are bogged down with business. They are struggling with what members of the bench and bar call "backlog."

WHY JUSTICE IS DELAYED

Justice is delayed for many reasons. More civil cases are filed—mostly auto accidents—than the courts can handle. The crime rate keeps climbing. Criminal trials take longer than in the past because of recent Supreme Court rulings. There aren't enough judges in most jurisdictions. And both judges and lawyers throw up roadblocks, too often for selfish reasons.

"The backlog of civil trials continues to mount until our courts are rapidly approaching the point where the maxim 'justice delayed is justice denied' may apply to all civil litigants," asserts Judge J. Gilbert Prendergast of Baltimore, where delay from filing to trial now totals more than two years.

"Saying 'I'll see you in court' has become the great national pastime," asserts Maurice Rosenberg, Columbia University law professor.

Common Pleas Judge Herbert Lavin of Philadelphia warns:

"A terrible thing has happened to justice in America, and the tragedy is that while it was occurring, there were so few who, recognizing it, warned us of its consequences.

"I'm talking about the House of Justice in the big city. The termites of slums, industry, unemployment, two world wars, highway accidents, labor-management disputes, and myriad other problems never known before bored their way into the walls, floors, and beams of a once-commodious structure. . . ."

APATHY REMAINS

Yet a national tour by this writer—who sat in courtrooms and talked to judges, lawyers, prosecutors, policemen, and everyday citizens—reveals:

Widespread public apathy despite these warnings.

A tendency toward putting paper patches on the state systems of justice, rather than reinforcing foundations or building an entirely new structure.

A chronic lack of communication among courts, both within a state and nationwide. This, coupled with a trial-and-error approach to problem solving, means a judge in Massachusetts can't profit from the success or failures of courts in Oregon, Texas, or Florida. Communications even break down among judges sitting in one city.

Rigid opposition to change on the part of many lawyers and judges. This is partly because they are overly concerned with tradition and partly because of self-interest.

"Members of the bar engaged in trying civil matters could well be financially distressed if personal-injury litigation goes out the window," says Geoffery C. Hazard, executive director of the American Bar Foundation in Chicago.

COMPLEX PROBLEM

Taking auto accidents out of the courts is being suggested as one possibility to end backlog. Lawyers are worried.

"Unless lawyers do something about court backlog, laymen will take over," warns James A. Dooley, one of the busiest trial lawyers in Chicago. "Within our framework we must do away with existing ills and bring about a streamlining of trials to protect the judge-and-jury system."

The problem of court delay is exceedingly complex. Each court in each state is different, and most face a wide variety of troubles.

At least on paper, Cook County, Ill., has the worst civil backlog in the nation. But John S. Boyle, the circuit court's chief judge, accuses other courts around the country of juggling statistics.

"We're the only court in the nation that keeps accurate backlog figures," he said in an interview. "New York has several million cases unaccounted for. Using bookkeeping gimmicks Los Angeles wiped out its backlog [on paper] overnight. Besides, Chicago has become the personal-injury-litigation center of the world."

In Judge Boyle's court system it now takes five or six years from the date of filing to get a case before a jury. Latest figures compiled by the Institute of Judicial Administration in New York City show:

A backlog of up to five years in civil courts around New York City; 38 months in the Boston area; 34 months in Cleveland (the chief justice of the Common Pleas Court there told this writer it is nearer 40 to 48 months now); 32.7 months in Detroit; and 30.1 months in San Francisco.

CRIMINAL-COURT VOLUME UP

While most concern centers on civil litigation—largely auto-accidents suits—this reporter found an alarming growth in criminal-court business. Soon criminal-court delay may be making national headlines.

In Los Angeles, for example, the home of one of the best court systems in the nation, criminal-court volume has hit crisis proportions and is still climbing.

Arrests are up 30 percent in five years there. Of greater concern, the number of defendants demanding jury trials has increased 300 percent in the same period. This officials say, is largely due to recent Supreme Court rulings restating the rights of the accused and cracking down on police practices.

Similar reports are heard in other cities coast to coast.

"Ten years ago we had two criminal-court judges, and they weren't overly busy," says Judge Prendergast in Baltimore. "Now we have five judges there, plus a full-time juvenile judge, hearing criminal cases."

The number of criminal cases filed in Hennepin County (Minneapolis), Minn. increased by 50 percent in 1966 over 1965. The statewide average for new criminal filings in 1966 in Minnesota is up 46 percent.

As noted, Cleveland has one of the worst big-city criminal backlogs in the nation. Donald F. Lybarger, chief justice of the Common Pleas Court, reported 1,409 criminal cases pending as of March 27. Those in jail wait 8 to 10 months to go to trial, he adds. Defendants out on bail wait longer.

Criminal backlog hurts both society and the accused. Prosecutors complain they lose too many cases as witnesses disappear and memories dim.

The accused, when arrested, may lose his job. His family faces great hardship. Reputations are tarnished. Often this adds to already fat welfare rolls, for the defendant's family must eat. Those who cannot make bail may sit in jail longer than a judge would sentence them for the crime. This is the city picture in some states.

Delays also occur in rural areas where judges are not sitting full time and courts operate on the old "term" system. This is as true in Massachusetts or Kansas as in South Carolina or Georgia.

REASONS FOR DELAY

Since most state courts use the same judge to try criminal and civil cases, reasons for delay in both divisions can be combined as follows.

1. Acute shortage of judges

While populations mushroom in urban areas, many courts operate with about the same number of men on the bench as they did two or three decades ago.

In Cuyahoga County, Ohio (Cleveland), "We have 24 judges for 1.8 million people. We ought to have 32," says Judge Lybarger.

Minneapolis, in a county with a population of 900,000 and with 16 full-time judges, needs 4 more, officials report. The same officials also want several retired judges working part-time to clean up the backlog. Neighboring St. Paul, in a slightly less-populated county, needs three judges to boost the total of full-time judges to 13 in order to stay even.

Boston is operating with fewer judges than a generation ago because many of them are transferred out of the city to meet the huge growth of court business in other Massachusetts counties, says G. Joseph Tauro, chief justice of the Superior Court. Yet crime in Suffolk County has increased more than 50 percent in the past 10 years, the civil load is up, and the need for more judges is acute.

2. Too few courtrooms

"We need more judges, but even if we get them we don't have any place to put them," says Judge Prendergast of Baltimore. "Our courthouse is jammed, we have no way to expand, and so the only answer is a new building."

"We are reduced to using what resembles City Hall's converted closet space—both clothes and water," asserts Philadelphia's Judge Lavin. "And while a few decent rooms are on the planning board, these will only meet present and long-overdue needs, not tomorrow's."

The report of the Citizen's Conference on the Administration of Justice in Hawaii states: "Physical facilities throughout the [court] system are woefully inadequate."

I found similar complaints in more than 30 other states.

3. Lazy judges

While many judges work in their chambers before taking the bench in the morning, during the noon hour, or in the afternoon, hundreds of judges average a 25- or 30-hour work week. This in spite of the backlog.

Tradition is one excuse. Judges keep short hours because "that's the way it's always been done." Others assert that a judge's job is so demanding that it would be unfair to expect them to work longer (to which still others reply: "Hogwash").

In Chicago, the city with the biggest civil backlog, this reporter has checked all 114 courtrooms in the new Civic Center several times.

On a typical day he found judges on the bench in only 11 of the 114 courtrooms between 9:30 and 10 a.m.; 58 of the 114 benches filled between 10 a.m. and 10:30 a.m.; 45 judges sitting between 10:30 and 11 a.m.; and the same number between 11 and 11:30 a.m. Between 2:30 and 3 p.m. there were only 34 of the 114 benches with judges sitting.

And while almost every other chief judge in the nation helps reduce backlog by hearing cases or handling the court calendar, Chief Judge Boyle functions as a full-time administrator.

A veteran Chicago court observer, who says "Cook County courts are 100 times better than they were," asserts Judge Boyle has his hands full "knocking heads, taking care of political matters, and acting as a buffer between the politicians and the prima donnas on the bench."

Some Chicago judges should be praised. One this reporter always found hard at work is Judge Harold G. Ward, who heads the law division.

"He works from 8:30 to 5:30. You can find him anytime," agrees Mr. Dooley, a

lawyer with plenty of business in Judge Ward's court.

Among the nation's conscientious pace setters:

Judges in Los Angeles arrive between 8 and 8:30 a.m., reach the bench promptly at 9, take a 10-minute recess in the morning, lunch from 12 to 1 or 1:30, and quit between 4:15 and 4:30.

New Jersey judges start at 9:30, lunch from 1 to 2, and adjourn at 4, with 10-minute recesses in the morning and afternoon. Hours are stringently regulated by the New Jersey Supreme Court. Assignment (administrative) judges are the busiest. They start by 8:30 and seldom leave before 5.

In most districts judges pick their own working hours, and there is no one to keep tabs on them. New Jersey is one exception. There are others. In some cities judges work out a gentleman's agreement on hours. Some rural judges, often for lack of business, work only four or five days a month, while in the cities judges fight backlogs.

Howard Kline, senior judge in Wichita, Kans., says his court has a backlog ranging from four months to 2½ years. Each judge is given the same number of cases, keeps his own docket, and proceeds at his own speed—without outside supervision. Pressed for a reason for the wide variation there, he says:

"Some judges know how to operate their docket and others don't. And I guess if you get right down to it, there may be some lazy judges."

In every state visited this reporter saw a few judges working long hours to keep dockets current. Sometimes they were doing it just to keep other judges afloat.

Most judges still take long vacations. During the summer months many courts shut down.

Cleveland closes down in August. Pittsburg judges take two months off during the summer. So do Memphis judges, says Judge John J. Wilson, but "somebody is always around for emergencies."

Long vacations date to the day when courthouses weren't air conditioned. Many still aren't. Judges who take most of the summer off argue that witnesses, jurors, and lawyers are often hard to find.

Yet times are changing.

In Massachusetts Superior Court the recess during the last week of March was eliminated this year by Chief Justice G. Joseph Tauro. He says judges are ready to sit all summer to expedite criminal matters.

Rhode Island's Superior Court Presiding Justice, John E. Mullen, has asked the Legislature to pass an amendment that would provide a summer docket so that criminal trials can be held during the traditional layoff. This, he says, would eliminate excessive delay for those held in jail.

Judge Joseph G. Jeppson of Salt Lake City says his judges only get "two weeks for sure, and three weeks maximum," depending on court business. Their civil backlog is less than a year.

4. Dilatory lawyers

Much of the court delay can be blamed on lawyers. This is true in both criminal and civil courts.

One problem is a critical shortage of competent attorneys, especially those who will take criminal cases. The report of the President's Commission on Law Enforcement and the Administration of Justice, puts it this way:

"Criminal defendants can pay only a small fee. . . . Criminal lawyers are bound to spend much of their working lives in overcrowded, physically unpleasant courts, dealing with people who have committed questionable acts. . . . In nearly every large city a private defense bar of low legal and dubious ethical quality can be found. . . . The public image of the criminal lawyer is a serious obstacle to the attraction of young, able lawyers and reputable and seasoned practitioners. . . ."

While civil-practice lawyers have much more going for them, only a handful enter courtrooms in most cities. (And for that reason, like most citizens, they often have little idea of what really is going on.)

Out of thousands of Chicago lawyers, 36 handle the bulk of auto-accident cases. Each firm has from 300 to 1,000 cases pending today, according to court officials.

"In Cleveland, 55 lawyers try 82.3 percent of all cases," says Judge Lybarger. "And we have a bar of about 3,000."

The story is the same across the nation. Lawyers who take trial work find it extremely lucrative. Many grab every case that walks in the door. Some even solicit business. But they simply do not have enough days in the week to go to court. Sometimes they forget they have cases pending. They frequently ask for continuances or delay justice by being tied up in another courtroom, perhaps in federal court, when their case is called.

"When a trial lawyer has too many cases he tells the judge, 'I'm too busy to come to court,'" says Henry Ellenbogen, senior judge in the Pittsburgh Common Pleas Court. "So the lawyer on the other side twiddles his thumbs."

The system of justice is, in itself, a cause of delay.

Lawyers battle it out in court, and as one judge succinctly puts it: "Neither wants to see justice done. Each wants to win." In civil cases they are urged to settle out of court. So lawyers waste time trying to outbluff each other. The attorney for the plaintiff holds out for every cent he can get. The insurance company lawyer tries to bring the plaintiff's price down.

Some defense attorneys even use the backlog as a lever.

"A few say 'settle for what we offer, or wait six years,'" says Chicago attorney Dooley. "It's a lousy choice. Someday they'll learn that those who can wait it out will get two or three times what they would if they settled without the delay."

In Cook County 95 percent of the cases are settled out of court before a jury reaches a verdict, says Judge Boyle. Plaintiffs' lawyers use the jury as a big stick to get insurance companies to pay off, thus the lawyers function largely as collection agents, using the courts as a tool.

Criminal lawyers across the country admit that they try to delay justice if they have a tough case, hoping that witnesses will forget or change their minds. They believe they have nothing to lose and everything to gain, since their client will probably go to jail anyway.

But strong judges can resolve the backlog.

"If the judge really wants to do it he can clear the dockets," says Warren Burnett, of Odessa, Texas, one of the busiest lawyers in the Southwest. "All he has to do is make a courtroom available and tell the lawyer to be there. Then he runs that lawyer's cases through like boxcars, and you settle or go to trial as fast as they roll by."

Mr. Burnett knows, for as head of a small firm with some 2,000 cases pending, it has happened to him.

Judge Boyle asserts some Chicago lawyers slow down the pace in November and December because they have made so much money by then the fees "all go to the government." (Civil lawyers usually take a 25 to 50 percent cut of the settlement.)

5. "Expert witnesses"

The use of "expert witnesses" like doctors and psychiatrists leads to problems of delay. Each lawyer, in trying to knock down the opposition's case, produces his own experts, who testify at length.

These experts are often hard to get to court because they are busy professionally. So lawyers ask for delays to accommodate them.

6. Lax legislatures

State legislatures too often refuse to face the problems of the courts. Often they do not provide enough judges or funds.

In Illinois, where a new judicial article was recently passed, there is still a law that requires court docket books to be written and bound by hand, even though Cook County has rented a computer that could produce the information in minutes.

Los Angeles, while generally ahead of the nation in court administration, is blocked by archaic laws and the state constitution from making additional improvements, says Andrew L. Schultz, executive assistant court administrator.

Most states also lack legislation governing the forward progress of cases.

Michigan judges can throw a civil case out if it isn't making headway.

In New York City and Philadelphia, criminal defendants are brought in for hearings 24 hours a day. Pittsburgh operates one courtroom till after midnight. Several states have laws limiting the time a man can be held without starting him through the trial process.

7. Inefficient methods

Nearly every state requires criminal cases to proceed through the system at a "reasonable" speed. But each judge and prosecutor may have his own theory on what "reasonable" means.

The courts themselves often refuse to try modern business techniques.

Each year a few more hire court administrators so judges can be free of paperwork and other mundane activities. Richard E. Klein has been working as court administrator in St. Paul, Minn., since January, while Minneapolis has had an administrator for a year.

Judge Jeppson, in Salt Lake City, says the State Legislature has just provided for an administrator. The new law goes into effect June 1.

I found Seattle's administrator, Robert C. Wetherholt, deep in paperwork. Until February he wore a second hat, handling noncontested matters too. In April he was still trying to clean up the backlog.

8. "Cats and dogs" cases

Wholesale filing of what some judges call "cats and dogs" cases.

These end up with a verdict of only a few hundred dollars, or at most a few thousand, and cost courts a great deal of time and money. Pittsburgh's Judge Ruggero J. Aldisert has studied the problem, and in his county "72 percent of all settlements and verdicts are under $5,000."

Nationally, thousands of plaintiffs ask for sizable sums and settle for a fraction—sometimes less than $1,000.

Not only are settlements small. Often the area of disagreement between the plaintiff and defendant is relatively narrow, Judge Aldisert adds.

"If a trial lasts four days, then, depending upon what formula you use, it costs the taxpayers between $1,800 and $2,400 for a jury trial," he asserts. "If the parties are only $500 or $1,000 apart in a $5,000 or $10,000 case why should the taxpayers pay $1,800 to settle this difference?"

Criminal court judges also complain about the filing of "cheap" cases, while those involving serious crimes and with good evidence against the defendant are held up. In too many instances the prosecutor is too busy to screen cases, or wants the judge to take the blame for throwing them out.

SOLUTIONS OFFERED

There are, of coure, other reasons for delay. Many solutions are being offered. In addition to more judges and courtrooms, and longer working hours for judges, they include the following (to be expanded upon in detail in future reports):

A strong chief judge who can make assignments, set working hours and make them stick, and keep judicial business flowing. He should have a good business-oriented court administrator.

Team spirit in the courts. "We have perfect cooperation of judges," says Judge John W. Wilson, of Memphis, where the backlog is one of the lowest in the country. "Say I have three suits on my docket when I open court at 10 a.m. and they all announce settled. I don't leave the courthouse, although I could. I go to the other judges to see if they have any cases I can take."

The use of certificates of readiness. Before a trial date is set, lawyers must sign a statement that they are ready for court.

Computers and other electronic equipment for record keeping and other judicial administration requirements.

Liberal transfer or assignment policy. In some states a judge is sent where he is needed. A rural judge may well spend part of his time in the city.

Arbitration. In Pittsburgh three-lawyer arbitration panels hear minor civil cases with excellent results, often handling six cases per panel per day.

The six-man jury and split verdicts in civil cases. Some lawyers feel a smaller jury works as well as the large one and that a 9–3 or even 7–5 jury verdict in civil cases is better than the normal 12–0 vote.

Much has been said about pretrial, and nearly every court in the nation is using some form of it or has tried it to clarify issues, find areas of agreement, and settle civil cases. In San Francisco Judge Charles S. Peery, with the help of an appointed commissioner, pretries 40 to 50 cases a week—two every half hour. Yet some judges call it a waste of time.

CRISIS ADMITTED

In auto-accident cases there are several suggestions. Judge Alexander P. Waugh of Morristown, N.J., notes these: (a) a system similar to workmen's compensation (b), recovery on your own insurance policy (c), abolition of the jury trial (d), court costs' being paid by one or both of the parties in the suit, rather than by the taxpayers.

While judges, lawyers, and concerned laymen are divided on solutions and will even argue over which court problems are most pressing, few deny that a crisis exists.

It is easy to file a civil suit. Thousands of people go to court for the first time every month—either as plaintiff or defendant. But for many, justice grinds slowly—sometimes to no avail because it grinds too late.

Many in the legal profession agree that laymen will indeed "take over" unless the profession acts to speed up the wheels of justice.

But whether reform comes from within or from outside the ranks of the legal profession is perhaps of less importance to concerned citizens than that it come. And there is hope that it will.

Says Maurice Rosenberg, professor of law at Columbia University, "The problem of delay may be old, but it is by no means obsolescent; it is complex but not insoluble; it is stubborn but not hopeless. . . ."

JUGGLED JUSTICE IN MINOR COURTS

(By Howard James)

(NOTE.—Every year millions of Americans go to court. Ninety percent of those who do, get their first taste of justice in one of 15,000 minor courts. These date back to frontier days when justices of the peace settled arguments on the spot. Here is a report on why the minor-court system no longer meets today's needs, plus ideas for improvement.)

She was a pretty girl from Wisconsin. Attractively dressed, she sat with the more scraggly prisoners on the platform and stared at her hands. Only once did she let her eyes meet those of her fiancé in the crowd below.

Coming to Philadelphia a few months before to be near him, she was working while he finished college—saving what she could for their marriage.

Now she was in Philadelphia's night court, charged with shoplifting.

When her name was finally called, she walked weakly down the steps and stood, white-faced, before the bench. A department-store clerk said the girl tried to steal a sweater.

In less than five minutes the magistrate found her guilty. Given the choice of paying a $25 fine and $2.50 costs or spending 10 days in jail, she let her fiancé pay the fine. Her conviction was entered in the record book.

OLD MAN RECOGNIZED

A few minutes later a dirty old man with bagging pants and a three-day beard stood before the magistrate, charged with stealing 14 pairs of ladies hose. The magistrate grinned, recognizing him as a resident of a flophouse in his district.

"Didn't all 148 of you [residents of the flophouse] vote against me?" the magistrate asked, half joking.

"No, no, no, your honor, we all voted for you," the old man whined. "I'm begging you to give me a break. I'm begging you."

The magistrate grinned again and let the man go.

FLAWS DETECTED

This, then, is an example of justice in a typical American minor court.

On the two nights I visited this court, the magistrate, his clerk, a deputy district attorney, a stenographer, a deputy public defender, and two police officers smoked. This despite large signs tacked to the bench reading: "No Smoking."

One man, waiting for hours for a case to be called, asked if he, too, could smoke. The cheroot-puffing assistant district attorney told him no—only court personnel could "ignore the law."

As this reporter traveled across the nation looking at the state courts, these events in Philadelphia became symbolic of flaws most clearly seen in the minor courts and sometimes present in the higher trial courts as well.

Through friendship, political station, and sometimes bribery (although this point was not an issue on this night in Philadelphia), Americans have established a curiously privileged class of citizens—a group of people who stand above or beyond the law, almost as used to be the case with the rich and the royal.

The President's Commission on Law Enforcement and Administration of Justice expressed concern in its recent report over the widespread inequities it found in the American system of justice and stated the over-all problem clearly:

"The commission has been shocked by what it has seen in some lower courts. It has seen cramped and noisy courtrooms, undignified and perfunctory procedures, and badly trained personnel. It has seen dedicated people who are frustrated by huge case loads, by the lack of opportunity to examine cases carefully, and by the impossibility of devising constructive solutions to the problems of offenders. It has seen assembly-line justice."

And this is what I saw in Philadelphia and in too many other cities across the nation.

MAGISTRATE NOT A LAWYER

The Philadelphia magistrate I watched in action is not a lawyer. Like thousands of other minor-court magistrates, he became a judge of his fellow men by running for office and winning.

Day after day he dispenses justice like an Army mess sergeant dishing out boiled potatoes and meatloaf.

Only 30 states keep court statistics, and too often these do not include minor courts.

Though there is little accurate information available, it is estimated that every year some 35 million Americans come in contact with these so-called minor courts. Some, of course, are repeaters. Most—between 20 and 30 million—are charged with traffic offenses.

The President's commission found that in 1965 more than 2 million Americans entered prison, juvenile training schools, or were placed on probation. How many others were fined (like the Philadelphia girl), jailed briefly, or "given a break" is nearly beyond comprehension.

The majority get their first taste of American justice from more than 10,000 judges who are laymen or who work part-time. The rest appear before the roughly 5,000 better qualified lawyer-judges who preside over slightly higher-level minor courts.

Minor courts vary widely in name. The largest number are still known as justice-of-the-peace courts, a carryover from early England. Other titles include magistrate, municipal judge, city judge, police court judge, district judge (in some New England states), common-pleas judge (which may also be the name of the highest trial court, depending upon the state), and county judge.

Their duties are equally diverse.

MISDEMEANORS COMMONEST

In most states minor courts have jurisdiction over misdemeanors—the legal term for minor offenses like public drunkenness, vagrancy, shoplifting, and violations of local ordinances. The National Council on Crime and Delinquency reports nine-tenths of all American crime falls into the misdemeanor category.

Fines vary from state to state and sometimes from court to court. Most are limited to $200 or $300—at the top $1,000. Most minor courts can sentence from 30 to 60 days in jail—some up to one year. In those where the minor courts have been upgraded into district courts with lawyer-judges, fines and sentences can be considerably higher.

County courts in Wisconsin, for example, have had their jurisdiction enlarged so that they can hear the cases traditionally handled by the circuit courts—except for treason. The Milwaukee area is an exception. Here only crimes punishable by a year or less in prison or by fines under $1,000 can be heard.

Again, depending upon the state, minor courts also may hear minor civil matters. Sometimes, as in South Carolina, the top limit is a few hundred dollars. In Kansas minor courts have civil jurisdiction in cases up to $1,000, and occasionally as high as $2,500—depending upon the county. The variation in Missouri is from $1,000 to $2,000. The cut-off in South Dakota municipal courts is $500, with $1,000 tops in county courts there.

DUTIES OFTEN DIVERSE

Minor courts also hear most or all traffic cases, and sometimes probate, juvenile, divorce, and other family matters.

In addition to this they perform marriages, issue criminal warrants, and often set bail for all crimes, including murder.

Most can cite citizens for contempt of court. In Kansas a justice of the peace can send you to jail for 10 days for contempt. In Louisiana the limit is $10 or 24 hours. Montana and Nevada limit contempt penalties to $100 or one day. The same is true of Utah, South Dakota, and Idaho. Some states, like Alabama, limit the penalty to $6 or 6 hours or similar short periods.

At last count, 32 states let their minor-court justices and judges earn all or part of their keep by collecting fees in criminal cases. This is a horrible system that can lead to finding nearly everyone guilty and heaping on costs to make a profit; for the magistrate's cut is often tied to the size of the fee.

More progressive states have replaced the fee system with a salary. And some states pay justices a fee when cases are dismissed.

The President's commission found that in at least three states, justices of the peace are paid only if they convict and collect a fee from the defendant—a practice held uncon-

stitutional by the Supreme Court 40 years ago.

Thousands of minor-court judges work only part time. In New Hampshire, only one among 73 district and municipal judges is full time. Of the 73, 34 are laymen, according to Frank R. Kenison, Chief Justice of the New Hampshire Supreme Court.

In Pendleton, S.C., Justice J. W. Holliday is a retired schoolteacher who sits on the bench a few hours each day handling "fines and forfeits."

"I never run out of family troubles," he said, as we sat on his front porch one evening, chatting.

JURY TRIALS HELD

Now and again he is called on to hold a jury trial. When he does, he usually finds himself serving as prosecutor as well as judge. And he gives the six-man jury a chance to "ask a few questions too, so they get enough facts" to make a decision.

Minor-court record keeping checked by this reporter in a national tour would make most business executives shed bitter tears. In Pennsylvania, where every hamlet and crossroads has it own JP, there are between 4,000 and 5,000 minor court judges. William W. Litke, former president of the Pennsylvania Bar Association, has said:

"Only the accounts showing fines transmitted to local and state governments and costs for handling criminal cases which are reimbursed by the county are audited. This leaves a large volume of criminal, as well as noncriminal, transactions unaudited.

"Moreover, responsibility for auditing is divided among state, county, and local officials. Often the auditing is performed by elected or appointed personnel who lack professional training and who are not aloof from political considerations."

Two years ago, when Illinois court reform abolished the lowest level of courts, revenue collected by the courts soared. Cook County suburbs are taking in so much now that they are building new courthouses, says one state official. He wonders aloud about where the money was going before.

PUBLIC KNOWLEDGE SCANTY

But at least 40 states still permit badly flawed minor court systems to operate. And this system of justice is supported—if only through permissive silence—by the American people.

Actually few know what goes on in the minor courts. Few lawyers practice there. The average citizen may appear once or twice in a lifetime to face speeding charges or some other minor offense. His stay is brief—perhaps a few hours in city courts or five minutes or less in rural areas where the workload is low. And he has little or no way of evaluating what happens, except that he may be rather angry about his personal experience.

Lawyers who do practice in the lower courts are often struggling to keep meat on the table. In several cities I saw them waiting for cases like hungry alley cats. This because tidbits are thrown to them:

Many lower-court judges in the United States get first crack at serious (felony) offenses. They hold preliminary hearings to see if police have enough evidence to establish probable cause to bind over a case to a higher court or the grand jury.

In an old, dirty courtroom in Oklahoma City, defendants charged with felonies often appeared without lawyers the day I sat in. If the accused agreed, the judge assigned an attorney to them—one of several hanging around the office.

HEARINGS RUSHED THROUGH

A brief, whispered conference was held between lawyer and client, the hearing took place, and more often than not the judge found enough evidence to send the client on to higher court.

This practice is widespread. In some cities appointed lawyers, though supposed to work without fee or to be paid by the county, push a client to fork over a wrist watch, television set, auto title, or even a deed to a home before the lawyer will appear on behalf of the defendant. In many cities higher court judges will grant a continuance without a word when a lawyer mentions a code phrase that indicates his client has not yet paid his fee.

By law, minor courts must take on these preliminary hearings. Yet better screening practices by prosecutors could be more effective.

Thousands of minor-court judges who are totally unqualified to decide on the merits of offenses simply move all their cases along to a higher court, according to many lawyers and judges interviewed.

WASTE OF TIME

Thus a preliminary hearing can often be a waste of time and tax money. Many defendants waive these hearings in states where this is permitted. Lawyers sometimes use them to discover what kind of evidence the police have against a client.

The lack of screening results in overloading higher courts with petty cases.

"To clog up criminal courts with 20,000 cases, 12,000 of which could be thrown out or handled by a [competent] magistrate, is ridiculous," says Adrian Bonnelly, president judge in Philadelphia's intermediate County Court.

Most of the nation's minor courts have little or no supervision from outside—certainly less than the 3,700 judges sitting in the highest state trial courts.

In the areas visited by this writer perhaps fewer than half of the higher trial courts have judges that can be classified as "good." On this basis, since roughly two-thirds of the 15,000 or more minor-court judges are not lawyers, and since pay for lawyer-judges in the minor courts is usually low, with many working only part-time, perhaps only 1 in 10—if that many—could be considered "competent."

There are exceptions. In some states, including Maine, Colorado, North Carolina, and Illinois, nonlawyer courts have been abolished recently. In these states lawyers can sometimes work up through the system like college instructors moving up to associate and then full professorships.

Even this can cause shortcomings, says Milton G. Rector, director of the National Council on Crime and Delinquency in New York.

"Once a minor-court judge shows that he is capable, he is appointed to a higher court," Mr. Rector says. "This means we siphon off the best judges in courts that handle 90 percent of the people. The answer is to upgrade these lower courts."

Reform is already in the sprinkle stage, and there is hope it will soon grow into a downpour on what hs been a thirsty desert.

How many cases are "fixed" by minor-court judges?

No one in the United States has any idea. But most states have a fixing scandal every few years—usually in areas where there is an aggressive newspaper to keep watch.

CHICAGO SCANDALS FREQUENT

Chicago's traffic court has been rocked by scandal constantly. The most recent shakeup came early this year. Four magistrates were fired and 13 others transferred. This despite the fact the Illinois court system was reorganized two years ago and the traffic courts have been under the supervision of the chief judge of the circuit court since then.

Maine prides itself on having a first-rate judiciary. In 1961 it began replacing part-time trial and municipal justices with district judges. When Paul A. MacDonald, a former secretary of state, took the bench he found one magistrate in his district had 116 cases "pending." Since they were beyond the legal time limit, all had to be dismissed.

"The fellow was a lawyer, and I suppose he put these away as a favor to fellow lawyers," Judge MacDonald says. "The old system wasn't much different than in states where judges run for office and have to collect campaign funds from attorneys and friends. It was all political."

Now Judge MacDonald, who is appointed, can do his job without caring "whether I hurt somebody's feelings or not."

Many minor-court judges are pushed around by prosecutors and police. This is partly because of their lack of knowledge of the law and partly because prosecutors and police will take their cases elsewhere if, in their eyes, a magistrate is "soft" toward defendants.

RETIREE EARNS $360 MONTHLY

In Seminole, Texas, a small town not far from the New Mexico border, Judge Jim Vining, a retired oil field driller and newsstand operator, collects $360 a month to dispense justice.

Often, he says, when "a drunk says he is not guilty" he is thrown in jail "for two or three days" until he changes his mind, pleads guilty, and pays his fine. Sometimes sheriff's deputies put on stronger pressure.

The day I visited Seminole, a man had been released from jail when his employer paid his $50 fine and costs.

He was arrested by the Texas State Highway Patrol. Officers had found a car stopped along a barren stretch of highway. The man was standing alongside, relieving himself. He was arrested and jailed, then brought before Judge Vining by a deputy sheriff who had no connection with the arrest.

"They told the man he better plead guilty to drunk and vagrancy or they'd get him for indecent exposure," Judge Vining told me. Later the sheriff admitted this was a fairly common practice.

Drunks fill minor court dockets. In nearly every large city justice is performed in rapid-fire fashion.

San Francisco Municipal Judge Joseph Kennedy, a lawyer who expressed as much compassion and dignity as time would allow, had them file into his courtroom two dozen at a time on a Monday morning I was there.

MEN RUSHED INTO LINE

Even before he reached the bench, you could hear the cell doors clanging and the jailers shouting names so the men could line up.

Each group of 24 filed out behind a large steel-pipe barrier. There Judge Kennedy advised them of the charge against them and of their rights. One after another they pleaded guilty. Each had roughly 30 seconds before the judge, and most were given 30-day suspended sentences. Some were encouraged to leave town.

One frequent visitor was told he was being sentenced to 15 days to "break the cycle." A few younger men were allowed to go to the "AA school so you can learn the evils of this problem." Several told Judge Kennedy they had been out "only an hour" before they were picked up again, to which Judge Kennedy replied: "That isn't our fault, is it?"

In 53 minutes he processed more than 140 men.

In Indianapolis the scene was the same—as it is in most large cities. Judge Harry F. Zaklan often recognized defendants.

"Ernie, you back again?" he would ask. Or, "Joe, you've been picked up 150 times. It's still cold out. For your own good I'm going to send you up until it gets warmer outside."

RURAL JUDGES OFTEN TOUGHER

In rural areas I found judges tougher—socking drunks with $25 or $50 fines and long jail stretches.

At best, minor courts are unpleasant

places. At worst they are bad beyond belief. The county criminal court in Louisville, Ky., was packed and noisy. Although I sat near the front I found it difficult to hear court business—until a young woman who was picked up in a bar charged a young man with attempted rape. Suddenly everybody was listening.

The Louisville criminal-court judge was sarcastic with nearly everyone who appeared before him. He embarrassed a long-haired youth from a home for boys who was brought in by the prosecutor to testify for the state in a case.

"Whatta they do for you out there (at the home)?" the judge asked, "just let you sit around all day and talk and let your hair grow?"

SOME FIND BIG PROFITS

Many minor-court judges are retired men who take the low-paying jobs to pad out social-security checks. But others find these jobs extremely profitable.

Justice Jack Treadway is a lawyer in Houston. I asked him how he could afford to take such a low-paying job.

"I perform 2,000 marriages a year," he explained. "My minimum fee is $10, and it goes up to $35 or $50."

Yet down the hall the office of another justice was empty. He continues to draw his $12,000 salary as a justice of the peace, although court officials say he has been "bed-ridden for two years."

Judge Treadway says that nonlawyers are not qualified for justice-of-the-peace posts in Harris County and that only two out of nine JPs are lawyers.

Justice Treadway also notes the importance of screening cases.

"I dismiss at least 25 percent of all cases that come before me for lack of evidence" he says. (Yet by conservative estimate, the national average must be closer to 2.5 percent thrown out of minor courts.)

COURTS RUN INDEPENDENTLY

As in the higher courts, seldom is there communication between justices.

In Mr. Vining's court in Seminole he fines offenders $18.50 for running a stop sign; $20 for a red light. A habitual drunk pays $200 and usually serves a long jail sentence instead—"so we get rid of him."

A block down the street Mrs. Loraine Basham, a housewife and grandmother, presides over the city court from 9 a.m. to 12, and from 3 to 5 p.m.—all for a $250 a month salary, compared with Mr. Vining's $360.

"I handle everything the city police bring in—mostly drunks and disturbances and traffic cases," she says.

Her fine for running a stop sign: $5. Red lights cost violators $10. And drunks pay $25 for the first offense, $50 for the second, and $100 for the third.

TRAFFIC VIOLATIONS BY THE MILLIONS

Most Americans—over 20 million a year—learn about minor courts through traffic violations. (Another 10 million pay fines without appearing before a judge.)

In Los Angeles one Thursday evening I watched 754 people processed in less than three hours by three judges. Less than 8 percent plead not guilty, says Judge Thomas C. Murphy, who sits at the hub of this three-courtroom setup and dispenses justice with a light touch that keeps people from getting angry. He includes a "20-minute talk" every hour so defendants will understand their rights and how the court operates. Most plead guilty "with an explanation."

He even invites parents to let their children sit with him on the bench—if they promise to "take them when they go home." And adds: "You can even burn your driver's license in protest on the front steps."

Hundreds of communities, large and small, use traffic tickets to raise funds—ignoring what experts say is the primary reason for traffic court: to promote driving safety.

COSTS CAN RUN HIGH

In Indianapolis I was surprised to hear Judge John C. Christ handing down fines of $1 or $1.25 and costs. That is, until I learned costs vary from $7.25 to $17.25, with the money going to the city general fund, to the state, and to state and county prosecutors.

Much of the $2.5 million yearly revenue (including parking revenue) produced by a one-judge court in Seattle goes into the general fund, says Judge Vernon W. Towne. "Our practices here are no different from any other city, and it bothers me when we are merely considered a revenue-producing court."

Most traffic courts tend to encourage defendants to plead guilty—although in several states they may request jury trials.

The 8 percent pleading not guilty in Los Angeles must come back another day—perhaps missing work and losing more money than the cost of the ticket. Anyone who has spent time around traffic courts has heard citizens complain that they are not guilty but will pay the fine anyway to save time and money.

MILLIONS MAY BE LOST

And there is little possibility of keeping track of money that is never turned in to the state or county by the minor courts—especially in rural areas. Millions may be lost this way each year.

Last year Philadelphia's traffic court reportedly lost $30,000.

In Pittsburgh, Chief Magistrate Ernest C. Jones has been using IBM equipment for "eight or nine years," along with professional accounting procedures.

When he took over, tickets were "stacked around in boxes and bushel baskets." He cleaned up a 200,000-ticket backlog and has a Better Traffic Committee working with citizens groups. To make sure all are properly treated and that no money disappears, other safeguards are used. The cash is balanced every day and deposited in a bank. The city is paid by check, and he can listen in on people dealing with the public by punching a button in his office.

Part of the problem with traffic offenses: Everybody who drives a car commits one or more violations almost every time he takes it out of the garage. So he hardly classifies the offense with other "crimes," although the law in most states does. Only a minute fraction of all violations are ticketed.

DIGNITY OFTEN LACKING

While many justices run honest courts, a judicial setting is lacking. In Loving, New Mexico, Justice L. C. Burkham runs a gas station. Sometimes when police bring in a speeder or other offender, he wipes the grease off his hands and holds court right there.

Others still hold court in their homes. Some motorists tell of a farmer who dispenses justice from a tractor, or from the back of the barn, where he is doing chores.

This writer's study of the courts suggests a need for the following changes:

Training in the law—and preferably a law degree—for traffic-court judges.

Pay adequate to attract high-caliber judges.

Abolition of the fee system.

Strong lawyer-judges for small-claims courts—as is the case in Los Angeles—to help resolve civil problems.

An arbitration system—as found in Pittsburgh, where three-lawyer panels resolve disputes over minor money matters.

Diversion of divorce, juvenile, and other family matters to higher courts, where specially trained judges are backstopped with proper facilities and staff to resolve these problems.

The most drastic solution offered is to follow the lead of those states that have simply done away with minor courts.

"Study commissions have pointed out the scandal of the lower criminal courts for over a century," the President's commission explains. "More than 30 years ago the Wickersham Commission concluded that the best solution to the problem would be the abolition of these courts. The commission agrees."

Mr. DIRKSEN. Mr. President, I ask unanimous consent that I may be permitted to continue for an additional 10 minutes.

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

ONE MAN, ONE VOTE

Mr. DIRKSEN. Mr. President, when in 1964, the Supreme Court of the United States handed down its one-man, one-vote decision in the Reynolds against Sims case, the decision had far greater significance than the principle of one man, one vote.

What it said, in effect, was that the people of a State had no power to determine the composition of one branch of its legislature. What it said was that under the 14th amendment to the U.S. Constitution providing equal protection of the laws, the States were powerless in providing for what they deemed to be fair representation to all parties, all interests, all activities in a State. What it said was that despite the 10th article of amendment to the Constitution which reserves to the States all powers not delegated to the United States or denied to the States, the people of those same States had no power over their own law-making bodies. It is not surprising that long ago Justice Frankfurter said this was a political thicket in which the Supreme Court had no business. If the effects of this decision are not remedied, it can only mean that elected bodies from political subdivisions of the State, such as school, park, county, sanitary, and other boards created under the enabling powers of the State, must be subjected to the same rule, regardless of the inequities which might be involved. Thus, the decision spreads its mischief on and on like Tennyson's brook.

This contention does not deny for one moment that any State may apply the one-man, one-vote principle to both branches of its legislature if it so desires. The fact to be underscored here is that it is brought about by State and not by Federal action.

Those who see in the decision of the High Court a further march of Federal power and an impairment of the perfect union have sought to undo this patent damage to our constitutional system by offering a proposal to amend the Constitution of the United States which would restore this power to the people of the State. That proposal called for a return to the principles set forth in the Constitution by its framers and for a reaffirmation of faith in the people. It sought neither more nor less than to give meaning and purpose to the phrase "government by the people," even as Lincoln used it at Gettysburg.

The effort to bring this about commanded a clear and substantial majority in the U.S. Senate, but it was seven votes short of the required two-thirds.

While this endeavor was in progress, still another move was underway to bring about the convening of a Constitu-

tional Convention as provided in article V of the Constitution. Such a Convention would have one, and only one purpose and that was to deal with this question of legislative apportionment. A substantial number of States has already enacted applications as provided in article V, addressed to Congress to call such a Convention. At long last, 32 States have filed such applications. It requires two more, or 34, to achieve this end. The effort is now underway to obtain applications from two more States.

Meanwhile, fainthearted, fearful individuals and organizations with small faith in the people have urged some of the States to rescind the action they have taken. Thus far, no State has rescinded.

Like ostriches, they hide their heads in the sand and close their eyes to the surging vitality of the Constitution. It is a living document today because it has been amended by the people to take into consideration the dynamic forward movement of this great Nation. It has been amended before to provide us with the Bill of Rights, abolition of slavery, the right to vote to women, enforcement of prohibition, the repeal of prohibition, and we have even done a better job on presidential succession.

These individuals and groups who are in opposition to a convention are seemingly devoid of any faith in the process of democracy and the capacity of the people to render judgment in a crisis of this character and magnitude. They will continue their efforts, and the time is at hand to summon the power of the people to protect and preserve the principle that this is still a Government of, for, and by the people.

The undisputed fact is that federalism is on the march. The steady growth of centralized power in Washington, far removed from the people, will jeopardize their freedom. By means of grants-in-aid and other devices, States have been steadily lured for the sake of these handouts to agree to the tags, conditions, qualifications and requirements which the Federal Government attaches to the funds made available to the States. In this wise States are compelled to impose additional burdens of taxes on their people to take advantage of this allegedly free money. The lure is great, the danger is even greater, and the ultimate end is a centralized, all-powerful, leviathan Federal Government, clothed with power to convert citizens into subjects, and gradually shear away the freedoms they once knew.

What gives added moment and importance to this issue is something that came to my attention only recently; namely, certain studies—special studies, in fact—that have been made for the study of democratic institutions. We ought to incline our eyes and ears a moment and just give attention to a few of the conclusions that these special studies dish out.

> The complexity of social structures will make some form of regimentation unavoidable . . . Freedom and privacy may come to constitute anti-social luxuries.

I never expected to read that in print from anybody committed to a special study of democratic institutions. But this goes on:

> In consequence, the type of human beings more likely to prosper will be those willing to accept a regimented and sheltered way of life in a teeming and polluted world from which all wilderness and fantasy will have disappeared.
>
> The autonomy of the individual . . . is doomed to shrink as society becomes even more highly organized. At length, the individual as such will have vanished in the anonymity of the mass.

That is a rather happy thought in a free country.

We had better gather the full impact of these suggestions. Unavoidable regimentation. That is to say, just be a contented cow in a sterile barn, born to eat, produce milk, and wind up in a butcher shop. That is about the only hope I see there.

Freedom and privacy may come to constitute antisocial luxuries. That is to say, to be free and insist on privacy does not comport with the needs of society, and that must be forfeited. And, finally, if you want to be happy under this new idea, accept regimentation, government decrees and orders, and accept the sheltering wing of a paternal government.

That is great stuff, when it is compared to what Jefferson wrote in the Declaration of Independence 191 years ago, because he said:

> Governments are instituted among men, deriving their just powers from the consent of the governed.

Change all that now and let it read, "The governed survive, live, move, and have their being by the tolerance and forbearance of the government."

A noble sentiment. Forget that you are an individual. You are just a fleck, a spot, a digit in the mass. What is good for the mass is good for you.

That sounds like that old cliche: "If it's good for General Motors, it's good for you." Well, now these special students lay out this new doctrine: "If it's good for the mass, it's good for you."

Mind you, you had better hold your tongue. First, a protest would not do you any good; second, you might be punished for being antisocial and wind up in jail.

Is this the ultimate answer to the sacrifice at Argonne Forest, the Bulge, Pusan Road, Hill 881 in Vietnam? Maybe the Revolution was, and we did not know it. Maybe there is no retreat. But with an abiding trust in the good judgment of the American people, it is worth a try to stem the disaster and retrieve what we have already lost.

Whether that centralization comes through the hand of the U.S. Supreme Court or the creative federalism of the executive branch, that is the danger that confronts America today. And when they talk about creative federalism, I guess the shortest definition is: How to spend more money faster than ever before.

CORRECTION OF MOSCOW RADIO

Mr. PEARSON. Mr. President, on May 4 of this year, Moscow radio made some mention to comments that I had made in regard to the Vietnam war, which would indicate that I found totally unacceptable the great goals of this Nation, as to why we are there, and some of the fundamental tenets of foreign policy of this Nation. The report of Moscow radio needs no great comment, except to note the inaccuracies of the account and to make a record of the same.

RUMANIAN NATIONAL INDEPENDENCE DAY—A GLIMMER OF LIGHT

Mr. GRIFFIN. Mr. President, once again the time has come to pay tribute to the people of Rumania and to commemorate their day of national independence.

The one fact that is most obvious to all of us here is that the Rumanians are a people with a deep-rooted spirit of freedom within their national soul and that they have a special revulsion against any form of foreign domination.

In the 19th century, we can read in the pages of European history the story of Rumania's drive toward independence from the Turks.

In the 20th century, we have been witnesses of the same happening: Rumania's drive toward independence from Soviet domination.

When we review the history of Rumania in the early postwar period, we can now see how mistaken many observers were when they assumed that Rumania would remain a subservient satellite of the Soviet Union.

At that time Rumania was brought within the Communist camp, not by any free choice of her peoples, but rather by the treachery of indigenous Communist leaders and by the awful presence of Soviet military power. Within a very short time, Rumania experienced the same program of sovietization as was then simultaneously being applied in the other countries of Eastern Europe. With the forced abdication of King Michael, the Communist regime became totally entrenched, and Rumania formally became a people's democracy with a constitution structured on the Soviet model.

But the Soviets did not take into account the spirit of independence that exists within the Rumanian soul. And for that matter, neither did observers from abroad.

As we look back upon the past two decades, we can now see what was happening. Once Rumania had been organized and restructured according to the norms of Communist ideology, and once the country began to grow stronger economically, the nation itself began to break away from the Soviet bloc and establish a more independent course. This movement began gradually in the early 1960's, but in recent years it has accelerated.

I should like to cite just two recent developments as illustrations: First, in February 1967, Rumania, in defiance of other nations in the Soviet bloc, established full diplomatic relations with West Germany; and second, Rumania conveniently absented itself from the recent conference of Soviet bloc states in Karlovy Vary, Czechoslovakia, where bloc unity was one of many questions under consideration. These are more than symbolic acts of independence.

But we must be wary in speaking of

Rumanian independence from the Soviet Union that we do not confuse this with a movement toward greater internal freedom. This is not the case. To be sure, certain internal concessions have been made to the people. Life is more tolerable. But, the regime continues to assert its total monopoly of state power and shows no signs whatever of permitting a greater share of popular participation in the Government.

In a word, we have witnessed in Rumania the development of national communism; that is, the continuation of the Communist power apparatus, but its exercise of power within an environment that demands that Rumanian national interests must first be served rather than those of the Soviet Union or world communism.

This is a healthy sign. What the next phase of this development will be we do not know. But we have reason to hope for the best when we see a situation where Rumania is breaking away from total unity with the Soviet bloc; where it is moving toward closer relations with the West; and where in general it is charting its destiny in terms of strictly Rumanian national interests.

On this day of national independence for Rumania, let us all express our hope that one day true freedom as well as independence will become a reality for Rumania and its people.

THE VOLUNTEER ARMY

Mr. McGOVERN. Mr. President, in 1940, after peace had been shattered in Europe by the armies of Adolph Hitler, and after the territorial ambitions of Japan's military government threatened the United States in the Pacific, the United States adopted a Selective Service System. It was clear that a large land war was imminent and that it would probably involve this country.

After the war, there was serious debate in the United States on whether or not the draft should be retained. This debate stemmed from the American tradition of a volunteer army and was forcefully voiced by members of the Nation's religious, education, labor, and farm groups. The Navy, joined by the Air Force, took the position that the draft was not necessary, that a volunteer system was more desirable. The Army, on the other hand, insisted that conscription was necessary to retain required force levels. The Army's position was not fully investigated and the argument was not really solved when the Korean war broke out. Circumstance, more than logic, dictated the Universal Military and Service Act which remains almost unchanged at the present time.

After the Korean war, there was no serious attempt to analyze the draft or to look at the alternatives; it simply remained.

During the past year, as you well know, the draft has been the object of harsh, sustained and widespread criticism. This criticism has come from the youth of our country, from educators and from the Congress of the United States. I believe that these criticisms are in considerable part justified.

The problems created by our present system are many, and they are serious.

There are inequities in the current draft, because of its decentralized nature and deferment policies that are absurd. These have been widely discussed and there is no need to belabor them here.

There are very serious legal and moral questions posed by religious or political conscientious objectors that cause much hard feeling toward the services.

The anxiety and uncertainty of who will serve and when he will serve deeply affect our youth and put military service in an unfavorable light. This is compounded by the feeling of compulsion that now exists and that is so against our democratic ideals.

Certainly not least among these problems are the ones forced upon the services themselves by conscription. Among these military problems are the high turnover rate of draftees and their relatively poor attitude. The greatest problem for the Army is its poor image among many draft-age youths.

During World War II, I served as a bomber pilot, and I know that many of you also served. It is all too easy for people of our generation to underestimate or misunderstand the effect of these problems on our young men and women, but we owe it to them, and to ourselves, to solve them.

I have often thought that a volunteer army would solve many of the problems that now exist in a manner that would be of benefit to all.

The whole question of deferments, whether on the basis of education, family situation or profession, would be eliminated by the creation of a volunteer force.

The present inequities and personal hardships that are so widespread would no longer exist and much of the present controversy over military service would be gone, to the benefit of the services as well as to the people as a whole.

By the same token, the questions presented by conscientious objectors would be solved and the present air of compulsion would be removed to the great benefit of everyone concerned.

By its very nature, a volunteer force would eliminate uncertainty. Every young man would be free to choose whether or not he wanted to serve and when he wanted to serve, without the half threat of interruption at a future time.

One of the most important advantages to be gained from an all-volunteer force would be its increased effectiveness resulting from a more stable, more highly trained, more professional body of men. Because of rapid developments in military technology, including complex weapons systems and highly specialized transportation and communications equipment, a high degree of lengthy and expensive training is necessary. This training would be much more effective in a volunteer force because of lower turnover rate and higher percentage of career men.

A closely related advantage would be the higher morale and better psychological attitude of men serving because of the removal of the concept of compulsion tied up with the draft.

These advantages seem to me to be strong reasons for adopting a volunteer army.

Several changes would be required before a volunteer army could be raised and maintained.

First among these changes would be a complete change in the military pay schedule. The present pay of men in the lower enlisted grades is under $100 a month, and this is hardly inducement to enlist. The pay for noncommissioned officers and junior commissioned officers is not competitive with industry and many first enlistment and first tour men leave for this reason.

Another very important change would be the improvement of living quarters for soldiers. Anyone who remembers his days in a barracks or BOQ understands the conditions that exist in many installations.

Improvements should also be made in entertainment and cultural facilities, in retirement benefits and other fringe benefits.

I sincerely believe that these improvements, and the more desirable image of the service due to elimination of the draft, make a volunteer Army more desirable and practical.

It is my opinion that a volunteer army can exist, at required levels, without being augmented by a draft, except in time of war when standby authority for such augmentation would be needed. The President could be given this authority in any emergency situation that could not be met by normal methods. These men would be selected in a completely impartial manner to be set by law.

The report of the National Advisory Committee on Selective Service and the President's message of March 6 reject out of hand the possibility of an all-volunteer force. The Committee's report, without factual material or analysis, states that such a force would be inflexible and too expensive. I do not believe the committee has proved its case. I contend that the monetary savings due to force stability, and the human savings due to elimination of the draft make it economically feasible.

In brief, I believe that a volunteer Army is in the best interests of the people of this country.

I am convinced that there is no practical chance of getting the voluntary system adopted in this Congress, but I continue to believe it is the most desirable system and I believe it would work effectively in practice.

SENATOR SCOTT COSPONSORS ANTIDUMPING LEGISLATION

Mr. SCOTT. Mr. President, once again I am honored to join the distinguished Senator from Indiana [Mr. HARTKE] as the principal coauthor of legislation to amend the Antidumping Act of 1921.

Countless American industries, such as the steel industry in my own Commonwealth of Pennsylvania, and thousands of American workers constantly face the threat of injury from unfair dumping of foreign surplus in American markets. The Antidumping Act was designed to prevent this situation, but its

implementation has proven its ineffectiveness. My bill would tighten the act's provision to make it work properly.

This legislation is not intended to curb trade. Fairness is its hallmark. Through it, the Congress of the United States is saying to foreign suppliers that when marketing their goods in American markets, they must sell at competitive prices. Just as our antitrust statutes lay down ground rules to insure fair competition among American companies, so would my bill insure fair competition in American markets among domestic and foreign suppliers.

This is reasonable legislation. It is moderate. It deserves prompt consideration by this Congress.

PROPOSAL FOR STUDY OF INSULAR AREAS ENDORSED

Mr. FONG. Mr. President, 2 weeks ago, I submitted a concurrent resolution (S. Con. Res. 24) proposing the creation of a bipartisan joint congressional committee to make a comprehensive study of the present and future status of all overseas insular areas under U.S. administration.

I am pleased to report that the proposal gained immediate favorable editorial support from Hawaii's largest newspaper, the Honolulu Star-Bulletin.

The Star-Bulletin has taken an active interest in the development of the various insular areas in the Pacific. Its editor, A. A. (Bud) Smyser, made an extensive tour of the western Pacific last year and wrote a series of knowledgeable articles about Guam, the Trust Territory of the Pacific Islands, and Okinawa.

I ask unanimous consent to have the Star-Bulletin editorial, entitled "Our Posture on Dependencies," printed in the RECORD.

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

OUR POSTURE ON DEPENDENCIES

Senator Hiram Fong's suggestion for a Congressional Status Commission to look into the political future of all offshore areas now under the U.S. flag is excellent.

We need to develop clear national policy toward these areas and a reasonably clear view of their future and ours.

The Senator's proposal thus includes areas like Micronesia which could wind up under some other flag than that of the U.S. and Okinawa which two Presidents have pledged will revert to Japan at some unknown future day.

Alaska and Hawaii became incorporated territories of the U.S. early in the 20th century with the implicit promise of eventual statehood.

No such clear direction exists in the case of American Samoa, Guam, Puerto Rico and the Virgin Islands, even though they all are under unqualified American control today.

A Status Commission has already evaluated Puerto Rico's alternatives—independence, commonwealth or statehood—and a plebiscite is forthcoming to determine the feelings of the Puerto Ricans themselves.

Meantime, however, the U.S. needs to consider its own national interests and own national policy toward the areas enumerated in the Fong resolution.

No real effort has so far been made to develop a national consensus on the political future of these areas.

We need one. The Status Commission proposed by Senator Fong can provide a good starting point toward its development.

EXPLANATION BY FEDERAL COMMUNICATIONS COMMISSIONER LOEVINGER OF SPEECHES BY HIM

Mr. TYDINGS. Mr. President, last week I commented on two speeches which had recently been delivered by Federal Communications Commissioner Lee Loevinger. Mr. Loevinger has since written to me regarding my comments, and I ask unanimous consent that the text of his letter be printed in the RECORD.

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

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., May 3, 1967.

HON. JOSEPH D. TYDINGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TYDINGS: The Congressional Record of April 27, 1967, contains some comments of yours under the heading, "An Unjustified Attack on Public Television and Fred Friendly" (at page 11014). Since the comments concern a speech I made which did not, in my opinion, contain any such attack, some explanation may clarify any misunderstanding.

My speech was prepared for delivery to a limited and specialized academic audience and took a humorous and satirical approach. That approach has apparently led to some misinterpretation of my position. Part of the satire was directed to certain aspects of modern behavioral science, and the comments of the audience indicate that the audience for which the speech was written understood this. Surely I do not question your right to criticize my approach to a serious subject, but I would like to state my position now in a serious manner to avoid any further misunderstanding.

1. I did not intend to attack non-commercial, educational, or what has now been called "public" television, and do not think that I did so.

2. I recognize television as a popular and potent medium.

3. I think that television generally has done a good job of performing its function, particularly in the field of presenting news and public affairs, that it has generally been fair in its news reporting, and that it has been subject to some unfairly harsh criticism.

4. I am strongly opposed to government control of program content or news, except to the very limited extent of preventing obscenity and lotteries, enforcing section 315 of the Communications Act, and applying similar established and limited legal standards. I have published several opinions and papers stating this position in detail.

5. I believe in promoting diversity in news and program sources, both to provide safeguards against censorship and to afford the public as much choice as practical.

6. I strongly support the proposal for establishment of a Corporation for Public Television as contained in S. 1160, which is now pending before the Senate. Chairman Hyde of the FCC spoke for a unanimous Commission when he testified that S. 1160, "is the most significant legislation in this area to come before the Congress in many years. It holds great promise of a real breakthrough in making non-commercial broadcasting a truly vital force benefiting millions of Americans. The Federal Communications Commission wholeheartedly endorses S. 1160." I was consulted in the preparation of this statement, voted for it, concurred in it, and do now support Chairman Hyde's testimony as well as the proposal embodied in S. 1160.

7. The proposal for public television embodied in S. 1160 is derived in substantial part from the recommendations of the Carnegie Commission. The Ford Foundation had earlier proposed that a domestic satellite system be established to transmit television programs and that the economic savings from this system be used to support educational television. The Ford Foundation proposal relates largely to the method of providing financial support for what is now called public television. It is still pending in an undecided proceeding before the FCC and I have not determined or taken a position with respect to this proposal and do not believe that any other Commissioner has either.

8. I believe that a great deal more research and study is necessary to determine what the effects of television have been and how it may best be utilized. This was one of the points made in the original version of my speech and I have published some serious discussions of this general subject, but the point may have been obscured in the version of the speech which came to your attention.

9. Any official position or decision I reach will be based exclusively on the relevant facts before the Commission and the applicable legal principles. No personal feelings or considerations influence my official actions.

If my efforts to be humorous or amusing have misled you or created an erroneous impression of my position, I can only hope that this explanation has now clarified my position.

Sincerely yours,

LEE LOEVINGER,
Commissioner.

INDIANA PROMOTES MOTORCYCLE SAFETY

Mr. HARTKE. Mr. President, I have on several occasions called attention to the need for concern over the mounting toll of motorcyclists killed and injured on our highways as cycling has gained in popularity. I have spoken of the desirability and the necessity of suitable legislation dealing with the special problems of motorcycle safety. While it is a problem which properly concerns the new Traffic Safety Agency, it is also a problem on which a considerable range of action is open to the various States.

The Indiana State Legislature did take action during its recent session. Probably its most significant action, and one which has been recommended by traffic experts, was to require the use of safety helmets by motorcyclists, conforming to standards to be fixed by the State bureau of motor vehicles.

Radio station WOWO, of Fort Wayne, in a recent editorial spoke of these new provisions, describing their range and commenting in conclusion that "Cycles are fun and can be safe if used properly." I am pleased that my home State has taken such action.

I ask unanimous consent that the editorial, written by Carl W. Vandagrift, WOWO general manager, be printed in the RECORD.

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

MOTORCYCLE TIME AGAIN

(By Carl W. Vandagrift, general manager, WOWO, Fort Wayne, Ind., April 24, 1967)

The recent Indiana General Assembly provided some new laws which should help make the flood of Springtime motorcycle

users less dangerous to cyclists and motorists alike.

One new statute, which will go into effect this summer, requires cycle operators to wear safety helmets conforming to standards set by the State Bureau of Motor Vehicles. Cyclists are more vulnerable to head injuries than automobile drivers. The use of safety helmets should reduce the great number of serious head injuries.

Another provision of the new law requires motorcycle operators to have in their possession protective glasses, goggles or a transparent face shield. The law does not specifically state that these devices must be used but we hope Tri-State cyclists will realize the value of protecting their eyes. A speck of dust in a cyclist's eye or a small stone tossed by the wheels of a passing car could lead to a serious accident.

Other parts of Indiana's motorcycle law require cycle operators to have a motor vehicle operator's license, require cycles to have their lights burning at all times, restrict the number of passengers on a motorcycle to one, and outlaw the rental or lease of cycles to people who do not have operator's licenses.

We at WOWO hope these new laws will result in a safer summer for motorcycle operators. Cycles are fun and can be safe if used properly.

U.S. RELATIONS WITH THAILAND

Mr. McGEE. Mr. President, last week, in New York, Ambassador Graham Martin delivered a candid appraisal of American relations with Thailand, the nation where he represents the United States. Speaking at the Overseas Press Club, the Ambassador expressed great hope for the future for Thailand and for all the area of Southeast Asia now being troubled by subversion and war. I know that I, too, was impressed with the future hopes and with the job being done by the Government of Thailand today to meet the challenge of Communist subversion.

Thailand, as Ambassador Martin points out in his fine address, is our oldest ally in this part of the world. Indeed, the two nations, the United States and Thailand, enjoy a treaty relationship going back 110 years. And Thailand is a country which brings to this relationship as much as she receives, including tremendous support in the current war in Vietnam.

Mr. President, I ask unanimous consent that Ambassador Martin's address to the Overseas Press Club of New York, delivered May 3, be printed in the RECORD.

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

ADDRESS BY THE HONORABLE GRAHAM MARTIN, AMERICAN AMBASSADOR TO THAILAND, OVERSEAS PRESS CLUB, NEW YORK, N.Y., MAY 3, 1967

I see that your Club Bulletin forecast a candid appraisal of American relations with the Kingdom of Thailand. I shall try to justify that expectation. I hope you will also permit me to go a bit beyond Thai-American relationships and add a few comments on the Thai role in Asia. I would like to sketch in brief outline the extraordinary initiatives that have originated in Bangkok in the past few years—initiatives which have caught the imagination and elicited the cooperation of almost all other nations in Asia.

It would be, I think, almost impossible to exaggerate the enormous importance of these developments to our country. It seems to me that they provide a striking validation of the correctness of our decision to meet fully the commitments this country had undertaken in Southeast Asia.

I think the steady, progressive evolution of these new institutions of Asian cooperation provide one of the more dramatic stories of this decade. We have been perhaps unduly preoccupied with military minutiae in the past. I was, therefore, happy to see that one of the lead articles in last Sunday's *New York Times* by one of your distinguished and perceptive members, Mr. Drew Middleton, after extensive talks with senior officials in most of the countries of the area, did record his impression that "the officials believe that in the pause occasioned by allied resistance in Viet-Nam and Communist China's turmoil, this area can be strengthened to the point of successful resistance to political subversion and economic pressures." I am convinced this is indeed the case and I hope many more of you will investigate thoroughly the significance of these developments and report your conclusions to the American people.

Finally, I would like to expose my concern over the difficulties, as I see them from halfway round the world, that the virtual revolution in communications has posed for you in meeting the responsibilities we both have—responsibilities I believe you have always accepted as an automatic corollary of the Constitutional protection afforded you to keep the American people completely informed.

In speaking of Thai-American relations, I can start with no better authority than the distinguished Foreign Minister of Thailand, His Excellency, Thanat Khoman. It was only a little less than a year ago that I had to cut short a visit to the United States in order to be back in Bangkok on May 29 to sign on behalf of the United States an important treaty with Thailand—a new treaty of Amity and Economic Relations.

The date of May 29 was chosen by the Thai Foreign Minister because it was the anniversary of a similar treaty that had been signed 110 years before on May 29, 1856. In our remarks we both recorded the often overlooked fact that Thailand was the first Asian nation with which the young United States of America had a treaty relationship—in 1833. The Foreign Minister, in recalling the mutually beneficial relationship that had characterized the intervening period, went on to observe that ". . . our relationship stands out as a remarkable example where a small nation can work with a great power without being dominated or indeed losing its identity. In this area and at this time when expansionist and domineering tendencies are dangerously lurking, Thai-American cooperation is a worthy encouragement to our own constant endeavours to preserve our freedom and independence as well as to those who are striving to achieve the same objective.

"Relationship between a great and a small nation can be mutually fruitful and beneficial provided both sides acknowledge and respect the rights to equal opportunity and to enjoy equal benefits, over and above the inequalities of life and practical realities. If that principle is observed, as it has been in the present case, there can be a partnership which will not smother or jeopardize the free existence of the smaller party but rather enhance the latter's growth and development. On our part, we intend to secure the observance of such a principle and I am confident that this also corresponds to the desire of the United States Government.

"We, therefore, look forward not only to the continuing close association between our two nations, but particularly that it will serve as a model to an orderly and peaceful development of the relationship between the nations, large and small, in this part of the world, relationship which will not entail subservience to one of the other but rather mutually trustworthy and fruitful partnership and cooperation."

This comment from an Asian statesman whose qualities of fierce independence, courage and high diplomatic skill are in the true tradition of his nation which was the only bit of geography along the littoral of Asia which managed to maintain its freedom and independence during successive waves of European colonization, does not, I suggest, support the current stereotypes we hear all too often about the quality of American relationships with other nations and peoples. It does attest, on the contrary, to our continuing ability to conduct our relations with due regard for the sensibilities and the traditional values of others. Our relationship with Thailand has been and continues to be a partnership of equals.

Nor can there be any doubt, among those who have taken the trouble to become informed, that Thailand brings to this partnership as much as she receives. The one manifestation of this cooperation best known at the present moment is the military cooperation being afforded by Thailand. As you know, Thailand and the United States both undertook commitments to the security of Southeast Asia when both nations ratified their accession to the Southeast Asia Treaty Organization in 1954. In recognition of that commitment, the Government of Thailand has permitted the United States, as a SEATO ally, to use certain Thai bases to facilitate military operations in defense of South Viet-Nam from externally organized and directed aggression. In so doing, Thailand expressed by its action a complete faith in the validity of American statements that we intended fully to carry out our commitments in Southeast Asia.

As we all know, other countries in the area have chosen not to risk their national existence in so direct and as immediate a response to the aggressors. But the Thai who have always been free, fully intend to remain a free nation. Indeed, the very word "Thai" means free, and as a free nation it felt that it had no recourse except to honor its obligations to the best of its ability as we were also doing. During the past three years there have been literally hundreds of times that I have, at the request of our government, presented requests to the Thai for additional assistance. I would like to openly record the fact that never once in this period has there ever been an association between their affirmative response and our action, or too often lack of action, on a request which they may have made to us for assistance. I suggest that many of you will find the same difficulties that I have experienced in finding a parallel in the history of American alliances with other countries. These bases, which have been fully described to the American people, have made a major contribution to the allied war effort. It is impossible to estimate how many thousands of allied lives have been saved in Viet-Nam as a direct result of Thailand's cooperation. However, a partial sampling of the stream of propaganda protests beamed at Thailand by Peking and Hanoi give ample evidence that our concerted actions have hurt them painfully.

Long range Communist plans for Thailand's subversion, openly announced by Peking some years ago, have been accelerated. Thai-U.S. cooperation has taken these new tactics into account. In addition to our long-range program which has assisted in training and modernizing Thailand's armed forces, we have added other training assistance including an American Special Forces unit which is assisting in the training of additional Thai military units in counterinsurgency operations. The Thai desired to move with extreme rapidity to meet this new threat. Pending completion of training of Thai pilots, we provided last year at Thai request a company of unarmed American helicopters to provide the all important element of mobility and logistical flexibility for Thai security units. I might add for the record that neither the Special Forces, nor other American training per-

sonnel, or these temporarily provided helicopters, participated in any way in actual counterinsurgency combat operations. The Thai have insisted that this is their own responsibility which they will meet within their own country with their own forces. Consequently, on the completion of the training of the Thai helicopter pilots, the unit which we had provided was withdrawn to Viet-Nam, on schedule, on the first of February this year.

You are all aware that the Royal Thai Government has recently decided to add to the Royal Thai Navy and Royal Thai Air Force units, already operating in South Viet-Nam, an additional fighting force from the Royal Thai Army. They will be warmly welcomed in resisting aggression by their other SEATO allies who became familiar with their courage and valor when they fought as allies in the United Nations Command in Korea.

In recent days you have heard from one of America's distinguished soldiers of the military successes of the Free World Allied Forces in Viet-Nam. We should also note that Asians have not waited for these military successes to begin the creation of a new Asia. They began this process some time ago when it became certain we fully intended to honor our commitments.

A few moments ago I alluded to the extraordinary initiatives which have been bubbling up out of Bangkok—initiatives which before our eyes are rapidly filling in the outlines of firm patterns of regional cooperation in Asia.

Among these, I would like particularly to call attention to the patient, determined and persistent diplomacy of U Nyun of Burma, the Executive Secretary of ECAFE, which led to the creation of the Asian Development Bank.

It is in Bangkok that the activities of the four riparian states of the Mekong Basin have joined together in the Mekong Commission, successfully subordinating their political differences to a concerted effort for the development of the incredible potential inherent in this great river system—a potential judged by many experts to be as vast as that of our own TVA.

In a few weeks, we shall see in Bangkok the second meeting of the Asian and Pacific Council, formed a year ago in Seoul. That meeting was preceded by a year and a half of patient work in Bangkok by the Ambassadors of the nations concerned under the chairmanship of the Thai Foreign Minister. This resulted in a degree of cooperation evidenced in Seoul which proved so startling to Western observers last year. I think we may confidently anticipate in the forthcoming meeting in Bangkok, revelations of additional progress which has been made in the intervening year.

The reactivation of the Association of Southeast Asia has already proved an enormously attractive magnet for other nations in the area and I believe we can confidently expect a broadening of this subregional framework in the near future.

The progress of the Southeast Asian Ministers of Education is proceeding in the perfecting of the details of the new Asian Institute of Technology and the cooperative broadening of existing institutions in the fields of agriculture and tropical medicine which will provide additional momentum to the development of these badly needed additional human resources.

We have just seen concluded in Manila the second meeting of the conference on Asian economic development which was first convened in Tokyo last year at Japanese initiative.

These are illustrations of the startling momentum already achieved on the basis of Asian acceptance of the validity of America's commitment. We are seeing here the exploratory stirrings of the rising Asian urge to get on with the business of orderly regional growth through the collective engagement of Asian resources. As I have said before, the breadth of these activities is as impressive as it is little known. These new cooperative efforts extend not only into such fields as irrigation, hydro-electric power, transportation, communication, natural resources exploration, scientific and technical research, experimental agriculture, and quality manufacturing controls, but also into the fields of coordinated economic planning and cooperative fiscal policies.

Last October here in New York, Foreign Minister Thanat Khoman, in commenting on these developments, observed:

"The smaller nations in Southeast Asia have felt the need of getting closer with one another. If division has been the characteristic of the past and had brought about grievous losses of freedom and independence and had allowed interference and pressure by outside powers, the future aims should be for closer and more fruitful cooperation and integration. While such cooperation should be basically regional, it is not in our interest to make it exclusive. Outside elements may have a role to play but not a domineering or dominating role. If anything, it will be a cooperation on the basis of equality and partnership."

I would like to reiterate, Asian efforts to unify and fortify the region have begun to move so fast that a real danger now exists that American and Western adjustments to such dramatic and constructive change will fall behind. The fact that the President has engaged the vision, the statesmanship and the extraordinary competence of Eugene Black to coordinate our activities in these fields gives me confidence that we will surmount the bureaucratic resistance to the necessity for new techniques and accelerated action to match these Asian initiatives. Free Asia has reached the point where it is prepared to associate itself with new Western initiatives which complement its own. It would be a pessimist indeed who could not see the newly compelling opportunities for fruitful cooperation which Asians are providing in the course of regional reformation and development. The question now is whether America and others have mastered the technique of full and equal partnership in Asia. I am increasingly confident that the answer will be affirmative.

I said in the beginning that I wished to share with you my concern over the difficulties we both face in our responsibilities to keep the American people as completely informed as we possibly can. I mention these problems with some diffidence because I have no solutions to offer. However, I could not think of a better place to come for advice and counsel since your membership, I am certain, representing as it does such a broad spectrum of influence on all media, is actively engaged with the same concerns.

Having been rather fully occupied half the world away for these last three and a half years, I am perhaps only dimly aware of the effects of the massive revolution in the field of communications. For example, I have had time to delve only briefly into the observations of Mr. Marshall McLuhan. Perhaps if I had more time I would not have found myself more puzzled than before. I did find appealing the recent comment of Mr. Richard Coe. Recognizing that we are living in a period of change, he observed that change is never orderly but chaotic, that not one thing but an awesome range of things happen at the same time, that the greatest danger was in missing the perspectives, and that the ironic cause for the lack of perspective perhaps is that instant communications stresses the chaos and not the order of civilization.

In reporting a war, I suppose it is unfortunately true that the most dramatic incidents are those involving violence and destruction. Instant communication also faces the editor, whether TV or newspaper, with the problem of instant choice. If I had the responsibility for making the choice, I would probably also choose the dramatic. But the problem is how do we get at least a bit of perspective. We have been told of the military competence of our sons, and for this we may be justly proud. But how do we tell the American people that their sons are also engaged in constructive tasks as well, that our soldiers in Southeast Asia have eagerly welcomed the opportunity to assist whenever they could in the tasks of nation building, that in so doing they have earned the affection and regard of the Southeast Asian peoples as well as their respect for their fighting prowess?

How do we tell the American people of the staunchness and steadfastness of an ally like Thailand? And how do we tell the American people of the initiatives and ingenuity with which the Asians are creating the institutions of regional cooperation which hold every prospect of bringing an increasing stability and strength to the area? How do we explain, in reference to SEATO, the difference between the machinery of an alliance and the alliance itself; that this alliance has demonstrated a truly remarkable flexibility, under the Rusk-Than clarification of the jointly and separately language of Article II; that this flexibility and resilience has permitted all five of the Pacific members of the SEATO alliance to enagage troops in combat in Viet-Nam, while maintaining the full participation of the non-Pacific members in the economic and social tasks which are also contributing to the stability and progress of the area? How do you tell the Asians that the extended coverage we have given the use of the right of dissent, which we cherish in a free society, does not represent the great preponderance of American public opinion which does understand what we are about and which has and which will continue to overwhelmingly support our doing what has to be done? How do you look and see and arrange to tell the American people that, as a result of that steadfastness and support, all objective evidence now establishes that we have in the making in Asia and the Pacific a success of American policy fully as great as our success in Europe in the fifties?

For this is indeed the fact.

As I said in the beginning, I have no answers to these questions, but I do believe it important that answers be found.

My I close by reverting again to the occasion of the signing of the treaty on May 29 last year. In my reply to the Foreign Minister's comments I read the entry my predecessor had made in his personal journal describing those events at the signing of the treaty 110 years before. As I review the totality of our efforts in Southeast Asia, I have concluded that his closing sentence is as appropriate now as it was then. He said 111 years ago:

"I have great confidence for the future."

And so do I.

ADDRESS BY WILLIAM B. CAMP, THE COMPTROLLER OF THE CURRENCY

Mr. SPARKMAN. Mr. President, on Thursday, May 4, 1967, Mr. William B. Camp, Comptroller of the Currency, addressed the 70th annual convention of the Oklahoma Bankers Association at the Mayo Hotel, Tulsa, Okla.

His remarks were interesting and provocative, and I commend them to the Members of the Senate. Accordingly, I ask unanimous consent that the text of his remarks appear in the body of the RECORD.

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

OUR COMMON PURPOSES

(Text of remarks of William B. Camp, Comptroller of the Currency, before the 79th annual convention Oklahoma Bankers Association, Mayo Hotel, Tulsa, Okla.)

It is indeed an honor to be invited to speak to you today. As a native of your neighboring State of Texas, I naturally feel a close relationship to Oklahoma and this section of the country. In frankness, however, I must say had this Convention been scheduled immediately before the Oklahoma-Texas football game, I would have had some reservations about neighborly sentiments.

Looking back over my thirty years with the Comptroller's Office, one of the continuing pleasures has been meeting with bankers such as yourselves. These meetings not only provide opportunities for renewing friendships, but also stimulate thoughts on our common purposes.

Similar meetings of bankers' groups were held long before any of us attended our first and we know that their objectives were little different from our own. Fortunately, the proceedings of these meetings were often recorded and remind us of some of the parallels between ourselves and bankers several years ago. Shortly after my appointment as Comptroller, a friend sent me the July 15, 1905, issue of *The American Banker*. Incidentally, I noticed several advertisements in it stating "we make collections in Indian Territory." I wonder if this was a hazardous undertaking?

This issue featured a report of a meeting of the Tennessee Banker's Association, including copies of some of the speeches that were made at their 1905 convention on top of Lookout Mountain. Reading these speeches, I was impressed with the enduring nature of some of the fundamental principles and problems of banking; only the reactions in response to the world about us change and therein lies the touchstone of successful, meaningful and useful bank supervision. Put simply, in order to exploit emerging opportunities, we must meet present circumstances and developing conditions in new and imaginative fashion.

Indeed, the commercial bankers have pioneered and led in many of the modern innovations that are commonly accepted by business today.

Banking is a changing field—a dynamic field—and I encourage the young men entering the profession, just as I encourage you today, to stay abreast of modern needs and opportunities.

But we must, at the same time, be sure our reactions and practices are consistent with prudent and sound banking operations. Our ultimate goal is, after all, the preservation of a viable and sound banking system.

This is not an easy task in today's world of computers, satellites, and supersonic jets; nor was it in years past which, according to the July 1905 *American Banker*, was "an age of wonderful advancements, startling discoveries, and fast transportation like the 'Pennsylvania Flyer,' a train which could go from New York to Chicago, some 900 miles, in eighteen hours—wireless telegraphy, the automobile, (and) the flying machine."

The speakers before the Tennessee Banker's were fully aware of the difficulties in following "safe, prudent banking" practices while adapting to existing needs. In lauding the virtues of "conservative banking" one speaker observed that: And I quote. "Conservatism as commonly interpreted is a very desirable element in the make-up of the executive officers and directors of a bank, but conservative banking that opposes change because it is change has no place among the progressive and successful bankers of today." (End of quote)

The man who carries a half bushel of corn in one end of the bag and a large stone in the other end to balance it as he rides horseback to the mill, because his father did that way, is out of harmony with this age of progress and development. And yet, the man who grasps at every new fad and change that comes along and adopts it because it is change, without first carefully and patiently considering its suitability and desirability, thinking only how brilliantly he may outstrip his more plodding competitors, is an unsafe leader.

Fads are easy to follow; often too easy—not because bankers are given to fads and fashions but rather, I think, because fads are often imprudent, well-meaning reactions to a rapidly shifting environment.

Never before have we been in the midst of an economic climate undergoing such rapid and pervasive changes: industries appear almost to arise full-blown out of Minerva's head; the activities of others are transformed almost as readily; business and household locations shift from central-city to suburbs, from East to West, from North to South, from rural to urban and back, almost in disregard of traditional locational ties.

These changes are not always predictable and sometimes follow patterns that are quite unexpected. All of you present are aware of industries or of centers of residential construction in your own communities which once seemingly promised a prosperous and extended growth but ultimately faded away. No doubt we could compile a long list of such disappointments.

The future course of your communities' industrial and residential growth is by no means the only difficulty in adapting to a changing world. Most of these conditions call for new practices, for new credit techniques, for new bank services, or for expansion of existing practices. In my opinion, banks in recent years have done a truly outstanding and imaginative job at developing and adapting their procedures in response to these demands, and, as stated earlier, in exploring and leading the way for modern business techniques.

The initial introduction of new services—no matter how carefully thought out in advance—is only one step in the ultimate expansion of a bank's services to the public. Until we have experience, it is difficult to judge the effects and the benefits of proposed new practices. One vital aspect of innovation—especially by banks—is the continual and most careful appraisal of information concerning the costs and benefits—both to the bank and to its customers—of any newly introduced service. I would certainly not quarrel with any sincere banker striving to be of maximum service to his community. I would only caution him to have his homework done, so to speak, and to first explore a new course as fully as possible with all the management techniques and tools at his command.

The present rush by banks to introduce credit cards may serve as a case in point. On the whole, it appears that by venturing into this area, banks deserve high marks for aggressively serving clear and legitimate public needs. In a continuing effort to keep our examination procedures current, we are adding a special section in the report dealing exclusively with credit cards. This should prove especially valuable to banks currently offering credit cards and to those of you contemplating the same.

Some 20 years ago, installment lending by banks was approximately at the same point in development that credit cards are today. Many forecasted doom if banks were to enter the consumer credit field. Yet today, the installment loan function is the "bread and butter" of many banking operations. This was not accomplished without problems being encountered, but these obstacles were solved by the banking system, one that allowed itself the flexibility and foresight to adapt under the most negative and pressing conditions. No doubt many of you present helped to make installment credit the profitable business it is today.

The credit card is simply another means of extending credit.

The banker who extends credit, whether it be in large or small amounts, has the responsibility to his borrower, to his bank, and to his community to exercise prudent judgment. Credit is a positive and constructive force when administered with intelligence.

Indeed, I know of no business or businessman in our present economy who could survive and build without some form of credit being available to him.

Credit is one of the industries which has served to make our country strong. When abused, it can be destructive, not only to the recipient, but in extreme circumstances to the credit grantor, and ultimately to the national economy. Like atomic energy, it must be harnessed for the good of the Nation, because when perverted, abused or carelessly administered, it has latent power for destruction.

Certain studies which are now underway, coupled with the new section in our examination report, hopefully will pinpoint any inherent problems in this activity and provide sound guidelines for future operations.

For each of us—operating banker and bank supervisor—this seems to be a time for thorough analysis. This is not to imply that the Comptroller's Office, during my tenure, intends to rest on past groundwork—only, that change just for the sake of change is not always the most prudent road to travel. It is just as necessary today, as in years past, to maintain the proper perspective in choosing between innovations and traditional methods.

During my career with the Office of the Comptroller of the Currency, one of my most significant observations has been the efforts of the banking system to meet the needs of their communities and our great Nation. This has been accomplished—both at the State and National levels—through the establishment of new banks and branches, and through the establishment of new supervisory and management techniques to aid the banks in helping to develop their communities.

It should be pointed out that this Office does not, of course, select any new sites for proposed banking facilities, as this determination must rest with the applicants. Applications for new charters and branches should represent well-meaning efforts to respond to the growth, to the changing geographic distribution, and to the changing population and industrial composition of towns and cities. However, we frequently find, in reviewing branch and charter applications, that these applications are not always well-conceived and even today's high level of income and growth do not guarantee the prospects of a poorly located bank or branch any more than they guarantee an over-extended line of credit.

The banking system's structural response to the challenges that have faced it has been widely discussed. Much of this discussion has, in my opinion, been misdirected to the alleged conflicts between the various regulatory and supervisory agencies. To me, the reputed conflict has been overdrawn.

As a member of the Board of Directors of the FDIC, I have not missed a single meeting since becoming Comptroller. Nor have I missed a meeting of the Coordinating Committee on Bank Supervision, of which I am currently Chairman.

I do not envision anything other than a very smooth operation of the Coordinating Committee. Certainly, in a great Democratic process such as we have in this country, there are bound to arise differing views from time to time. But that's healthy, and those differing views will in no way bring about any cleavage in the Committee.

The common objectives of the bank regu-

latory agencies have brought forth productive results in the past few months. For example, the agencies devised a formula which was inserted in the December 1966 report of condition in order to obtain the liquidity position on a given date of the commercial banking system. Each insured bank, as a supplement to its report of condition, was requested to supply uniform information with respect to its volume of liquid assets. While the formula employed is by no means perfect, it nevertheless was the first time the bank supervisory agencies received uniform liquidity data on the banking system.

We initiated a procedure for dealing with the transfer of information involving changes of ownership of insured banks, loans to executive officers, and loans on bank stock. This information is especially helpful to each agency in discharging its supervisory responsibilities.

In addition, when the occasion warrants, the agencies have conducted simultaneous examinations.

The advertising guidelines are another example.

Other matters presently under study are a uniform report of condition, accounting regulations and capital adequacy.

I am happy to report, in short, that the climate among the regulatory agencies has reached a high point from the standpoint of cooperation and assistance in all matters of mutual interest, and am confident this will redound to the benefit of commercial banking throughout this country.

The structure of commercial banking in the United States has been shaped by the existence of both state and national supervisory agencies. Some critics have held that the dual banking system is a vehicle for opposing change.

This is unfortunate, and, quite frankly, *wrong!* To my mind, the Dual Banking System is well-suited for facilitating change and for generally pursuing our common purposes.

As I have stressed, our common purposes stem from the necessity, and benefits, of adapting our banking practices and institutions to the changes that America's dynamic, and sometimes erratic, development thrusts upon the banking system. This development is complex and varied; some aspects of the changes in the economy of Oklahoma and of your own communities often differ widely from that of other states and of other communities. So, too, must the responses of banking in Oklahoma and in other states vary if local banks are to best serve their own communities. For individual bankers, this sometimes involves an aggressive, yet judicious offering of modified or new services that are permitted under existing ground rules—our various State and Federal Banking Laws.

But, as we are all aware, ground rules which were considered adequate, or even liberal, a few decades ago may now strangle legitimate efforts of banks to best serve their communities. Moreover, ground rules that suffice for one state may smother the operations of banks that face very different challenges in another state.

The Dual Banking System, above all else, provides the freedom to mold the ground rules to best serve the circumstances of individual states. Looking at banking in all states, as I must, I am forced to consider regulatory policy in terms of its effect on all National Banks which operate under many and varied circumstances. But for individual states, it seems to me that the Dual Banking System permits a smooth evolution of banking legislation—a particular experiment can be confined initially to one state, and individual states are able to draw on the results of other states. It also places the responsibility for initiating changes in many ground rules with the state's banking community, bank supervisors, and legislature.

But we must be ever vigilant—we must constantly re-examine our ground rules and their restraints on services to our communities and we must be constantly prepared to initiate those changes which studies show to be necessary and in the public interest. Only by continual re-examination of our policies, can we meet the challenges of today's dynamic economy with aggressiveness and imagination. Whenever any of us neglects the continual review of our policies—be they operating, supervisory, or legislative—we neglect our responsibilities in pursuit of our common purposes.

Thank you very much.

SUPERSONIC TRANSPORTS

Mr. HARTKE. Mr. President, the significance of the President's go-ahead on the supersonic transport program has been discussed from many viewpoints. The speed, size, and carrying capacity of this airplane have been foremost among these. But to me, the real significance of this project is the economic benefits this country will derive from it.

It is very fitting that this Nation embark on the development of the commercial SST in 1967. It was 40 years ago, in 1927, when Charles A. Lindbergh first spanned the ocean in his solo, nonstop flight from New York to Paris. Lindbergh's flight was a daring venture requiring 33½ hours. The American SST, on the other hand, will cover the same distance for the ordinary air traveler in 3 hours. This is a very impressive example of the tremendous progress that has been made in the past 40 years.

But technological advances for the sake of advancing technology mean nothing. Fortunately, production of the SST means much more than just a faster means of getting from one place to another.

It means a new tool is being added to America's arsenal of economic factors which govern the country's growth.

The air travel market is expected to grow at least tenfold in the next 25 years. Forty percent of this growth will be in the lucrative overwater market, in which the SST will initially operate. Government and industry estimate indicate that at least 500 airplanes will be needed by 1990 to serve the intercontinental overwater routes only.

If worldwide operation is permissible, with sonic boom limited to sparsely populated areas, sales are expected to reach 1,000 to 1,200 airplanes by 1990. It is difficult to estimate what this might ultimately mean in employment increases. But during the prototype program, the airframe and engine manufacturer and their first level of suppliers will employ some 28,000 people at the peak period. This could increase to near 60,000 people as the program progresses. Additional jobs will be created for thousands of workers required by other levels of subcontracting and related businesses.

Both Boeing and General Electric are conducting competitions and negotiating with a host of sources throughout the country. As these competitions and negotiations are completed, virtually every State in the Union will have business or industrial firms participating in the SST program.

Earlier I mentioned the eventual building of perhaps 1,000 to 1,200 airplanes. This construction rate would generate approximately $60 billion in SST revenues through 1990. I would consider $60 billion an important catalyst to any economy. Certainly, this is a figure that has not gone unnoticed by other countries now building supersonic aircraft.

Without the SST, the Concorde, being built as a combined British-French effort, could affect the U.S. balance of payments adversely by some $22 billion through 1990. Conversely, introduction of the SST into airline service by 1975 can be expected to favorably affect the U.S. balance of payments by $32 billion. Therefore, this project may be credited with a total improvement to the U.S. balance of payments of at least $54 billion.

There has been criticism of the Government's involvement in this project. But I believe it is unfounded. A 500-plane overwater market, which all parties involved believe is assured, will allow the airlines to make a profit, return the Government's investment, and permit a profit for the manufacturers.

Perhaps the most reliable indicators of the SST's potential revenue and profit capabilities are the airlines themselves. The major airlines in the United States have already placed at risk $1 million for each SST they have on order. To date, these airlines have committed more than $50 million to ease the burden of Government investment during the prototype development program.

Money on the barrel represents the greatest faith and dedication in and to a program that I know.

The United States is the only major nation in the world that relies primarily upon privately owned and operated transportation. This project, while heavily financed by the Government in the prototype stages, is not a divergence from that reliance.

Historically, any basic improvement in the transportation system contributes substantially to the strength of the economy. The SST offers such an advance and will be a continuing source of economic vitality to the Nation, providing stability in employment and taxable income.

I support this program as being one of the most farsighted and meaningful programs ever attempted on a joint Government-industry basis.

RUMANIAN INDEPENDENCE DAY

Mr. YARBOROUGH. Mr. President, I wish to note the historic commemoration of the 10th of May, a joyous occasion for thousands of Americans of Rumanian descent who celebrate this Rumanian Independence Day.

The Rumanian National Committee, like many organizations dedicated to preserving national celebrations of genuine freedom, has maintained an awareness of eminent landmarks in Rumanian history that uniquely have taken place on May 10. On that date in 1866, Prince Charles of Hohenzollern-Sigmaringen was proclaimed Prince of Rumania, and thus founded the Rumanian dynasty; exactly 11 years later, the Principality of Rumania severed her ties to the Otto-

man Empire and proclaimed her independence; and on May 10, 1881, the people of Rumania elevated their country to the rank of kingdom by crowning Charles I King of Rumania.

These three events will forever be observed by devoted Rumanians and families of Rumanian ancestry throughout the world as their cherished national holiday. Austere Communist rule, currently tyrannizing Rumania, has characteristically attempted to change this national commemoration to May 9, the date of the Soviet victory in that country.

But no arbitrary resetting of an anniversary observance, imposed from without on a fiercely proud people, can change the heartfelt sentiments of these people. The 10th of May is an inherent and integral part of all Rumanian history, a holiday as beloved to these people as our own Independence Day of July 4, 1776.

I send my warm wishes to all freedom-loving Rumanians and those of Rumanian ancestry on this traditional national holiday, with the hope that the bonds of servitude currently engulfing their country will soon be broken and liberty restored to their cherished nation.

FULFILLMENT OF A GREAT AMERICAN DREAM—THE DRIVING OF THE GOLDEN SPIKE

Mr. BENNETT. Mr. President, a great American dream was fulfilled 98 years ago today. A transcontinental railroad, uniting the East and the West, was completed May 10, 1869, at Promontory, Utah.

The driving of the golden spike, as the two railroads joined the span of land between the Atlantic and the Pacific Oceans, marked the end of one era and the beginning of another.

The days of the courageous pony express riders, the fearless s agecoach drivers, the noble pioneers in covered wagons and the adventuresome explorers were fading from the horizon. The dawn of rapid transportation and communication was beginning to rise.

The race to unite the Nation with steel bands of railroad track was the greatest roadbuilding contest in history. Government land and loans accrued with each mile of track laid.

Eastward from Sacramento inched the Central Pacific, now the Southern Pacific. Averaging about 110 pounds, the pig-tailed, basket-hatted Chinese worked like devils, their picks beating a steady tattoo on the Sierra granite. Through snow and avalanche they blasted and bored to the Nevada flats, leaving 15 tunnels in their wake.

Westward from Council Bluffs, Iowa, thrust the Union Pacific. Its construction gangs of Civil War veterans, mountain men, mule skinners and Paddies from Ireland toiled, and helped troops fight the Cheyenne.

As the race drew to a close, rival crews traded pot shots and set off blasts to destroy opposing grades. A job estimated to take 12 years was finished in six and one-half, mostly with hand labor. The last 10 miles of track was laid in a single day, a world record which remains unbroken today, 98 years later.

A dream, an idea, a legend, was fulfilled.

Plans now are well underway to make this legend a living one.

Congress has designated Promontory as a Golden Spike National Historic Site, expanding the 7-acre site into a 2,176-acre area in commemoration of the completion of the first transcontinental railroad.

The National Park Service and the State of Utah have united their efforts to complete the site for the centennial celebration of this historic event on May 10, 1969.

Plans for development of the site include the construction of a visitor center, replica locomotives, tenders and cars, roads, parking areas, signs and markers.

Just a month ago the Senate passed Joint Resolution 10 establishing a Golden Spike Centennial Commission. The Federal Commission will work with the Utah Golden Spike Centennial Commission in planning an appropriate observance of this historic date.

I respectfully request continued congressional support in our endeavors to make this site a living legend.

UAW NATIONAL PARTS CONFERENCE BACKS PENSION PROTECTION BILL

Mr. HARTKE. Mr. President, I recently introduced a bill (S. 1435) for the protection of private pensions, a subject on which the Committee on Finance held hearings last year when the bill carried the number S. 1575. The new bill was somewhat altered to take account of some of the problems revealed by the hearings.

The United Auto Workers, who represented the Studebaker plant at the time of its South Bend closing, have private pension agreements which cover more than 1,250,000 workers, some 180,000 of whom are receiving pension payments. Their experience with about a thousand such private plans in current operation, together with the experience involved in 113 plan terminations including that at South Bend, gives this organization a considerable body of experience on which to judge the need for a protection plan such as I have offered.

While Indiana no longer has a primary automobile manufacturer, a very large number of parts producers are located in the State, many of whom are represented by the UAW. Recently these unions and their counterpart locals from other areas held a National Parts Conference, at which the Hartke bill was the subject of discussion and a resolution, adopted on April 19, which was a week before my bill was introduced. Since the resolution sets forth the concern of the UAW for this problem and its support of the bill, I ask unanimous consent that the resolution be printed in the RECORD.

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

PENSION REINSURANCE RESOLUTION

Whereas: The UAW now has over 1000 pension plans with employers in the Automotive, Aerospace, Agriculture Implement and related industries. These plans cover over 1¼ million active workers and are currently paying monthly benefits to more than 180,000 retired UAW members.

The available governmental statistics have indicated that over 7,000 retirement plans in the United States were terminated between 1953 and 1965.

The UAW has had direct experience with 113 of these pension plan terminations, involving companies ranging in size from Studebaker, which employed 7,000 workers in South Bend, Indiana at the time it discontinued operations in that community in December of 1963, to an independent parts supplier with less than 20 employees.

The UAW has through collective bargaining, made sure that these plans are actuarially sound, however, collective bargaining, by itself, cannot guarantee pension security if a company goes broke before the pension plan is fully funded.

An establishment of a national mechanism to insure a portion of the risk of inadequacy of plan assets to meet benefit obligations in event of termination is vitally needed to alleviate the pain and suffering that accompanies the closing of plants and the termination of pension funds.

The U.S. Senator Vance Hartke (D., Ind.) had submitted a bill in the last Congress to cover this pressing problem and is resubmitting a bill in this congress on pension reinsurance, which would require modest contribution from each pension fund to a federal pension reinsurance fund that would finance pensions for workers of closed plants. His plan would create a self-supporting federal agency to insure the pension plans against bankruptcy—the same way the Federal Deposit Insurance Corporation insures our bank deposits and the Federal Housing Administration protects some mortgages.

In this way every company that adopts a retirement plan would pay this new agency a very small premium to insure its plan against failure.

Now therefore, be it resolved: That the delegates to this National Parts Conference go on record of supporting this resolution and the passage of this bill when presented, and

Be it further resolved: That an all-out educational drive be conducted in each and every region in the United States so as to let all of the people know and understand what this bill means to them. Every means available should be used; at our local union membership meetings, at the AFL–CIO council meetings, in our labor newspapers, ads in every local newspaper, spots on television and radio, handbills, anyway. It is only when the populace is made aware and aroused that we can expect action, and

Be it finally resolved: That when this Council meets again this year in Washington, D.C., to meet and talk with our Congressmen, that these legislators have been fully informed by their citizens at home of the vital need for this particular Pension Reinsurance Legislation.

We cannot expect passage of this blil if Congress is not made fully aware of the problem and its need.

TRAGIC DEATH OF PHILIPPA DUKE SCHUYLER

Mr. MUNDT. Mr. President, this morning's Washington Post carries the tragic news of the death of Philippa Duke Schuyler. Miss Schuyler's death, at the early age of 34, came when she was on an errand of mercy in South Vietnam.

Her life was most noteworthy, not only for her many accomplishments in a variety of fields, but also in the fact that she was constantly putting America's "best foot forward" in whatever she was doing, be it concert appearances in Africa, helping children of war-torn South Vietnam, or bringing distinction to

her other profession as a newspaper correspondent.

It should be further noted that Miss Schuyler was the 10th American newspaper correspondent to be killed in Vietnam. This of itself certainly attests to the dangers to which the men and women of this profession subject themselves in their effort to bring to the people here at home the news of what is happening in Southeast Asia.

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

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

PIANIST, AUTHOR DIES IN SOUTH VIETNAM CRASH

DANANG, South Vietnam, May 9.—Philippa Duke Schuyler, famed pianist and child prodigy who at age four was playing Mozart, died today in a helicopter crash in Danang Bay.

Miss Schuyler, 34, was working in Vietnam as a correspondent for the Manchester (N.H.) Union Leader and giving concerts in Hue, the ancient Imperial capital of Vietnam, and Danang.

Miss Schuyler was the tenth American newspaper correspondent to be killed in Vietnam, and the second woman journalist to die.

At the time of her death she was taking nine Vietnamese children from Hue to Danang where she planned to enroll them in school. One of the children also died in the crash and an American soldier was listed as missing.

ALMOST AT DESTINATION

The Huey helicopter in which Miss Schuyler was transporting the children was about ten minutes from its destination and 40 miles from its takeoff point when it crashed. An Army spokesman said the pilot issued a brief emergency signal giving his location. Rescue helicopters were sent immediately.

The helicopter crashed close enough to the shore for some passengers to swim to safety. Rescue teams saved the rest. The pilot was hospitalized with a concussion and the remaining three crewmen and eight Vietnamese children also were hospitalized. The crash was attributed to mechanical failure.

The bodies of Miss Schuyler and the child were recovered later.

Miss Schuyler was the daughter of George Schuyler, an editor of the Pittsburgh (Pa.) Courier and a noted Negro newspaperman, who lives in New York. Her mother also survives.

WAS CHILD PRODIGY

Miss Schuyler who was a precocious but well-mannered child, first attracted public attention when her parents discovered she could read at age two and half. She was playing Mozart at four, and at five she was composing music.

When only six, she played a recital of her compositions at the 1939 New York World's Fair. By the time she was 14, Miss Schuyler was a concert pianist with the New York Philharmonic and had written more than 100 piano compositions.

In her 20's, she established herself as an international artist, touring more than 70 countries. She gave command performances for the late Queen Mother Elizabeth of the Belgians, and was honored by the Haitian government in 1950 and Emperor Haile Selassie of Ethiopia in 1955.

She gave the premiere performance of her first piano concerto in 1965 in an appearance with the Cairo Symphony.

WROTE BOOKS, ARTICLES

In addition to her fame as a piano virtuoso, Miss Schuyler used her travels as a musician to collect material for articles and books. She had been a roving correspondent for the Union Leader.

When giving a concert in the Congo in 1960 at the height of violence there, she fought off an attack by Congolese. She wrote "Who Killed the Congo?" in 1960, and in 1962 wrote "Christ in Africa."

Miss Schuyler was a Roman Catholic and wrote many articles for Catholic publications.

This was her second visit to Vietnam. She had been the guest of former U.S. Ambassador Henry Cabot Lodge for a concert. She had planned to leave last Saturday but decided to stay to continue her volunteer work of taking Catholic children from Hue to Danang.

When she was four she wrote a poem she called, "A Baby in Death:"

"When I die, when I die
Sleep, sleep!
You must live when I die
When the rain comes
On the starry sky
Sleep, sleep
When I die
Tra la la la
Da da da da."

WATER TRANSPORTATION IS A STIMULANT TO MORE INTENSIVE REGIONAL DEVELOPMENT

Mr. MUNDT. Mr. President, our Nation is looking for an answer to regional development questions. Industry and people have tended to crowd into areas that are already burdened. The areas of heavy concentration would like to see some of the new industries that are seeking development sites move out into less congested regions.

In a speech in Omaha, Nebr., on April 14, Capt. Dave Parker, president of the Sioux City & New Orleans Barge Lines, Inc., presented his views on how we can help to solve the problem of overcrowded industrial areas. In a thoughtful speech, he shows how the development of river transportation can provide the answer to the growing national need. Wisely, he indicates that this is a problem for all modes of transportation, for when an area develops, it requires every service which can be made available.

I ask unanimous consent that the speech, delivered before the first Nebraska Transportation Symposium, be printed in RECORD.

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

WATER TRANSPORTATION IS A STIMULANT TO MORE INTENSIVE REGIONAL DEVELOPMENT

(By Capt. Dave Parker)

The celebration of the Nebraska centennial this year permits a brief look backward for valuable perspective, always a benefit in a fast-changing world. The contrast of Nebraska a century ago with the state of today will serve to highlight numerous important advances and changes. There are also some things that do not change in importance. Then, as now, the Missouri-Mississippi river system serves a function that is central to the success of Nebraska's economy.

If it had not been for this remarkable waterway, Jefferson's great stroke in purchasing Louisiana in 1803 might have had a less happy result. Historians tell us of a move to separate the western territories from the tiny eastern seaboard states shortly after the purchase of Louisiana. The move failed, chiefly because the invention of the steamboat made possible efficient communications and ended the isolation of the western pioneers.

It was the steamboat which brought the first flood of millions of western settlers. These men and women, spreading out over the great prairies, made a certainty out of a dream that the United States would dominate the continent.

Even as late as 1867, Nebraska was rugged country for freight lines. In his "History of Steamboating on the Upper Missouri," Professor William E. Lass reminds us that exactly 100 years ago, a major problem of river transportation was attacked by Indians. Let me quote a paragraph:

"Steamboating on the Upper Missouri was risky from yet another standpoint. Navigators never discounted the possibility of attack from renegade Indians. The Indian menace was particularly severe from the time of the Sioux Uprising in 1862 to the conclusion of the Laramie Treaty of 1868. At any point above Fort Randall, boats were likely to be attacked by Sioux war parties. In 1865, George Merrick, the mate of the *St. Johns*, was killed near Fort Rice by a small party of Sioux who fired directly into the pilot house while the boat was running close to a bend. In 1867, a band of Sioux fired into the *Silver Lake* forty miles above Fort Rice, wounding a son of the captain. During the same month, the *Antelope* was completely riddled with bullets by a Sioux war party. Many boat owners resorted to armoring the pilot houses, and all boats were equipped with weapons."

The difference in the freight rates is also interesting. In 1867 the steamboats charged 70 cents a hundred pounds for service between St. Louis and Omaha. Today grain is shipped at eighteen and a half cents a 100 pounds over the same distance.

When Jefferson paid twelve million dollars for Louisiana, which included what is now Nebraska, the country was at the full tide of successful experiment. So successful indeed were early experiments in using government to stimulate economic expansion that a basic pattern emerged which, with little change in principle, has guided American economic development ever since. Private enterprise, personal pioneering, willingness of individuals to take business risks are the main reliance of the nation. But it is recognized that there are times when the government can move the nation into a new dimension. Such an opportunity faced Jefferson's administration in 1803 when the French offered to sell Louisiana. His administration seized the opportunity and every administration since has followed Jefferson's example. The land grants to the railroads were in the same tradition. Whatever the contemporary controversies over this program, no one can deny that they accomplished their purpose of opening up the west.

In recent years, highway construction has rescued the farmer from isolation, brought new standards of mobility to the American family, stimulated both the auto and oil industries and the trucking industry. Federal investment in airlines had a similarly constructive result; a vast and important new industry was created as a result of government foresight in aiding a new technology. Atomic energy and space exploration are even more recent examples.

Among the oldest programs which seek to develop new economic dimensions for the nation is the multi-purpose water resource development program. Albert Gallatin, Jefferson's Secretary of the Treasury, a thrifty Swiss who almost paid off the national debt of that day, was an early believer in the national benefits of river development.

Out of small beginnings have come far-reaching river basin development plans, many of which look ahead thirty to fifty years. Most of us think in day-to-day terms, but with its water resource program, the Congress is shaping the basic framework on which to hang the regional development plans of the future.

By themselves, these plans have little meaning. They rely for their success on the extent to which they stimulate private in-

vestment. On the basic foundation of water resource development, private enterprise is expected to build the economy of tomorrow.

This principle has been followed since Jefferson's time. The Louisiana Purchase stimulated a movement of people westward to take up lands and develop the country. The land grants brought out railroad investment in needed new services. Highways, airline subsidies, atomic energy and space developments are bringing out huge new private investments as the years go by.

Today, there is a new urgency about regional development. Much government effort is currently going into helping to solve the problems of overcrowded cities. A parallel and rapidly expanding program calls for more intensive development of relatively lightly populated regions of the country as one part of an effort to decentralize an over-concentrated economy. It was the late Senator Robert S. Kerr's vision that canalization of the Arkansas would lead to a rush of industry into the Arkansas basin that would rival the land rush of the last century.

It is similarly the vision of those urging improvement of navigation on the Missouri that the states bordering the river will develop in the same way as the Ohio and Tennessee River basins. The same basic principle applies: government investment in sound foundation facilities attracts private investment to build a healthy expanding regional economy.

Some idea of how this works in the Missouri basin is suggested by two sentences from the current Congressional justification of the Missouri project and I quote: "Stabilization of the bank of the river from Sioux City to the mouth will insure protection against erosion to agricultural areas totaling over 1,800,000 acres and to municipalities, industries and other installations with a value of about $3 billion. These installations include major railroad and highway bridges which receive vital protection against being flanked by the meandering river."

A river is a national resource developed and improved to serve a variety of public interest objectives of which navigation is only one. It is the barge line's job to translate a potential economic asset into a reality by producing an extremely low cost form of transportation. Water transportation has long been a most reliable stimulant of economic growth, helping to create new traffic for rail and highway carriers in the process of stimulating industrial and agricultural activity.

The nation's economy generally has been doubling about every 18 to 20 years. The fastest growing industries, such as the electric utilities, are growing at about seven or eight per cent a year.

The rate of growth of barge transportation has averaged 4.7% over the past five years. But, the response of agriculture in the Missouri Valley to improved barge transportation in the past nine years has been quite remarkable. Ton-miles of service grew seven-fold, from 151,691,000 in 1956 to over 1,100,000,000. Wheat shipments have increased 15 times in the period, soybean shipments seventeen times, corn shipments six times and many products new to the Missouri River achieved heavy volume.

In response to such public demand, barge lines have invested large sums of money in new and improved equipment. In 1965, the last year for which figures are available, investment in nearly 1,000 new barges and 64 new towboats topped $150,000,000. This annual expenditure has grown in recent years. The river industry is composed of many small companies. Very few have annual revenues of more than ten million dollars. These companies have nevertheless invested more than half a billion dollars in new equipment since 1950.

Even more remarkable has been the change in river technology. In 1950, towboats on the lower river were capable of pushing about 10,000 tons or about the capacity of a Liberty ship. Today, grain barges leaving Omaha or Kansas City join others from the Upper Mississippi and the Illinois to form flotillas of up to 50 barges capable of carrying 40 to 50,000 tons or the equivalent of some of the largest bulk steamships in the ocean trades. The modern towboat of 6,000 to 9,000 horsepower is highly automated thus helping to create new efficiencies for the shipper. With increased productivity, the barge lines have been able to absorb increases in the cost of labor and materials and at the same time have been able gradually to reduce rates.

Students of transportation will be interested in a legal snag which now threatens the continued use of the revolution in power of the last ten years. Under a new interpretation of a section of the Interstate Commerce Act defining exemption from regulation, barge lines could be required to break up the large, economical tows into smaller units and thus lose the efficiency of volume movement.

Senator Warren G. Magnuson, Chairman of the Senate Committee on Commerce, who has introduced a bill to cure the problem, called attention to the fact that the exemption section was passed in 1940—and I quote Senator Magnuson—"when barge transportation was in its infancy and when few legislators realized its great potential. Today this transportation has reached such magnitude that the definitions cited above are now both archaic and restrictive."

The bill, S. 1314, would permit mixing of regulated and unregulated commodities and enable barge lines to continue to tow each other's barges and thus make possible the accumulation of the large tows. If someone were suddenly to interpret a statute to forbid airlines from carrying more passengers than the standard of 1940—the DC-3—the effect would be as absurd as the present situation.

Everybody is agreed that we must somehow avoid cancelling out the efficiencies of the big towboat. No one wants to see increased freight rates which could result if the big tows are broken up into small units.

We are hung up on an obsolete law which must be changed. Opposing the change would be a little like favoring feather-bedding. We did not advocate feather-bedding for the railroads and we do not expect the railroads to advocate cancelling out the benefits of improved river technology.

If anyone here wants to strike a blow for encouraging continuing technological advance, support for S. 1314 would be appreciated by the water carrier; industry, by shippers, by the general public which benefits directly, for example, from low electric rates founded on river-borne coal, by farmers, by maritime labor and by all those who are patiently planning the more intensive economic development of the river basins.

Water transport is today at the threshold of new technological advance. It seems only yesterday that our most frequently used barge was an open hopper vessel capable of carrying 500 tons. Today these barges are disappearing. The modern grain barge will carry 1,800 tons. Every year a new specialized barge is added to carry some exotic new chemical under pressure, or at high temperatures or at very low temperatures. Increasingly, the barge is a link in a highly sophisticated production process rather than a simple means of transportation.

Increasingly, too, industry is producing products which are too big to go by highway or rail. Atomic reactors for the new nuclear powerplants are going by river. We hope the bridge clearances of the future will be sufficient for king-size products as yet unimagined. It is an awesome responsibility to take an atomic reactor or an inter-planetary missile down the inland waterways. A mishap can mean huge financial losses, but, perhaps more important, can waste three years' work on the part of some of the most highly skilled teams in the nation.

Looking to the future, a major improvement in water transport efficiency will result from the development of a 12-foot channel on the Mississippi and Ohio and a nine-foot channel for the Missouri. For the 980-mile length of the Ohio, the 12-foot channel will soon be a reality. Barges today are being built with 12-foot depths in mind. On the Lower Mississippi it is thought that little would be needed to conform the river to a 12-foot minimum channel depth. Studies are already in progress and the benefit to the economy appears to be very great.

We are now told that in the decade ahead, the economy will demand more transportation per capita than ever before. In 1941, for example, 5,800 ton-miles of service were required per capita. Today, that requirement has grown to 8,900 ton-miles of service per head and may, by 1970, increase to 10,600. By 1980, every man, woman and child is expected to need 16,000 ton-miles of service a year.

This means vast expansion of every mode and tremendous changes in the techniques of doing business. It means a new situation in which, as the I.C.C.'s annual report has noted, surplus capacity in transportation no longer exists.

Private enterprise, responding to prudent and far-sighted public policies, has created the most advanced and efficient system of transport in the world. This system is a major factor in the quality and level of the nation's economic power.

The country is blessed with a tremendous network of water highways, of railroads, piplines, airlines and truck lines which must now be rapidly expanded in response to public demand. Increasingly, and inevitably, the network must be considered as a single system. It is clearly sound public policy, sound economic policy and sound business policy to make sure that the new investment in expanded capacity is applied in service that is economically the most productive.

Advancing technology and expanding demand are both powerfully influencing thinking of both carriers and shippers on the question of coordination of service between the various modes. As transportation becomes a larger part of the production process, shippers are becoming more sophisticated in their demands for the most economical service. Where large savings can be achieved, for example, by water movement or by combined rail and water movement, they will either force coordination or move their factories to rivers to take advantage of the lower cost service. Competition gives them no choice.

Accommodation of demands for coordinated service can best be accomplished by voluntary cooperation on lines of sound economics. What is sound economics is usually also enlightened self interest. Islands of special interest will not be allowed to stand in the way of such important public programs as more intensive regional economic development. Wendell Burge, a former Assistant Attorney General in charge of anti-trust enforcement—and a Nebraskan—in a book entitled "Economic Freedom for the West" stressed that transportation rates make the difference between success and failure in regional development. He wrote that without artificial barriers or discrimination in rates, capital in Maine, California or Nebraska will have equal opportunities for investment in new industry.

Everyone prefers the voluntary route, but if serious artificial obstacles are placed in the way of coordination of water and rail service, for example, the new Department of Transportation, the ICC and the courts will insist on better coordination. I think it is inevitable that the new unit train service by rail will be coordinated with large capacity steamship service on the Great Lakes and modern barge tows on the rivers. Such coordination represents a better way of doing the job. Far-reaching economies will result

which will be most important to future regional development. Railroads will find it impossible to refuse to sell their new technologies at river, Great Lakes and coastal ports. Successful new technologies cannot be isolated and selectively withheld from general public application.

We are beginning to hear again suggestions that better coordination could result if single ownership were allowed of different means of transportation. But none of the advocates of single ownership has so far answered the objection that single or common ownership would seriously damage competition to the disadvantage of the shipper and the public. Nor is there an answer to the simple fact that all the advantages cited for common ownership can be obtained through cooperative coordination of service without risk to the competitive process. Healthy competition is basic to the sound future development of our transport system. Experience with the department store theory of transportation has not been encouraging in the past. In the absence of competition, the well-known evils of monopoly have developed and the government has had to take a hand to reestablish competition.

I can recall that the entire Mississippi Valley opposed the proposal of the Southern Pacific and the Illinois Central to buy a barge line some years ago. The argument that such a merger would reduce or destroy competition prevailed. Nothing has changed since except perhaps the fact that the railroad merger trend is diminishing competition among the railroads and making the competition of independent water carriers more cherished than ever.

There is one final concern I would like to share with you. In the expansion ahead, a major objective should be to make sure that there is an adequate flow of capital available for new and improved transport capacity. Transportation companies must compete with all other segments of a rapidly expanding economy for money at reasonable terms. In our industry we are now talking of specialized chemical barges costing $750,000 compared to covered hopper barges at $60,000. Towboats are costing $1,500,000 where once a price of half a million was considered high. The same trend is true in every mode of transportation. The jet costs more than the piston plane, the bigger freight car more than the old standard boxcar, the modern truck more than the old one. However, it is through investment in costlier but more efficient equipment that the shippers achieve lasting benefits. Increasing efficiency in improved economic productivity of equipment, better use of capital, and better coordination of service are the *only* means of offsetting continually rising costs.

Transportation pricing must produce the earnings necessary to replace and improve equipment for the low cost water carrier no less than the airline in a profit-oriented free enterprise system. So far all modes have demonstrated confidence in the future by heavy investment in new and improved equipment. An important objective of the Department of Transportation and of the ICC should be to maintain this climate of confidence and the present healthy rate of new investment.

HIGHER EDUCATION COURSES IN OCEANOGRAPHY

Mr. FONG. Mr. President, the National Oceanography Association, which is headquartered in the Nation's Capital, has just issued an important publication called Oceanography Curricula. This pamphlet lists 52 institutions of higher learning in the United States which offer courses and degrees in oceanography or closely related subjects.

I am proud to say that the University of Hawaii is one of the schools listed. Hawaii offers an M.S. in oceanography and zoology, and a Ph. D. in marine zoology. It also offers an M.S. in ocean engineering. In oceanography-related subjects it offers an M.S. and Ph. D. in botany, geological sciences, and chemistry. Let me add that the University of Hawaii also operates the Hawaii Marine Laboratory, Coconut Island, Kaneohe.

My own State of Hawaii is, of course, deeply interested and immersed in oceanographic work. Several companies in Hawaii are active in oceanography, while others are planning to enter that field. What is true of my State is true of every coastal State and many inland States, because oceanography is not merely an occupation engaged in by firms and individuals located near the ocean. It is becoming a truly national industry of considerable significance.

Oceanography, both in the industrial and academic areas, is growing rapidly. Rapid growth on the campus and in industry means that in the foreseeable future many more scientists, educators, and industrial experts in all phases of oceanographic work will be needed.

It is fortunate indeed, as the National Oceanography Association's booklet shows, that there are already many colleges and universities where young people can prepare themselves for a career in oceanography. In fact, nine of the institutions of higher learning listed in NOA's Oceanography Curricula offer a B.S. or B.A. degree in oceanography, ocean engineering, marine sciences, and fisheries; 20 offer an M.S. or M.A. in oceanography, ocean engineering, marine sciences, and fisheries; 19 offer a Ph. D. degree in oceanography, ocean engineering, marines sciences, and fisheries.

Many institutions listed in Oceanography Curricula also offer summer courses at their marine stations or laboratories. Many offer degrees in related subjects with specialization possible in oceanography; for example, Scripps Institution of Oceanography at the University of California, offers both an M.S. and a Ph. D. in earth sciences with specialization in marine problems.

Oceanography Curricula gives potential oceanographers the opportunity to get a good rundown on schools teaching oceanography and related subjects, and the types of instruction these schools offer.

The National Oceanography Association has performed a real service by issuing that publication at this time. I have been aware of NOA since its inception in the summer of 1966. It came into being when such an organization was badly needed to give leadership and direction to the mushrooming field of oceanography. I have watched it grow in strength and stature over the past 10 months. The publication of Oceanography Curricula is evidence of the National Oceanography Association's forward-looking attitude and its concern with the future healthy progress of ocean science, which will contribute to the growth and strength of our Nation.

RUMANIA—A TRIBUTE

Mr. PROXMIRE. Mr. President, for Rumanians, May 10 is a day of special remembrance. It is on this day that they commemorate the anniversary of their independence from Turkish domination.

That the Rumanian people should celebrate this holiday with all the tributes and reminders of their glorious national past is perfectly understandable. For, there is a common quality in each human being that compels him to look to his national past and to identify himself with those moments of national glory. And what is more meaningful, what event is more full of satisfaction, than when a nation asserts its right of national independence from an oppressor and achieves that independence.

To look to the past has its rewards and satisfaction; such an exercise in reminiscences can be comforting to the soul; but it is the present and future that should be the prime source of attention for all imaginative minds; for, it is here where a people faces the great questions that will determine the ultimate destiny of their nation, questions that must be solved if they are to achieve their national goals.

Certainly as we look at Rumania today we can see that its people have neither ignored their historic past nor have they been remiss in determining their own national destiny. Contrary to the expectations of many in the West, Rumania has broken out of the iron grip of the Soviet Union; it has asserted its own national interests over those of the Soviet Union and world communism; it has charted for itself a political course in matters of foreign affairs that takes it into a closer alignment with the Western world. In recent days Rumania provided new evidence of its determination to seek its own national goals rather than the collective goals of its Communist allies when it openly defied the Soviet Union and refused to meet with the other Communist states in Karlovy Vary, Czechoslovakia; at this conference one of the key questions to be discussed was bloc unity.

This is a healthy trend, this assertion of national independence; and it is one that we in the West should encourage.

But we would deceive ourselves if we identified this surge toward national independence in external affairs with the expansion of political freedom within Rumania. There has been no such development; the Communist Party maintains its monopoly of power within the state; and the state remains rigidly organized along traditional Communist lines.

Still, we have no assurances of what the future will hold for Rumania and her people. We can only hope that in the years to come we will see a flowering of genuine democracy internally as the nation moves along its independent course.

On this May 10, 1967, let us all pay special tribute to the Rumanian people, and let us express again our confidence that one day in the future May 10 will be an occasion not only for celebrating the national independence of the nation but also freedom for its people.

PROBLEMS OF UNEMPLOYMENT IN A FREE SOCIETY

Mr. JORDAN of Idaho. Mr. President, one of the biggest problems with which Congress has wrestled over many years is the need to shape effective Government policy to meet the problems of unemployment in a free society.

The creation of a completely controlled labor force is contrary to our belief in freedom of choice as a human value which is basic to the definition of American society. But in our efforts to pursue an alternative course, we have fallen far short of perfection.

Recently the Republican task force on job opportunities and welfare, of which I am pleased to be a member, submitted a report approved by the Republican coordinating committee. The report points out some of the imperfections in current Federal policies and proposes a number of positive programs for mobilizing more effectively our national resources to open jobs for all Americans.

Implicit in the report is the conclusion that there is no level of unemployment which is acceptable in America. The paper is addressed not only to the present manpower dilemma but also, to a major extent, to emerging problems brought on by continuing rapid technological change—problems which we must recognize now and formulate programs to meet.

One of the most interesting findings of the report, and one to which I believe we should give close attention, is that the jobless total in this country would have increased from June 1960, to February 1967, except for a large gain in employment by the Federal Government. In that period, total government employment, including the military, increased by 1,373,000 or 28 percent. In the same time, unemployment went down by 880,000. Over nearly 7 years, then, the rise in the number of new Government employees was substantially more than the unemployment decline. If one wishes to exclude military personnel, the increase in Federal employment was 482,000—more than half of the total unemployment decline.

Thus, it is clear that since 1960, when the Government has spoken of new job opportunities, it has to a large degree been talking in fact about new opportunities for Federal employment. In essence, we are fighting unemployment by adding more and more people to the Federal payroll. This is the way the problem is being answered, but we must ask ourselves if this is the best answer in pursuit of the goal of jobs for all Americans in a free society.

So that Senators might have an opportunity to consider the task force report, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the Republican coordinating committee task force report on job opportunities and welfare was ordered to be printed in the RECORD, as follows:

JOB TRAINING AND EMPLOYMENT OPPORTUNITIES FOR ALL AMERICANS

Jobs for all Americans is a truly national goal. What is needed is a unified approach which brings the diverse resources of government, education, industry, and labor to bear on these problems. The Republican Coordinating Committee addressed itself a year ago to the resolution of the manpower dilemma.

We urge that careful executive and legislative study be given to the following constructive recommendations:

First, that a Federal income tax credit be given to employers toward the costs of training employees or potential employees in skills in short supply.

Second, that a National Skill Survey be undertaken to determine what skills are required now and what the skill demand will be in future years. This is essential if young people are to be trained to meet the needs of an increasingly automated economy.

Third, that the resources of industry, labor, education and all levels of government should be mobilized to institute a program of Technological Education for the Future (TEFF). This program would provide young people with functional training in needed new skills. Instruction in schools supplied with the most modern equipment and facilities would alternate with the on-the-job training with potential employers in a pre-apprenticeship program.

Fourth, that current surveys of monthly unemployment data be broadened to provide the full picture. Simple counts of the number of people unemployed do not contribute much to an action-oriented remedial program unless accompanying data on the number, types, and distribution of job vacancies are also provided. The employment surveys of the Bureau of Labor Statistics would be expanded to provide more specific details about unemployment and job vacancy data. Labor, industry and educational circles should strongly support this constructive proposal.

Fifth, all too frequently the unemployed are not only unskilled; they also lack basic elements of education. Private and public organizations working in this area have learned that the key to retraining is to provide basic education and self-respect. This is crucial in any retraining program.

BACKGROUND OF THE PROBLEM

Current employment statistics indicate that almost three million Americans out of a labor force of nearly 75 million are currently unemployed, running just under four percent of the total.

Untold millions more are under-employed—utilized in capacities well below the levels of their training, education and ability.

Yet, at the same time, hundreds of thousands of jobs requiring the talents of skilled personnel go unfilled because of a short supply of adequately trained manpower. The exact number, type and distribution of these open jobs is an unknown quantity.

This condition—the existence of unemployment among the unskilled, while jobs requiring skills go begging—is known as *structural unemployment*. The fact that the American economy has remained in this period of structural unemployment for several years is more than a subject for ivory tower discussion; it is a national disgrace.

To a great extent, hard-core unemployment is a special plight of particular groups in the population. Almost a year ago, the Republican Coordinating Committee pointed out these special problem areas:

Nonwhites, who comprise 11 percent of the labor force, account for 24 percent of long-term unemployment.

Teenagers in the labor force, particularly school drop-outs, are unemployed at 3.56 times the national unemployment rate.

Agricultural workers are unemployed at rates two-thirds higher than other workers. New lows in farm employment are set almost every year.

Workers in labor-surplus areas like Appalachia have experienced reduced demand for skills of almost all levels of sophistication.

Workers with low levels of education and job skills are among the hardest hit; unemployment among this group runs 75 percent above the national average.

The policies of the Johnson-Humphrey Administration have failed to meet these problems head-on. No comprehensive approach to resolve the needs and problems of structural and hard-core unemployment has been formulated, despite the expenditure of staggeringly large sums of money in the effort to fight poverty.

Rather, the Administration has utilized scores of programs, administered by numerous agencies, with little or no overall coordination of effort or goal. Many of these programs appear to be expensive failures.

GOVERNMENT EMPLOYMENT

The role of the Federal Government in maintaining high employment is a dual one. Not only do its economic policies have an impact on employment, but it is in a key position as the largest employer in the Nation. In this connection, the following statistics are noteworthy:

	June 1960	February 1967 [1]	Change	Percent change
1. Total employment [2]	66,149,000	74,137,000	+7,988,000	+12
2. U.S. Government civilian employment [3]	2,371,000	2,853,000	+482,000	+20
3. Percent of total employment	3.6	3.8	+6.0	
4. U.S. Government employment, including military personnel [3]	4,847,000	6,220,000	+1,373,000	+28
5. Percent of total employment	7.3	8.4	+17.2	
6. Unemployment [2]	3,768,000	2,888,000	−880,000	−23

[1] The Bureau of Labor Statistics has issued employment data for March 1967 since this paper was adopted by the Republican Coordinating Committee. These do not vary substantially from those reported above.
[2] Data seasonally adjusted. Statistics apply to persons age 16 and over.
[3] Executive branch only. February 1967 data are preliminary.

Sources: Items 1 and 6, U.S. Bureau of Labor Statistics; item 2, U.S. Civil Service Commission; item 4, U.S. Civil Service Commission and Department of Defense; items 3 and 5, calculated from other items.

In summary, from June 1960 to February 1967:

1. Total employment rose from 66,149,000 to 74,137,000.

2. U.S. Government civilian employment (Executive Branch only) increased by 482,000; it went from 3.6 percent to 3.8 percent of total employment.

3. Total Government employment, including the military, increased by 1,373,000 or 28 percent; it went from 7.3 percent to 8.4 percent of total employment.

4. Federal Government civilian employment went up by 482,000 while unemployment went down by 880,000.

5. While Federal Executive employment, including military personnel, went up by 1,373,000, unemployment went down by 880,000.

CONCLUSION

Republicans believe that unemployment in America *can* be eradicated. And we believe further that with planning and the application of adequate private and public resources, an ample supply of highly trained men and

women can be provided to fill sophisticated jobs in an automated economy.

Experience has shown that hit-or-miss programs which are not the product of coordinated, integrated efforts will fail regardless of their financial resources or the dedication of their staffs. But we are convinced that an approach which begins with youth, and mixes in proper proportions of education, technological training, and the support and participation of government, labor and industry can and will solve the problems of structural unemployment . . . and, in the long run, of poverty as well.

GOVERNMENT AND SMALL BUSINESS IN MARYLAND

Mr. BREWSTER. Mr. President, one of President Johnson's greatest achievements is the high level of cooperation between business and Government that exists today. Cooperation between the Federal Government and citizens at all levels—in business, industry, and commerce, and in the local and State governments, as well—has never been so effective as it is today.

This working partnership is most notable, I believe, in bringing about a unity of purpose that benefits business and Government alike.

Mr. President, our national economy is a strong one. Its strength is dependent, in a large measure, upon the health of the Nation's 4.8 million small firms.

Small business is important to a growing economy for many reasons. First, it is important by virtue of the sheer weight of numbers. More than 95 percent of all American businesses are small. They account for 40 percent of our labor force and provide a livelihood for 60 percent of our people. Small business is a giant when considered in the broad spectrum of the overall economy.

Small business is of importance for another reason. It offers countless opportunities for individual growth and initiative. These ventures have been very aptly termed the "seedbed of the American economy." Through the medium of small business, a person having limited resources can strike out on his own, and with determination, ingenuity, and careful management can create an outstanding success, as millions before him have done.

Small business has historically been the door of opportunity for enterprising Americans. This is still the case. The individual innovator, the person with a new product, a new idea, a new process, has virtually limitless opportunity.

President Johnson understands the importance of small business and has urged that it be made one of the fastest growing industries in the Nation. The President appointed Bernard L. Boutin, a former Administrator of the General Services Administration and a former small businessman from New Hampshire, to be Administrator of the Small Business Administration last May.

Under Administrator Boutin, the SBA is moving forward in providing financial assistance and managerial guidance to the Nation's small businessmen, enabling them to make the maximum use of today's opportunities.

Mr. President, since I was elected to the U.S. Senate in November 1962, the Small Business Administration has assisted more than 750 persons in Maryland through long-term loans totaling $24.4 million.

Included in the total are 300 SBA loans totaling $19.3 million to help small businessmen. One hundred and eighty-two persons received $2.6 million in disaster loans to repair or replace their property damaged in natural disasters. Under the Agency's equal opportunity loan program 32 disadvantaged persons were provided with nearly $400,000 in loans to aid in the establishment of a business or improve an existing one. Twenty-one businesses that had been forced to relocate because of a highway or an urban renewal program were given long-term loans totaling $1.3 million.

In addition, SBA has helped three local development companies with loans totaling $799,600, and the companies in turn have provided facilities for small businesses that now employ nearly 250 persons.

The SBA provided a loan of $350,000 to the Harford County Development Co., of Joppa. The money assisted in providing facilities for the Harford Brick & Tile Co., which cost $625,700. Twenty-two new jobs were created by this expansion. The development company provided $275,700 of the necessary funds.

An SBA loan of $100,440 helped the Dorchester Industrial Development Corp., located in Cambridge on Maryland's Eastern Shore, to construct a vegetable cannery costing $124,000. The cannery is operated by a small firm which employs 200 persons. A bank provided $11,000 of the necessary funds and the local development company provided $12,400.

An SBA loan of $406,000, with a bank participation of $56,840, helped the Deep Creek Development Corp. of Oakland construct a ski tow costing $506,000. This facility, in addition to creating 23 jobs, is assisting the local community to develop its natural resources.

A common problem faced by small ness is that of obtaining long-term loans to help them modernize and improve their businesses. Many SBA business loans are utilized for this specific purpose.

One such loan was made by SBA to Baltimore Display Industries, Inc., 33 South Charles Street in Baltimore. This firm, organized in 1948, was engaged in wholesaling display materials and fixtures for department stores, specialty shops and chain stores.

This enterprising firm with 16 employees was forced to vacate its quarters in a loft. An SBA-bank participation loan of $60,000 was provided to help the owners purchase land and construct a suitable building.

The move has proved beneficial to the firm. Since SBA approved the loan, the firm's sales have increased more than 50 percent and net profits after taxes have increased fourfold.

Under Administrator Boutin's direction, SBA is actively seeking small businesses that have the greatest potential for growth and for helping build up their local communities. It wants to encourage them in every way it can. Maryland small businessmen can help through SBA's Regional Office at Fayette and St. Paul Streets, in Baltimore and at the SBA Regional Office located in downtown Washington.

The services provided by SBA also include management guidance and help to small firms in selling their products to the Federal Government. Recently the SBA, in cooperation with the University of Baltimore School of Business, sponsored a course in U.S. Government contract administration for small businessmen. The purpose of the course, which was held on Tuesday evenings for 7 weeks, was to give small businessmen up-to-date information on filling Government contract. Experts from the Westinghouse defense and space center joined with Government officials in making the course a success.

In carrying forward President Johnson's attack on poverty, SBA works closely with the Baltimore County Community Action Agency and the Community Action Council of Howard County, Maryland, Inc.

In this project it provides loans up to $25,000 to assist businesses and potential businessmen who have suffered from lack of opportunity. SBA assistance is designed to help them compete in business on equal terms with their competitors.

Mr. President, SBA's programs give meaning to President Johnson's concept of "creative federalism." They help to make this concept a success.

In his state of the Union message, President Johnson said:

Federal energy is essential. But it is not enough. Only a total working partnership among Federal, state and local governments can succeed. The test of that partnership will be the concern of each public organization, each private institution, and each responsible citizen.

Mr. President, it is this broad concept of a working partnership with the Nation's small businessmen and with community groups and State and local government agencies that makes the Small Business Administration's programs meaningful and effective, not only in Maryland, but in every State in the Union.

"NO" ON INVESTMENT TAX CREDIT

Mr. BARTLETT. Mr. President, yesterday the Senate approved a bill to restore a 7-percent investment tax credit and allowance of accelerated depreciation in the case of certain real property.

I voted against the bill.

I so voted because the administration's piecemeal approach to tax policy does not make much sense to me.

Just 7 months ago Congress was told it should repeal this tax provision to help cool off inflationary pressures, pressures created, at least in part, because industry was unable to supply the greatly accelerated demand for goods encouraged by this tax program. One of the most unfortunate results of this emphasis on industrial capital improvements was a sharp decrease in the amount of investment money flowing to the home mortgage market.

Now, just 7 months later we are

asked to believe that the tax credit program will not create the situation which led to its repeal 7 months ago.

Most important, Congress reportedly will be asked to enact a 6-percent surcharge on individual and corporate income taxes. This to me appears to be moving in two different directions at the same time when the goal is assumed to be one and the same.

Knowing that the administration fears as much as I do the ravages of inflation, I can only surmise that it is pressing for restoration of the tax credit as an antirecession measure.

Mr. President, it makes no sense to me on the one hand to pump up an already overheated segment of the economy to produce more goods and then to turn around and dampen the consumers' ability to buy those goods. If the people can not or will not buy, what good will it do to produce more goods?

Clearly the best antirecession measure, if one is really needed, is to pump up the consumer sector of the economy. There are some indications that that sector of the economy needs some pumping up. I ask unanimous consent that an article from today's edition of the Washington Post reporting that retail store sales were not increasing as much as predicted be printed in the RECORD at the conclusion of my remarks.

I also ask unanimous consent for the printing in the RECORD of "three inescapable facts" concerning the bill which the senior Senator from Tennessee [Mr. GORE] made in his minority report—the bill when it was sent to the floor from the Senate Finance Committee. I realize that Senator GORE's strong feelings about the Fair Campaign Act, 1966, led him to vote for the tax credit bill, but his three points sum up the case against restoring these credits.

In conclusion, I, for one, cannot support a tax cut favoring one segment of the economy at the expense of individual taxpayers, particularly when, because of a tight budget, we are faced with having to cut back or not expand as much as necessary important domestic programs.

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

SALES REPORT JOLTS HOPES FOR UPSWING—IDLENESS IN APRIL WENT UP 0.1 POINT, LABOR DEPARTMENT SAYS

(By Hobart Rowen)

Administration hopes that a sharp upswing in consumer buying had gotten under way received a rude jolt yesterday, and probably will suffer another blow today.

According to a revised Department of Commerce report on retail store sales, the volume in March was up a bare 1 per cent, instead of 3.3 per cent as reported in preliminary figures.

And the first report for April, showing an actual decline from March sales, will be issued today, it was learned last night.

Meanwhile, the Department of Labor reported that April unemployment had increased 0.1 of a point to 3.7 per cent, seasonally adjusted. This stability was maintained, curiously enough, by an increase in retail jobs, which offset a slowdown in manufacturing activity.

ADDS TO UNCERTAINTY

The gloomy news on retail sales, which added to growing uncertainty about the economy in the months ahead, put the seasonally adjusted volume for March at $25,736,000,000. A few weeks ago, the Department guessed at $26,474,000,000. This was not only a smart gain over February, but 4 per cent better than March, 1966.

It was hoped, particularly, that this foreshadowed a revival in the consumer sector that would cut into heavy stocks of goods that have been depressing the economy.

Economic adviser Arthur M. Okun had referred to the March sales result as "gratifying." And although some Administration economists privately wondered whether the March figure might not have been exaggerated, it punctured the mood of pessimism prevalent in January and February.

But by lopping $738 million off the original version the Commerce Department has cut short the optimistic flurry.

DISAPPOINTMENT CLEAR

Officials yesterday reiterated that reliance on a single indicator, or a single month's statistics, can be tricky. Yet, the disappointment was clear.

The March and April reports taken together show no gain instead of a good gain. They indicate that consumer spending remains on a plateau in the face of rising incomes.

Despite the downward revision, March retail sales were still a record, topping the previous high of $25,703,000,000 set last September.

Administration officials are not ready to conclude that their predictions for a second-half economic recovery must be discarded. They believe that it will be 5 weeks or more before there is conclusive data on which way the economy is headed.

SENATOR GORE'S THREE INESCAPABLE FACTS

Fact No. 1: By enacting this bill we will be cutting taxes for corporations when there is no demonstrated need.

As pointed out above, there is no collapse in plant and equipment expenditures. This year will see a still further advance, although not a large one, over the too-rapid advances we experienced in 1965 and 1966.

On the other hand, although a recession is not now predictable, there has been an increasing wariness on the part of consumers. Consumer expenditures have slowed and the savings rate has jumped up markedly. Although there is no shortage in productive capacity, there is a shortage of purchasing power and if any segment of the economy needs encouragement, it is consumers.

The slowdown in the automobile industry is characterized by an excess in inventory of unsold automobiles. Would this indicate a need for a tax incentive for more automobile productive capacity or for more consumer demand for the automobiles already manufactured and for the production of which idle capacity already exists?

Fact No. 2: Cutting taxes for corporations at this time is an indication of a decision to use fiscal policy to pump up the economy. But the administration, at the same time, is inconsistently pursuing restraint in expenditures where such expenditures might be more useful. Highway funds have been impounded, and although it was recently announced that they would be released, the final release will not take place until after July 1. But we are urged to give corporations a tax break now. The Bureau of the Budget is sitting on some $94 million badly needed for farm loans. We cannot afford to make these good loans, but we can afford to give away millions immediately to a relatively few large corporations. We must defer action to boost social security benefits for the elderly who are in dire straits. But we cannot afford to wait another month to cut corporate taxes.

One wonders whether administration spokesmen are being candid, consistent, or neither.

Fact No. 3: The enactment of this measure will kill any chance of adopting the President's proposed tax surcharge. As a result, the deficit may well approach $20 billion for fiscal year 1968. I, for one, cannot face such a prospect with equanimity, particularly since we have continued to run deficits through the past few years of unprecedented prosperity.

MR. C. K. YEN, VICE PRESIDENT OF A FREE AND PROSPEROUS ASIAN ALLY, VISITS THE UNITED STATES

Mr. HANSEN. Mr. President, the United States is honored to be host to the Vice President of the Republic of China, one of America's stanchest and most prosperous Asian allies. Mr. C. K. Yen, who is also an outstanding economist, deserves a great measure of credit for building on Taiwan one of the strongest, most viable and private-enterprise-oriented economies in the Far East.

A few statistics from the current issue of Time magazine tell the story graphically.

The gross national product on Taiwan has risen at the rate of 8.2 percent annually since 1952. Industrial production has been increasing nearly 14 percent a year. Per capita income is rising 4½ percent a year. But beyond this, as Time points out:

> Yen and his men achieved economic stability first by reforming the agricultural base, which more often than not, is a millstone around the neck of a developing nation.

Time continued its article by asserting that—

> The scope of the problems yet to be solved only serves to point out how well the Chinese on Taiwan have done with their economy in the past two decades. Not only have they survived, but they have become a showplace for the rest of Southeast Asia.

There is no more graphic and stark example of man's relationship to man, the government's attitude toward the governed, or the economic strength of systems based on freedom and on communism, than that found by comparing the Chinese Province of Taiwan with the Chinese mainland only 100 miles away.

Here can be seen the contrast of life under two diametrically opposed systems. The accomplishments of President Chiang Kai-shek, Vice President Yen, and others responsible for the economic, industrial, and military sophistication of a once underdeveloped island are in stark contrast to the revolution, chaos, and negation of human values found on the Communist-controlled Chinese mainland.

Replied Mr. Yen when welcomed to the White House yesterday:

> The Republic of China is proud to pledge its support to the resolute stand of the United States in upholding the cause of freedom and justice in our part of the world.

Mr. President, I know that the American people are honored and pleased to have the Vice President of free China in our country. His nation, as the President noted yesterday, is "a model for many lands."

I ask unanimous consent that the article to which I have alluded be printed in the RECORD.

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

TAIWAN—THE MODEL

Into Washington this week flies C. K. Yen, 61, vice president, premier and, most important, chief economic planner of the Nationalist Chinese government on Taiwan. Within the fortnight following he will pay calls on President Johnson, Secretary of State Dean Rusk, businessmen and Chinese communities from Cape Kennedy to San Francisco. Remarkably, he seeks no financial handouts of any sort. But, he admits in a modest way, he would indeed be pleased by recognition of the dramatic fact that Taiwan has become a model for Asian economic development.

Yen has all sorts of statistics to which he can point. Items:

The gross national product has risen at the rate of 8.2% annually since 1952, now stands at $3.1 billion.

Industrial production has been increasing nearly 14% a year; industry on the island is four times broader than it was in 1952.

Taiwan's trade balance, which once ran a $100 million annual deficit in spite of U.S. aid (discontinued in 1965), is now only $34 million in deficit on a much larger base ($569 million in exports and $603 million in imports). Meanwhile, foreign exchange reserves last year rose another 10% to $337 million.

Per-capita income, rising 4½% each year, has nearly doubled to $200. With prices stabilized the ordinary Taiwanese has begun to buy rice cookers and radios, and total savings last year amounted to $200 million, or more than twice as much as Taiwanese tucked away in 1962.

Yen and his men achieved economic stability first by reforming the agricultural base, which more often than not is a millstone around the neck of a developing nation. Because of the spine-like ridge of mountains that runs up the middle of Taiwan, only 3,000 of the island's 13,800 square miles are arable; for centuries, that land was held by landlords and worked by tenant farmers. The Nationalist government of Chiang Kai-shek, under a land-reform program, distributed small plots to the tenants—and encouraged landlords to invest their settlement money in industry. Now, with farmers keeping 80% of their crop *v.* 43% in the old days, rice production has increased from 20 tons a acre to 34 tons. Seeking to profit from a semitropical climate that allows four harvests a year, the government encouraged the island's 835,000 farm families to branch out from staple rice and sugar into such profitable cash crops as pineapples, asparagus, bananas and mushrooms. Result: with agricultural output rising 6% a year, Taiwan is not only able to feed itself one of the highest-calorie diets in Asia but has also developed a profitable farm-export market, especially to Japan and South Viet Nam.

Industrial Balance. Even while improving and increasing agriculture, Taiwan's economists laid long-range—and highly realistic—plans to balance it with industry. Says Economic Affairs Minister K. T. Li: "It is often said that every developing country wants to begin with an atomic reactor and and airline of its own. We resisted that temptation." With loans of $43 million from the World Bank, $56 million from the Export-Import Bank and a $150 million line of credit from Japan, the Taiwan government set about building industry and improving the infrastructure of railroads, highways and communications on which it depends. At the outset, major industries were put under government control, and many of them remain there.

Among government-run enterprises is the China Petroleum Co., which has petrochemical complexes at either end of the island and a natural-gas field at Miaoli in the north. China Petroleum last year earned $37 million on sales of $90 million, is now expanding with a joint venture in fertilizers with Mobil Oil and Allied Chemical Corp. The government-controlled Taiwan Power Co. has brought electricity to 96% of Taiwan's population and is fast outstripping its 1,500,000-kw. capacity; with 80% of its output earmarked for expanding industry, Taiwan Power is aiming toward a 4,000,000-kw. output within the next ten years, is rushing completion of the Tachia River power network to supply a quarter of the total through a mix of hydroelectric power and thermal power generated by oil shipped halfway around the world from Kuwait.

Yet for all the huge role that government has played in Taiwan's economic upsurge, C. K. Yen is a firm believer in private enterprise. Thus in the past five years, the government's share of total industrial output has dropped from 68% to 31%.

The Investors. The basic idea is to lure both foreign and domestic capital investment. To outsiders, Taiwan's biggest advantage is inexpensive labor. Minimum-wage laws require only $11 a month for unskilled labor, while skilled workers get up to $70 or $80. The rates are only one-third as high as wage levels in Japan and half those in Hong Kong. As a result, several Asian companies have moved operations from those areas to Taiwan. U.S. firms have invested $110 million in Taiwan enterprises. Union Carbide is building an $8,300,000 plastics plant in the Kaohsiung petrochemical complex. RCA last week announced that it will build a $2,500,000 factory to make computer parts.

U.S. businessmen are satisfied with their ventures, especially since Taiwan gives them a five-year holiday from income-tax payments and allows repatriation of earnings and capital. "We expect wages to go up," says William B. Scott, manager of a $24 million Philco radio plant at Tamsui, "but productivity will go up faster."

As for local entrepreneurs, Taiwan's capital market is still pretty small. But there are several success stories. Y. C. Wang, 51, a Taiwan-born smalltime lumber dealer only a decade ago, now owns the Formosa Plastics Corp., which this year will do a $40 million business in such products as plastic sheeting and baby pants. T. S. Lin's Tatung Engineering Co. has a broad range of consumer goods: the Tatung brand is stamped on pressurized rice cookers, washing machines, fans, radios and, lately, television sets. Tjingling Yen and his wife Vivian, who holds a master's degree from Columbia University, operate two of the fastest-growing companies on Taiwan. From facing desks in a modest Taipei office, Yen's Yue Loong Motor Co. this year will sell 6,000 cars and trucks assembled from parts made in Taiwan or Japan. Mrs. Yen's Tai Yuen Textile Co. turns out 20% of Taiwan's textiles, does a $15 million annual business, mostly overseas.

ALMOND-EYED MIA

Taiwan hopes to market more and more of its industrial products outside the country, especially in Southeast Asia. At the same time, C. K. Yen and his economists are trying new ways to build up capital and to increase jobs. One is motion pictures; movies from the island's four flourishing film studios, with Mandarin sound tracks and subtitles in other dialects, are popular with Chinese communists all around the Pacific. Wang Mo-chou, 24, an almond-eyed Mia Farrow, has become big box office. The government is also hopefully pushing such tourist attractions as Sun Moon Lake and Taroko Gorge, last year earned $20 million on tourism, and expects 240,000 visitors this year. In addition, it is host to 4,500 U.S. troops a month brought in from South Viet Nam for five-day furloughs; each serviceman spends about $250 during his stay. To increase jobs, the government has established the Kaohsiung Export Processing Zone (KEPZ) on 170 acres of waterfront land, where more than 60 firms manufacturing products for re-export will eventually provide work for 30,000 people.

Creating more jobs is one of the biggest headaches for Planner Yen. About 45% of Taiwan's citizens are age 15 or younger, and 165,000 will enter the labor market every year for a decade. Taiwan must also improve education to overcome shortages of managers and skilled foremen, and solve its brain drain: each year 2,300 students go to the U.S. to attend universities. Few return to Taiwan.

Still, the scope of the problems yet to be solved only serves to point up how well the Chinese on Taiwan have done with their economy in the past two decades. Not only have they survived, but they have become a showplace for the rest of Southeast Asia. And as impressive as the record is on its own, it takes on even greater proportion when the economy of Taiwan is matched against that of a country only 100 miles away—Communist China.

NEW YORK CITY OMBUDSMAN

Mr. LONG of Missouri. Mr. President, the Committee on Administrative Law of the prestigious Association of the Bar of the City of New York has this week released "A Report on, and Draft of, a Proposed Local Law for a New York City Ombudsman."

This material, prepared under the chairmanship of Mr. Milton M. Carrow, represents several months of diligent research and effort. It is a workable model for other cities presently considering the creation of an Ombudsman.

I ask unanimous consent that the report be printed in the RECORD.

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

THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, 42 WEST 44TH STREET, COMMITTEE ON ADMINISTRATIVE LAW—A REPORT ON, AND DRAFT OF, PROPOSED LOCAL LAW FOR A NEW YORK CITY OMBUDSMAN

The Committee on Administrative Law of The Association of the Bar of the City of New York recommends that an independent Office of Public Complaints be established in New York City, to be headed by an Ombudsman. To this end the committee has drafted the accompanying bill.

The "policy" declaration in the bill states two objectives applicable to city agencies and employees: first, ". . . to investigate and ameliorate grievances arising out of allegations of . . . maladministration, unfairness, unreasonableness, arbitrariness, arrogance, rudeness, oppressiveness, inefficiency, improper motivation, unwarranted delay, clear violations of laws or regulations, or other abuse of authority . . ." and second, on the Ombudsman's initiative ". . . to investigate, study and make recommendations with regard to agency acts, practices and procedures."

The fact that there are such "grievances" is not necessarily due to deliberate acts on the part of city agencies or employees. In fact, New York City is noted for the comparatively high caliber of its administrative personnel. Many of the causes stem from the size and proliferation of the bureaucracies, the skyrocketing of costs of governing well, insufficient personnel, the lack of means of informing people about available services and procedures, especially for the poor and even those of modest means, and the enormous pressures on urban life today resulting from inadequate housing, conflicts in community relations, dilapidated transportation and the like.

The proposed bill will not solve these prob-

lems. Its aim is quite limited. Primarily, it seeks to build a bridge of understanding between the people and the agencies of the city government. An office which is interested in hearing the citizen's complaints and which has the ear of the officials complained about will be able, as experience elsewhere has shown, to "ameliorate" the great majority of grievances. It will undoubtedly also be a brake on those members of the official family who, for reasons not related to their jobs, provide grounds for complaint. Moreover, it will provide expertise on modern administrative practices and procedures for the assistance of the agencies which have neither the funds nor the personnel to study them.

BACKGROUND OF THE COMMITTEE'S PROPOSAL

The committee's consideration of the desirability and feasibility of an office of public complaints for New York City began more than two years ago. It studied the ombudsman system as it originated and developed in Sweden since 1809, as well as in Finland, Denmark, Norway, New Zealand and Great Britain. It also examined the work of the Office of Public Protection, established in Nassau County, New York, in 1966. (It learned that on March 21, 1967, the City Council of San Diego, California, established an "Office of Citizens Assistance Officer".)

In addition, the committee has followed developments in those countries, such as Canada, which are now actively considering similar proposals, as well as in this country. Here, on the federal level, two bills have been introduced in Congress, one by Congressman Reuss of Wisconsin, providing for an "Administrative Counsel of Congress" (H.R. 3388, 90th Cong.), and the other, proposed by Senator Long of Missouri, to establish an Ombudsman for the District of Columbia (S. 3783, 89th Cong.). Senator Long has also introduced a bill to establish ". . . the Office of Administrative Ombudsman to investigate administrative practices and procedures of selected agencies of the United States". (S. 1195, 90th Cong.) In New York State, Senator Bronson and Assemblyman Green have introduced a bill to create a state Office of Public Redress (S. 9–A, Intro. A.87, 1967).

Model ombudsman bills have been drafted by Professor Walter Gellhorn, of Columbia University, (also the author of "When Americans Complain" and "Ombudsman and Others: Citizens' Protectors in Nine Countries") and the Harvard Journal of Legislation (v. 2, p. 213, 1965), both of which have been of much help to this committee.

In New York City, Councilman Paul O'Dwyer, in 1965, introduced a bill in the City Council to create an "Office of Citizen Redress", which was reintroduced by Councilman J. Daniel Diggs in 1966. Also in 1966, Council President Frank O'Connor introduced a similar bill. Councilman Edward L. Sadowsky, in November, 1966, filed a bill calling for the creation of an office of "Administrative Review" as an arm of the City Council.

Not only has the Committee on Administrative Law carefully analyzed all of these measures, but also it consulted with various scholars and public officials conversant with the subject. In February, 1966, it co-sponsored a forum at The Association of the Bar of the City of New York, at which addresses were given by Hon. Alfred Bexelius, the Swedish Ombudsman, and Sir Guy Powles, the New Zealand Ombudsman. (Their addresses are published in vol. 21 of the Association's "Record", p. 385.) At various committee meetings, it had the benefit of helpful comments by representatives of Mayor Lindsay and Council President O'Connor, and by Professor Gellhorn, Vincent L. Broderick, Esq., former New York City Commissioner of Police, Commissioner Arnold Fraiman of the Department of Investigation, and Benny Kass, Esq., legal assistant to Senator Long of Missouri. (None of these persons, however, is responsible for, or committed to, the bill or any of its provisions.)

HIGHLIGHTS OF THE BILL

One of the most essential aspects of the proposed bill could not be incorporated in mandatory legislative language. That is the stature, dignity and respect necessary for successful operation of the office. An effort is made in the bill's policy statement to assure that the head of the office would be "a person of distinguished accomplishments in the field of law or administration". And, after much debate, it was decided that the use of the title "Ombudsman" would be helpful in this respect, because of its historical identification with these attributes in other countries.

As to the agencies and employees covered, it was felt there should be a minimum of exemptions. The Mayor and the City Council, being answerable to the people in regular elections, need no such oversight. Their "staffs", it was also felt, should be exempt. The courts were exempt because they have an extensive administrative apparatus overseeing their functions, and also because some of them are not subject to local law. The Board of Estimate is exempted only insofar as it acts as a board. Thus, its individual members acting in other capacities would be subject to the Ombudsman's jurisdiction.

The appointing and removal process was designed to insulate the Ombudsman from politics as much as possible. His term of five years would overlap that of the Mayor's and his appointment would be by the Mayor with the advice and consent of two-thirds of the Council. Various other devices were considered, such as a nominating panel of reputable citizens, but close analysis showed them not to be workable. The salary, "equal to that of a Justice of the Supreme Court of the State of New York serving in New York City", should be sufficient to attract a man of the requisite stature.

The scope of the investigative powers of the Ombudsman would be broad. He could investigate any complaint and make "such findings and recommendations he deems appropriate." Agencies are required to furnish information requested by him and make their records available to him. He could initiate an investigation himself. After giving an agency an opportunity to reply to his findings and recommendations, he could issue them to the press. He would, of course, report to the Mayor and the Council.

However, the Ombudsman's powers would not include any sanctions. He could only investigate, make findings and recommendations and report. More definitive action would have to be taken by the Mayor, the Council, the electorate, or the agencies themselves.

Although the Ombudsman would have the authority to act "in his sole discretion", he would be required both to inform the complainant of the reason he does not investigate, and if he does, of his findings and recommendation. But, to insulate him from harassment, his action would not be reviewable in any court.

EFFECT ON THE DEPARTMENT OF INVESTIGATION

The establishment of a separate Office of Public Complaints would make it unnecessary for the Department of Investigation to retain its complaint bureau which has the power to receive complaints from the public under Section 804 of the Charter. Thus, the bill provides that this section be repealed.

The Department of Investigation, however, will continue to exercise its primary functions, namely to "make any investigation directed by the mayor or the council" (New York City Charter, Sec. 803 [1]) and to "make any study or investigation which in his (the Commissioner of Investigation) opinion may be in the best interests of the city". (id., Sec. 803 [2]).

Although there may remain some overlap in the respective investigative powers of the Department of Investigation and the Office of Public Complaints, it is the committee's expectation that in such instances the Commissioner of Investigation and the Ombudsman would coordinate their activities.

To the extent the abolition of the complaint bureau in the Department of Investigation reduces its work load, its appropriation for such purposes could be allocated to the Office of Public Complaints.

The text of the proposed bill follows:

PROPOSED LOCAL LAW FOR A NEW YORK CITY OMBUDSMAN

A local law to amend the charter of the city of New York in relation to creating the office of public complaints headed by the ombudsman.

Be it enacted by the Council as follows: Section 1. The charter of the city of New York is hereby amended by adding thereto a new chapter 54 to read as follows:

§ 1170. *Policy.* It is hereby found to be in the public interest to establish an office of public complaints in New York City, headed by a person of distinguished accomplishments in the field of law or administration, whose main functions would be (a) to investigate and ameliorate grievances arising out of allegations of agency maladministration, unfairness, unreasonableness, arbitrariness, arrogance, rudeness, oppressiveness, inefficiency, improper motivation, unwarranted delay, clear violations of laws or regulations, or other abuse of authority, and (b) on its own initiative, to investigate, study and make recommendations with regard to agency acts, practices and procedures.

§ 1171. *Office of public complaints; ombudsman.* There shall be an office of public complaints, the head of which shall be the ombudsman.

§ 1172. *Definitions.* a. "Agency" means any department or other governmental unit (whether or not within or subject to control or review by any other agency), any official, or any employee of the city of New York, other than (1) the board of estimate only insofar as it acts as a board, (2) the council, its members and their staffs, (3) the courts, and (4) the mayor, the deputy mayors, their assistants and their staffs.

b. "Agency act" includes every action, omission, failure to act, decision, rule or regulation, interpretation, recommendation, policy, practice or procedure of an agency.

§ 1173. *Ombudsman; appointment; term of office; removal; vacancy; salary.* The ombudsman shall be appointed by the mayor with the advice and consent of the council provided two-thirds of the councilmen, present and voting, concur. He shall serve for a term of five years, and shall devote his full time to the duties of said office. He may be removed by the council by a vote of three-quarters of the councilmen present and voting upon their determining that he has become physically or mentally disabled for more than six months or has been guilty of malfeasance. If the office of ombudsman becomes vacant for any reason, the mayor shall forthwith appoint a new ombudsman in the same manner as stated above to serve for the unexpired portion of the term. The ombudsman shall receive compensation in an amount equal to that of a Justice of the Supreme Court of the State of New York serving in New York City.

§ 1174. *Organization of office of public complaints.* a. The ombudsman may select, appoint, and compensate as he may see fit (within the amount available by appropriation) such assistants and employees as he may deem necessary to discharge his responsibilities under this law; and such appointments, to the extent permissible under the law of the State of New York, shall not be subject to the requirements of the civil service law.

b. The ombudsman shall designate one of his assistants to be deputy ombudsman who shall serve as acting ombudsman when there is a vacancy in the office of ombudsman.

c. The ombudsman may delegate to members of his staff any of his authority or duties under this law except this power of delegation and the duty of formally making recommendations to agencies or reports to the mayor or the council; provided, however, that the ombudsman may delegate any of his authority or duties under this law to the deputy ombudsman when the ombudsman is unable to perform them on account of disability or absence.

§ 1175. *Powers.* The ombudsman shall have the following powers:

a. He may investigate, on complaint or on his own motion, any agency act, and make such findings and recommendations he deems appropriate.

b. He may prescribe the methods by which complaints are to be made, received, and acted upon; he may determine the scope and manner of investigations to be made; and, subject to the requirements of this law, he may determine the form, frequency, and distribution of his findings and recommendations.

c. He may request and shall be given by each agency the assistance and information he deems necessary for the discharge of his responsibilities; he may inspect and examine any and all records and documents of all agencies to the extent not prohibited by state law; and he may enter and inspect any and all premises within any agency's control; provided that any information received by him which by law is confidential shall not be disclosed.

d. He may issue subpoenas, in accordance with the provisions of CPLR Sec. 2302, to compel any agency or any other person to appear, give sworn testimony, or produce documentary or other evidence the ombudsman deems relevant to a matter under his inquiry. A person thus required to provide information shall be paid the same fees and travel allowances as witnesses in the courts of this state, and shall also be entitled to have counsel while being questioned.

e. He may, on his own initiative, undertake, participate in, and cooperate with general studies or inquiries of agency functions, practices and procedures, whether or not related to any particular complaint or agency act, and may make any findings or recommendations he deems appropriate.

f. He may do all things reasonably necessary or appropriate to the exercise of the foregoing powers.

§ 1176. *Basis for action.* The ombudsman may receive a complaint from any person concerning an agency act. He shall investigate the matters complained of unless, in his sole discretion, he determines that:

a. the complainant has available to him an adequate remedy which he could reasonably be expected to use;

b. the complaint pertains to a matter outside the ombudsman's jurisdiction;

c. the complainant does not have a direct interest in the subject matter of the complaint;

d. the complaint is trivial, frivolous, vexatious, or not made in good faith;

e. the complaint has been too long delayed;

f. the ombudsman's resources are insufficient for adequate investigation;

g. the matter is otherwise inappropriate for investigation.

Where the ombudsman decides not to investigate a complaint, he shall so notify the complainant, stating his reasons therefor.

§ 1177. *Findings and recommendations; notification of complainant and agency; publication.*

a. After completing the processing of a complaint the ombudsman shall, where possible, notify complainant of his findings and recommendations.

b. If, after investigation, but prior to publication of any findings, recommendations or report, the ombudsman finds that any agency should (1) consider the matter further, (2) modify, amend or cancel an agency act, (3) explain more fully the agency act in question, (4) take any other action, he shall notify the agency of such findings together with his recommendations. The ombudsman may request the agency to inform him, within a specified reasonable time, of any action taken by the agency on his recommendations.

c. After notification to the agency as above provided, and after the agency has had a reasonable opportunity to answer, the ombudsman may, if he deems the matter of sufficient importance, transmit his findings and recommendations to the mayor and the council or any of its committees. He may also make such findings and recommendations available to the press and the public. When publishing a finding or recommendation adverse to an agency he shall, unless excused by the agency or person affected, include any statement the agency may have made to him by way of explanation.

§ 1178. *Annual reports.* In addition to whatever reports he may make from time to time, the ombudsman shall on or about February 15 of each year report to the mayor and to the council concerning the exercise of his functions during the preceding calendar year.

§ 1179. *Disciplinary action against public personnel.* If the ombudsman has reason to believe that any public officer or employee has acted in a manner warranting criminal or disciplinary proceedings, he shall refer the matter to the appropriate authorities.

§ 1180. *Immunities.* No proceeding finding, recommendation, or report of the ombudsman conducted or made in accordance with the provisions of this law shall be reviewable in any court.

§ 1181. *Obstruction.* A person who willfully obstructs or hinders the proper exercise of the ombudsman's functions, or who willfully misleads or attempts to mislead the ombudsman in his inquiries, shall be guilty of a misdemeanor, punishable by imprisonment for not more than six months or a fine of $5,000, or both.

§ 1182. *Construction.* If any provision of this law or the application thereof is held invalid, the remainder of this law or other application of such provision shall not be affected. No legislation shall be held to supersede or modify the provisions of this law except to the extent that such legislation shall do so expressly.

Section 2. *Effective date.* This local law shall take effect immediately.

Section 3. Section 804 of the charter of the city of New York is hereby repealed.

Respectfully submitted,

Milton M. Carrow, *Chairman;* Faith Colish, Martin R. Gold, Stephen R. Kaye, Kenneth J. Jones, Bernard J. Ruggieri, Jerome E. Sharfman, Llewellyn P. Young, Joseph S. Borus, William Q. Keenan, Melvin D. Kraft, Stephen A. Lefkowitz, Seymour B. Quel, Bernard Schwartz, Thomas Thatcher, [1] Ruth Toch, [1] Stanley Buchsbaum, [1] Victor F. Condello, Alexander Holtzman, Robert O. Lehrman, Malcolm S. Mason, Harold L. Richman, John E. H. Sherry, Norman Solovay.

[1] Abstain.

IS THE GREAT SOCIETY A GUIDEPOST TO PERDITION?

Mr. BENNETT. Mr. President, on Monday two events occurred which pose real threats to the moral fabric of our Nation. The first event involved a further liberalizing of the Supreme Court's already questionable rules regarding the distribution of obscene and pornographic publications. In a 7-to-2 decision, the Court handed down a ruling which will add materially to the gain of every smut dealer in the country, and sadden the heart of every parent concerned with protecting the morals of his children.

FREE SPEECH VERSUS LICENSE TO POLLUTE

After the historic decision in the Ginzburg case last year, it was fervently hoped that the Justices had been awakened to the growing public indignation against the purveyors of filth. Not so, said the Court, in reversing convictions against publishers and distributors of 10 "girlie" magazines, and two sex-laden spicy paperbacks. In spite of the fact that the supreme courts of the States of Arkansas, Kentucky, and New York had found these books lewd, immoral, and without any literary content, the U.S. High Tribunal threw out the convictions on the basis that the publications were protected by constitutional guarantees of free speech.

Surely our Founding Fathers in providing for freedom of speech as a basic tenet under our Constitution, never intended that this right would be subverted as a license to pollute the mail, our libraries and bookstores with unmitigated trash such as the publications involved in the cases decided by the Court.

CONSTITUENTS PROTEST

In almost every delivery of mail to my office, there is an irate letter from a constituent regarding the amount of pornographic books to be found on local newsstands, and advertisements received through the mail offering for sale smut of every description. It is most frustrating to have to advise these good citizens that in spite of numerous local, State, and Federal laws restricting the distribution of this material, that the Supreme Court has repeatedly refused to uphold the constitutionality of such laws.

COMMISSION ON NOXIOUS AND OBSCENE MATERIAL

Mr. President, on the other hand, I was happy to learn that the Government Operations Committee has today ordered reported S. 188, a bill which I have jointly cosponsored with Senator MUNDT and 26 other Senators, to create a Commission on Noxious and Obscene Matters and Materials. Section I of this bill states:

> The Congress finds that traffic in obscene matters and materials is a matter of grave national concern. The problem, however, is not one which can be solved at any one level of government. The Federal Government has a responsibility to find more effective ways of preventing the transmission of such matters and materials through the instrumentalities which, under the Constitution, are subject to Federal regulation. The State and local governments have perhaps an even greater responsibility in the exercise of their police powers to protect the public, and particularly minors, from the morally corrosive effects of such matters and materials. Governmental action to be effective needs the support and cooperation of an informed public. It is the purpose of this Act to bring about a coordinated effort at the various governmental levels, and by public and private

groups, to combat by all constitutional means this pernicious traffic.

It is my hope that Congress will enact this bill at an early date and set in motion the necessary machinery to find a lasting solution which might curb the wholesale distribution of pornography through the various media of communication.

TASK FORCE REPORT BY CRIME COMMISSION

The second event which I wish to call to the attention of my colleagues relates to a task force report issued by President Johnson's National Commission on Law Enforcement and Administration of Justice. This supplement contains 178 pages and deals with administration of justice in our courts. I am particularly concerned about certain recommendations in the task force report which calls for the modification or abolishment of present laws dealing with drunks, drug offenses, disorderly conduct, vagrancy, abortion, and sex offenses.

There is an overtone throughout the report which seems to condone or excuse drunkenness and disorderly conduct, and concludes that most social problems should be left to social agencies. The report indicates that "consensual activities now termed offenses affect no one but the participants and are not the affair of the public at large."

GOOD MORALS ARE A PUBLIC CONCERN

Mr. President, it is my belief that the public does have a legitimate interest in good morals and that this problem should not be so lightly dealt with by the President's Crime Commission.

I am reminded of those oft-quoted lines from Alexander Pope's "Essay on Man":

Vice is a monster of so frightful mien,
As to be hated needs but to be seen;
Yet seen too oft, familiar with her face,
We first endure, then pity, then embrace.

Mr. President, I ask unanimous consent to include at this point in the RECORD an editorial from the Washington Star for May 9, 1967, entitled "Big Day for Smut."

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

BIG DAY FOR SMUT

A number of smutty publications which had been declared obscene in three states—New York, Kentucky, and Arkansas—now enjoy, thanks to a majority of the Supreme Court, the mantle of constitutional protection.

This latest ruling reveals a court that is hopelessly divided on the issue of what constitutes punishable obscenity. At least two of the justices think that anything goes. The attitudes of the others vary in more or less significant respects. But the impression which survives is that this court would sanction almost any kind of smut as long as it does not involve the forbidden "pandering" aspects of the Ginzburg case. And that was a 5-to-4 decision.

The dissenting opinion by Justices Harlan and Clark points out that the majority changed the rules in the middle of the game in this instance. The grounds upon which the court originally agreed to review the three cases were abandoned, with the result that the issue of obscenity or otherwise was not dealt with either in the briefs or in the arguments. "In short," said Justice Harlan, "the court disposes of the cases on the issue that was deliberately excluded from review, and refuses to pass on the questions that brought the cases here."

He went on to say that "in my opinion these dispositions do not reflect well on the processes of the court, and I think the issues for which the cases were taken should be decided."

We would go a step farther. Not only should the issues (of obscenity or otherwise) have been decided, but they should have been decided so as to make punishable the sale of "girlie" junk which, masquerading as "literature," is contributing its not insubstantial bit to the corruption of our society.

RUMANIAN INDEPENDENCE DAY: A COMMEMORATION

Mr. LAUSCHE. Mr. President, on May 10, 1877, the Rumanian people declared their independence from Ottoman rule. Today—90 years later—these people are not free. The Rumanian people know oppression—they have known it for centuries. For two centuries prior to their independence in 1877, Rumania was dominated by the Ottoman Empire. But the concomitance of knowing oppression is knowing how to survive under it. This the Rumanians also know.

It is no irony that Rumania gained her freedom in 1877 with the aid of the czarist Russian forces, and lost her freedom to Communist Russian forces at the end of World War II. From the end of the 16th century until Independence Day in 1877, the Russian troops had entered Rumanian territory at least 13 times. Indeed, after 1877 and during World War I, to avoid Russian encroachment, Rumania closely allied herself with the West.

The irony is the Russian inability to understand the Rumanians, for as I have said, while the Rumanians have known oppression, they also know how to survive it. And the Russian oppression has been terrible—from concentration camps to economic exploitation, from complete Soviet control to isolation from the West.

But now there are signs—certain important signs—that Rumania is slowly and carefully drawing away from the Soviet Union. It is only a beginning, this is true, but it is the beginning of Rumania's reassertion of herself. Rumania has insisted upon an economic future apart from the Soviet Union's rigid plans; compulsory study of the Russian language has been abolished; such things as the Russian spelling of many street names has been discontinued; Rumanian officials in the United Nations have refused to follow the Russian lines on several occasions; and cultural exchanges with the West have increased.

But while we can be hopeful, we must temper our hope with realism, for Rumania is not free. We must not harbor false illusions, for Rumania has been a small country buffeted by great power rivalries for centuries. Freedom will not come to Rumania today, nor tomorrow; but we can hope that it will come sometime in the future. And we base our hope on our knowledge of the inherent strength of the Rumanian people.

To all Rumanians, we pay tribute to your Independence Day. Know that our best wishes are with you, and know that we are proud to salute your valiant spirit.

WITHDRAWAL OF TROOPS FROM EUROPE AND AVAILABLE HOUSING IN THE UNITED STATES

Mr. TOWER. Mr. President, the recent decision to withdraw some 35,000 Army and Air Force personnel from Europe for assignment to bases in the United States prompts me to express my concern with the possible effect that such redeployment will have on existing housing for these personnel and their families upon their return.

As is well known to those close to the housing problems of our servicemen, there exists in various parts of the country housing shortages in both on-base and off-base facilities. This is a situation deserving of close study and remedial action.

With the current problem in this area so serious, I feel we can realistically anticipate a further compounding of the problem when the troop redeployment is implemented; and, certainly, Congress should lay the groundwork now for such corrective attention as may be necessary and possible.

I always have taken the position that there is a vital connection between the housing needs of our servicemen and the morale and well being of both them and their families. The serviceman is no less concerned with the need and desire for decent housing than is his civilian counterpart. Likewise, the maintenance of our military posture is immeasurably advanced by relieving the serviceman of apprehension that his family will be wanting for a decent home environment in the community where he is called upon to serve his country.

In my joint capacity as both a member of the Committee on Armed Services and as the ranking minority member of the Housing and Urban Affairs Subcommittee of the Committee on Banking and Currency, I have a continuing interest in addressing myself to the problems encountered by our servicemen in the area of housing.

Mr. President, in light of the possible plight that may confront these returning servicemen and their families, I am requesting the appropriate authorities in the Department of Defense to cooperate with the Housing and Urban Affairs Subcommittee staff members and Armed Services Committee staff members to identify and study military housing problem areas; and, in particular, the possible effect upon such housing as may result from this pending troop redeployment. I am hopeful that such action can be expedited so as to insure that any required legislative remedies can be initiated at the earliest possible date.

ESCALATION HAS "CONSPICUOUSLY FAILED," SAY EVANS AND NOVAK

Mr. HARTKE. Mr. President, the writing duo of columnists, Rowland Evans and Robert Novak, whose Inside Report is widely published in the daily press, in today's Washington Post come to the conclusion that—

Escalation of the bombing in the North and on the ground in the South, while essential in part to prevent losing the war, have conspicuously failed to bring it either to negotiations or to a military conclusion

It seems to me particularly significant that the Inside Report column is devoted to appraisal of the escalation policy we are following as a failure. Further, they raise the highly pertinent question of where this policy may lead us, since there are left on the ladder of escalation only "a couple of rungs left to go." The 16 months of bombing escalation has not yet led to the sought-for "breakdown of enemy morale and negotiations." Nor do they find it likely to do so as we "near the end of the escalation ladder."

Mr. President, I ask unanimous consent that this article may appear in the CONGRESSIONAL RECORD.

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

JOHNSON'S HEALTHY SKEPTICISM

(By Rowland Evans and Robert Novak)

Whatever he says publicly, President Johnson must now be having agonizing doubts about the effectiveness of his policy of escalation in Vietnam.

The harsh truth is that Mr. Johnson, prodded by his military advisers, has all but climbed the escalation ladder, and is now near the top-most rung, with growing indications that when he gets there he won't find the bacon: A breakdown of enemy morale and negotiations.

The bombing of the North that started in February, 1965, against supply depots has been gradually and discreetly extended month by month. It has encompassed supply routes in North Vietnam and along the Ho Chi Minh trail, oil depots, power plants and industrial facilities in the North.

Lately the President gave his approval to the bombing of two of the main northern airfields near Hanoi and Haiphong on which Soviet-built Mig fighter planes are based.

This ladder of escalation now only has a couple of rungs left to go, mainly the port facilities at Haiphong and possibly the harbor itself, which the military have been urging the President to mine in an effort to deny Soviet and Eastern European ships one of their major inlets for aid to Hanoi.

At the same time, the twin of air escalation in the North has been ground escalation in the South. No question about it, without this ground escalation—from some 20,000 "advisers" in South Vietnam when Lyndon Johnson became President to the present level of nearly 500,000 troops—most of South Vietnam would long since have fallen to the enemy.

But even with the rapid increase in ground troops, President Johnson today can scarcely count on a successful end of the conflict any more than he could in July, 1965, when the reinforcements on the ground started in earnest.

Moreover, Hanoi seems to have made elaborate plans to deal with this ground escalation. In one of the most revealing of the many documents captured by the U.S. Army in South Vietnam, the Deputy Chief of the North Vietnamese Army, General Vinh, anticipated the particularly difficult military situation that, he said, would continue to confront the United States.

Vinh pointedly noted the difference between the Korean War, where "the enemy (that is, the U.S.) sent all his troops to the front," and the war in Vietnam.

"In South Vietnam," Vinh told Vietcong leaders in the spring of 1966, "the enemy has introduced between 300,000 and 600,000 troops who must fight on the front line and, at the same time, *protect the rear* (from the Vietcong guerrillas).

"But he can fulfill only one of these tasks. If his troops oppose our people's movement in the South, they will be unable to stop reinforcements from North Vietnam. If they concentrate their force to stop reinforcements from North Vietnam, they cannot stand firm on the front in the rear . . . To fulfill both these tasks, they must have a million troops. To introduce a million troops into South Vietnam, the United States must double its mobilization rate."

There is, of course, a large element of braggadocio in these words of General Vinh, who is also chairman of the Reunification Department of the Lao Dong (Communist Party) of North Vietnam.

But what is happening today in the First Corps area of South Vietnam—the northern part of the country adjoining the Demilitarized Zone (DMZ) at the 17th parallel—gives his words an ominous ring.

When several divisions of North Vietnam's army moved south near the DMZ, raising the specter of possibly massive attack, Gen. William Westmoreland was forced to deplete his troops in the midlands and rush reinforcements to the First Corps.

In short, escalation of the bombing in the North and on the ground in the South, while essential in part to prevent losing the war, have conspicuously failed to bring it either to negotiations or to a military conclusion.

As Mr. Johnson nears the end of the escalation ladder, his military advisers doubtless have a new set of escalation plans for him. This time, however, they will be dealing with a more skeptical Commander-in-Chief.

OEO LEGAL SERVICES PROGRAM

Mr. KENNEDY of Massachusetts. Mr. President, two centuries ago, Oliver Goldsmith wrote:

Laws grind the poor, and rich men rule the law.

That had been true for centuries, and has been true until very recently. But now the legal profession has recognized that because the poor have never had lawyers, our legal system has had a kind of built-in bias against the poor. The Nation's lawyers, in their legal aid societies, found the mechanism for removing this bias, but did not have the resources to do the job. The legal services program of OEO has begun to fill this gap. New legal services agencies financed by the Office of Economic Opportunity as part of the war on poverty are providing legal help to about 300,000 low-income people this fiscal year. Some 1,200 lawyers are working in 600 neighborhood law offices in low-income areas of 40 States, including most of the 50 largest cities. For the first time, many rural areas have access to legal assistance in civil matters. These include Indian reservations, migrant farm communities, and States like Montana, Alaska, and Hawaii.

These new agencies provide counsel and representation to poor clients in housing, consumer matters, domestic relations, welfare, and juvenile problems. They are practicing a new kind of preventive law, providing education in legal rights and responsibilities to people who have long regarded the law as their enemy. Neighborhood attorneys are helping slum community groups to vindicate their rights, and to win their rightful share of public services and facilities, from medical care to street lights. They help slum groups to set up self-help institutions such as credit unions, buying cooperatives, and community associations. Perhaps most important, neighborhood lawyers are working to reform the law so that it operates more fairly toward the poor. Through test cases and legislative study and recommendations, they seek to change laws, administrative policies, and business practices that are commonly used to take unfair advantage of low-income people. For example, in my own State the Boston University law and poverty project is making a comprehensive study of Massachusetts housing law as it relates to the poor. When it is completed, the project will propose legislative reforms.

Certainly the purpose of these programs is not to prevent riots, nor need a community threaten violence to get the benefit of them. Yet there can be no denying that every legal services attorney contributes to community peace and harmony by offering even the most deprived citizen the dignity and satisfaction of knowing that he can have the law as his servant to solve his problems. If a man cannot feel equal before the law, his respect for the law must suffer. If society does not let him use its legal machinery to attain his goals, his stake in that society must be lessened.

Thus the communities which have moved ahead with legal services programs can be proud not so much because they have done a deed of philanthropy to their less fortunate neighbors, but because they have helped to strengthen the whole fabric of society by enabling the poor to eat of one of its most precious fruits—law and justice.

I take this opportunity to congratulate one of my neighboring States, Vermont, for the fine support it has given to the OEO legal services program. Last month the Vermont Legislature appropriated $50,000 in State funds to provide the local share for the statewide legal services program currently pending as an application in OEO.

Many members of the Vermont bar spent substantial time and effort assisting in the development of the statewide program, which includes the use of full-time staff attorneys to provide comprehensive legal services in all civil matters to those who cannot afford a private attorney. The leadership of the Vermont bar, both Republicans and Democrats alike, testified in support of the appropriation. Largely through their efforts, passage through the Vermont Senate and House was achieved.

Vermont is to be commended for the impressive and meaningful way it is trying to insure that all its citizens receive equal justice. The action of the Vermont bar and the Vermont Legislature is indicative of the broad support the OEO legal services program is receiving from coast to coast.

A recent survey of legal services agencies well demonstrates the quality of the work that the neighborhood lawyers are doing. Among its findings is the fact that these lawyers have won 75 percent of their court trials and nearly two-thirds of their court appeals. Almost 90 percent of the poor families who came to the legal services offices for help in fighting eviction from their homes were successful in obtaining relief. In 80 percent of the welfare cutoff cases, the lawyers were able to obtain reversals and get resumption of payments. And these cold statistics can only give a hint of the gain in human terms, the feeling of those who

cannot make their own way in society's institutions that they can still avail themselves of them and be part of the society.

Mr. President, I ask unanimous consent that the OEO release describing this survey be printed at this point in the RECORD.

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

NEIGHBORHOOD LAWYERS WIN 75 PERCENT OF COURT TRIALS, FIRST FIGURES SHOW

Neighborhood Legal Services programs financed by the Office of Economic Opportunity won three-fourths of the 4,000 court trials in which they were involved in the last half of 1966, OEO Director Sargent Shriver reported today.

The six month period was the first in which a sizeable number of legal services agencies were in operation. The OEO Legal Services program was established and began making grants in the fall of 1965.

The first figures for the period, reported by 104 operating agencies in 35 states, showed that neighborhood law offices in low income areas handled 92,000 cases for indigent families involving consumer, family, housing, welfare-administrative, juvenile and school problems.

Neighborhood attorneys won nearly two-thirds of the 71 court appeals filed in the period.

They averted or won stays of 89 percent of the 650 evictions sought against poverty-striken families.

They obtained reversals of 80 percent of 200 decisions cutting clients off public assistance in which hearings were held.

"We are most gratified by the successes reflected in these first statistics on the program," Shriver said. "They document the tremendous need for legal help among the poor, and equally important, they show that the legal assistance provided is of a high quality. The lawyers are winning cases, which is all any client can ask."

He estimated that more than 300,000 cases will have been handled in the fiscal year ending June 30 by the 201 legal services agencies funded by OEO. These locally-organized agencies have about 1,200 lawyers staffing 600 neighborhood law offices in low income areas of 40 states including 44 of the 50 largest cities.

Earl Johnson Jr., OEO Legal Services director, said that program totals would be much higher in the first half of this year than in the last half of 1966 because many projects did not begin operations until last November and December.

Johnson said the results in welfare cases "demonstrate how important it is for anyone affected by government action to have a good lawyer. And they indicate how arbitrarily welfare recipients are treated by some local and state welfare departments."

"Clients come to the neighborhood lawyer reporting they have been stricken from the welfare rolls because they allegedly were guilty of violating a rule or because they were no longer eligible," he said. "In 80 percent of the cases, legal services lawyers were able to prove that the welfare departments were in error and the welfare payments were restored."

Of the 92,000 cases handled, 37 percent involved family problems such as divorce, annulment, non-support, and adoption; 28 percent involved juveniles, school cases and misdemeanors; 19 percent concerned sales contracts, wage claims, and bankruptcy; 9 percent involved landlord-tenant disputes, housing code violations, and public housing, and 7 percent involved administrative problems with welfare, social security, workmen's compensation, and other agencies.

Although 15,000 cases involved clients who wanted to start divorce or annulment proceedings, only 1900 divorces or annulments were actually obtained. Johnson said the figures indicate that although clients initially thought of divorce as a solution to their difficulties, neighborhood lawyers helped many to find other solutions.

A relatively small proportion of the cases resulted in litigation.

Of 74,000 cases reported on by 73 of the agencies, 38 percent of the clients received advice only, 44 percent were represented in disputes that did not reach the courts, and 14 percent of the cases resulted in court actions. About 35 percent were referred to private lawyers, antipoverty and other social agencies. But most of those referred to other agencies for non-legal needs required continued help from the legal services agency.

Nearly 2 million slum residents received community education in legal rights and responsibilities through lectures, group discussions, debates, slide and film presentations held before church groups, PTA's, tenant associations and block clubs.

Some 12,000 persons who sought help at neighborhood law offices were not accepted, either because they could afford a private attorney or because their problems did not require a lawyer's attention. Those who did not meet indigency standards were referred to private attorneys.

Nearly one-half of the OEO programs are conducted by established Legal Aid Societies which have reorganized themselves and expanded their programs to comply with Legal Services guidelines. The program is strongly supported by the National Legal Aid and Defender Association, the American Bar Association, and the National Bar Association.

CENTENARY COLLEGE CELEBRATES 100 YEARS

Mr. WILLIAMS of New Jersey. Mr. President, I should like to herald the president, administration, faculty, student body, and the centennial celebration committee of Centenary College for Women in Hackettstown, N.J., on this, their 100th anniversary. Centenary College is one of our fine institutions offering 2 years of higher education in the State of New Jersey. It was founded by the Newark annual conference of the Methodist Episcopal Church in 1866, and was granted its charter by the New Jersey Legislature in 1867. It was the first college in New Jersey, and one of the first in the Nation, to grant a degree to a woman.

Centenary has excelled in meeting the changing demands of education through these hundred years. The faculty and administration have developed a progressive curriculum combining occupational preparation and liberal arts education to insure the student's maximum growth and development and to facilitate their movement into the community. This small residential college institutes its program through a strictly individualized plan.

A century of existence is an achievement in itself, and I commend Centenary College for the forward-looking strides it has made in the education of our young women.

HOMEOWNERSHIP FOR LOWER INCOME FAMILIES—THE CONDOMINIUM PLAN

Mr. PERCY. Mr. President, I wish to call the attention of the Senate to an article recently brought to my attention. It is by Prof. Jan Krasnowiecki of the University of Pennsylvania Law School, and deals with the feasibility of providing homeownership for lower income families through the condominium concept.

To those who refuse to believe that poor families can meet the costs of homeownership, I recommend a careful reading of Professor Krasnowiecki's actual case example, taken from official records of the city of New York. Even if one adds more than $5,000 to the acquisition cost of this particular building, as suggested in footnote 3 to the article, to get a total cost of $45,000 or $5,000 per apartment, the debt service for various terms and rates is still extremely low, as shown by the table:

Debt service for a $5,000 mortgage

	Interest		
	3 percent	4 percent	6½ percent
Years:			
15	$34.53	$36.99	$43.56
20	27.73	30.30	37.28
30	21.08	23.88	31.61
40	17.90	20.90	29.28

Using the 30-year, 3-percent figure, and adding as much as $41.42 per month for taxes, insurance, maintenance, heat, and utilities, the monthly housing cost to the condominium unit owner is still only $62.50. A monthly housing cost of $62.50, assuming a family spends 25-percent of its income on housing, indicates an income of $3,000 a year, which is poor by any family's standards.

I think it is interesting that Professor Krasnowiecki finds the administration's rent subsidy plan unattractive, and places a high value on the psychological advantages of homeownership.

I commend this article, from the Virginia Law Weekly of March 3, 1966, to Members of this body, and ask consent that it be included in the RECORD at this point.

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

PROFESSOR SUGGESTS USE OF CONDOMINIUM CONCEPT

(By Jan Krasnowiecki)

(NOTE.—Jan Krasnowiecki is a Professor of Law at the University of Pennsylvania. He received an M.A. and B.C.L. from Oxford and his LL.M. from Harvard University Law School.)

In this article, I want to present some very tentative thoughts about how the condominium form of ownership might be used in a program to increase the supply of decent low cost housing—particularly in the city.

THE CONDOMINIUM

Most people think of the condominium as a form of apartment ownership. The apartment owner gets title to his unit, his own mortgage and shares the common portions of the building and the site with the other unit owners. The role of the condominium form of ownership can be better understood by taking note of certain characteristics of housing. The important distinction here is between housing whose physical characteristics make it possible to allocate substantially all of the elements of the project, site and structures among the owners for their own exclusive use and housing whose physical characteristics make such exclusive allocation impossible. From the physical point of view, one can think of housing as lying on a scale, at one extreme very few elements

need be shared; at the other, very few elements can be offered exclusively to the owner. The condominium provides a new legal and financial structure for housing which requires a good deal of sharing. The condominium cannot offer greater physical isolation than the form of housing allows, nor greater freedom from restraint than is consonant with the rights of others. Its major contribution is to financial independence. Even here, however, the independence is no greater than the physical proximity and unity of the project will permit.

Financing explored

To explore the point about financial independence, let me start with the single family detached residential subdivision. Here the developer will present his project to a home mortgage lender for a "take-out" commitment. Under this commitment the prospective home mortgage lender will, subject to various conditions as to quality of the construction, local approvals and so forth, commit himself to lend to each prospective home buyer a certain amount on each completed home at the time of sale. Armed with this commitment, the developer will then obtain his construction financing, either from the same lender or from another. If the developer has obtained the raw land under a purchase money mortgage or other secured loan, that loan will be paid off or subordinated to the construction loan. The terms of the construction loan will, in turn, provide that with the sale of each home the construction loan and any other subordinated loan will be cleared at closing as to that lot or home. If the home purchaser needs financing, the take-out lender will stand ready to take over at this point. The home purchaser, of course, is free to find his own financing if he can get more attractive terms elsewhere. Thus, in the typical financing of a residential subdivision, the financing is lined up back to back, the prop being the take-out lender and his commitment. Without the commitment, very little residential construction would begin.

Consider now the position of the take-out lender. Since he will take over, unit by unit, he will want to be sure that the value he attributes to each unit will be there in realizable form in case there is a default on his mortgage. So long as the full enjoyment of each unit is not too heavily dependent on the completion of the entire project, his risk in coming in and standing behind each unit purchaser is held to a minimum. Similarly, the thought that he may not be the only lender in the project, that other lenders, less careful than he, may lend to purchasers who are overextending themselves, is not too disturbing. Note how these thoughts change as we move up (or down, if you prefer) on the housing scale—to housing which requires a good deal of sharing of various elements of the project—through, for example, townhouse on the green to garden apartment and highrise. The point here is that the reluctance of the mortgage lender to participate on a unit-by-unit basis tends to increase as more elements of the project must be shared for full enjoyment of the unit. His natural preference is to finance such projects on a project basis—ending up with a single blanket mortgage on all of its elements. Where mortgage financing is limited to the project as a whole, the home buyer is relegated to the common law's oldest financing device—the leasehold.

Cooperatives compared

Before the advent of the condominium, the closest the home buyer could get to outright ownership in this situation was through the cooperative organization. The mortgage would be placed on the project as a whole by the organization which would own the buildings and site. Each home buyer would, on coming in, contribute to the down payment on the blanket mortgage and obtain a renewable leasehold (or other possessory) interest in his unit or home from the organization. At the same time, he would become part owner of the organization through the issuance of shares or other participation rights—he would thus become his own landlord in common with the other tenants.

From the point of view of the home or dwelling unit owner, the chief disadvantage of this form of ownership stems from the presence of a single blanket mortgage on the whole project. No matter how indefeasible might be his rights under the lease, they are subject to the blanket mortgage and the presence of that mortgage exposes him to more financial dependence on the other tenants than would be the case if each tenant had financed the cost of his unit individually. At the same time, as long as individual financing was generally unavailable, the cooperative tenant was placed in a disadvantageous position in his attempt to recover the equity which he had built up by making payments on the blanket mortgage.

Cites advantages

One of the main purposes of the condominium form of ownership is to secure to the individual unit owner the advantages of individual financing—to avoid the disadvantages of a blanket mortgage. To persuade mortgage lenders to participate on a unit-by-unit basis in housing which requires that many elements be shared, the leasehold form of ownership had to be abandoned. At this point, however, a note of caution is necessary. It would be misleading to say that home mortgage lenders were reluctant to accept the cooperative interest as security merely because it involved a leasehold. It is true that the cooperative leasehold was generally less secure against termination and more subject to control by the organization than a fee simple absolute interest might be.

But while less security and more control are commonly incidents of the leasehold interest, the common law does not prohibit the creation of leaseholds that eliminate these incidents. If the cooperative leasehold offered less security to the unit owner it was because what would give more security to one tenant might give less security to the others. This was one of my original points. Independence is a relative term particularly in housing which demands sharing of many of the elements of the project. The physical interdependence remains even if the legal arrangement removes most of the restraints. This is one of the dilemmas of the condominium. The individual unit mortgage lender must have the legal independence for his security which the fee interest offers, but he is keenly aware of the fact that there is danger in this independence when much of the value of the mortgaged unit is attributable to elements which must be shared and maintained out of contributions by all unit owners. In the end, then, the success of the condominium in an unsubsidized market depends on a showing that the market is as good and preferably better than in comparable rental or cooperative housing. In areas where there is doubt about this, we may expect that mortgage lenders will tend to offer something less in terms of loan to value ratio than they are willing to offer on a project (blanket) mortgage basis.

Doubts weighed

But many of the doubts that account for slow progress of the condominium idea in some parts of the country, in the open market, should have little weight when we come to consider the value of the condominium as a vehicle for providing government insured or otherwise subsidized low cost housing in the city. The condominium has psychological advantages over rental housing which, to my mind, are essential to the success of the low cost housing effort in the city. I believe that the condominium form of ownership may serve as a particularly effective vehicle in a program of rehabilitation. Recognizing that, in a brief discussion of this sort, I will necessarily leave the reader with many unanswered questions and as many doubts, I now turn to the elements of such a program.

The easiest way to describe the proposal, is to take some concrete figures. The figures are taken from a table appearing in the New York Rehabilitation Report[1] of 1963 describing the effects of rehabilitation in a typical nine-apartment building in the St. Nicholas Park Study Area. Postulating an average rental of $50 per apartment and a rehabilitation cost of $26,287, the table shows increases of from $20 to $25 in rentals for each apartment after rehabilitation (under various financing methods). Even with a government insured rehabilitation loan the rental increase is about $20.

THE PROPOSAL

Suppose the building were condemned outright by an appropriate government agency and rehabilitated (the tenants remaining in the building). After rehabilitation is completed, the *title* to the building would be redistributed to all of the tenants as *unit owners* (under the condominium principle). The total cost of condemnation and rehabilitation would be refinanced through individual mortgages on each individual unit supported by government insurance. Let me show what the figures would be if the individual mortgages were insured under a program allowing a loan to value ratio of 100 per cent and an interest rate of four per cent (actually the interest rate could be less—as it is under the current Section 221(d)(3) program).[2]

The cost of outright condemnation should be $13,200 (this is the estimated present market value of the building shown on the table).[3] The cost of rehabilitation (entire

[1] Rehabilitation Report, City of New York, 29 (1963).

[2] Section 221(d)(3), Housing Act, 1934 as amended. That program, as presently limited, would not be available under my proposal. The long-term, low-interest mortgage insurance of Section 221(d)(3) is available only to non-profit or limited dividend housing organizations (to insure a blanket mortgage on the whole project). It is not available to individuals for financing the purchase of an individual home or condominium unit. The reason for the non-profit or limited dividend requirement is clear. If the long-term, below-market interest rate mortgage were made available to unlimited profit landlords, the benefits could be siphoned off by the landlord and would never reach the housing consumer. Why not make the long-term, low-interest rate mortgages available to the housing consumer directly rather than merely through a non-profit or limited dividend organization? The desire here was to assure that the housing generated by the program would remain in the low cost field for a substantial period. If the program were extended to individual home purchases, the home or dwelling-unit might be resold at whatever price the market would bear. Thus, the housing generated by the program could rapidly drop out of the low price range. Surely, however, this problem might be handled by appropriate limitations on the resale price of units financed under the program—if necessary (because of the common law doctrine against restraints on alienation) with the help of legislation.

[3] The estimated present market value for the building in question may be unduly low. My understanding is that the total, per unit, cost (acquisition plus rehabilitation) in the current 114th Street Rehabilitation project has run perhaps $5,000 more than the figure obtained on the building described in the table to which I refer. Aside from the differences in the type of building and area involved, however, the 114th Street project has to rely on negotiated acquisition. In this context, there may be a significant inflation of cost through hold out. Moreover, I would

building) is $26,287. Total cost of condemnation and rehabilitation should be $39,487. The government agency owns the building outright during the course of rehabilitation (the tenants remaining and paying the old rent). When rehabilitation is completed, the title is redistributed to all of the tenants on an individual unit ownership basis (the condominium).

Assuming the nine units are of equal size and value, each unit owner would have to pay $4,609.66 for his unit to retire the entire government cost. Because the building is converted to the unit ownership basis the tenant can obtain his own individual mortgage on his own individual unit. If the program is combined with a government insurance (or direct loan) program of the sort I have postulated (100 per cent loan to value ratio at four per cent—or less), the tenant can get a mortgage loan of $4,609.66 paying approximately: $34 monthly on a 15-year mortgage, $28 monthly on a 20-year mortgage, $22 monthly on a 30-year mortgage, $19 monthly on a 40-year mortgage.

It remains only to determine what is the cost of providing an adequate level of repair, maintenance and service (and what reserves should be maintained) by the condominium organization. For example, if the cost is less than $16 monthly per unit the program need only make a 15-year mortgage available without causing any increase in monthly payments by the unit owners [$16 (monthly maintenance charge) + $34 (monthly payment to principal and interest on the unit mortgage) = $50 (the previous rental)]. If a 40-year mortgage program is made available the tenants would each have $31 monthly to spare for maintenance and services. Let me emphasize some of the important features of this proposal:

The subsidy feature: Under the example given there appears to be no subsidy at all. The cost of condemnation and rehabilitation to the government was $39,487. Upon distribution of title to each unit, each unit owner obtained an individual mortgage loan of $4,609.66, paying this amount to the government agency for title to his unit. Nine unit owners having done this, the government has been reimbursed $39,487. However, the program requires that the mortgage loans be government insured on a 100 per cent loan to value ratio. The subsidy then is the *risk of loss* upon default. With the current demand for decent, low cost housing this is hardly a real subsidy. A form of subsidy is found inthe below-market interest rate because under such a program, the mortgages will tend to end up in the F.N.M.A. portfolio. In effect, government will be lending the mortgage principal at below-market rates. However, this is an accepted feature of the current below-market interest mortgage insurance program.

Subsidy possible

I do not overlook the possibility that another subsidy may be necessary. The assumption in my example is that, given any current rental level (in my example $50), it is possible to convert the ownership from rental to individual unit ownership, absorb the whole cost of rehabilitation *and* assure an adequate level of maintenance thereafter without any increase in the monthly payments (in my example $50).

To the extent that this is not possible, an additional subsidy will be necessary. For example, the above figures show that under a forty year mortgage program the tenants would have $31 monthly to spare for maintenance and services (the unit owner paying *$19 monthly* on a loan of $4,609.66). Suppose $31 monthly is not enough—that $35 is required. The four dollar difference will have to be absorbed by the government or else monthly payments will exceed the $50. In effect the tenant can now only afford to borrow $3,650, to buy his unit (the monthly payments on this will be $15—yielding the $4 difference). To bring the unit cost down to $3,650, the government will have to absorb $6,637 of the cost of condemnation and rehabilitation (cost $39,487 minus $6,637 = $32,850, redistributed to nine units = $3,650 per unit).

Similarly, a subsidy may be called for if it is desired to *reduce* monthly payments below those current before conversion from rental to unit ownership.

Compared with the rent subsidy program. But the point is that under my proposal the subsidy goes in *once and for all* at the time of conversion from rental to unit ownership. This serves to distinguish my proposal from the current proposals for *rent* subsidies. These proposals are, I think, inadequate both from an economic and psychological point of view. A rent subsidy must either (1) be combined with stringent governmental control over how the subsidy is used *by the landlord;* or (2) it must be confined to situations where the landlord is a *non-profit organization.* The recent federal rent subsidy program is, in fact, confined to non-profit organizations.[4] This, in effect, makes the program inapplicable to most existing rental housing unless it is combined with a program of condemnation and conversion to non-profit ownership. Note that, if the rent subsidy program were combined with condemnation and conversion to non-profit ownership—for example to cooperative ownership—it would reach the same result as my proposal save for the following: (1) the unit owners would not "own" their units in the accepted sense of that word; and (2) they would be subject to a constant reminder that government is making up the differences between what they are able to pay and the real cost of their housing. These inevitable concomitants of a *rent* subsidy bring me to the most important feature of my proposal:

THE PSYCHOLOGICAL FEATURE: ADVANTAGES IN ORGANIZATION

A successful low and moderate income housing program must offer a form of ownership that will foster individual initiative and pride in the housing. The condominium form of ownership and organization has two features I believe are significant in those terms: (1) it offers individual ownership of the dwelling unit in the two most important senses of that word, that is (a) individual title and an individual mortgage; and (b) a possibility of retrieving the equity on re-sale (coveted prize of the home owner in the suburb);[5] (2) yet major maintenance of the units (both exterior and interior) is a community responsibility—through the condominium organization—an organization of the unit owners themselves.[6]

Additional advantages: A program of the sort I have described need not be confined to a single multifamily building. On the contrary, it can be applied to whole blocks and whole neighborhoods—and to any type of housing. Conversion of deteriorating housing into condominium ownership can be coupled with (1) assembly of all of the back yards into common recreational areas (addition of a swimming pool—for example) (2) combination with a commercial venture. Let me sketch this last idea. Part of the condominium could be devoted to neighborhood stores or other commercial facilities, owned by the condominium organization and rented. The rental income could be used to subsidize the reactional facilities and maintenance costs.[7]

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favor as part of any condemnation approach to substandard housing that the law provide a set off for code violations. This part of the proposal, however, is too complicated to justify exploration here.

[4] Housing and Urban Development Act of 1965, 79 Stat. 451, Title I. See footnote 3 *supra.*

[5] For the reasons described in footnote 3 *supra,* provisions should be made for controlling the resale and renting of subsidized units so that (a) they would remain in the low price range when resold; and (b) they could not be exploited commercially—for investment purposes.

[6] Where very low income groups are involved, the idea of unit owners running the daily operations of the organization may not be very practical. However, assistance in management could be supplied by local community leaders or by professional management companies.

[7] The tax effects of such a "shifting" of income remain uncertain. See Note, 14 *Hast. L. J.* 270, (1963); *Anaheim Union Water Company v. C.I.R.,* 321 F.2d 253 (9th Cir. 1963), *Chicago and Western Indiana R.R. Co. v. C.I.R.,* 303 F.2d 796 (7th Cir. 1962). At most, however, the dwelling unit owners may have to recognize a constructive dividend. At the income tax rates applicable to their low brackets this would hardly affect the benefit of outside rental income.

RUMANIAN INDEPENDENCE DAY

Mr. TOWER. Mr. President, 90 years ago today, on May 10, 1877, the Rumanian people proclaimed their independence. Freedom, thus proclaimed in the turmoil of the Russo-Turkish War, still had to be won on the battlefields south of the Danube where, with the assistance of czarist Russia, the Rumanian army defeated the Turkish forces and effectively severed her ties with the Ottoman Empire.

Rumanian independence, after four centuries of oppressive Turkish rule combined with periods of Russian occupation, did not come easily or without years of wise and unrelenting efforts made by freedom-loving Rumanian patriots. It was a tribute to these efforts that, 11 years earlier in May 1866, the political obstacles were removed that permitted a member of a Western royal family—Charles, Prince of Hohenzollern-Sigmaringen—to be proclaimed Prince of Rumania, thus founding the Rumanian dynasty.

In 1881, 4 years after their proclamation of independence, and again in the month of May, the Rumanian people elevated their country to the rank of a kingdom and crowned Charles I, King of Rumania. There followed more than 60 years of prosperity which contributed significantly to the peace and stability of the Balkans and Eastern Europe.

World War II, and its aftermath, shattered the plans, but not the hopes and dreams, of the valiant people of Rumania and of other Eastern European nations. The Communist enslavement of Rumania following the war, made easier by her unfortunate proximity to the Soviet Union and by the ill-considered actions of the United States, has again placed this freedom-loving nation under the domination of a cruel conqueror. It is indeed ironical that Russia, who helped Rumania win her independence 90 years ago, has, with our unwitting help, replaced the Turks as Rumania's oppressor.

The month of May has great significance to the Rumanian people as the anniversary of some of the most glorious and happy events in their history. But the 10th of May is cherished and revered

by Rumanians as their national holiday because, even more than an anniversary, it symbolizes their perseverance through trial and hardship to reach the ultimate end of independence and well-being. Even though now governed by puppets of a foreign power, who have tried to uproot national pride by prohibiting the commemoration of this day, Rumanians nevertheless celebrate today in their hearts—as we are privileged to celebrate openly with them. Let us pay tribute to these gallant people today on their independence day, and pledge our support to them in their striving to achieve freedom once again.

NEW BOOK ON DRUG PRICES

Mr. KENNEDY of Massachusets. Mr. President, a few months ago a constituent of mine appeared in my office to talk about a project of his, a book which would tell the truth about drug pricing in the United States. At the time, we who are members of the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary, under the able leadership of the senior Senator from Michigan [Mr. HART], were inquiring into the effect on drug prices of the ownership by doctors of pharmacies and drug repackaging firms. Thus my primary interest was in this aspect of drug pricing. My constituent said that while doctor-pharmacy or doctor-repackager connections might well be a significant cause of higher drug prices in many places, this effect was dependent on and cumulative to the effect on drug prices of the failure of many doctors to prescribe drugs by generic name rather than by brand name. He said that for many types of drugs, a doctor could obtain by generic name, and at a fraction of the cost of equivalent brand-name drugs, drugs which were just as effective, just as pure, and just as reliable.

Mr. President, that constituent's name was Dr. Richard Burack. He is a Bostonian. He is a leading medical practitioner, a clinical associate in medicine, and an affiliate in pharmacology at the Harvard Medical School. He is on the staff of several Boston-area hospitals, and taught pharmacology for 5 years before entering practice.

The project he so modestly described a few months ago has now borne fruit in a book published yesterday, entitled "The Handbook of Prescription Drugs." It has already received rave notices in the press. Morton Mintz, writing in Sunday's Book Week, called the book "ingenious and invaluable." He reports that one drug-trade publication recently speculated that Dr. Burack's book "could rock the drug industry much as Ralph Nader's book shook Detroit." Book Week reproduced a table from "The Handbook" which shows that the most important penicillin drug is sold to druggists for as little as 92 cents per thousand for a non-brand-name product to as high as $6.72 for one of the brand-name products. While a company's research and advertising and promotion expenditures may legitimately add something to the cost of a brand-name drug, it cannot justify a price which is 730 percent of the price of the generic-name drug. Dr. Burack's book was also the subject of an article in yesterday's New York Times, which set out some of his findings and recommendations. I ask unanimous consent that the articles be printed in the RECORD at the end of my remarks.

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

(See exhibit 1.)

Mr. KENNEDY of Massachusetts. Mr. President, we in Congress have long been aware of the unreasonably high cost of drugs in the United States. The revealing hearings held by the late Senator Kefauver, the work and speeches of the distinguished chairman of the Committee on Finance, the Senator from Louisiana [Mr. LONG] and the important study being undertaken by the Antitrust Subcommittee have all thrown light on this area. We who are members of the Special Committee on Aging have also been especially concerned about the strong effect of high drug prices on our Nation's senior citizens. Now Dr. Burack has suggested one answer to this problem. And he has shown how this answer can be put into practice by providing doctors with the information they need to compare prices and to prescribe by generic name when it is appropriate to do so. Dr. Burack says he has been doing this for his own patients and thus has saved them hundreds and hundreds of dollars over the past 4 years. His solution may not be the whole answer to high drug prices, but it certainly seems to work, and he should be commended for this important public service.

EXHIBIT 1

[From the Washington Post Book Week, May 7, 1967]

DRUG STORE HOLDUP

(By Morton Mintz, reporter for The Washington Post, is the author of The Therapeutic Nightmare, which he is revising for fall issue as a paperback retitled By Prescription Only.)

("The Handbook of Prescription Drugs." By Richard Burack, M. D. Pantheon. 170 pp. $4.95. Paperback, $1.95.)

("Black Market Medicine." By Margaret Kreig. Illustrated. Prentice-Hall. 304 pp. $5.95.)

Reserpine is the established, or generic, name for a drug used to lower high blood pressure. A thousand 0.1-milligram tablets are sold to druggists for $1.25 by a small pharmaceutical firm which has been qualified by the Defense Supply Agency to bid for Government contracts. Serpasil is the brand name for reserpine made by a large firm, the CIBA Pharmaceutical Company. Sold as Serpasil, the same thousand 0.1-milligram tablets of reserpine are wholesaled for $23.50.

Recently CIBA defended its higher—19 times higher—price in a statement to the news media. The tried and trite claims were still there, just as if the late Sen. Estes Kefauver had not discredited them in his drug hearings of 1959–62. "The high cost of research." That magic phrase. But the price difference between generic reserpine and Serpasil is $22.25; how much of that went into research, and into what kind of research? "Quality control." Men in white coats who assure us that Serpasil "not only meets but exceeds United States Pharmacopeia standards." The usefulness of a drug, however, is not increased when it is made purer than pure or whiter than white—a point that may reassure Presidents and Senators in Washington and GIs in Viet Nam who are treated with drugs prescribed under their generic names rather than their brand names. The purity of the 0.25-milligram tablets of reserpine once offered to the Government by CIBA for 60 cents per thousand (an offer that was underbid by 9 cents) was surely as pure as the Serpasil CIBA offered simultaneously to the corner druggist for $39.50, because CIBA's reserpine equals CIBA's Serpasil. And because Serpasil equals Serpasil, it seemed odd to Kefauver that CIBA was selling it to foreign pharmacists for between 18 and 90 percent less than to American pharmacists. In any case, quality control is shown by the record to be a problem for all drug firms, large and small. Even CIBA is not and cannot be perfect. Three years ago it had to recall a quantity of Ritalin, a mild stimulant and antidepressant that left the plant mislabeled as Serpasil.

I am using CIBA, its product, and its press statement only to illustrate a situation which could have been illustrated equally well with other major companies, their products, and their statements.

The "most important" question, CIBA said in its press release, is whether "the generic drug's therapeutic response [is] equivalent or even predictable." One of the determinants of therapeutic response is potency—that is, whether a drug is of a required strength. A drug if subpotent is a bad drug, even if it meets all the other requirements and is purer than pure. A year ago the Food and Drug Administration checked the potency of drugs from 250 suppliers. The products fell into 20 key categories but did not include antibiotics, whose quality is assured by the FDA's pre-marketing, batch-by-batch inspection. Of 2,600 samples sold under less expensive generic names 7.8 per cent were found subpotent and therefore unacceptable; of 2,000 brand-name samples 8.8 per cent were below strength. (It should be understood that the difference between these percentages is very little, and under no circumstance should one conclude from the FDA findngs that the quality of generics is necessarily higher than that of brand-name drugs.) If the large drug manufacturers truly believe that "generic equivalency" is a myth, then in the public interest they should support the legislation proposed by Sen. Russell B. Long and the efforts of the FDA to assure that *all* drugs sold in the United States can be purchased with confidence in their quality.

In his ingenious and invaluable *The Handbook of Prescription Drugs*, Dr. Richard Burack, a pharmacologist and clinical asociate in medicine at Harvard Medical School, focuses attention on these and other important points. CIBA and the Eli Lilly Company, for example, are among the major pharmaceutical manufacturers whose staggering profits are dependent upon their ability to induce physicians to prescribe drugs by brand name. Since I know of no one who would contend that CIBA exceeds Lilly in its concern with research, quality control, and therapeutic response, I was surprised to learn from *The Handbook* that CIBA's price for reserpine sold as Serpasil is three times as high as Lilly's price for reserpine sold as Sandril.

A similar situation, involving the anti-inflammatory hormone known as prednisone, is disclosed in another one of Dr. Burack's neat tables, which list drug names, sources, and prices as of 1966. Merck Sharp & Dohme's brand name for prednisone is Deltra, which sells at $20.90 per 1,000 5-milligram tablets. Upjohn's brand name for prednisone is Deltasone, which is sold to druggests for only four cents more. The Merck and the Upjohn prices are 2½ times higher than those charged by various firms that sell prednisone as prednisone—but at the same time they are a mere one-eighth the wholesale price of Schering's brand, Meticorten, which

is $170, and of the Parke Davis label, Paracort, which is $169.98.

"Surely," Dr. Burack says, "the public ought to know that too often it pays too much for prescription drugs and that—working with physicians—it can do something about it right now, without sacrificing quality." He starts from the sound premise that for the physician "there is no coherent plan for periodically updating his knowledge of drugs and their use," and that the drug industry has stepped into the breach with its $3,000-per-doctor-per-year advertising and promotional efforts "to persuade, to cajole, and to 'educate.'" In the preface, Dr. George Nichols jr., Clinical Professor of Medicine at Harvard, acclaims *The Handbook* for providing the practicing physician "with a much-needed guide for simpler and more effective therapy." An illustration is provided by the most common drug for high blood pressure. It is a tablet that combines reserpine and a thiazide diuretic, which increases urine production. "The use of such combinations is to be deplored," Dr. Murack writes. "Not only are they unconscionably expensive, but in using them the physician loses independent dose control: he is stuck with a fixed ratio of doses which may not be the best for that particular patient."

The growing and widespread concern with escalating medical costs makes Dr. Burack's book especially welcome. One of his suggestions is that the physician "specify on the prescription blank what brand or brands he does not wish to be dispensed." This should bring cheers from anyone who professes belief in free-enterprise price competition.

Dr. Burack's 32-page introduction is useful but hardly news to anyone who is familiar either with the Kefauver drug hearings or with Richard Harris' fine book about them, *The Real Voice*. Following the introduction is a listing—by company, product, date, and cause—of drug shipments that were recalled as unsafe under the Good Manufacturing Practices Section of the Food, Drug, and Cosmetic Act. Then come the tables which show categories, such as drugs used to treat infectious diseases, to induce sleep, to relieve pain, for asthma, for heart disease, and for gastrointestinal disorders. The first appendix lists drug suppliers that have met the inspection requirements of the Pentagon. The second appendix lists names, addresses and phone numbers of distributors of generic drugs. It is no wonder that a drug-trade publication speculated recently that *The Handbook* "could rock the drug industry much as Ralph Nader's *Unsafe at Any Speed* shook Detroit."

Margaret Kreig's *Black Market Medicine* is a black mark against her, against her publisher, against former FDA Commissioner George P. Larrick (who unwisely extended certain favors that made this book possible), and against such others as may be assumed to have supported this project. This badly written, badly edited "undercover documentary" is about the criminals who, sometimes with filthy backroom facilities, counterfeit prescription drugs. That counterfeit drugs are an evil to be exposed and fought goes without saying. That Mrs. Kreig, for all her pro forma disclaimers, should attempt to equate counterfeit drugs made by hoodlums with generic drugs made by small businessmen cannot be countenanced. In order to combat drug counterfeiting she apparently would do almost anything short of repealing the Constitution. There are two things she did not do: to suggest that if the large drug companies, which in her hands become indistinguishable from Snow White, would charge moderate prices they would reduce—if not eliminate—the incentive to counterfeit; and to tell her readers that some of these large companies have been the objects of completed and pending criminal actions arising out of antitrust conspiracies, false advertising, and kickbacks from foreign-aid transactions.

[From page 84 of "The Handbook of Prescription Drugs"]

POTASSIUM PENICILLIN G TABLETS, U.S.P. (BUFFERED)

This is the basic and most important of the penicillins. Readily absorbed from the gastrointestinal tract, it is the equivalent of any other oral penicillin preparation in terms of clinical effectiveness. Where particularly high blood levels are desired, the dose may be increased from the usual 3 tablets per day (at least one half hour before mealtime and at least two hours after having last eaten) to as many as 4 tablets three or four times per day. The major contraindication to its use is known allergy to penicillin. The great advantages of penicillin G are its low toxicity and its reasonable cost.

200,000 unit tablet (125 mgm) #100:

$1.25	Allen Pharm.
1.00	Am. Quinine
1.30	Carroll
1.15	Columbia Med.
1.75	Corvit
1.45	Daniels
1.62	Horton & Converse
1.50	Lannett
4.77	Lilly
6.72*	Parke, Davis
1.80	Penhurst
.92	Pennex
2.00	Pfizer
1.35	Rondex
6.62	Squibb (Pentids-200)
1.55	Supreme
1.90	Towne, Paulsen
1.35	Vita-Fore
1.70	West-ward
1.72	Wyeth

[From the New York Times, May 8, 1967]

DUAL DRUG PRICES HELD MISLEADING—AUTHOR CONTENDS CONSUMER WASTES MONEY ON BRANDS THAT ARE OVERPRICED

(By Richard D. Lyons)

The American consumer often pays too much for the drugs he buys, a Harvard Medical School physician observes in a new book being published today that offers specific advice on methods to reduce pharmaceutical costs.

The author, Dr. Richard Burack, provides in his book, lists of manufacturers' brand names and the official chemical names of about 162 of the pharmaceutical agents most commonly prescribed by American doctors.

Comparisons of prices show, Dr. Burack contends in his book, that in most cases brand names cost more, often many times more, than the same drugs purchased by their chemical names. Pharmacists usually refer to the chemical names as generics.

Titled "The Handbook of Prescription Drugs, Official Names, Prices and Sources for Patient and Doctor," the book is being published by Pantheon Books and sells for $4.95 in hardcover and $1.95 in paperback. The book cites many examples of sharp differences in brand and chemical name drug prices.

"For example, CIBA, the enormous Switzerland-based company, offered to sell to the United States Government for about 60 cents a quantity and quality of reserpine [a drug to lower blood pressure] for which the corner pharmacist must pay $39.50," Dr. Burack writes, "The Government buys it as reserpine; the corner pharmacist buys and dispenses it as Serpasil."

NO VITAL DIFFERENCES

"There are no important differences between the two; only the name and $39," Dr. Burack contends. "Ironically, CIBA did not win the contract, for they were underbid by a company willing to sell the same drug for 51 cents."

In another example, Dr. Burack cites the case of a 10-year-old boy who developed rheumatic fever and had to take two penicillin tablets a day for at least 20 years.

A prescription for a brand product of 250 tablets of Pentids of 200,000 units "will cost about $27.50 at most drugstores," Dr. Burack writes. But a prescription reading merely potassium penicillin G tablets "need cost only about $6.25, sometimes as little as $5," Dr. Burack says. Over 20 years, he adds, the saving would amount to $1,275.

Prices of the commonly prescribed drug digitalis, an old remedy to increase the contraction of the heart muscle, may range from $1.36 to $18.40 for a bottle containing 1,000 tablets, Dr. Burack writes. The only difference, he holds, is that the lower-priced drug is made by a small company and lacks a brand name.

The price of an antihistamine with the generic name of chlorpheniramine maleate may range from $1.95 to $20.59 for a bottle containing 1,000 tablets. The difference again, according to the author, is merely manufacturer and brand name.

ADVICE TO CONSUMER

"A patient should shop around for drugs because he is a captive consumer and has the right to know what he is buying and how much it costs," Dr. Burack said in a telephone interview from his home in West Newton, Mass.

Dr. Burack urged patients to ask their physician to make prescriptions by generic name so that the patient may be able to pay less for the drugs. He said most pharmacists would fill orders by generic names, at a cheaper price, if specially requested to do so.

"I've found druggists are most cooperative and will order generically from the wholesaler if they are asked," Dr. Burack said, adding that in four years of private practice he had found only one pharmacist who would not fill generic orders.

* 250,000 unit tablet.

THE CENTENNIAL OF OBERLIN COLLEGE CONSERVATORY OF MUSIC

Mr. WILLIAMS of New Jersey. Mr. President, more years ago than I care to count, I was a student at Oberlin College in Ohio. Just this past Saturday, I was fortunate enough to be able to be there to watch my nephew participate as a member of the lacrosse team of Oberlin to defeat Michigan State University 6–2; quite an accomplishment, in my opinion, when you stop and realize that the Michigan State student body exceeds Oberlin 10 times over and more.

However, lacrosse is not the only activity in which Oberlin excels. This coming Saturday, May 13, the college will celebrate the Conservatory of Music's 100th anniversary. I commend the school and congratulate them on their 100 years of growth, rich tradition, and all of the major contributions the conservatory has made to the field of music.

Mr. President, I ask unanimous consent to have printed in the RECORD the thought-provoking article concerning music and musical education, entitled "Centennial—A Time To Evaluate," published in the Oberlin Alumni magazine.

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

CENTENNIAL, A TIME TO EVALUATE

(By Robert Fountain, Dean of the Conservatory of Music)

Celebration of the Oberlin College Conservatory of Music's centennial is a reminder that anniversaries are not merely a time for looking backward. The accent, of course, is properly placed on fond reflection of our 100 years of growth, rich tradition and major

contribution to the field of music. It's necessary, too, to look ahead and try to envision what the next century will bring. But it also seems important in a centennial year to make a close examination of the present-day needs of music and to discuss our role in meeting these needs.

One thing that facilitates this aspect of the centennial is the fact that an evaluation of present-day music almost immediately spotlights three distinct areas which seem to me to call for particular attention and discussion.

The first of these areas is the field of contemporary music where the craftsmen of today are groping for new media of expression. They seek these new media because they are convinced that all technics of the past have been exhausted. Yet they find few markets for their new "products" because they are confronted with the hard-to-achieve acceptance possessed by the music of the past.

As we examine electronic music, or the already passé serial, or aleatoric, or music hidden in that mysterious realm of "happenings," it appears that the same support is necessary for new forms of music as is demanded by other arts striving for future direction.

Such support can assume various forms. There should be research opportunities so teachers of composition can study the new technics. The difficult, untraditional, sometimes baffling scores will require new skills of the performer. When the music is produced electronically, considerable equipment is needed for the establishment of studios and laboratories. This can represent a formidable outlay of money.

Most important is the need to create enough interest to establish an audience. If new music is to survive, it must be given chances (more than one) to be heard. The great danger for music of the future lies in its possible isolation as an esoteric art. It should be a music school's obligation to give all available aid to the cause of the contemporary composer.

The second area of our concern should fall under the heading "Holiday for Strings." Indeed, the word "holiday" is inappropriate. The words "extended vacation" might be more useful.

It is no secret that our symphony orchestras are suffering from an acute shortage of competent string players. There simply are not enough good ones to go around and many of those we have are constantly on the move, being bribed, stolen, or kidnaped from one orchestra to another. It is saddening to read of the inaugural concert of the new hall in a large city of the Southwest, $2,300,000 of beautiful construction and excellent acoustics, serenaded by a less-than-adequate orchestra. Recently, the conductor of a symphony orchestra in a Midwestern city reported that, after a strike had been settled, he discovered that 21 strings had left for other positions during the negotiating period. In northern Ohio, the orchestras in the small cities are desperate. With expanded repertoire and prominent soloists they plead for our student players to fill the need for violins, violas, cellos and basses.

Schools like the Oberlin Conservatory must create a larger supply of string candidates for professional orchestras. However, these candidates are not being produced in the public school music programs. Until the imbalance is corrected between the host of wind players turned out by the juggernaut of the high school band and the mere trickle of strings coming from relatively few secondary school orchestras, the situation will get no better.

A bright light on the horizon is the Suzuki method of violin instruction. Children under this tutelage have done remarkable things. But sooner or later those same children will rely on the secondary school for opportunity and teaching. If only they could receive the same thrill and encouragement mastering the elegance of a Mozart phrase that a band player has relating the notes of his bell-lyre to "Finlandia"!

Very few of our school systems provide class time for music. Taxpayers generally are to blame for failing to vote ample funds to public schools, but relegation of music to the field of extra-curricular activities places it in unfair competition and it suffers. Music is one of the humanities and should have a position on the daily school calendar so that rehearsing can become a rich learning experience.

It's a real misfortune that the great hunger of Americans for liberty and economic supremacy has never carried over into the field of artistic growth. On the other hand, too many of us are tempted to assume a cultural maturation which simply has not taken place. For example, a Rockefeller Panel recently reported that the expansion in the performing arts in our country has been tremendous. The disturbing note is that almost all of this increase has been at the amateur level. Professional theater, dance, orchestra, opera, chamber and choral music are in deep economic trouble. What irony, when we have the resources necessary for not just the survival but the flourishing of the performing arts.

A greater appreciation for the performing arts must be built in order to solve this problem. This can only be done through education—the earlier, the better. Parents need to capture a child's imagination at that exciting age when he wants to "play-act." How children love to dance. How they react to color, music, images, stories! What opportunities, or rather obligations, there are for a parent. Proper channeling of this early interest, stimulated by exposure to live performances, could create a desire for the theater, resulting perhaps in a career and, surely, in a lifetime of theater-going.

If precocious children with musical talent could be identified early and given the proper training and stimulation, America's 1,401 symphony orchestras could grow to 10,000 with all of them fully staffed with strings and even conductors to lead them.

This leads to a third concern: the ineffectiveness of music education in our public schools. We need a new type of teacher to excite young people about music and lead each one of them in as rich an exploration of the art as they are capable. Perhaps this person should be called an "artist-teacher" in contrast to a "certified-educator."

An artist he must be. Artistry in music means success in the achievement and creativity that go with music-making in performance. The artist-teacher's standards of excellence will "rub off" on his students. He must also have a zeal, even a passion to teach. Too often, "discarded performers" flee to the field of music education for job security without any evaluation of their desire to teach. The candidate for the position must be a capable performer who *wants* to teach.

Requirements for certification vary from state to state. A school seeking accreditation often must adhere to an inflexible curriculum which thwarts its real intentions. Let us realize that a teacher in the arts must be a well-trained specialist, an artist, and that he must concentrate his efforts to be so. Perhaps it is not asking too much of a musician to require that he have a "well-rounded" education, but is it really necessary to encumber this specialist with courses in state history or government? Above all, why should he have to go back to school and "learn" how to teach, when he is already doing it most successfully?

To cite an extreme example: a conductor of one of our major symphony orchestras would not be permitted to train a group in any one of our public schools. Perhaps he might be allowed to make a guest appearance, but to become a "licensed" teacher he would have to go scurrying after courses in educational psychology, secondary school methods, mathematics, social science, et al.

Several years ago, it was estimated that America had upwards of 400,000 private or independent music teachers—uncertified—working with our youth. Of course some of them might have been ineffective, but it is safe to assume that their deficiencies were caused by lack of musical training rather than their not having studied academic courses.

These are three of the problems which confront music today. Their solution will require new thinking and creative programs on the part of schools of music like Oberlin's and the ocoperative effort of performers, educators, administrators, and students.

THE ANNIVERSARY OF RUMANIA'S INDEPENDENCE

Mr. WILLIAMS of New Jersey. Mr. President, today, May 10, marks the anniversary of the achievement of Rumania's independence and the founding of its kingdom. Rumanians all over the world are bringing to this day the honor which is its due, except those residing in Rumania. The latter celebrated yesterday—they were celebrating the day of Soviet victory. Today, these brave and courageous people can only honor this day by listening to broadcasts from the free world as Rumanians abroad commemorate their homeland's past independence.

Rumania has striven for her freedom for over a century. In 1881, the people crowned King Charles I who reigned over this prosperous country for over 60 years, more than 20 of which Rumania enjoyed unity within her historical boundaries. Rumania now lies behind the Iron Curtain, and May 10 can no longer be openly celebrated within the country.

Today not only commemorates Rumania's past glories and achievements, but is a symbol of the hope and dauntless faith, which is in the hearts of all Rumanians the world over, for when Rumania will once again be restored her precious freedom.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

RECOGNITION OF SENATOR HRUSKA

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that immediately following the speech to be made by the senior Senator from South Carolina [Mr. THURMOND], under a special order, the Senator from Nebraska [Mr. HRUSKA] be permitted to speak for a period of 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. Under the order entered yesterday the Senator from Kansas is recognized.

TAX CREDIT ACT

Mr. PEARSON. Mr. President, I introduce a bill, the "Tax Credit Act of 1967," providing a 50-percent credit against Federal income tax payments for all income levies imposed by State and local governments.

The need is great to give some immediate relief to our financially distressed cities and States. Our urban areas in particular are plagued with monumental problems of traffic congestion, overpopulation, rising crime rates, air and water pollution, chronic unemployment, festering slums, and explosive racial unrest.

Mr. President, the solutions to these difficulties will not be easy. They will require time, money, and above all, imagination. A primary source for the imaginative programs needed lies with the affected areas themselves. Given the proper assistance, they can develop effective cures for the many problems now besetting them. Unfortunately, they have been hampered in their efforts by an overreliance upon Federal money and the bureaucratic inertia which often accompanies it.

While these massive doses of Federal aid have not provided the answers so urgently needed, the fact remains that the cities and States cannot handle these enormous problems alone. They need Federal assistance, of course. But they need encouragement to develop their own programs more. If the Federal Government is to be effective in providing this encouragement, it must insure that it stimulates, not stifles, local initiative.

Mr. President, just such a stimulus would be provided by this bill. The Tax Credit Act would amend the Internal Revenue Code to permit the taxpayer to deduct 50 percent of his State and local income taxes from his Federal income tax payment. Such a credit would put a reasonable portion of the Federal taxing power at the service of our State and city governments with little danger of stultifying bureaucratic control.

Municipal income taxes are virtually the last revenue source available to our cities. Other forms of taxation are nearly exhausted. In addition, these are the only taxes which grow with the local economy and are not regressive. Moreover, Mr. President, the financial burdens of the State governments themselves are growing more serious with every passing day.

The most equitable method of developing greater revenues would be through a comprehensive tax credit, such as the one proposed in the bill, which would allow the States to develop programs of regional scope, while permitting the cities to enact "piggyback" income taxes to generate their own funds.

If "Creative Federalism" is to be more than an empty phrase, our cities and States must be allowed to raise sufficient revenues to develop meaningful programs tailored to local needs.

Such an effort will not be possible without Federal encouragement. Because of the near Federal monopoly on income tax revenue, it is incumbent upon the national government to stimulate our States and cities to better utilize this revenue source.

For example, Mr. President, in 1962, out of all income taxes collected, the Federal Government garnered 93.8 percent. State and local governments collected only 6.2 percent.

In the same year, 80.3 percent of Federal revenue came from income taxes compared with only 10.5 percent for State and local units. Most of our local revenue is generated from sales and property taxes. In the majority of our cities and surrounding suburban areas, the opportunities for expanding these taxes are severely limited.

For example, high property taxes in the older sections of a city can actually cause blight and decay. A prohibitive tax structure tends to discourage owners of older buildings from maintaining or improving their property. Thus, these measures often worsen the very social ills they are attempting to cure.

Mr. President, there is an obvious need to avoid a further proliferation of Federal grant-in-aid programs. At present, approximately 220 such programs are administered by 21 departments and agencies. In such a confusing situation, a further proliferation would likely create more problems than it would solve.

A number of alternatives have been put forth recently, most of them dealing with some system of Federal revenue-sharing with the States. Many of these proposals have great merit and deserve serious consideration. Indeed, they may offer the best long-run solution to the problem of raising greater State and local revenue while avoiding cumbersome Federal controls. Moreover, tax sharing can be used effectively to equalize revenues among the States.

Mr. President, I am a cosponsor of a tax-sharing proposal introduced by the Senator from Tennessee. Yet I recognize that tax sharing presents several difficulties.

For example, tax sharing means separating the responsibilities involved in the power to tax and the power to spend. It is important that those who spend public funds also bear the duty of justifying and raising the needed revenue.

In addition, tax sharing involves direct payment from the U.S. Treasury. And this year the administration will probably incur the largest budgetary deficit in our history—perhaps as much as $20 billion. Given the prospect of a deficit of this immense scope Congress may prove unwilling to enact any large-scale programs of tax sharing this year.

For the fact remains that tax sharing is directly related to the Government's ability to make such large-scale payments. With a costly war being waged in Vietnam, it is unlikely that the Federal Government will be in a position to afford such a program on any meaningful scale for some time to come.

The best should be regarded as the handmaiden, not the enemy, of the good. Let us, therefore, consider the more ambitious proposal of tax sharing as a complementary effort, not as a substitute for an income tax credit.

A 50-percent credit, such as the one proposed in the bill, would operate quite simply. For example, if a married couple filed a joint return on a taxable income of $3,000, their Federal tax would be approximately $450. If they lived in a city having a 1-percent income tax—the present urban average—their local payment would be $30. If their State tax were 4 percent—the present average—their State payment would be $120. Thus, their total State and local tax bill would be $150.

Under the Tax Credit Act, 50 percent of these taxes could be deducted as a credit from their Federal tax payment. Thus, they could subtract $75 from their Federal payment—$15 for their local tax, and $60 for their State tax.

In addition, the bill permits taxpayers the opportunity of listing State and local taxes as deductions as an alternative to the partial credit.

The cost of such a credit system would not be prohibitive, while generating more revenue for State and urban improvement than does the present hodgepodge of Federal grants. The Federal Government, of course, already sustains a revenue loss under the current tax system. It is estimated that every dollar of income tax currently collected by the State and local governments results in about a 24-cent reduction of Federal income tax liability. Thus, the initial cost of an optional credit would be less than is presumed.

It has been estimated by the Advisory Commission on Intergovernmental Relations in its report on Federal-State Coordinating Personal Income Taxes that the present system of itemizing State and local income tax payments will cost the U.S. Treasury about $1.1 billion in revenue in fiscal 1967. The cost of an optional 50 percent credit for the same year would increase this figure to approximately $2 billion. Therefore, the additional 1967 cost of the credit would be somewhere around $1 billion.

Furthermore, this Federal revenue loss would be associated with a greater rise in State collections. For example, in the absence of any credit, fiscal 1967 State and local income tax collections will increase to approximately $4.8 billion. Even if all 50 States were to enact income taxes markedly higher than those in existence today—from 1.2 to 2 percent of Federal aggregate income, less personal exemptions—the revenue loss to the Federal Government would be about $2 billion. This loss would be matched by a rise in State collections to $7.5 billion. Thus, a $2 billion Federal revenue loss would be offset by a $2.7 billion State revenue gain.

It is true these figures do not represent future costs. While such costs would be greater, they would not likely prove to be unreasonable because of the political limitations imposed by the public on irresponsible tax policies—limitations which probably have a greater effect on the local level.

Mr. President, 14 States currently do not have any income taxes at any level. In a sense, therefore, the introduction of a credit for State and local income taxes would discriminate against these areas which currently rely on other sources of revenue. But it is to be expected that with the enactment of a tax credit system, the remaining States would adopt income taxing.

In addition, Mr. President, the credit would not take effect until December 31, 1969, thus allowing the nonincome tax areas ample opportunity to forestall discriminatory Federal tax treatment. It

would also allow areas now levying such taxes adequate time to consider rate increases to absorb all or part of the proposed tax credit.

Mr. President, because of its high visibility, such a credit would also have a great psychological impact. It would be clear evidence of the Federal Government's willingness to encourage local action.

A wise man once observed:

The office of government is not to confer happiness, but to give men opportunity to work out happiness for themselves.

Let us act now to give the millions of people in our States and cities that opportunity. Let us give them a chance to use their insight and imagination. A partial tax credit with all of its implications and with all the technicalities involved will not solve all their myriad problems. But at least it is a start. It is another alternative to what we have been considering here in many forms.

It is a fiscally responsible stimulus which is grounded in the most fundamental tenet of American life—reliance on local initiative. The tapping of this wellspring of creativity and imagination should not be further delayed.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1743) to amend the Internal Revenue Code of 1954 to permit individuals to elect to take a credit against their Federal income tax for one-half of the State and local income taxes paid by them, in lieu of deducting such taxes, introduced by Mr. PEARSON, was received, read twice by its title, and referred to the Committee on Finance.

Mr. HATFIELD. Mr. President, will the Senator from Kansas yield?

Mr. PEARSON. Mr. President, in yielding to the Senator from Oregon, let me say, in anticipation of whatever comments he might make, that the concept of dividing the responsibility to tax and the responsibility to spend is one I first heard expressed several years ago by the Senator from Oregon [Mr. HATFIELD], who then served as Governor of that great State.

Mr. HATFIELD. Mr. President, first, I should like to comment on the proposal made by the Senator from Kansas. The tax credit idea appeals a great deal to my way of thinking. I should like to ask the Senator, as to the problem of separating tax collecting from tax spending authorities, whether he believes that the tax credit concept would do less violence to this kind of balance which should be retained as compared with the tax-sharing proposals generally discussed both in terms of bills and through Governors' group meetings and other such public groups.

I think that such a question is pertinent to the desire to maintain a strong Federal-State system, because often Governors who are confronted with the awesome responsibility of collecting revenues are quickly attracted to systems which may appear on the surface—at least relative to their tax-collecting problems—to let the Federal Government collect the taxes, and then to let the Governors and State legislatures apportion the taxes so collected and turned over to the States.

As a former Governor, deeply concerned about the role of the States in our Federal system, I have great reservations about making the States so dependent upon the Federal Government by accepting these tax-collecting arrangements. I do not know that it strengthens local government. Perhaps it even weakens State and local governments.

Thus, I should like to ask the Senator to comment as to the comparison of his tax-credit program with the tax-sharing program, in reference to strengthening State governments, and the question of whether we should separate tax-collecting from tax-spending authorities.

Mr. PEARSON. I respond to the Senator by merely repeating all of the suggestions which have been made. I think I indicated cosponsorship, together with the Senator from Oregon, of the tax-sharing concept—the Federal Government taking a given amount of money and sending it back to the States with no strings attached, a concept which has great merit. The great disadvantage and discrimination under Federal-State programs is that when we look at it as a landscape of all State developments, from State to State, we find a void here and a void there in some particular activity of public service.

When they find that void—that vacuum—here in Washington they say, "Ah, a program is needed because x number of States are not proceeding in the field of mental health, land reform, library construction, or something else."

The truth is that from State to State, because of the individual needs in a State, different programs are emphasized.

The Menninger Foundation, in my State of Kansas, has given us great inspiration to move forward in the field of mental health. I am sure that the same is true in other fields in the State of Oregon, where it has superiority over other States.

The concept of the Federal Government turning a given amount of money back to the States with no strings attached is an exciting idea, but we come back to the old concept that the people who have the power to spend do not share the responsibility and justification of raising the money.

Another proposal—although I do not think there is any possibility of its ever being adopted—is to reduce Federal taxes. But when we reduce Federal taxes, the States and cities come in and pick them up. Realistically, that will not happen, the political implications being what they are. So the States as well as the cities move into the field of taxation where the Federal Government is taxing, which is a highly dangerous thing to do.

The Governor of Kansas initiated a tremendous program to raise taxes for education. It was a great issue in the campaign. He was defeated in the last election. Perhaps the Senator will also recall that the Governor of Iowa, a former attorney general, was a one-term Governor. He went into office and met this responsibility; namely, he raised taxes. He was defeated the next time around. I shall not elaborate upon the political significance any longer, because I do not wish to delay other Senators who wish to speak on other subjects.

The PRESIDING OFFICER. The time of the Senator from Kansas has expired.

Mr. PEARSON. Mr. President, I ask unanimous consent to proceed for 1 additional minute.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 1 additional minute.

Mr. PEARSON. Mr. President, I do not believe this proposal offers the perfect solution, by any means, as witnessed by the States which do not levy income taxes. But it is another alternative.

Mr. HATFIELD. Mr. President, will the Senator yield for another question?

Mr. PEARSON. I yield, and ask unanimous consent for 1 additional minute.

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

Mr. HATFIELD. I should like to pose another question. Does the Senator from Kansas feel that providing these additional credits or tax-sharing revenues—in whichever direction the Congress might move—would have a tendency to relieve the pressure that now exists in some States to engage in tax reforms? I think it will be agreed that the tax structures in some States are outmoded and narrowly based, that many inequities exist, and that States have great difficulty in moving toward tax reform and changes. If there is pressure by the people in those States for tax reform, that is one thing; but if the Federal Government moves in and its program tends to relieve some of that pressure, will it diminish the possibility of getting tax reforms at the State level?

Mr. PEARSON. Quite frankly, I think so. I believe that the greatest need for tax reform, however, is in Washington, at the Federal level. The Senator has pointed out that wherever pressure is relieved, the pressure for reform, as well as for raising revenue, is also relieved.

Mr. HATFIELD. I thank the Senator from Kansas.

Mr. PEARSON. 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. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER OF BUSINESS

Mr. HRUSKA. Mr. President, I further ask unanimous consent that the special order obtained for me to make my remarks at a later hour this afternoon be modified to the extent of their coming before those of the Senator from South Carolina [Mr. THURMOND].

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

THE REAPPORTIONMENT CRISIS

Mr. HRUSKA. Mr. President, I want to address myself this afternoon to an

analysis of the constitutional question posed to Congress by the petitions for a constitutional convention by the States—the most important constitutional question to confront the country since the convening of the original Constitutional Convention in Philadelphia on May 14, 1787.

The men who assembled in Constitutional Convention at Philadelphia May 14, 1787, in order to form a more perfect Union, probably are unmatched by any single group in history for their reasoned grasp of the tenets essential to a government of the people and for their unquenchable thirst for freedom.

The Constitution which they wrought with brilliance and fervent devotion to freedom under law, I believe, stands high above the achievement of the Magna Carta, obtained as Hamilton described it "by the barons, sword in hand, from King John." It stands high above such landmark documents, too, as the Petition of Right assented to by Charles I, or the Declaration of Right presented to the Prince of Orange and afterwards formed into an act by Parliament called the Bill of Rights.

The Constitution of the United States proposed by that inspired body meeting in Convention Hall in Philadelphia was the product of free men—forging freedom by choice. It was not the grudging gift of some despot brought to terms by force of arms or that of some benevolent monarch.

We the People of the United States * * * to secure the blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

"To secure the blessings of Liberty to ourselves and our Posterity * * *."

We, today, are that posterity. Does the light of liberty burn within us as an all-consuming, living, breathing precept as it did with those who so magnificently forged our Constitution? Does the rule of reason, the passion for government by law, stir our souls to the degree required to protect our precious constitutional heritage? I believe so.

I would not so believe, however, if I thought we might heed the dismaying clamor pealing from the confines of mind of a few willful men intent on tailoring the fabric of our Constitution for purposes other than it was devised.

A CONVENTION GUIDELINE

For the first time since the adoption of the Constitution on September 17, 1787, this Nation may be on the verge of convening another constitutional convention. It behooves us in this light to examine the cause and to study the purpose of that first Convention when it created the constitutional procedure for convening a future convention.

In this way, I believe, we can better bring logic to our discussion and develop a guideline to the constitutional ground on which we tread.

While the points which I wish to raise are designed to clarify the procedures inherent in a constitutional convention, I would point out that the Congress, in view of the nature of the petitions from the States for a convention before it, may resolve the issue itself by proposing the requested amendment to the Constitution to the States for ratification. It has an alternative.

I would prefer to see this alternative course pursued.

I have no fear of the will of the people of these United States however if the Congress, in its wisdom or obstinacy, prefers the convening of a Convention. To vote otherwise, in my mind, would be to violate my oath of office to uphold the Constitution by which this Nation is governed.

Much in the manner of Chicken Little skittering to and fro telling all who would listen the sky is falling, much alarm has been expressed at what a constitutional convention might do. "The Bill of Rights will be repealed," "the Supreme Court will be abolished," are just two of the more irrational alarms being trumpeted from the rooftops by some who have felt compelled to exclaim rather than reason.

Fears of this kind have no foundation in reason, logic, or experience. They should be dismissed.

WHAT A CONSTITUTIONAL CONVENTION CAN DO

I think it is more important to recognize a constitutional convention for what it is and what it can do. First, it is a perfectly valid method of proposing amendments to the Constitution. It is a right reserved to the States and guaranteed by article V of the Constitution. The fact that we have never had one does not diminish the right of the people to have one if they wish.

As to what a constitutional convention might do to existing rights or to governmental structure, it could do nothing more than what the Congress has authority to do—it can propose amendments to the Constitution. Alone, it can make no change in the Constitution; it can change no rights. In the final analysis, three-fourths of the States, a total of 38, either by legislative action or by State convention, must ratify any amendment the convention might propose before it becomes a part of the Constitution. Precisely the same procedure that applies to amendments proposed by the Congress must be observed so far as ratification is concerned.

In our examination of the facts it is reasonable, I believe, to read article V, to see what it says, look at the background, refresh our memory on why it was made a part of the Constitution, and analyze the legal aspects surrounding it:

ARTICLE V

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, *on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments*, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress . . .

THE GENESIS OF ARTICLE V

Let us look for a moment at the genesis of article V. Why did the delegates to the Constitutional Convention in Philadelphia insert this provision for a future constitutional convention into their handiwork? The answer is not difficult to determine. One of the great fears of the delegates was a balky future Congress, a Congress that might prove unresponsive to the wishes of the States, and more importantly, to the wishes of the people in those States.

A great weakness in the Articles of Confederation with which the delegates to the Philadelphia Convention were wrestling was the difficulty of amending the articles. Amendments to become binding required ratification by the legislatures of all of the States. It is for this reason without question that the delegates to Philadelphia early realized the impracticability of merely amending the Articles of Confederation even though every delegate, with the possible exception of those from New Jersey, who were operating under somewhat broader authority than theirs confreres, was under instruction to do no more than propose amendments to the Articles of Confederation.

Shortly after it became apparent that more than the mere amendment of articles would take place and that a new Constitution would be submitted, the problem of providing for subsequent amendments to the proposed Constitution was considered. Four separate proposals were submitted. Mr. President, I ask unanimous consent that an exhibit which contains the text of proposals by Pinckney, Randolph, and Mason, and documentary references and commentary upon them, be printed in the RECORD at the conclusion of my remarks. The Hamilton proposal I shall speak of later.

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

(See exhibit 1.)

FEAR OF AN UNRESPONSIVE CONGRESS

Mr. HRUSKA. It seems clear from the debates that what was foremost in the minds of the delegates in regard to amending the Constitution was the fear that, among other things, there would be at some future date a Congress unresponsive to the wishes of the State. Initially the sentiment of the delegates, as shown by the journals and diaries, seemed to be that of denying to the Congress any voice in the process of amending the Constitution. The debates convinced a sufficient number of delegates that Congress should at least have an opportunity to propose amendments with the final approval left to the States. As a result, Congress was only given authority to propose amendments. The States, through their legislatures, retained the authority to initiate a Convention. The safeguard of a Convention was specifically provided so that Congress could not thwart the wishes of two-thirds of the States by refusing to submit amendments desired by the States.

Mr. President, it seems to me that we ought to put this in proper context. Those men at that convention had just finished a long war against King George III of England, and a situation existed of refusal on the part of the Government to permit people to have their wishes. They wanted to guard against such refusals. They did it in many ways. One was the safeguard that was put into the Constitution in article V, which allowed for the States and for the people of the States an opportunity to combat tyr-

anny—the tyranny of either the executive, of the Congress, or of the central national government—by having a convention to consider amendments to the Constitution.

This safeguard for the calling of a Convention upon application of the legislatures of two-thirds of the States seem to be perfectly clear in intent. In fact, it would appear that the Congress, by refusing to call a Convention upon application, would, in such instance, be setting itself up as being above the Constitution. For instance, the States might decide that a Convention was necessary in order to limit the power of Congress—could Congress refuse to call a Convention in such instance? A situation very nearly like this occurred when the 17th amendment—direct election of Senators—was proposed—it can hardly be argued that this amendment was "necessary"; rather, it is apparent that Congress acted in order to avoid a Convention.

The Federalist Papers give clear insight as to what the framers of the Constitution had in mind with the adoption of article V. Alexander Hamilton, in Federalist Paper No. 85, made the point that the people were a little afraid at that time about the proposed Constitution and what they should do if they had a balky Congress with which they could not deal. Pointing out they would want to amend the Constitution and to insure this right article V was approved.

HAMILTON

Hamilton said:

By the fifth article of the plan, the Congress will be obliged, "on the application of the legislature of two-thirds of the States" which at present amounts to nine, to call a Convention for proposing amendments which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the States, or by conventions in three-fourths thereof. The words of this article are peremptory. The Congress "shall call a Convention." Nothing in this particular is left to the discretion of that body. And of consequence all the declaration about their disinclination to a change, vanishes in the air. Nor however difficult it may be supposed to unite two-thirds or three-fourths of the state legislatures, in amendments which may affect local interests, can there be any room to apprehend any such difficulty in a Union on points which are merely relative to the general liberty or security of the people. We may safely rely on the disposition of the State legislatures to erect barriers against the encroachments of the national authority.

THE SITUATION TODAY

It can be seen then that the situation confronting this Congress is precisely that visualized by the delegates to the Constitutional Convention in Philadelphia in 1787 when they made provision that a Constitutional Convention must be called upon application of two-thirds of the States. At this time in our history, two-thirds of the States of the Union number 34. As of this moment, 32 States have petitioned this Congress to call a Constitutional Convention for the purpose of proposing an amendment to the States for ratification which would permit the States a degree of flexibility in the apportionment of one House of their State legislatures. It should come as no surprise to the Members of Congress that the States have so petitioned.

In 1963, as the first implications of *Baker* v. *Carr*—March 26, 1962, 369 U.S. 186—became evident, several States petitioned Congress to call a convention or to take action.

In 1964, Congress again failed to take action and additional States added their petitions to the roll before us.

In 1965, the process was repeated.

Again in 1966, the number of States petitioning for action increased.

So far this year 1967, four additional States have petitioned, bringing the total number of petitions before us, as I have said, to 32. I predict that the number will reach 34, and quite possibly more. The reason is that Congress has refused to act in keeping with the expressed, deeply felt wishes of the States in connection with this vital constitutional question. Therefore, as Hamilton foresaw in making provision for a call of a Constitutional Convention in the face of an obdurate Congress, the States are following the petition route.

It is important, moreover it is essential, it seems to me, in view of this demand by the States for a Convention that certain facts be clearly enunciated.

1. ARE THE PETITIONS FROM THE STATES INVALID HAVING BEEN ADOPTED OVER A PERIOD, TO DATE, OF FOUR YEARS?

Article V is silent both as to the period of time in which applications must be received in order to be valid and as to the period of time in which ratification must occur in order for a proposed amendment to become valid as a part of the Constitution.

A time limit in which ratification must take place was imposed by the Congress in the submission of the 18th amendment. This marked the first instance of such a time limitation. In the third section of that amendment the 7-year period for ratification was expressed. The validity of this amendment was challenged because of the alleged "extra-constitutional provision of the third section" in *Dillon* v. *Glass, Deputy Collector of the United States Internal Revenue*, 256 U.S. at 368.

The court ruled that the fair inference from article V is that ratification must be within some reasonable time after proposal of the amendment; and that 7 years, as determined by Congress, was reasonable. The opinion pointed out that the Constitution's lack of express provision on the subject is not in itself controlling, because with the Constitution, as with a statute or other written instrument, what is reasonably implied is as much a part of it as what is expressed. The following cases were cited: *United States* v. *Babbit*, 1 Black, 55, 61; *Ex parte Yarbrough*, 110 U.S. 651, 658; *McHenry* v. *Alford*, 168 U.S. 651, 672; *South Carolina* v. *United States*, 199 U.S. 437, 451; *Luria* v. *United States*, 231 U.S. 9, 24; *The Pesaro*, 255 U.S. 216.

An examination of article V, the court said, discloses that it is intended to invest Congress with a wide range of power in proposing amendments. The opinion also reads:

We do not find anything in the Article which suggests that an amendment once proposed is to be open to ratification for all time, or that ratification in some of the States may be separated from that in others by many years and yet be effective. We do find that which strongly suggests the contrary. First, proposal and ratification are not treated as unrelated acts but as succeeding steps in a single endeavor, the natural inference being that they are not to be widely separated in time. Secondly, it is only when there is deemed to be a necessity therefore that amendments are to be proposed, the reasonable implication being that when proposed they are to be considered and disposed of presently. Thirdly, as ratification is but the expression of the approbation of the people and is a fair implication that it must be sufficiently contemporaneous in that number of States to reflect the will of the people in all sections at relatively the same period, which of course ratification scattered through a long series of years would not do.

We conclude that the fair inference or implication from Article V is that the ratification must be within some reasonable time after proposal.

Of the power of Congress, keeping within reasonable limits to fix a definite period for the ratification we entertain no doubt. As a rule the Constitution speaks in general terms, leaving Congress to deal with subsidiary matters of detail as the public interests and changing conditions may require [1]; and Article V is no exception to the rule. Whether a definite period for ratification shall be fixed so that all may know what it is and speculation on what is a reasonable time may be avoided, is, in our opinion, a matter of detail which Congress may determine as an incident of its power to designate the mode of ratification. It is not questioned that seven years, the period fixed in this instance, was reasonable, if power existed to fix a definite time; nor could it well be questioned considering the periods within which prior amendments were ratified.

Applying the reasoning of the court in Dillon against Glass to the problem at hand it is clear that applications for a Convention would certainly be valid if received within a 7-year or possibly a longer period, since this period was established by the Congress and approved by the courts, and action pursuant thereto constituted valid ratification. The argument that applications, to be valid, must be received in the life of one Congress is about as illogical as saying that ratification must take place in the life of one Congress or that failure of a proposed amendment in one Congress would forever foreclose subsequent Congresses from attempting to propose similar amendments.

2. ARE THE APPLICATIONS VALID AS TO FORM AND SUBJECT MATTER?

In determining whether the applications are in proper form, it should be recalled in the first place that article V makes no reference to form. Congress might, although this is a doubtful power, prescribe a form to be used for this purpose but it has not done so. It seems strange, then, for Congress now to contend that the applications are in improper form. More logical, it would seem would be the view that since the State legislatures, and they alone, have the authority to initiate a Convention, their decision as to form should be binding, and the form used by one legislature

[1] *Martin* v. *Hunter's Lessee*, 1 Wheat. 304, 326; *McCulloch* v. *Maryland*, 4 Wheat. 316, 407.

would not preclude the use of a different style form by another legislature in making application to the Congress for a Convention. What really seems to be important or controlling is the substance, purpose, and intent of the applications.

Each of the 32 applications presently before us specifically requests that a Constitutional Convention be called. They assign various reasons for their request by using one or more "whereas" clauses, all of which, however, relate to apportionment. These clauses are not a part of the resolving clause and in no way limit its effect. Some legislatures have proposed in their applications actual language for an amendment but in so doing they have not destroyed the effectiveness of their applications for a Constitutional Convention. Such language could only be regarded at most as surplusage intended to convey to the Congress an idea as to the wording of the amendment that either the Congress or a Convention could propose for ratification. The applications, as previously noted, do give to Congress the alternative to calling a Constitutional Convention; that alternative being the submission of amendment by the Congress.

Some of the States have in their applications, attempted to establish the method of ratification. No reason is given for this action, but it can be presumed that it was done so as to foreclose any possibility that the Congress might refuse to provide a method of ratification. In any event the inclusion of this extraneous material could not conceivably invalidate the application for a Constitutional Convention.

In fact, the situation existing now is almost precisely that envisioned by the delegates at Philadelphia. The alternative that the delegates provided, the calling of a Constitutional Convention, was designed to meet the very situation where Congress would not act.

3. DOES THE FACT THAT SOME OF THE LEGISLATURES WERE MAL-APPORTIONED AT THE TIME THE APPLICATIONS WERE ADOPTED AFFECT THE VALIDITY OF THE APPLICATIONS?

During the period of time covered by these applications—1963–67—application for a Convention has been made by legislatures apportioned on the basis of population alone. Other legislatures that were under court order to reapportion also made application for a Convention, and, finally, State legislatures that were malapportioned to some extent according to the principle of Reynolds against Sims, but had not been found to be malapportioned by any court, also approved applications for a Constitutional Convention. The question has been raised as to whether these two latter groups could make a valid application for a Convention so as to permit apportionment of one House on the basis of factors other than population alone.

Part of the argument being made in support of the premise that a malapportioned legislature could not make a valid application for such a Convention is based on the premise that such action was self-serving and would tend to make that legislature "pure." This line of argument falls of its own weight. In the first place, no such application could stay court action requiring apportionment based on the principle of Reynolds against Sims; namely, population alone. So that those legislatures under court order had no alternative but to reapportion, and they did. Obviously, any such application could not have been self-serving so far as preserving the apportionment of that legislature was concerned. Those legislatures that were in fact malapportioned, but under no court order could hardly expect to maintain their status quo by the act of approving an application for a Convention. Only an amendment to the Constitution could help them, and the undisputed fact is that there was not sufficient time to propose a constitutional amendment and obtain ratification so as to help this group.

As to the patently absurd argument that these applications cannot be counted because they were approved by a malapportioned legislature, it can be disposed of with the observation that if such argument is true, then every act of that legislature and preceding ones are invalid and with them quite likely most every act of the Congress because every State having more than one Representative in Congress would have had it congressional districts determined by an invalid legislature. Also, the validity of all amendments to the Federal Constitution subsequent to the 14th will be brought into question because with only one exception, the 21st article of amendment, they have been ratified by malapportioned legislatures. What a paradox it would be to hold valid the ratification of an amendment by a legislature as provided in article V and to hold invalid the petition for a Constitutional Convention by the same legislature as also provided in article V.

Fortunately, we have some guidance from the Supreme Court on this problem. The question arose in *Texas* v. *White* (1868) 7 Wall (74 U.S.) 700.

U.S. SUPREME COURT RULING ON THIS POINT

Texas v. *White*—74 U.S. Reports 700 (1868). The Supreme Court in this case was confronted with a situation based on certain acts of the Civil War Legislature of the State of Texas. It held that—

> Considered as transactions under the Constitution, the ordinance of secession, adopted by the Texas convention, and ratified by a majority of the citizens of Texas, and all acts of her legislature intended to give effect to that ordinance were absolutely null. They were utterly without operation in law.

But, the Court stated, the State did not cease to be a State, nor her citizens to be citizens of the Union. The insurgent legislature could not be regarded in the courts of the United States as a lawful legislature, or its acts as lawful acts. Yet that legislature and its government were the only actual government Texas had. It constituted a de facto government "and its acts during the period of its existence as such would be effectual and in almost all respects valid." Such validity, however, did not extend to a contract in aid of the rebellion, which was a treasonable act. On this point, the Court held:

> Exact definitions, within which the acts of a State government, organized in hostility to the Constitution and government of the United States, must be treated as valid or invalid, need not be attempted. It may be said, however, that acts necessary to peace and good order among citizens, such, for example, as acts sanctioning and protecting marriage and the domestic relations, governing the course of descents, regulating the conveyance and transfer of property, real and personal, and providing remedies for injuries to person and estate, and other similar acts, which would be valid if emanating from a lawful government, must be regarded in general as valid when proceeding from an actual, though unlawful government; and that acts in furtherance or support of rebellion against the United States, or intended to defeat the just rights of citizens and other acts of like nature, must, in general be regarded as invalid and void.

No one would seriously contend that these State legislatures who have made application for a Constitutional Convention were "illegal governments" by virtue of the fact that they were malapportioned. It certainly cannot be said that an application for a Constitutional Convention constitutes "rebellious" or "treasonable" actions of that legislature.

At the time the petition for a Convention was adopted, the very least that can be said that such legislature was a part of a de facto government and its acts would be effectual in such matters as this. This is clear under the decision in Texas against White.

But the uniform holdings of the courts have been that otherwise valid enactments of legislatures will not be set aside as unconstitutional by reason of their passage by a malapportioned legislature. See *Dawson* v. *Bomar*, 322 Fed. (2d) 445 (1963), Sixth Circuit Court of Appeals (certiorari denied, 376 U.S. 732).

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

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

> As indicated by the petitioner's failure to cite authority in support of his contention, the courts have uniformly held that otherwise valid enactments of legislatures will not be set aside as unconstitutional by reason of their passage by a malapportioned legislature. This conclusion is reached upon one or more of three judicially recognized doctrines: (1) the *de jure* doctrine which recognizes that a legislative body created by a state constitution has a *de jure* existence which is not destroyed by any failure to redistrict in accordance with the constitutional mandate; (2) the *de facto* doctrine which recognizes that the legislative offices created by the state constitution were *de jure* and the incumbents, even though elected under an invalid districting act, were at least *de facto* members of the legislature and their acts as valid as the acts of the *de jure* officers; (3) the doctrine of avoidance of chaos and confusion which recognizes the common sense principle that courts, upon balancing the equities between the individual complainant and the public at large, will not declare acts of a malapportioned legislature invalid where to do so would create a state of chaos and confusion.
>
> For the Court to select any particular category of laws and separate them from other laws for the purpose of applying either the *de facto* doctrine or the doctrine of avoidance of chaos and confusion would in fact circumvent legal principles in order to substi-

tute the Court's opinion as to the wisdom, morality, or appropriateness of such laws.

Mr. HRUSKA. Mr. President, in the case of *Ryan* v. *Tinsley*, 316 Fed. (2d) 430 U.S. Court of Appeals, Tenth Circuit, April 22, 1963, the court held:

If the petitioner's contentions are to be accepted, a malapportioned legislature could not pass a valid act of reapportionment.

4. CAN THE CONGRESS OR THE STATES LIMIT THE ACTION OF A CONVENTION?

In providing an answer to this question two principles must be kept in mind. First, is that whatever the Congress does, it can only do as a result of authority delegated to it in the Constitution. Second, Congress in proposing amendments or calling a Constitutional Convention is not exercising a legislative function. This latter matter was thoroughly discussed and disposed of by the Court in *Hollingsworth* v. *Virginia* (1798) Dallas 378. In that case the following argument was made:

The amendment has not been proposed in the form prescribed by the constitution, and therefore, it is void. Upon an inspection of the original roll, it appears, that the amendment was never submitted to the president for his approbation. The constitution declares, that every order, resolution or vote, to which the concurrence of the senate and house of representatives may be necessary (except on a question of adjournment), shall be presented to the president of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the senate and house of representatives &c. Art. 8 S 7. Now, the constitution likewise declares, that the concurrence of both houses shall be necessary to a proposition for amendments. Art. V. And it is no answer to the objection, to observe, that as two-thirds of both houses are required to originate the proposition, it would be nugatory to return it with the president's negative, to be repassed by the same number; since the reasons assigned for his disapprobation might be so satisfactory as to reduce the majority below the constitutional proportion. The concurrence of the president is required in matters of infinitely less importance; and whether on subjects of ordinary legislation, or of constitutional amendments, the expression is the same, and equally applies to the act of both houses of congress.

In response the Attorney General stated:

Two objections are made. 1st. That the amendment has not been proposed in due form. But has not the same course been pursued relative to all the other amendments that have been adopted? (a) And the case of amendments is evidently a substantive act, unconnected with the ordinary business of legislation, and not within the policy or terms of investing the president with a qualified negative on the acts and resolutions of congress.

The Court on the day succeeding the arguments unanimously held that the amendment was constitutionally adopted, and this decision has been uniformly observed, establishing the fact that the amending process is not a legislative function.

As to the question of a delegation of power to the Congress to limit the action of a Convention, nowhere in the Constitution can such a delegation of authority be found. Such a delegation would negate the very authority reserved to the States. What purpose would be served by allowing the States to initiate a Convention and leave the authority in the Congress to say what the Convention could do? If a Convention can in fact be limited, it would seem that only the States who possess the sole authority to initiate it could control it. In this connection I would point out that all 32 petitions under discussion request action only in respect to reapportionment. In fact, also, further and ultimate control does rest in the States for not until three-fourths of them have ratified, could any amendment proposed by a Convention have effect.

In further considering this point, it is necessary to examine the precise nature of the acts involved in calling a Constitutional Convention. The Congress, as has been discussed, does not have the initiating authority in this instance, it can act only in response to applications from at least two-thirds of the State legislatures, and, upon receipt of the necessary number must call such a Convention. Since the Congress is without authority of its own to call a Convention, it is possessed at most with authority only over routine housekeeping functions. These functions would provide for the place, date, presumably the duration, financing, voting, and other similar functions of the Convention.

Since article V gives to the States sole authority to determine whether or not there shall be a Constitutional Convention and since someone must say where, when, and so forth, Congress obviously has this limited authority. It can be argued that the States could include these items in a uniform manner in their applications, but since they did not do so it would seem that this function is left to the Congress.

Wherein lies any safeguard against a "wide open" Convention? First in the good faith, judgment, and responsibility of its delegates. Second, in the requirement that any proposals of the Convention must be ratified by three-fourths of the States—38 of them—before becoming effective.

5. CAN A STATE LEGISLATURE RESCIND AN APPLICATION FOR A CONSTITUTIONAL CONVENTION?

Attempts to rescind the application for a Constitutional Convention made by an earlier legislature have occurred at least in four State legislatures. An instance where this occurred is in Maryland. The 1965 Legislature of Maryland, found by the Court to be malapportioned, adopted a resolution calling for a Constitutional Convention. The legislature was reapportioned according to population. In its 1967 session, a resolution rescinding the earlier application was introduced but rejected. No legislature has rescinded an application for a Constitutional Convention on reapportionment of State legislatures. The question then is whether or not such an act of rescission would have effect.

The Supreme Court has been confronted with cases on ratification that shed some light on this question. The Court has held that the function of a State legislature in ratifying a proposed amendment to the Federal Constitution, like the function of Congress in proposing the amendment is a Federal function derived from the Federal Constitution; and it transcends any limitations sought to be imposed by the people of a State. *Hawke* v. *Smith*, No. 1, 253 U.S. 221; *Hawke* v. *Smith*, No. 2, 253 U.S. 231; *National Prohibition* cases, 253 U.S. 350, 386.

It also appears that ratification of a proposed amendment, when once acceded to by a State legislature would seem to exhaust its authority to act and preclude a reconsideration. *Coleman* v. *Miller* 307 U.S. 433.

The Court has also held that certification to the Secretary of State—now Administrator GSA—by the legislature of its act of ratification is binding upon him. In *Lester* v. *Garnett* 258 U.S. 130, the Court held:

The remaining contention is that the ratifying resolutions of Tennessee and of West Virginia are inoperative, because adopted in violation of the rules of legislative procedure prevailing in the respective States. The question raised may have been rendered immaterial by the fact that since the proclamation the legislatures of two other States—Connecticut and Vermont—have adopted resolutions of ratification. But a broader answer should be given to the contention. The proclamation by the Secretary certified that from official documents on file in the Department of State it appeared that the proposed Amendment was ratified by the legislatures of thirty-six States, and that it 'has become valid to all intents and purposes as a part of the Constitution of the United States.' As the legislatures of Tennessee and of West Virginia had power to adopt the resolutions of ratification, official notice to the Secretary, duly authenticated, that they had done so was conclusive upon him, and, being certified to by his proclamation, is conclusive upon the source. The rule declared in *Field* v. *Clark*, 143 U.S. 649, 669–673, is applicable here. See also *Harwood* v. *Wentworth*, 162 U.S. 547, 562.

Since the act of a State legislature in making an application to Congress for a Constitutional Convention and its act of ratifying a proposed amendment are quite similar and relating the court's holdings in the former to the latter it is apparent that: First, both are Federal functions; second, neither can be rescinded; and, third, each would be binding, the one upon the Congress, the other on the Administrator of GSA and both upon the courts. The rule of reasonableness, such as the Court used in the National Prohibition cases, where it held 7 years to be a reasonable time in which to effect ratification, could be applied so as to prevent the cumulative effect of applications spread over a number of years and on various subjects. Any attempt to rescind during this 7-year period would be a nullity, and after the lapse of 7 years during which time the necessary two-thirds had not been achieved the applications would lose their effect.

Additionally, once applications from two-thirds of the legislatures have been received by the Congress we are confronted with what might be termed an act of finality. Any attempted act of rescission of its application by a State legislature would have no more meaning then than would an attempt to rescind a sufficient number of acts of ratification so as to repeal an article of amendment that had previously been ratified by three-fourths of the States.

6. MUST THE CONGRESS CALL A CONVENTION UPON APPLICATION OF TWO-THIRDS OF THE LEGISLATURES OF THE STATES?

The Federalist Papers give clear insight as to what the framers of the Constitution had in mind in article V. I have quoted Alexander Hamilton in Federalist Paper No. 85 in this respect, where Hamilton makes it clear the Congress has no option.

The duty of Congress under article V is quite clear. In the syllabus of *United States* v. *Sprague et al.*, 282 U.S. 715, it is noted that:

. . . 2. Article V, in its provision that proposed amendments shall become part of the Constitution when ratified by the legislatures of three-fourths of the several States or by conventions in three-fourths thereof, "as the one or the other mode of ratification may be proposed by the Congress," plainly and without ambiguity places the choice between these two modes in the sole discretion of Congress, and cannot by construction be read as requiring that changes detracting from the liberty of the citizens, distinguished from changes in the character of federal means or machinery, shall be referred to conventions. p. 730.

3. The Constitution was written to be understood by the voters; its words and phrases were used in their normal and ordinary as distinguished from technical meaning; where the intention is clear there is no room for construction and no excuse for interpolation or addition. p. 731.

4. The fact that an instrument drawn with such meticulous care, and by men who so well understood how to make language fit their thought does not contain any phrase limiting the exercise of discretion by the Congress in choosing one or the other alternative modes of ratification, is persuasive evidence that no qualification was intended. p. 732.

Applying this interpretation to the instant case it would appear that the Congress is left without authority to determine the wisdom, propriety or desirability of the applications and their purposes. Certainly it would not be a decision for the Congress to make as to whether or not there should be a Constitutional Convention this decision has already been made by the States, assuming 34 applications. Only when an amendment or amendments as had been requested had been proposed by Congress for ratification could the Congress constitutionally ignore the mandate of the State legislatures calling for a Convention. The action of Congress in this instance would seem to be purely and simply ministerial. To reinforce this view, if indeed reinforcement is needed, is the unquestionable fact that the Constitutional Convention of 1787 adopted the Convention clause of article V because of fear, a fear it appears that demonstrates no little foresight, that an oppressive Federal administration might refuse to yield to the demands of the States for a change in the fundamental law.

ENFORCEMENT BY COURT ORDER

Since the action required of Congress in calling a Constitutional Convention is purely ministerial, in fact not even legislative, can it be compelled to do so against its wishes, by court order? Recognizing the doctrine of separation of powers and the somewhat battered principle of political question, it appears that a recalcitrant Congress can be compelled to act.

It is a well-established principle of law that the courts will compel the doing of purely ministerial acts. This is normally accomplished by mandamus and is frequenty referred to as a writ commanding the performance of a particular duty which results from the official station of the one to whom it is directed.

In one of its very early decisions, *Marbury* v. *Madison* (February 1803) 1 Cranch 137, the Supreme Court clearly established the principle that the Court can command the performance of a purely ministerial act by an official of a coequal branch of Government, the Executive. Some excerpts from that opinion are particularly applicable. On page 163, the Court said:

The government of the United States has been emphatically termed a government of laws, and not of man. It will certainly cease to deserve this high appellation, if the laws furnish no remedy for the violation of a vested legal right.

On page 166:

But where a specific duty is assigned by law, and individual rights depend upon the performance of that duty, it seems equally clear that the individual who considers himself injured, has a right to resort to the laws of this country for a remedy.

On page 170:

What is there in the exalted station of the officer, which shall bar a citizen from asserting, in a court of Justice, his legal rights, or shall forbid a court to listen to the claim, or to issue a mandamus, directing the performance of a duty, not depending on executive discretion, but on particular acts of Congress and the general principles of law?

And on page 179:

From these, and many other selections which might be made, it is apparent that the Framers of the Constitution contemplated that instrument as a rule for the government of courts as well as of the legislature.

Applying the reasoning of the Court in that landmark case to the problem at hand can it earnestly be contended that the people, through their representatives in the State legislature can be denied by the Congress one of the most fundamental rights they possess, that of altering the basic document under which the whole process of government operates, the Constitution, and that the Court is without authority to enforce this right? If this be true, that the right of two-thirds of the States to secure a Constitutional Convention upon application to Congress is a nonenforceable right, then we have ceased to be a Government of laws. Indeed, for the Court to refuse to enforce this right it would have to cast aside a whole series of decisions, not the least of which would be those affirming the validity and propriety of several articles of amendment. But, more importantly, the people's sovereignty would once and for all have been destroyed.

The Court has had no difficulty in recent cases involving the legislatures. Granted they are State legislatures, but the principle remains the same. The Court secured compliance with its orders even though the action involved was to a certain extent legislative whereas in our case it clearly is not. These cases involved apportionment, beginning with Baker against Carr and more recently Reynolds against Sims, and related cases. In those instances, where a legislature refused to obey an order to redistrict, the Court developed its own districting plan and directed elections to be held. It is really not arguable that the right of two-thirds of the State legislatures for a Constitutional Convention clearly provided by article V is less a right than that of the people of Tennessee to have reapportionment of their State legislature.

Should the Congress fail to respond affirmatively to the applications of the legislatures of two-thirds of the States for a Constitutional Convention, it would appear that the Supreme Court could enforce this right, and that precedent for it to do so exists. Should the Congress refuse to comply with the writ, the Court, in enforcing this right, could itself order the Convention. Some State legislatures, I would be certain, would pursue this form of remedy should the Congress fail to act.

I trust in this somewhat lengthy presentation a base has been provided for rational discussion of the issue before us. It would have been far simpler to engage in a bit of rhetoric rather than citing the ample precedent, intent and law which prevails. However, it is my observation that this deliberative body, now engaged in a considerable constitutional discussion, prefers fact to fun in reaching its conclusions.

For myself, as I have stated, should this body, through inaction in proposing a reapportionment constitutional amendment, vote the mandatory alternative of a Convention, I have no more fear of the outcome than did the delegates to Philadelphia in 1787, when they provided this course of action for the situation they could foresee which now has arisen.

If there are those among my colleagues who are fearful of a Convention, I suggest they respond now to the call of the States by proposing the necessary amendment to the States for ratification or rejection.

PROPOSED CONSTITUTIONAL AMENDMENT

There are several elements which I believe should be included in the proposed constitutional amendment:

First. The proposal should be entirely permissive in nature. Each State could make its own determination whether or not it wishes to make use of provisions for constituting one house of its legislature on the basis of factors other than population or constituting both houses on the basis of population.

Second. Reapportionment would be mandatory every 10 years.

Third. Any State electing to constitute one house of its legislature on the basis of factors other than population would be required to submit alternate plans to the electorate for approval or rejection—one plan for population only in both houses, the other a little Federal plan.

Fourth. A section should be considered protecting the right of the States to determine the composition of the subdivisions of State government—county

boards of supervisors, school districts, city councils, and so on.

Fifth. A section reasserting the right of every State to two U.S. Senators, and providing that States cannot be combined for purposes of membership in the U.S. Senate.

Sixth. A section reasserting the right of every State to proportionate membership in the House of Representatives, with no State having less than one member, and a stipulation that State boundaries cannot be crossed in the composition of congressional districts.

The voice of the people has been made abundantly clear on this issue. Now it is up to us to let the people decide—either through a Convention called for that purpose or a proposed constitutional amendment by this Congress. For the life of me, I can find no rationale for denying the people of this country the right to decide—which they now request. If we, the Congress, cannot trust the people, we have no right to be here. Frankly, no amount of verbal obfuscation can hide the fact that this is the real issue up for decision.

EXHIBIT 1

The four proposals as to methods of future amendments of the Constitution which were submitted in the Constitutional Convention, were as follows. One by Charles Pinckney, on May 29; one by Edmund Randolph on that same day; the third by William Patterson on June 15; and the fourth by Alexander Hamilton on June 18.

PINCKNEY

Mr. Pinckney proposed the following:

"If two-thirds of the Legislatures of the States apply for the same, the Legislature of the United States shall call a Convention for the purpose of amending the Constitution; or, should Congress, with the consent of two-thirds of each House, propose to the States amendments to the same, the agreement of two-thirds of the Legislatures of the States shall be sufficient to make the said amendments parts of the Constitution."

As Pinckney explained it, this article: [1]

". . . proposes to declare, that if it should hereafter appear necessary to the United States to recommend the Grant of any additional Powers, that the assent of a given number of the States shall be sufficient to invest them and bind the Union as fully as if they had been confirmed by the Legislatures of all the States."

Pinckney feared the requirement of unanimous consent to any change, as found in the Articles, because "it is to this unanimous consent the depressed situation of the Union is undoubtedly owing . . ." [2]

RANDOLPH

Randolph proposed the following language:

"Resolved that provision ought to be made for the amendment of the Articles of Union, whensoever it shall seem necessary; and that the assent of the National Legislature ought not to be required thereto."

MASON

Mason, on June 11, in defending the proposal for providing some means of amendment said that it would:

". . . be better to provide for them in an easy, regular and constitutional way, than to trust to chance and violence. It would be improper to require the consent of the National Legislature, because they may abuse their power, and refuse their assent on that very account. The opportunity for such an abuse may be the fault of the Constitution calling for amendment."

As various details of what is now Article V were discussed and agreed to, a motion was made by Governors Morris and Gerry to amend proposed Article V, so that the Convention clause might be inserted providing that a Convention for proposing amendments would be called on application of two-thirds of the States. Madison, however, "did not see why Congress would not be as much bound to propose amendments applied for by two-thirds of the States as to call a Convention on the like application." [3] He had no objection to providing for a Convention, as he had previously indicated, but did foresee "that difficulties might arise as to the form, the quorum, etc., which in Constitutional regulations ought to be as much as possible avoided." [4] *The motion to amend so as to require a Convention was approved without dissent and was worded in such a fashion as to make it mandatory that Congress call a Convention upon application by two-thirds of the States.*

[1] *The Records of the Federal Convention of 1787* 120 (Farrand ed. 1937). Farrand indicates that Pinckney's explanation of this Article XVI was made on May 28, the day before he presented it to the Convention.

[2] *Ibid.*

[3] Madison, *Journal of the Federal Constitution* (Scott ed. 1898) Note 12 at 737.

[4] *Ibid.*

WHO WANTS A CONSTITUTIONAL CONVENTION?

Mr. TYDINGS. Mr. President, this morning we have heard the other side of the lawyer's argument regarding the obscure constitutional questions involved in convening a Constitutional Convention for the purpose of rewriting our basic charter of government. I will have more to say later about the substance of these speeches.

Suffice it to say now that this lawyer's argument really misses the whole point that is involved in the Constitutional Convention issue. That is the question whether the people of the United States want a Constitutional Convention.

Throughout their 3-year struggle to reinstate rotten borough legislatures, the proponents of such a constitutional amendment have consistently urged that we "let the people decide." We who have opposed reinstating minority government in the States believe the people have decided. In fact, they have decided this issue twice, by repudiating the so-called Dirksen amendment in the Senate in both 1965 and 1966.

I suggest we also took to the people on whether to have a Constitutional Convention. We should not concern ourselves with the actions of now extinct rotten borough legislatures calling for a convention to ratify their illegality. We should instead look to see whether the people of the United States want a Constitutional Convention.

It is clear that many of the legislatures that have petitioned Congress for a Constitutional Convention would, upon reflection, withdraw those Convention calls. A case in point is Maryland, which one of the speakers this morning inaccurately characterized as having rejected an attempt to rescind its Convention call.

The fact is that within 1 week of the time that the current drive to call a Constitutional Convention was revealed, efforts were underway in the Maryland Legislature to repeal the convention call that the grossly malapportioned 1965 Maryland Legislature had made. Limited by the State constitution to a 70-day session, the fairly apportioned Maryland Legislature of 1967 was literally working against the clock. At the time this latest move to call a convention was discovered, only a week remained in the session.

The senate passed a rescission resolution by a vote of 27–13, and sent that petition to the house of delegates on the last day of the session. There the petition was sponsored by half the members of the house, but the opponents of the amendment immediately moved to table it. That tabling motion, which was in effect a vote on the resolution itself, was defeated by a vote of more than 2 to 1. Eighty-five delegates voted in favor of rescission, and only 35 voted against it. During that critical vote, however, the clock had run out on the 70th day, barring final passage of the bill.

It is indisputably clear that Maryland would have rescinded its Convention call if it had not been for the limitation on its session. Rescission efforts also seem probable in a number of other States. The Washington House, just 2 weeks ago, for example, passed a rescission resolution.

Leaving aside technical legal questions about the petitions, what do the people of America think about the Constitutional Convention issue? The evidence is abundant and clear that the American people do not want to reverse the one-man, one-vote rule. In light of that fact, it is equally clear that the American people do not want a Convention to tamper with other aspects of the Constitution either. At the height of the tumult about the one-man, one-vote decision, in the summer of 1964, a Gallup poll indicated that two out of every three Americans favored the one-man, one-vote principle applied to both houses of State legislatures. During the next 2 years, as most State legislatures in America were reapportioned, popular approval of the one-man, one-vote rule principle increased. By November 1966, the Harris poll revealed that—

By 3 to 1, every group in the population specifically supports the one-man, one-vote decision.

As the Harris and Gallup polls reveal, people in every section of the country, from every walk of life, support the one-man, one-vote principle. And why not? Who can be against equal representation in State government and against minority control?

Who wants a Constitutional Convention? The only people in America who want a Constitutional Convention on the one-man, one-vote rule or any other issue are the special interests which prospered under malapportionment. They are the people who represented a minority of the people and commercial interests of the States and who controlled legislation in the States for the last half century. These are the interests which failed to meet the problems of urban areas, where the overwhelming majority of Americans now live. They are the interests who refused to let State legislatures face up to the issues of the 20th

century. They are the people who practically succeeded in derailing the federal system prior to the Supreme Court's one-man, one-vote decision, by paralyzing the machinery of State government.

In short, the question of whether to have a Constitutional Convention should depend on what the American people want. They want the one-man, one-vote rule. They do not want a Constitutional Convention. They want the Constitution protected, not tampered with.

I ask that the Harris and Gallup polls I have mentioned be reprinted at this point in the RECORD.

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

THE HARRIS SURVEY—SUPREME COURT WINS OVER-ALL SUPPORT OF ONLY 48 PERCENT OF PUBLIC

(By Louis Harris)

The U.S. Supreme Court has become a highly controversial branch of government and is able to muster an over-all vote of confidence from less than half the American people. The public, whatever constitutional principles may be involved, is most critical of two key decisions; the banning of prayers in public schools and the refusal to accept confessions made by suspects before they can obtain legal counsel.

In a special survey of a cross-section of the American people, the public gives a negative rating to the job done by the Nation's highest court by 52–48 percent. This is largely the result of the court's extreme unpopularity in the South, although the Midwest approximates the national average of disapproval.

"Popular" decisions by the court include three landmark cases decided in recent years. For example, by 3 to 1, every group in the population specifically supports the "one-man, vote" decision that required many States to reapportion legislative districts on a population basis. Furthermore, with the exception of the South, the decisions to outlaw segregation in the schools and in public accommodations meets with close to 2-to-1 public approval.

A sixth decision—that which forbids the State Department from denying passports to Communists—splits the public almost down the middle.

A consistent pattern in the results reveals that younger people, Negroes and the better educated tend to back the court while white Southerners, older people and the less well-educated tend to be the court's severest critics.

The special cross-section of the public was asked:

"How would you rate the job the U.S. Supreme Court has been doing—excellent, pretty good, only fair or poor?"

	Good-excellent, percent	*Fair-poor, percent*
Nation-wide	48	52
By region:		
East	52	48
Midwest	48	52
South	35	65
West	55	45
By age:		
Under 35	58	42
35 to 49	51	49
50 and over	42	58
By education:		
8th grade or less	44	56
High school	46	54
College	53	47

A young husband in Columbia, Miss., summed up his position in this way: "I have two school-age children. Therefore, I don't like what the court is doing—period." Said an Illinois housewife: "I'm disturbed about this bending over backward to take care of the single individual. What about the majority who want the opposite?"

The court, however, is not without supporters. "They're trying to eliminate some of the bigotry," said a 64-year-old woman from Los Angeles. "They have put the churches on their toes," added a neighbor. "They've stuck their necks out and taken stands when they could have avoided it."

Here is the roster of approval and disapproval by the public on six key Supreme Court decisions:

	Approve, percent	*Disapprove, percent*
Reapportionment: one man, one vote	76	24
Desegregation of schools	64	36
Desegregation of public accommodations	64	36
Allowing Communist passports	49	51
Disallowing confessions without counsel	35	65
Outlawing prayers in classrooms	30	70

In the South, only the reapportionment decision meets with public approval. The public accommodations decision, upholding the 1964 Civil Rights Act, is opposed better than 2 to 1. It is significant, however, that the 1954 court decision on school integration is now supported by 44 percent of all Southerners, indicating that opposition trends to dwindle with time.

By contrast, Negroes heartily support five out of six of the key decisions. They are heavily influenced by the forthright position of the court on racial equality, but they are opposed to the school prayer ban by 3 to 1, indicating the strong religious feeling that exists in the Negro community.

Young people appear to be far more aroused about individual civil liberties than their elders. This is undoubtedly a reflection of the feelings of this younger generation that non-conformity is vital to a free society. Clearly, the issue of dissent has split the generations in America in the mid-1960s.

THE GALLUP POLL—PEOPLE BACK HIGH COURT ON APPORTIONMENT, 3–2

(By George Gallup)

PRINCETON, N.J., Aug. 18.—A constitutional amendment that would undo the Supreme Court's ruling on apportionment of state legislatures is likely to run into trouble with voters of the Nation.

In the first test of the public's reaction to the Supreme Court ruling, opinion divides 3 to 2 in favor among those who have formed an opinion.

The effect of the Supreme Court's ruling would be to reduce representation of the small towns and rural areas in state legislatures, thus reducing what is normally a conservative influence in state politics.

At this point, roughly one-fourth of those interviewed had not yet formed an opinion on this issue, which will be debated in the campaign and in the months to come. Voters living in the most highly urbanized areas—who stand to gain the most from the new Court ruling—voice the greatest approval.

The following question was put to a cross-section sample of people across the Nation:

"As you know, the U.S. Supreme Court has ruled that the number of representatives of both the lower house and the Senate in all state legislatures must be in proportion to population. In most states, this means reducing the number of legislators from the rural areas and increasing the number from urban area. Do you approve or disapprove of this ruling?

The results for the Nation as a whole:

	Percent
Approve	47
Disapprove	30
No opinion	23

A plank in the 1964 Republican platform calls for a constitutional amendment as well as legislation—"enabling states having bicameral legislatures to apportion one house on bases of their choosing, including factors other than population."

But the survey showed very little difference between Republicans, Democrats, and Independents on this issue.

Mr. BYRD of West Virginia. 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. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

UNIVERSAL MILITARY TRAINING AND SERVICE ACT

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1432) to amend the Universal Military Training and Service Act, and for other purposes.

The Senate proceeded to consider the bill.

RECOGNITION OF SENATOR THURMOND

The PRESIDING OFFICER. Pursuant to the order previously entered, the Chair recognizes the Senator from South Carolina [Mr. THURMOND] for 20 minutes.

GROUND WARFARE IN VIETNAM

Mr. THURMOND. Mr. President, Mr. Anthony Harrigan, associate editor of the Charleston News and Courier, has gained an international reputation for authoritative articles on military tactics and strategy. His reputation is well deserved because he is not content with armchair theory. Mr. Harrigan roams the world, visiting the scene of action for on-the-spot analysis. Unlike many correspondents, who merely "report" the action, he writes from a military understanding of the principles at work.

His latest article, "Ground Warfare in Vietnam," from the April 1967 issue of the Military Review of the U.S. Army Ground and General Staff College, is a good example of his work. Mr. Harrigan makes the point that war hardware and gadgetry still take second place to the foot-soldier himself. "In the final analysis," says Mr. Harrigan, "troops on the ground decide whether a country is won or lost."

I recommend this article to my colleagues, and I ask unanimous consent that it be printed in the RECORD.

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

GROUND WARFARE IN VIETNAM

Although the United States is in South Vietnam to assist that country in maintain-

ing its independence, the southeast Asian conflict also is serving as a laboratory in which a new type of war is being tested. The details of the test have profound significance to free societies confronted with the menace of an illusive, guerrilla enemy backed up by regular units infiltrating across a border.

NEW TOOLS OF WAR

Military commentators have made much of the new tools of war which engineers have produced to aid United States and Republic of Vietnam forces in dealing with the Viet Cong and North Vietnamese regular units. The most important of these tools is the helicopter. In the course of the Vietnam struggle, the helicopter has undergone a remarkable evolution from an unarmed aerial transport for a squad of soldiers to a true combat air vehicle mounting an elaborate array of weapons, including rockets, guided missiles, grenades, and automatic cannon.

Somewhat overlooked in the public and professional attention devoted to the new weaponry is the revolution in battlefield tactics. Important as are the new machines and weapons, the ways in which foot soldiers are employed have even greater significance. In the final analysis, troops on the ground decide whether a country is won or lost.

The US soldier on the ground in Vietnam can count on extraordinary support. Massive firepower is available to back up deep penetrations of enemy territory. Excellent communications make possible complicated, precisely timed operations. In critical situations, troops on the ground can summon aerial and artillery support. Availability of fixed-wing and rotary craft have made instant logistics almost a reality. Most important of all, there is the unprecedented mobility of ground units and their weapons.

It is routine for a division commander to have a battalion picked up by helicoper and carried to a clearing deep in a jungle. It also is routine to fly artillery over rice paddies and jungle into positions miles from any road or atop high ridges.

IMPORTANT ADVANCES

The heli-lifting of artillery, even at night, represents one of the most important advances in ground warfare in centuries. Major General Moshe Dayan, former Israeli Chief of Staff who observed the ground conflict in Vietnam, has described this heli-lifting as "the American answer to the problem of movement in the jungle: mobility that is not dependent on roads, ground vehicles or airfields."

Neither mobility nor massive firepower, however, offer a complete answer to the problem of the elusive guerrilla unit. The Viet Cong and the North Vietnamese are superbly adapted to the environment in which they are fighting. All through the summer of 1966, for example, the North Vietnamese regulars infiltrated into wilderness areas of South Vietnam. Using tunnels and jungle tracks, they built up supply and ammunition depots inside the demilitarized zone. The battles US ground troops fought in the mud and among the rocks in the summer and early fall testified to the legpower of the enemy.

These qualities on the part of the Communist units have led to frustration for US ground forces on many occasions. Nothing is more depressing than a sweep that nets nothing. The Viet Cong and the North Vietnamese are skilled at utilizing the hours of darkness, the early morning monsoon rains, and the fog to withdraw from the US attackers. This, after all, is their basic strategy. For them, victory often simply means avoiding being destroyed.

HIDE-AND-SEEK

Ground warfare, in these circumstances, frequently is a game of hide-and-seek. Reaction time is no longer a major problem for US forces now that helicopters are available in great numbers. But locating the enemy—pinpointing his formations—is a different story. Helicopters loudly announce themselves as they approach a landing zone. Often, they are the signal for the enemy to break up into small units and move into the jungle by different routes as they strike out for a new rendezvous. It is this situation that has necessitated sophisticated tactics for stealthy entry onto the battlefield.

In time, less noisy helicopters may be produced which will allow a greater measure of surprise in heliborne assaults. For the present, US combat forces have to rely on unconventional tactics. This is not to say that side-looking radar and infrared devices in reconnaissance aircraft are not useful. They are able to detect river crossings at night and locate the sites of recent enemy campfires.

The most valuable data, however, comes from the soldier who spots the enemy with his own eyes. Thus, increasing use is being made of long-range reconnaissance patrols. These elements have been introduced at the battalion as well as the brigade level.

Customary procedure is for these patrols to be heli-lifted into enemy areas for reconnaissance missions of several days' duration. Their mission is not to engage the enemy, but to locate him. As in all patrol activities, results are mixed. Sometimes no useful information is turned up. On other occasions, the patrols are spotted by strong enemy forces, and it is necessary for the reconnaissance group to disengage. Finally, there are the successful operations when the enemy is pinpointed and a powerful US reaction force arrives on time to accomplish its mission.

FOLLOWUP PROCEDURE

A followup procedure is an outgrowth of the long-range patrol system. Under this procedure, a reaction force of company size is located fairly close to the reconnaissance patrol. Once the reconnaissance patrol has acquired a target, the accompanying reaction force begins the engagement. Meanwhile, the main battalion-strength reaction force is lifted into the area as fast as possible.

US troops also have been making increased use of night operations. Battalion airmobile assaults have been made under cover of darkness following reconnaissance by the battalion reconnaissance unit. These have been accomplished without preliminary aerial or artillery fire.

Continually being refined in Vietnam is the mode of entry onto the battlefield. The basic style of the heliborne assault involves preliminary aerial reconnaissance; closer inspection of a landing zone by air and ground commanders; preparation of the landing zone by bombing, artillery fire, and helicopter gunships; and, finally the landing of the assault force.

This basic style is not always satisfactory, however, as the preparatory phases of the operation frequently persuade the enemy to depart. A modification of the classic heliborne assault involves moving elements of a battalion into landing zones near the main landing zone that has been selected. Moving by night, a small reconnaissance force takes up positions in the main landing zone. The other elements of the battalion then land in the main zone without preparatory fire.

This is not to say one approach or another is better under all circumstances. The "mix" of the Vietnam war changes all the time. Fighting guerrillas and fighting North Vietnamese regulars are very different propositions. Fighting in the Mekong Delta and along the demilitarized zone involves different problems. In the former, the use of air and artillery has to be restrained because of the danger of harming friendly people. In the dense tropical forests along the Laotian border, where there are few people, it is possible to drench the ridges and valleys with artillery and rocket fire.

Heavy preparatory fire also is necessary in contested landing zones or in areas which it is necessary to seize, over fierce opposition, because of major campaign objectives. In such an operation, 105-millimeter howitzers might be heli-lifted into an uncontested landing zone a mile or two from the main landing zone. These howitzers would be put to work to soften up the perimeter of the main landing zone during a firing schedule of, perhaps, 30 minutes. Fighter bombers might then drop 500-pound bombs on the jungle bordering the main landing zone. Then, the troops would make their assault.

RINGSIDE SEAT

In such an operation, the assault commander would be in a helicopter command post where he has a sweeping vision of the battle area. Indeed, even a tank battalion commander is likely to be airborne during action. This way he is able to keep in constant touch and know where all his tanks are deployed.

Insofar as an assault commander is concerned, he can detect from a helicopter a gap in the bomb and artillery barrage softening up a landing zone. If the enemy is scattering, he can direct the gunships to follow as the enemy withdraws. The commander can take note of all the elements on the battleground—everything from unexploded bombs that endanger his own men to unwise bunching of troops. What the helicopter means to the assault commander is unprecedented opportunity to direct a battle from a ringside seat.

In World War II a division commander might not know what was going on until reports came in from the battlefield. In Vietnam, however, commanders can be in visual contact with the developing combat situation. Indeed, it is possible for a division commander or assistant division commander to oversee several battalion-size operations in a single day. The isolation of headquarters from frontline troops—always a danger in former wars—no longer exists in the Vietnam conflict.

Another interesting aspect of the new warfare in South Vietnam is the tempo of divisional action. Brigadier General Willard Pearson, Commanding General, 1st Brigade, 101st Airborne Division, gave this account of division operations in Army Digest:

"During a six-day period at Tuy Hoa, we conducted four battalion assaults and 11 artillery battery displacements by helicopter. At Tou Morong, we moved nearly 15,000 troops and accomplished 33 separate unit airmobile operations, plus seven artillery battery displacements in an 18-day period."

MODERN ARTILLERY RAID

One of the techniques used by the artillery in Vietnam is an updated version of the artillery raid. A typical raid consists of picking a location central to several enemy targets, landing a battery (four guns and a minimum of personnel) with 70 rounds for each gun and precomputed firing data. According to one 1st Cavalry Division source, "The idea is to get in, get the rounds off, and get out of the area." This type of raid is typical of the aggressive use of artillery in Vietnam.

Current infantry tactics indicate there is little danger of the war assuming a static quality. Indicative of this is the following statement by Major General William E. DePuy:

"We don't send troops slogging through the jungles anymore just looking for something. We let the rifle squads move out on reconnaissance. When they find something, we quickly send in a battalion, maybe two. And we provide the firepower support."

For the foot soldiers, the moment of greatest danger—and also the period of maximum casualties—is the initial contact with the enemy. After the troops have been offloaded from helicopters, they move out from the landing zone. Because of the nature of the

terrain in South Vietnam, it often is necessary for a platoon to advance in single file down a narrow path.

This type of formation means that the unit has only a minimum of firepower forward. In such a situation, scouts will proceed with great caution, stopping to listen for the enemy and to search the path for evidence of mines. Nevertheless, ambush often cannot be avoided within a few hundred yards of a landing zone.

The Viet Cong are skillful at camouflage and at preparing firing positions. In all likelihood, the Viet Cong unit commander will allow the first US squads or platoons to pass along the path, and then direct all available fire at the other platoons strung out along the path. In such an incident, casualties are likely to be heavy on the US side.

The US counterattack, when it comes, most probably is conducted with aerial and artillery strikes, not manpower. Repeated storming by ground forces is not standard procedure in the Vietnam war. Instead, firepower is directed to accomplish the job. Bombs, rockets, and shells, after all, are not vulnerable to ambushes, nor are they impeded by jungle growth. To draw out the enemy to where he can be subjected to massive firepower is the US aim in the new warfare.

CAVE AND TUNNEL SYSTEMS

Of course, "shaking out" the Viet Cong and the North Vietnamese can be extremely difficult. In the region of razorback ridges in the highlands, the North Vietnamese dug an elaborate cave and tunnel system that ran deep into the mountains. Denis Warner, the Australian military writer, has reported that "some of these manmade caves were 60 feet long and 40 feet wide, with 17-foot ceilings."

On the surface in the demilitarized zone, the North Vietnamese in the summer of 1966 dug miles of communications trenches and gun emplacements. Dealing with the Communist cave and tunnel systems is a problem throughout Vietnam, although the use of smoke and tear gas is helpful.

The extent of the tunneling points up the fallacy of regarding Communist insurgent warfare in Vietnam as strictly primitive. The notion of guerrillas swimming in a protective sea of peasants is grossly inadequate. Revolutionary warfare in the Vietnamese countryside has become quite sophisticated, with the enemy requiring concealed bases in forests and swamplands. Some of the caves and tunnels constitute large ammunition and supply dumps. Indeed, a 200-bed hospital was found in one cave network in the fall of 1966. It was designed to serve North Vietnamese troops.

Basic to understanding the conflict in Vietnam is the realization that several different types of war are in progress at the same time in different parts of the country and in different terrain. While Vietnam is not an armor war, for instance, tank units have played an increasingly important role in the Central Highlands.

Wherever the North Vietnamese have established villages fortified with concrete bunkers and trench systems, a tank is a useful weapon. Tanks also have been useful in fighting off North Vietnamese battalion-size attacks. In one such attack on a Korean unit in August 1966, tanks employed in support of the 25th Division killed 40 percent of the attacking force.

The French had a disastrous experience with armor in Vietnam, but they lacked advantages possessed by US forces. Helicopter mobility makes possible the swift dispatch of repair crews to disabled tanks. These crews can repair in a matter of hours a tank that has been put out of action by mines or recoilless rifles.

ROUTE SECURITY

Tanks also are proving valuable for route security. They can keep roads open and protect truck convoys. In an ambush, tanks immediately get out of the "kill zone" and charge the ambushers. One of the most effective tank weapons is the canister round. This contains 2,700 small steel pellets which have a shotgun effect on a hillside. Operating on road patrol, the tanks serve as an early warning system for an area. The secret of a successful tank patrol, however, is never to do the same thing twice. Movements have to be varied so that Communist troops do not discern a pattern.

The principal gap remains targets acquisition and intelligence, aspects of the same problem. New devices give hope of marked advances along these lines, however. The chemical personnel detector, carried by the lead man on a patrol, promises to be effective in revealing an ambusher's location before an engagement begins.

Perhaps the most significant application of US technical know-how is the use of computers to process intelligence data. An enormous mass of intelligence data is available through human and technical channels. Heretofore, the problem has been organizing it in timely fashion for the use of field commanders. With the installation of the first computers in Saigon, however, the commander of US forces in Vietnam can pull the necessary intelligence data together in a matter of a few hours.

Fed into the automatic data processing equipment are the locations of roads, waterways, and landing sites; information on past ambush sites, known tunnel systems, caves and antiaircraft gun sites; material gathered by electronic and infrared means; and knowledge gained from informers and deserters. It is possible on the basis of a computerized reading of this data, to obtain a complete intelligence report on an area in which a division plans an operation. In the past, the information was available to a considerable degree, but collating it was an almost impossible task in a short time.

No accurate report on the war in Vietnam can properly conclude, however, with the impression that this is an entirely new kind of war. The war in Vietnam contains the classic elements of battlefield combat, only in different combinations. Furthermore, the real heart of victory is not exotic weaponry or tactical gimmicks on the battlefield. The essentials are the age-old qualities of well-trained and worthy ground forces, familiarity with personal weapons, physical conditioning for combat, leadership at all levels, and the will-to-win that is born of the proud traditions of a great army mindful of the concepts of duty, honor, and country.

The Army's over-all training mission is to provide units which can close with and defeat the enemy in sustained land combat. Each man must know his job thoroughly and have complete confidence in his ability and the determination to accomplish that job under any conditions. The men in combat units must be trained from 'scratch' because there is no counterpart in civilian life for a rifleman, a howitzer crewman, or a tank gunner.—Gen. Harold K. Johnson

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THE RESPONSIBILITY OF NEWS MEDIA

Mr. THURMOND. Mr. President, I feel called upon today to issue a complaint which does not appeal to me at all, but one which needs to be said and heard. In the morning issue of the Washington Post appeared on the front page an obvious waste of space—that is, a four-column picture of some so-called peace demonstrators camped in the endless corridors of the Pentagon. Upon turning to page 2 of the Post, I was greeted by still another picture and a long two-column story describing the routes, times of arrival, and various other movements of this band of 64 malcontents from Boston who journeyed to Washington to have their day in the press.

Unfortunately, this type of detailed press coverage of every character who has time to scrawl a poster or grow a beard is not confined to the Post—but is prevalent in many other newspapers, and also finds a good market on our radio and television stations.

Certainly, these young people have the right to make jackasses out of themselves if they so choose, but I am frankly puzzled by the wide news coverage such activity commands. Such events are perhaps newsworthy, but I think it is high time our newspaper editors relegate them to the appropriate space they so richly deserve. Until our newspapers view such demonstrations in their proper perspective, we can expect more and louder demonstrations by such groups, who really fail to meaningfully lobby for their views by such conduct.

This country—and any country, for that matter—is filled with people and groups willing to commit civil disobedience for a few pictures and headlines in the press. It is getting to the point where any band of screwballs can come to Washington and sit-in at the White House, Capitol, Pentagon, or Justice Department, and the press comes running and blows nothing into something. It is long past time for some responsibility to be shown in this area, by the editors and executives who manage some of our newspapers, as the reporters who cover these stories are merely carrying out the instructions of their superiors.

Thousands — perhaps millions — of Americans wish to issue a dissent regarding the policies of their National Government, but they are utilizing methods such as resolutions, petitions, letter writing, and orderly civic action projects, which give meaning to our democracy and not detract from it. It is the responsible dissent which the press should be recognizing more articulately, for this strengthens law and order in our society rather than diminishing it.

As the summer approaches, concern grows throughout the Nation regarding domestic order on the home front. I believe some of these demonstrations we are witnessing in the Nation's Capital, and throughout the Nation, can be reported in a less spectacular way by the press, without any sacrifice from our editors in fulfilling their responsibility to their readers.

GOVERNMENT SUBSIDIZED NEWSPAPERS

Mr. THURMOND. Mr. President, I am disturbed to read recent news reports that a federally-funded antipoverty agency in Boone, N.C., has applied to the Office of Economic Opportunity for a grant to start a weekly newspaper, and to produce weekly radio programs. The amount of the grant sought is $179,000. The newspaper and the radio programs would be aimed at 8,000 so-called low-income families in four counties around Boone.

I am calling upon the OEO now to reject this project upon its very face. The principles of a free press are written into the first amendment of the Constitution. Congress shall make no law abridging freedom of speech, or of the press. This is, in effect, a negative requirement. At the same time, Americans have always believed that no press financed by a government can be free.

While this project would not affect directly the already existing press, it would create a press whose freedom is by definition abridged. According to the news accounts of the proposals, this paper would go beyond the mere presentation of information about government programs. It would have many of the same functions as the free press traditionally has in this country. It would publish editorials, both signed and unsigned. The Federal Government would be in the business of financing the expression of partisan opinion.

I would like to call attention to the fact that this newspaper would be sent free to 8,000 citizens. It would be sent free upon the presumption that many of the 8,000 could not afford to subscribe. Yet this is an admission that there is really no standard of judging the necessity of the project. The traditional yardstick of newspaper worth to a community is its paid circulation. Therefore, there is no way of telling whether this newspaper is necessary.

Moreover, this newspaper would not be self-supporting. It does not propose to carry paid advertising. The effect of this policy would be to bring this project to a close as soon as the Federal funds ran out. It is difficult to see how such a shortrun project could be effective. If it is not a shortrun project, then the Federal Government will have to finance it indefinitely.

The alternative to perpetual financing would be the gradual admission of paid advertising, leaving the newspaper as a self-supporting business. For the Federal Government to create competition to privately capitalized businesses through the use of outright grants is intolerable. For the Federal Government to create a controlled press by outright grant is completely contrary to every concept of a free society.

It is important to consider these basic principles because this proposal is spoken of as a "demonstration project." The harm that this project could do in a rural area of longstanding traditions is limited in scope. But the same kind of project funded in seething urban districts could create a kind of political dynamite that would be impossible to handle. If every poverty agency were to get a 100-percent subsidy for the publication of its own propaganda—freed from the responsibility of business losses and restrictions—then a medium would be created to promote social unrest and dissatisfaction on a nationwide scale.

I have been informed by the OEO that this project is still under consideration. My advice to OEO officials is to turn down the proposal. To do otherwise is to tamper with one of our country's most cherished principles and to invite the closer scrutiny of the goals of the OEO.

Mr. President, I ask unanimous consent that the article "Antipoverty Unit Asks $179,000, Plans Newspaper," be printed in the CONGRESSIONAL 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 Asheville Citizen, May 4, 1967]

ANTI-POVERTY UNIT ASKS $179,000, PLANS NEWSPAPER

BOONE.—A four-county anti-poverty agency headquartered here is seeking a federal grant to set up a government-supported weekly newspaper, it was made public Wednesday.

A separate corporation—with a board composed of poor people, representatives of Appalachian State Teachers College and commercial newspapers and radio stations—would control the new communications outlet.

Besides hiring a commercial printer to issue the newspaper, the project would also purchase time (an hour a day) on each of two radio stations, WATA in Boone and WTOE in Spruce Pine.

The objectives of the project, which would cost $179,000, would be to give poor residents of isolated mountain sectors "a forum for expressing their opinions," a channel to learn of opportunities in employment, social and welfare services, educational and new anti-poverty programs, according to Bill Thomas, deputy director of the anti-poverty agency known as WAMY.

The agency, Community Action Inc. of Boone, serves four surrounding counties of Watauga, Avery, Mitchell and Yancey.

Thomas said the project was suggested by the North Carolina Fund of Durham, which supports some anti-poverty programs. However, the NCF does not have money available for the newspaper and WAMY submitted a proposal to the Office of Economic Opportunity (OEO) in Washington April 12.

In Washington, OEO officials said the application is pending in the OEO's community services division.

Marshall H. Peck, OEO public affairs officer, said the Boone project—if okayed—would be the first of its kind under OEO funds. It would be a "demonstration" project and if successful, might be repeated elsewhere in the country.

Peck was asked whether it wouldn't be just as effective to distribute the advisory information to the poor via mimeographed newsletters which would cost considerably less than $179,000.

Peck replied that WAMY's application "will be examined on the basis of its presentation" and that one of the things to be considered is whether a newspaper format would be the best means of presentation.

A WAMY spokesman at Boone told The Citizens that the regular commercial daily press is not "doing the job" of reporting "local news of what's happening in the small communities."

And although some commercial weekly newspapers carry the news, said the WAMY official, "not enough people subscribe to them—some can't afford it, some are not interested and some can't read."

Thomas explained that the weekly government newspaper would be sent free via mail to some 8,000 low income families in the four counties.

The newspaper would carry no paid advertising, although it will use "simulated advertisements" to announce meetings and programs.

Thomas expressed a view that chances "may be slim" for getting the federal backing for the newspaper-radio project right away because of competition for OEO funds from big city anti-poverty offices seeking ways to stifle possible street violence this summer.

The corporation which would operate the newspaper and radio project would have a majority of poor persons sitting on its board of directors, according to Thomas. Other officials—college representatives from Boone and commercial news and radio figures—would round out the board.

The newspaper would be printed for a fee by the Avery County Journal at Newland. It would be staffed by 10 permanent personnel and 20 part-time correspondents, who'd be low income people "trained to judge accurately and report the news of their local communities." Heading the staff would be an editor (a professional journalist) at a salary of $10,000 annually.

Two professional radio people would also be hired to manage the radio aspects of the communications project.

Thomas said two mobile vans equipped with recording equipment and microphones would be sent into remote areas to interview people, get their view and expressions of their needs.

These programs would be aired later over the two commercial stations at Boone and Spruce Pine. WATA has offered to donate five minutes of air time free daily and WTOE would donate 15 minutes free daily to the anti-poverty project. The broadcasts, it was said, will also carry "success stories" of poverty level persons who improved their status, and similar programs.

The broadcast unit would train "low income assistants in the operation of recording equipment and the techniques of radio production and broadcasting and supervise their work in the field."

WAMY has allotted $15,000 for commercial broadcast time.

The weekly newspaper, according to WAMY's proposal, would print editorials signed by the writer and some unsigned editorials.

LEGISLATION TO LIMIT AND PREVENT CERTAIN CONCERTED ACTIVITIES BY LABOR ORGANIZATIONS WHICH INTERFERE WITH OR OBSTRUCT OR IMPEDE THE FREE PRODUCTION OF GOODS FOR COMMERCE OR THE FREE FLOW THEREOF IN COMMERCE

Mr. THURMOND. Mr. President, I send to the desk a bill to limit and prevent certain concerted activities by labor organizations which interfere with or obstruct or impede the free production of goods for commerce or the free flow thereof in commerce. I ask that the bill be appropriately referred and printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD, as requested by the Senator from South Carolina.

Mr. THURMOND. Mr. President, at present, labor unions enjoy a general immunity from the Federal antitrust laws. Although the antitrust laws do not themselves specifically provide an exemption for unions, the Supreme Court in *United States* v. *Hutcheson*, 312 U.S. 219 (1941), read such an exemption into the law. In that case the Court concluded:

> So long as a union acts in its self-interest and does not combine with non-labor groups, the licit and the illicit are not to be distinguished by any judgment regarding the wisdom or unwisdom, the rightness or wrongness, the selfishness or unselfishness of the end of which the particular union activities are the means.

In other words, the Court said, if you are a labor union and you make up your mind that what you desire to do—although unlawful to everybody else—is in your own self-interest, it thereby becomes lawful. No matter how much damage this activity may inflict upon the economy, or society or individuals, it is lawful because you say it is in your interest.

A few years after the Hutcheson decision, the Supreme Court considered a situation in which a labor union conspired with a group of employers to control the prices and regulate the market for electrical products in New York City. In its decision, the Court held that although a union may not conspire with employers to bring about a restraint of trade, it may, acting on its own, enforce the same restrictive practices and bring about the identical end result. In simple terms, the Court said, labor unions have a license to impose whatever economic restraints they wish, without regard to their effect upon the rest of society. *Allen Bradley Co.* v. *Electrical Workers Local 3*, 325 U.S. 797 (1945).

Because of this freedom from legal restraints, labor unions have, within the 26 years since the Hutcheson decision, gained such economic dominance that they threaten the survival of our free enterprise economy. In many industries they have eliminated, for all practical purposes, any effective competition at either the production or marketing levels. They can keep products out of the market at will, and can control prices and limit production.

It is unmistakably clear that unless some action is taken to limit this special economic license, our free enterprise economy is jeopardized, and we will be rapidly forced into a socialistic system. This bill is intended to impose some reasonable limitations upon this monopoly power by making certain types of union arrangements unlawful.

Union monopoly power manifests itself in two separate and distinct ways: First, restrictive trade practices such as price fixing, restrictions on use of new processes and technological improvements, exclusion of products from the market, and so forth; and, second, enforcement of wage demands through industrywide and pattern bargaining practices with no regard for the economic problems of individual business firms or the impact upon the industry or area affected. This bill deals directly with both of these aspects of union monopoly power.

This bill deals with the first part of the problem by making it unlawful for a union to enter into any arrangement, either voluntary or coerced, with an individual employer or group of employers or with other unions, which would lead to product boycotts, price fixing, or other types of restrictive trade practices. It should be noted in this connection that in virtually all instances in which a union brings about a restrictive trade practice the cooperation of the employer, either voluntary or coerced, is present. In a typical case, for example, the Milk Drivers Union presents to the various dairies in a community a union-approved price list and makes clear to each dairy that unless it adheres to the union price list it will find itself involved in various labor difficulties. In order to avoid the threatened labor trouble each dairy follows the union price list. The result is the same as would occur if a price-fixing agreement were entered into among the dairies themselves. But since the union induced the price fixing by arrangement with individual dairies rather than the dairies as a group, it is, under the present state of the law, not subject to antitrust prosecution. In another type of situation, the Carpenter's Union imposes a restriction on use of prefabricated door and window frames and advises each building contractor that use of the banned products will result in his labor supply being withdrawn from the project. To avoid the threat of a strike each contractor discontinues use of the prohibited materials. As can be seen, the restrictive practice could not be imposed by the union if the individual employers refused to comply with the union demand. Their alternative, unfortunately, usually involves being put out of business by withdrawal of labor supply, strikes, slowdowns, and so forth.

Various efforts to deal with this problem under the National Labor Relations Act have been unsuccessful because the National Labor Relations Board and the Supreme Court have carved out loopholes in the statutory language and otherwise interpreted away its effective intent. In the Landrum-Griffin Act in 1959, for example, Congress adopted amendments to the National Labor Relations Act designed to expressly prohibit "hot cargo" agreements and to tighten the secondary boycott provisions. The National Labor Relations Board immediately went to work to nullify the effect of these improvements in the statute, and the complete success of the Board's effort was reflected in the recent decision of the Supreme Court in National Woodworkers Association against NLRB, decided April 17, 1967.

This case arose on a housing project in Philadelphia. The contractor, Frouge Corp., ordered 3,600 precut doors from a door manufacturer, Mohawk Door Co. When the doors were delivered to the project the Carpenter's Union ordered its members not to hang the doors, and Frouge was required to purchase other doors which were fitted and cut by the carpenters on the job site. The union action was taken pursuant to provisions of an agreement with the General Building Contractors Association of Philadelphia that:

> No member of the District Council will handle any doors which have been fitted prior to being furnished on the job.

This type of agreement has been generally known as a "hot cargo" agreement, and section 8(e) of the NLRA was expressly designed to make such agreements unlawful and unenforceable. The Supreme Court in a 5-to-4 decision held that in spite of the clear language of section (e) of the National Labor Relations Act it would not conclude that Congress intended to prohibit the agreement barring the use of prefitted doors. In justifying its decision the Court reasoned that the union's ultimate purpose was the preservation of work for its members rather than a product boycott as such, and that this was a legitimate objective. The Court stated that since the union's objective was to create more work for its members on the job site, as distinguished from a desire to punish or penalize the manufacturer of the prefitted doors, the restrictive agreement should not be regarded as a prohibited hot cargo agreement under the act. The Court thus concluded that the union's activity in this case was "primary" rather than "secondary," and should be permitted despite the literal language of the National Labor Relations Act to the contrary.

Four members of the Court, Justices Stewart, Black, Douglas, and Clark, strongly dissented from the majority and pointed out that:

> The relevant legislative history confirms and reinforces the plain meaning of the statute and establishes that the Union's product boycott in this case and the agreement authorizing it were both unfair labor practices. In deciding to the contrary, the court has substituted its own notions of sound labor policy for the word of Congress. There may be social and economic arguments for changing the law of product boycotts established in S. 8, but those changes are not for this court to make.

Since efforts to deal with this type of product boycott under Federal labor laws has been completely unsuccessful, it is now time to deal with this problem by the simple expedient of bringing such activity within the coverage of the Federal antitrust laws.

Under the language of this bill, any attempt by a union to induce an employer or a group of employers to comply with a union demand which would result in restrictive trade practices would be unlawful, and an employer faced with such a demand could seek legal remedies to restrain the union from enforcing its demand. The consequent denial to unions of the right to fix prices or impose other artificial market limitations would not in any way interfere with normal and legitimate union functions or with their proper collective bargaining powers. They would merely be placed on an equal footing with all other groups in society as was the case during the 50 years prior to the Hutcheson decision.

The second part of the problem, that of union bargaining power is much more complex and difficult. A labor union is in a sense a monopoly per se. That is to say, the purpose of a labor union is to organize into one group all the workers in a particular trade, occupation or enterprise in order to strengthen their bargaining position with their employer. Although the result may be a monopoly of the supply of labor, this has been construed as a permissible type of monopoly under our economic system for over 100 years. In this light, great reluctance has been felt toward any governmental restraints on union organizational activity or upon use by unions of their traditional economic weapons such as strikes, picketing, and boycotts to enforce their demands for wages and other conditions of employment.

In actual practice, no serious problems were presented so long as organizational

activity and collective bargaining functions were handled by the local unions. The problem only became acute when the national and international unions began to take these functions away from the local unions and, through a system of industrywide and pattern bargaining practices, to impose upon entire industries uneconomical and inflationary wage demands.

The basic problem, then, is how to reconcile the right of unions to develop and utilize their economic strength and at the same time provide proper safeguards for the public and the consumer. Various measures to limit industrywide bargaining for unions have, heretofore, been rejected as unworkable.

Under this bill individual local unions would remain free to engage in all proper organizational activities and also to use all of their traditional economic weapons to enforce whatever wage demands they may wish to make. Any resulting interference with shipment of goods in interstate trade or commerce would be completely permissible within the antitrust laws, and the principle established by the Supreme Court in *Apex Hosiery Co.* v. *Leader*, 310 U.S. 469 (1940), would not be disturbed. But any strike or other interference with interstate trade or commerce undertaken to enforce any concerted industrywide or pattern demand, arrived at through arrangement or combination with any other labor organization, whether it be another local or a parent or subsidiary union, would constitute an unlawful restraint of trade.

This bill would effectively prevent domination or control of local union bargaining activities by the parent national or international union and restore to the rank and file workers at the local union level the authority to make their own decision as to what their wage demands shall be and when to go out on strike and when to return to work. Cooperation between local unions and national unions in organizational efforts and other broad spheres of action could be permitted, provided that such activities do not involve any concerted action which results in a restraint of trade or commerce.

In this sense, a union would be in the same position as any business firm or any other group or individual under the law. It would be in no way hampered in carrying out its proper purposes and objectives. At the same time the public interest would be protected from unreasonable restraints of trade and commerce and the inevitable corruption of the free economy which will result if unrestrained union power continues to dominate our national life.

This bill, it should be noted, is not an amendment to the antitrust laws, nor does it attempt to place unions under the existing antitrust laws. It is a completely separate and independent legislative approach to the problem of union monopoly power. It is, like the antitrust laws, based upon the premise that competition is essential to a healthy and progressive economy and is designed to insure that the consuming public has access to adequate supplies of needed commodities at prices which are determined by the natural economic laws of supply and demand rather than by any artificial arrangement or combination. It has been amply demonstrated that when such a free market is maintained, consumer purchasing is stimulated and business activity is constantly increased. It follows, therefore, that any arrangement or combination which limits or restricts competition is undesirable. It makes no difference whether the particular arrangement or combination is put into effect by competing businesses or by labor organizations operating upon or with competing businesses. In either case the adverse effect upon competition is the same.

It should also be noted that this bill does not provide the very severe legal penalties that are imposed under the antitrust laws. This bill does not provide for criminal prosecution nor does it specify the stringent penal damages that are provided in the antitrust laws. The principal means of enforcement under this bill would be by injunctive relief either in the Federal or State courts.

Although I know that this bill will be roundly condemned by the leaders of organized labor as antilabor and as designed to destroy unions, the true fact is that it is a prolabor bill. Its whole effect would be to return unions to the rightful control of the union members rather than permit the perpetuation of the dictatorial and tyrannical power of those who have degraded unions and made them objects of contempt in the eyes of a large segment of our people.

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. 1744) to limit and prevent certain concerted activities by labor organizations which interfere with or obstruct or impede the free production of goods for commerce or the free flow thereof in commerce, and for other purposes, introduced by Mr. THURMOND, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 1744

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

DECLARATION OF POLICY

SECTION 1. (a) The Congress hereby finds and declares that maintenance of a competitive enterprise economy and a free market for goods and services is essential to continued economic growth and prosperity of the Nation; that laws heretofore enacted prohibit combinations and conspiracies among producers and suppliers of goods and services which are in restraint of interstate trade or commerce or tend to create monopolies; that the immunity of labor unions from these statutory prohibitions has permitted them to form powerful combinations and enter into arrangements which severely limit competition, impose restraints upon trade and commerce, and permit the parties to such combinations and arrangements to exercise monopolistic controls over production costs and the use and distribution of products and services in a number of essential industries; that such combinations and arrangements impair collective bargaining and deny to the consuming public the benefits of effective competition, increased production, new and improved products, and lower prices for goods and services; that such combinations and arrangements are no less damaging to the national economy and the general welfare than similar combinations and arrangements between producers and suppliers of goods and services; and that, in order to protect the public interest, such combinations and agreements formed and entered into by labor organizations must be prohibited.

(b) It is the purpose and policy of this Act to promote the full flow of commerce, to provide orderly procedures for protecting the flow of commerce and preventing restrictive practices or arrangements which may impede the flow of commerce, to preserve the right of employees to form and join labor unions and to engage in concerted activities necessary to carry out the legitimate objects of their union, and to protect the rights of individual employees, employers, and the public in their relations with labor unions whose activities affect commerce.

SEC. 2. It shall be unlawful and contrary to the public policy of the United States for any labor organization in concert with any other labor organization (whether or not affiliated with the same national or international union), or with any employer or other person, to engage in any action, plan of action, arrangement, or combination in restraint of trade or commerce or which may tend to create a monopoly.

SEC. 3. It shall be unlawful and contrary to the public policy of the United States for any labor organization to strike or engage in any other course of action for the purpose of inducing, persuading, or compelling any employer in an industry affecting commerce (1) to enter into or become a party to any action, plan of action, arrangement or combination in restraint of trade or commerce, or (2) to accede to, grant or otherwise put into effect any demand for wages or other terms or conditions of employment made pursuant to any combination, agreement, conspiracy or understanding entered into with any other labor organization (whether or not affiliated with the same national or international union).

SEC. 4. For the purposes of this Act, no action or plan of action, including strikes, picketing, and boycotts, undertaken by an individual labor organization in furtherance of or in relation to any purpose of such organization and which is not undertaken or carried out in concert with any other labor organization or with any employer or other person, shall be deemed to be in restraint of trade or commerce.

SEC. 5. Notwithstanding any other provision of law, any district court of the United States shall have power to prevent and restrain any labor organization from any violation of the provisions of this Act.

Mr. BYRD of West Virginia. 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. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

SELECTIVE SERVICE ACT OF 1967

The Senate resumed the consideration of the bill (S. 1432) to amend the Universal Military Training and Service Act, and for other purposes.

Mr. RUSSELL. Mr. President, in this age of superlatives it is easy to be carried away and to overstate the importance of

some issues, but I think it can fairly be said that an extension of the draft is as important to our safety and survival as any measure this Congress will be called upon to consider. In my opinion, the strength and health of our Armed Forces could not be maintained without a continuation of the authority to induct persons for military service.

The draft has been continuously in effect since 1940, except for the period from March 1947 to June 1948. During the life of the draft, the manpower requirements of the Armed Forces have fluctuated widely, with the enormous demands of World War, with its millions called to the colors, at one end of the scale and the 76,000 inductees required in fiscal year 1963 at the other. The law is flexible—by its nature it must be flexible—and it has responded to the needs of the Nation. Even in those periods when draft calls are relatively low, the existence of the authority to induct serves as a powerful stimulus to voluntary enlistments for regular or reserve service and to enlistment in officer procurement programs such as the ROTC. The Department of Defense secures about 570,000 persons each year from voluntary enlistments and from officer programs. If the draft were not in effect, this number would surely be drastically reduced.

Some earnest persons continue to suggest that it is practical to attract an all-volunteer force. I do not question the sincerity of those who believe this to be practical, but I am personally convinced that it is not practical. To attract the desired number of persons in the entering, or lowest pay grade, the pay of those persons in the higher grades would have to be increased to a greater degree than is necessary to attract and keep persons in these grades today. The estimate of the cost in attracting an all-volunteer force of the pre-Vietnam level of 2,700,000 persons is from $4 to $17 billion annually. It is my own guess it would cost not less than $10 billion additional to maintain the pre-Vietnam level. Beyond the problem of cost, however, are such considerations as there not being enough turnover among an all-career force to create opportunity for promotion, whether persons attracted to military service solely by financial inducements are properly motivated in times of crisis, and whether we can safely allow development of the idea that defense of the Nation is not a personal civic responsibility. But probably the greatest objection to the proposal that our Armed Forces should be composed solely of volunteers is that it would be practically impossible to expand the force to the size needed when a war of considerable dimensions is being fought. Guessing how high the pay rates would have to go to lure young men to fight in Vietnam purely for the money involved would begin very far up the scale.

Mr. President, when everything is considered, I think the present law has worked very well. I know it is being stridently attacked by some persons whose real complaint is that the conflict in Vietnam is unpopular. Much of the criticism comes from persons who do not really understand the system. In trying to decide what changes in the law to recommend to the Senate, the Committee on Armed Services has been mindful that one of the reasons the present law has functioned successfully is that it is not too rigid. It prescribes policy, but it avoids excessive detail. Much of its implementation can be changed by Presidential order. This is one of the reasons that it has not been necessary for the Congress to consider amendments to the law every year or several times a year as the demand for manpower fluctuates.

Most of the changes that are now being discussed can be accomplished by Executive order or regulation and without amending the law. I shall attempt to comment on a few of the more important proposals for change.

The present order in which eligible men are inducted for military service is based on age, with the oldest being taken first. Critics urge that this results in a prolonged period of uncertainty for young men, extending all the way from the age of 18½ to 26. I do not think that criticism has any real substance, though, of course, it does have some merit. If one begins with the idea that avoidance of any service is an objective, I suppose the uncertainty complaint has a limited validity. But if one starts from the assumption that most young men will be needed for some kind of military service somewhere between the ages 18½ to 26, a young registrant has a broad choice, not only in selecting the age at which he will serve, but also to select the program that is most suited to his personal desires and needs. Notwithstanding the existence of all these options, there is more or less general agreement that there are advantages in reversing the order of induction so that the youngest would be taken first, instead of the oldest. The President has announced his intention to change the order of induction so that the primary period of vulnerability will be from the age of 19 until the age of 20. Of course, you understand, Mr. President, this does not mean that a person who has reached 20 will be excused from liability to service, but each year from the time he passes 20 until he becomes 26 he will have a diminishing likelihood of being called.

Despite some advantages in changing to a youngest first sequence of induction, the transition is not without complications. It would not be fair to excuse completely those who have been deferred for educational or other reasons and who are 20 years old or older. Consequently, to make the transition, this group will probably be considered along with the 19-year-olds at the time the switch is made. A result is that both the 19-year-olds of the year that the switch is made, and those 20 and above will have a better chance of avoiding service altogether than if the present system were continued. To the extent that those 20 and older are selected instead of 19-year-olds, the objective of taking more 19-year-olds would be defeated. These complications do not necessarily argue against adoption of the youngest first system, but I mention them merely to show that the change is not as simple as it sounds.

I should state, Mr. President, that I would favor making the transition over a 2-year period, so as to more equitably spread the responsibility for service, and to have the vulnerability for call to the armed services more widely shared.

Another important area in which changes are to be made is student deferments. Some persons have avoided service by receiving, first, undergraduate college deferments and then successive deferments which result practically in their exemption; or they can acquire enough dependents or pursue an occupation that results in their not being called for service before reaching the age of 26. The President has indicated that he is preparing an order to end this pyramiding of deferments and that in the future college deferments for graduate work will be authorized only for those studying to become physicians or dentists.

Continued deferment of undergraduates in colleges is a subject on which there are strong differences of opinion. The committee believes and recommends that undergraduate deferments should be continued in normal times until the registrant receives a bachelor's degree, reaches the age of 24, or ceases to pursue his studies satisfactorily, with the condition that when one of these conditions occurs, the registrant who received the deferment should then be subject to the draft in the same degree as other persons in the age group or groups from which the draft calls are being made at that time. In other words, if calls are being made from the 19-year-old group, a student might be 24 calendar years of age when his deferment ended, but he would have the constructive age of 19 for determining his liability for service under the Selective Service System.

There are arguments that college deferments are discriminatory in favor of the rich, that they permit registrants to postpone service when conflict is occurring, and that college students tend to avoid service altogether. Mr. President, when these contentions are examined closely, most of them lose at least some of their force. The committee heard testimony to the effect that in recent years 60 percent of the college student group has served in the Armed Forces, either as volunteers or as inductees, compared with 57 percent of the noncollege students who were called to or entered military service. Persons who accept student deferments may be as likely to defer themselves into a period of combat as they are to avoid combat. I point out, for instance, that students who entered college in the fall of 1962 had very little reason to think or suppose that they might be graduating at a time when draft calls were high, and when conflict was raging at a high level, as in Vietnam today. Under the economic conditions prevailing today, almost any young man with any determination to do so can secure financial assistance to attend college. To the committee, the arguments for continuing student deferments are much more convincing than the arguments against them.

If the appearance of preferential treatment is to be avoided, it seems important that apprentices be eligible for deferment along with students. Under authority of the draft law, the President is authorized to provide deferments for "study, research, or other endeavors found to be necessary to the maintenance of the national health, safety, or interest." Regulations now in effect provide for the deferment of persons in apprentice programs, but through the insistence of the Department of Labor, an apprentice is an occupation listed as critical must have 1,000 hours in the program to qualify for a deferment and an apprentice in a trade not listed as critical, but which the local board considers important, must have 2,000 hours in the program to be eligible for an apprentice deferment. I may say that there are the minimum hours that are prescribed by the Department of Labor, and they seem to me to conflict with the objective of liberal apprentice deferments. To give apprentices equality with students, the committee thinks that these restrictions on apprentice deferments should be eliminated.

Now I would like to discuss the so-called random or lottery selection for a few moments. The President announced that he was directing the Director of Selective Service to institute a fair and impartial system of random selection of eligible registrants. This random selection would be substituted for the existing system of ordering persons for induction in accordance with their age, with the oldest being ordered first. The existing system of calling the oldest first could be retained and operated for the 19- to 20-year-old group of primary vulnerability. The committee has not prohibited the operation of a random selection system, but if one understands the method of calling by birth dates, with the oldest in the group subject to call being called first, it is difficult to see that a random selection represents an improvement.

Much of the case of random selection is based on the assumption that only a part of the 19-to-20 age group will be needed, and that if the oldest first system is retained, the younger half, or some fraction of this year group, will never be reached for induction.

In the first place, it would be easier to predict results if one knew exactly what part of a year group would be inducted. This is nearly impossible to predict. In addition, those who predict that the younger part of a year group or those born in the latter part of any month might be less likely to be called, assume that orders to report for induction are issued by all the local boards on the same day of the month. In actuality, orders to report for induction are issued every day by some boards. Let us consider a case in which a board must select those to be inducted under an "oldest first" system.

Assume further that the board is selecting from registrants with birthdays within the same month. If the order for induction were issued every month on the first of the month, those born on the second of the preceding month would be more likely to be called than a person born on the 29th of the preceding month, because the former are older. But if the orders for induction are issued on different days of the month, as is true in practice, there is as great an element of chance and as much impartiality in calling these persons by the date of their birth with the oldest first as there would be in ordering them in an order determined by a lottery of their birth dates.

A random system of selection probably would be a bit more difficult to administer than the current system because of the problem of almost innumerable changes in classification that occur during a month or a year. It is easy to see that it might have an adverse effect upon the ROTC program, which furnishes a large part of the officer supply for our Armed Forces. If a young man could predict with some precision whether he is to be inducted as a 19-year-old, he probably would not find the Reserve officers training program very attractive, but would take his chances rather than incurring the obligation to serve that accompanies an ROTC enrollment.

Although this point is not dealt with specifically in the bill, I wish to refer to some of the criticism about a lack of uniformity among the local boards administering the draft law. I submit that uniformity is inherently impossible to attain under a system that contemplates exercise of judgment locally on the facts of each individual case. Under the present system, each case is decided on its individual merits. It is impossible for me to understand how there could be uniform decisions on such things as hardship cases. Another illustration of what I have in mind is the deferment of policemen. Some persons think all policemen should be exempt by law. Certainly the incidence of crime is a grave problem and we need competent policemen. But there is authority for local boards to defer policemen in those locations where the need for them is acute. But it would be unwise to write that into the law and automatically defer all policemen notwithstanding the existence of a surplus of potential policemen in some locations. What I am attempting to say is that there is an almost irreconcilable conflict between the power to exercise a local judgment and the attainment of a uniform application of deferment policies.

I still think that members of a draft board in the same political subdivision where the registrant resides are in a better position to determine whether any registrant can be spared from that community than any Federal official promulgating regulations from Washington.

At one time or another almost all Members of Congress have praised the concepts of keeping Government close to the people, of decentralization of the administration of the laws, and of allowing local people to have a voice in local affairs.

The Selective Service System is almost a perfect example of this kind of operation. Yet it is distressing to me that the executive branch is studying the practicality of substituting a new bureaucracy of civil service employees to make the decisions that now are made by these unpaid, volunteer members of selective service boards. Because not all the local board decisions have been uniform, the proposal that is being studied would remove the responsibilities now exercised by about 4,000 local boards and concentrate them in 300 to 500 area offices manned by civil service personnel that would report to eight regional offices through the country. I may have a simple mind, but I have difficulty in perceiving that a Government employee many miles farther removed from the registrant would have more wisdom in deciding whether that registrant should serve than would an unpaid citizen residing in the same community or city as the registrant. Instead of condemnation, the members of the local boards are entitled to compliments and appreciation.

I wish to seize this occasion, Mr. President, to pay my word of tribute to the operations of local boards who have administered this thankless job of selecting those who are to serve in our Armed Forces.

So far as I know, there has not been a single major scandal or corruption charged to local draft board members, though they are dealing with the most sensitive area of human life.

I earnestly hope that the executive branch will not seriously propose the transfer of the classification functions now performed by local boards to a remote agency of the Government whose members can hardly have personal knowledge of the situation in the communities for which they are responsible.

Mr. President, some aspects of the existing military manpower system have given me great concern. One condition that has bothered me continuously since it was authorized in 1955 is that a draftee can be compelled to participate actively in a Reserve unit for as long as 3 years following his release from active duty. Not all inductees are required to participate actively in units, however, and the accident of a person's residence largely affects whether he has to participate or whether his name is merely on the roll.

This has always seemed highly inequitable to me, particularly when only a part of the qualified and available manpower is being inducted, because this required those who had had a period of active service to participate actively with the Ready Reserve when many other citizens similarly situated had had neither active duty nor Reserve duty. I resisted this requirement when it was urged as a military necessity in 1955. I recognized then and I do now that an effective Reserve cannot be constituted entirely of 6-month trainees. The solution I proposed at that time involved offering a Reserve enlistment bonus for those inductees and enlistees who have completed their active duty and who are willing to enter Reserve units voluntarily. It was impossible to secure enactment of my proposal then and the requirement for active participation in the Reserve by at least some of the inductees has continued until now. I have not attempted in the pending bill to adjust this inequality and inequity, because we have pending in the committee at this time a so-called reserve bill of rights, H.R. 2, and in con-

nection with committee consideration of that bill, I shall ask the committee to give earnest consideration to repealing the requirement that persons who have enlisted or who have been inducted shall have a higher responsibility for Reserve duty or a greater obligation for Reserve duty than those who have not served at all.

There has been much speculation that the number of qualified young men in the years to come will be greatly in excess of the number needed on active duty. Personally, I hope this proves to be true, and I think that it will to a certain extent. I think it should be pointed out, however, that the end of the war in Vietnam is not in sight and some of these predictions may be entirely too optimistic.

In any event, Congress would find it necessary to extend the draft law even if the war in Vietnam ended tomorrow. With this war continuing with an increasing tempo, the requirement for extending the authority to induct is all the more necessary.

All of us fervently wish that we lived in a peaceful world of universal good will and restraint. But this is an ideal and not a reality and unhappily we must deal with realities. The necessity for extending this law is one of these.

When the choice is between personal sacrifice and national survival the appearance of choice is only illusory.

I should be glad to attempt to answer questions of my colleagues, after which I shall urge the Senate to approve this bill.

Mr. KENNEDY of Massachusetts. Mr. President, will the distinguished Senator from Georgia yield for a question?

Mr. RUSSELL. I am delighted to yield to the Senator from Massachusetts.

Mr. KENNEDY of Massachusetts. First, Mr. President, I should like to pay a special tribute to the distinguished chairman of the Committee on Armed Services for the job the committee has done and the consideration it has given to the extension of the Selective Service Act. Rather than take up the time of the Senate now in reviewing the background and the development of my own interest in this program, as well as the material developed by the Subcommittee on Employment, Manpower, and Poverty of the Committee on Labor and Public Welfare, under the chairmanship of the distinguished Senator from Pennsylvania [Mr. CLARK], and the results of the observations of that committee, which were made available to the Committee on Armed Services, and which I believe to some extent did relate to their findings, I should like to have the opportunity to go into the matter in some detail, and I ask unanimous consent that those remarks be placed at the conclusion of the comments of the Senator from Georgia.

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

Mr. RUSSELL. Mr. President, let me express my appreciation to the distinguished Senator from Massachusetts for his comment. He appeared before the committee and testified on some of these more perplexing problems, and he was of great assistance to us in reaching our conclusions.

Mr. KENNEDY of Massachusetts. On page 6 of the report of the Committee on Armed Services, referring to reversing the order of inductions, it is stated:

> This sequence of induction has been criticized almost unanimously by the persons who have reviewed the operation of the draft law and its administration. Among the reasons for criticism of this sequence are:

Then three reasons are listed, and the fourth reads:

> It provides older manpower for the armed forces than would another system.

I would be interested in learning whether the committee had developed information with respect to reversing the order of selection, to take the younger men first, which would indicate that these younger men can perform well in the Armed Forces of our country.

Mr. RUSSELL. There is no question about the 19-year-olds making excellent soldiers.

Mr. KENNEDY of Massachusetts. But the Senator from Georgia is completely satisfied from the evidence which was presented to the members of his committee, that by taking the younger man first, we will continue to have the kind of qualified young man who will be able to serve effectively in the Armed Forces of our country? And with regard to our own military policy, the Senator from Georgia is completely satisfied that the selection of the younger man will fill our responsibility for providing an effective national defense?

Mr. RUSSELL. I have only one question in my mind about the change in the order of induction, and that is as to the effect it may have on the procurement of commissioned personnel and the platoon leaders. Unquestionably, so far as the men in the ranks and the junior noncommissioned officers are concerned, the 19-year-olds will make as good or better soldiers and fighting men than those who are older. I have some reservation with respect to whether it may handicap officer procurement, but that can be handled perhaps by expanding officer training schools.

Mr. KENNEDY of Massachusetts. I believe the Marshall Commission and the Clark Panel, as well as the Defense Department study, substantiate what the Senator has just stated to be the findings of the committee.

Mr. RUSSELL. And that was also the testimony of the Department of Defense witnesses who appeared before the committee.

Mr. KENNEDY of Massachusetts. Did the committee have any reluctance in endorsing the principle of reversing the order of selection for those who would serve?

Mr. RUSSELL. We found nothing very pleasant about any aspect of this matter, may I say. There was some discussion in the committee that 19 is a rather youthful age to start calling men and putting them into battle after relatively brief training. But I think I can say that when we finally discussed the matter and arrived at a conclusion—or consensus, I believe is the word that is used today—the committee was unanimous in not objecting to the change.

We had more concern about the transition and the fact that some of those who have been deferred—because we had heretofore come from 26 down—might escape service.

Mr. KENNEDY of Massachusetts. On the point of the transition period, was it the conclusion of the committee that with the change in the order of call, we can move through this transition without providing disruptions or inequities more serious than those in effect at the present time?

Mr. RUSSELL. I think that is true. It does mean, however, that some of those who are 19, as well as some of those who are in the ages above 20, will escape service, because there will be a large pool; but the selections will be made from both age groups.

Mr. KENNEDY of Massachusetts. I am sure the Senator has been asked this question: Suppose, for example, the order of call is reversed and we move to selecting the younger and we eliminate all student deferments. When does the distinguished Senator, the chairman of the committee, feel that those who are attending graduate school or entering graduate school should be subjected to calls for induction?

Mr. RUSSELL. That is a matter we did not attempt to prescribe because of the tremendous difference in the type of study that is being pursued and the nature of the degree that is being sought in the graduate schools. We, therefore, left that determination largely to regulation that we assumed would be promulgated by the President, after consultation with the National Security Council.

It is altogether possible that some young men who are pursuing graduate degrees in, let us say, nuclear physics or aeronautical engineering, or space sciences, to name a few, might be permitted to complete their graduate work. Personally, I think there are several categories where they should be permitted to complete their graduate work.

Mr. KENNEDY of Massachusetts. As I understand the findings of the committee, with regard to graduate student deferments, the committee felt that the exception for health professionals—I suppose those which were recommended by the Marshall Commission, which would include medical personnel such as doctors and dentists—should be retained in any transition period.

Mr. RUSSELL. I thought the Senator was referring to those who are now pursuing their graduate degrees in colleges.

Mr. KENNEDY of Massachusetts. The Senator is correct.

Mr. RUSSELL. Future deferments for graduate work would be confined to those studying medicine or dentistry or allied sciences, although we did not close the door to allowing graduate study in any category by a flat prohibition in the law. I think it would be exceedingly dangerous to do so. We are living in a very fast moving world and in a system of revolutionary changes in weapons. We never know when we will need a number of scientists of a certain type.

We did not say there cannot be any

other types of graduate deferments. We did recommend that in no instance should a man be allowed to use a series of deferments in pursuing a graduate degree that culminated in his avoiding liability for service in the Armed Forces.

Mr. KENNEDY of Massachusetts. If we continue college student deferments, which was the recommendation of the Armed Services Committee, is it the recommendation of the committee that these deferments be exclusive; that is, that they could not be compounded by additional deferments which would permit de facto exemption from the armed services?

Mr. RUSSELL. Absolutely. For that reason we urge that when a man graduates with a baccalaureate degree he be vulnerable. If he becomes 24 before graduation he becomes vulnerable in any event. We did not suggest a lesser age, even though I think the average college graduate is about 22.

Some men have to work their way through college and they are not able to devote all of their time to classes. The age of 24 should permit them to complete. If a student fails in college, he is immediately vulnerable.

Under the provisions of this report, as I stated a few minutes ago, the person who has had a student deferment may be 24 years old according to the calendar, but he is only 19 as far as the draft is concerned. He goes down on the rolls with the 19-year-olds and he is just as vulnerable as the 19-year-old. This is not going to hurt the mobilization and it is not going to be unjust. This man is just as vulnerable as 19-year-olds.

Mr. KENNEDY of Massachusetts. In the case of a person with a college deferment, who then gets married, and then has children, would he be able to secure an extended deferment?

Mr. RUSSELL. No action by the registrant should be permitted to enable him to secure an extended deferment. There may be a hardship in the family; his father may die; his mother may have a stroke; or there may be some necessity to have a deferment for hardship to others; but these should be a result of acts of nature or providence.

There is nothing he can do, such as getting married or having children, which should save him from 1 day's service. He should be thrown back with the 19-year-olds for liability.

Mr. KENNEDY of Massachusetts. I understand there was some feeling on the committee, that if we are going to continue student deferments, we should also favorably consider deferments for those who are in apprenticeship training or on-the-job training.

Mr. RUSSELL. We so provided in the committee report specifically.

Mr. KENNEDY of Massachusetts. They would receive the same kind of consideration?

Mr. RUSSELL. The Senator is correct. They should be deferred until they conclude the apprenticeship, or reach the age of 24, or cease to satisfactorily pursue their apprentice work.

Mr. KENNEDY of Massachusetts. The more difficult problem includes those boys who are working their way through school or college over a prolonged period of time. It is difficult to say that they are in the normal 4-year period of college, or that they are in an apprenticeship training program, or in some other 2-year or 4-year educational program.

It is my understanding, from the report of the committee, that the determination for these kinds of deferment should be left to the local draft board.

Mr. RUSSELL. The Senator is correct.

Mr. KENNEDY of Massachusetts. And they could graduate if it should be determined that an individual was sufficiently worthy and qualified.

Mr. RUSSELL. I point out that the present regulation authorizes a deferment for a student satisfactorily pursuing a full-time course of study. That has been construed by a number of draft boards to provide for the cases the Senator mentions and undoubtedly they will do so in the future.

It is my understanding that in the future they cannot do so beyond the age of 24. I see no reason why they should. Today if a man is that near completing his course, he could get a loan or a grant to attend full time for 6 months or two semesters to conclude his course.

I have been utterly amazed to find in my own section—and I do not live in a wealthy section of the United States—there are large loan funds available at some of our universities, funds that were eagerly sought after when I was in college, that have not been requested by students in the universities.

Mr. KENNEDY of Massachusetts. One of the facts brought out in our hearings concerned the extraordinarily large number of young people rejected for mental or physical reasons. The figure is about 700,000 persons a year; about one-half of this number is for health deficiencies, and the other half is for educational deficiencies.

As I understand it, at the present time when a young person is examined and rejected by the draft board, a referral system is available to him. For example, if he is rejected for reasons of health, he is referred to a local health agency, be it private or public, that is charged with the responsibility of attempting to rehabilitate this young man.

In the course of our hearings, as well, we found that not much use is made of the information developed by the examination and referral machinery. The fact that they are rejected, and the reasons for it, are not centrally cataloged or filed after this person goes through the referral system. For example, of the roughly 450,000 rejected for health reasons in one 16-month period, only 11,000 actually received medical assistance through the referral machinery.

I wonder whether the distinguished chairman of the committee feels that we should review these procedures or practices of referral, in such a way as to provide the greatest degree of opportunity for these young people, many of whom would like to volunteer for armed service and for one reason or another are rejected. Does he feel that we should at least attempt to urge these referral services to use new efforts in providing for both the health and educational services to the young people in need of them in this country?

Mr. RUSSELL. I would like to see it done. Theoretically it is done today, but as a practical matter it may not be.

I was amazed to find upon coming to Washington, where I thought we had one Government, that we really have 15 or 18 governments. Each department is a government in itself. It is terribly difficult to get one department to cooperate with another in a matter of this kind. We have gone further than referral now. The Defense Department has an objective of accepting as volunteers 100,000 people who are marginally deficient either mentally or physically, on the theory that we are going to rehabilitate them. They may receive remedial medical care. If they have a deficiency in education, the Department is going to give them special classes to bring them out. We will have 100,000 being paid out of the funds of the Department of Defense.

I have grave misgivings about the Department of Defense being the proper agency to conduct such a program, which requires the services of a large number of commissioned officers and longtime noncommissioned officers who could be used in Vietnam or elsewhere. I am in favor of the objective but I think a civilian agency should accomplish it.

I have never considered the military forces to have sociological functions.

Mr. KENNEDY of Massachusetts. Do I correctly understand the comments of the Senator that Project 100,000 should at least be given a reasonable chance to see what results it produces?

Mr. RUSSELL. I am in favor of giving them that chance. Seventy-five percent of it is going to be expensive rehabilitation, because it costs about $6,000 to $7,000 a year to keep a man in the Army. I do not complain too much about the cost, although I am still old-fashioned enough to have concern for the Treasury and for expenditures. I am more concerned that the program will require the services of several thousand of our experienced, hardcore regulars who, I think, could be better employed.

Mr. KENNEDY of Massachusetts. It was also brought out that if we were to have our young people in Job Corps training programs and other training programs—under the poverty program—the cost of rehabilitation would be increased somewhat over those of the Department of Defense.

Mr. RUSSELL. I am not too sure about that, but Defense has embarked on the program now. The committee did not undertake to reduce the objective of 100,000 or to prevent the Secretary of Defense from maintaining it at 100,000. But it is my personal view that the military is not the proper organization at this time to undertake that work. Nevertheless it is being done, and we did not undertake to stop it.

Mr. KENNEDY of Massachusetts. If I correctly understood the comments of the Senator from Georgia this afternoon, as well as those in the committee report, he supports the local draft board concept.

I should like to ask the Senator from Georgia whether he would agree with

me, that to the extent that we preserve local draft boards, particularly for reviewing cases of hardship, that they should be representative of the community in which they sit.

Mr. RUSSELL. I agree completely with that idea. Let me say that in most instances with which I have any familiarity, they are. Undoubtedly, there are some cases where they are not.

As the Senator knows, those boards are selected by the Governor of the State, supposedly acting on the advice of someone who lives in the community; and the Governor recommends the names of members of the draft board to the President and they are almost automatically placed on the draft board. I have never heard of one being vetoed yet. So the selections really go down as far to the grassroots level as it is possible to go. Of course, draft boards have made mistakes. But I am surprised at the few mistakes they do make. They have not made many mistakes considering the millions of men with whom they have dealt in the administration of the Selective Service laws.

Mr. KENNEDY of Massachusetts. Within the general framework of being representative, it is then the understanding of the chairman of the committee that they should be representative in every possible way.

Mr. RUSSELL. In every one of the 4,000 communities where a draft board is located, the members certainly should reside in that community and should be representative of that community. Of course, the right of appeal exists.

Mr. KENNEDY of Massachusetts. That is right.

Was the Senator impressed, as I was, with the testimony of Mr. Thomas D. Morris, who appeared before his committee and also before the Committee on Labor and Public Welfare, that the number of young people available and with the necessary qualifications to serve in the Armed Forces of our country, will greatly increase in the next few years? And also, that the number of available young men, in relationship to the number which will be needed to serve in the Armed Forces both in a Vietnam situation and in a non-Vietnam situation, will be a great deal larger?

Mr. RUSSELL. Yes; the class of registrants each year increases by 200,000 or 300,000. It has been dramatically increasing since the so-called war babies started registering. The eligibles will continue to increase and the Armed Forces may need a smaller part of the available manpower. That is where we hit the real difficulty in dealing with the human element, where there are seven eligible and we need to induct only one for the services although others are needed as volunteers—that is, if we ever get back to 2,700,000 strength which we had before the war started in Vietnam. We now have more than 3,300,000 persons in uniform in the Armed Forces. The strength has increased about 700,000 since the war started in Vietnam.

Mr. KENNEDY of Massachusetts. Thus, what we have, in effect, is a large pool of young men who are qualified and equal, in the sense at least of having the physical and mental capacities to serve in the Armed Forces. If I interpret the remarks of the Senator from Georgia correctly, then we will have to draft, really, only a small percentage—one out of seven—in a non-Vietnam situation, and, of course, a higher percentage in a Vietnam buildup situation.

Mr. RUSSELL. That is true, assuming voluntary enlistments do not decline.

Mr. KENNEDY of Massachusetts. Thus, as I understand the Senator from Georgia, what we will have is a large pool, and we are going to select actually only a small percentage of that number.

Mr. RUSSELL. That is true, as long as we have the Selective Service Act.

Mr. KENNEDY of Massachusetts. Yes.

Mr. RUSSELL. I do not think that would be true if we abolished the act, or if we severely curtailed its effect.

Even when only a few thousand persons are being inducted each month, many thousands of others volunteer for some branch of service. The stimulus of the draft causes many young men to select their service and the branch in which they want to serve. Others enlist in order to receive special schooling or training. It is generally overlooked that the armed services of the United States conduct probably the greatest training organization in the world.

Mr. KENNEDY of Massachusetts. Yes.

Mr. RUSSELL. It trains thousands of men as airplane mechanics, in the electronics field, and things of that kind—tens of thousands more than in all other schools in this country combined.

Mr. TOWER. Mr. President, will the Senator from Georgia yield?

Mr. KENNEDY of Massachusetts. If the Senator from Texas will let me say just this one final word. Was the committee able to come up with a system which was either fairer or more equitable, more reasonable or more rational, than that which was proposed by the Marshall Commission and, I believe, the Defense Department and Selective Service System as well?

Mr. RUSSELL. I am sorry. I did not hear the first part of the Senator's question.

Mr. KENNEDY of Massachusetts. In the course of the hearings in the committee, and in the testimony which the Senator heard, was the Senator able to develop a system to select men, when there were many available and ready to serve in the armed services, which was more equitable, more reasonable, or more rational than that which was proposed by the Marshall Commission, the Defense Department, or the Selective Service System?

Mr. RUSSELL. In some instances, we compromised. In some instances, we discarded some of the recommendations that each of them made because there were some conflicts between the recommendations of the two commissions. By and large, I think that this bill—and I have participated in the writing of every Selective Service Act since 1940—is the fairest one we have had. However, it is not perfect. It will not eliminate all the inequalities. That never will be done, if we worked on it from now for several centuries to come. We cannot get rid of every inequality. No two cases are exactly identical. They may be almost identical, but there are no cases which are absolutely identical. The committee has made a genuine effort to cull through not only the reports of these commissions but also the reports of commissions of prior years.

We had commissions a long time before the Clark and Marshall ones. One was the Sarnoff Commission. Others made comprehensive studies and filed numerous reports. But we have done the best we could. We have a system that will supply the needed manpower, even if there is a substantial increase and even if we suffer a catastrophe by being drawn into other areas, as we are in Vietnam. This system will supply the manpower in the fairest way we could arrive at.

I should say that with regard to all our discussion about deferments for college students and for apprentices, if we get into an all-out war somewhere, such deferments would have to be ended. Then everybody would be called, even some of the halt and lame.

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

Mr. RUSSELL. I yield.

Mr. TOWER. I am interested in this question of equality. Can it be legitimately said that there can be complete equity of treatment when we have a bigger pool of eligible manpower than is required? Beyond that, when a boy is inducted or he volunteers, can there be complete equality of opportunity or complete equality from the standpoint of risk as between one who has to go out on patrol and do the fighting while someone else has to stay at headquarters and keep records?

Mr. RUSSELL. Many of them are stevedores on the docks.

Mr. TOWER. I am a veteran of the U.S. Navy. It was a popular saying that there is no rear echelon in the Navy, because when a ship is in a fight, everybody fights, including yeomen, storekeepers, and cooks. So I believe it can be said that, from the standpoint of risk involved, there cannot be completely equitable treatment. There has to be some random selection and risk involved. But is not this the fairest way we have?

Mr. RUSSELL. I think it is absolutely the fairest way we could devise. I would be happy to have someone come up with one that is fairer.

I agree with what the Senator from Texas said about the Navy. I had the rank of apprentice seaman in World War I, and, of course, we knew when a ship went down, it took all hands down with it. I still felt that by serving in the Navy I would be better off than if I had to lie in the mud and perhaps have rats running across my face.

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

Mr. RUSSELL. I yield.

Mr. COOPER. Following the inquiries and comments of the Senator from Massachusetts and the Senator from Texas, regarding equal treatment, I ask the Senator if the change to first induction of 19-year-olds would not have the effect of inducing larger enlistments at

that age and thus place a heavier burden of service on this age group?

Let me give the background for my question. As I understand, about 2 million will become eligible for registration in 1968 at 18½. At 19, they will be subject to induction, and about 1 million of the 2 million will likely go into the services, 660,000 as volunteers and 340,000 as inductees.

I would assume that under the present system of induction volunteers probably are more evenly balanced in the age groups between 19 years and 26. Is it not true that under the changes proposed volunteers are likely to be concentrated in the 19 to 20 age group?

Mr. RUSSELL. The age of volunteers depends somewhat on the age of induction, because a man has an opportunity to enlist in the organization of his choice. Without Selective Service we would not get as many volunteers.

Mr. COOPER. I am sure that is so.

Mr. RUSSELL. One study by the Air Force showed that 43 percent of its enlisted men, 39 percent of its officers, and 80 percent of its reservists would not have volunteered in the absence of the draft.

Mr. COOPER. Would more 19-year-olds, because they were subject to induction, volunteer? Would there not be a larger proportion of 19-year-olds than at present in the whole range of ages from 19 to 26?

Mr. RUSSELL. Some of those who are very knowledgeable in this field think that reducing the age to 19 will result in reducing the number of volunteers, because it gives greater opportunity to men of this young age to calculate whether they are likely to be called.

Mr. COOPER. There are now volunteers of older ages, say 21 to 26. But knowing they are going to be inducted at the age of 19, a larger proportion of volunteers will be in that age. Is that correct?

Mr. RUSSELL. That may be true. One thing that has caused me concern is that reversing the order of induction may reduce the number of ROTC officers coming out of college. They are the ones who lead the troops—first and second lieutenant, captains, even up to majors. Nearly all of them are Reserve officers who come off campuses of colleges. A man might be more likely to take a chance on not enrolling for ROTC if he thought he could make it from 19 through 20 without being called.

Mr. COOPER. This is one of the places where I can see it militates against a certain equality of treatment as between 19 and 26.

Mr. RUSSELL. It will affect the number of volunteers, in my opinion.

Mr. COOPER. Reducing the age to 19 will naturally compel more 19-year-olds to volunteer. And some believe there will be lesser incentive for older men in the draft pool to enter ROTC.

Mr. RUSSELL. Taking the 19-year-olds first does give a man a much better chance to plan his life, and does let him know when he is more vulnerable to the draft; and if he passes the age of prime vulnerability, generally speaking, in the absence of any large, all-out war, he can plan his life. As it is today, it is difficult to make plans because he is vulnerable from the age of 19 through 26.

Mr. COOPER. Does the Senator think it will be more difficult to secure officers under the proposed change?

Mr. RUSSELL. Yes; I am concerned about that very much.

Mr. COOPER. I read in the hearing that 41,000 officers will be needed next year and each year thereafter if the war continues at its present rate. How would 41,000 officers be obtained?

Mr. RUSSELL. Enough officer training schools could be established to provide that number. Whether they would be of the same quality as the men who have had 4 years of ROTC is a question. I read somewhere—I do not vouch for the correctness of the statement—that many more commissioned officers in the armed services have come from Texas A. & M. University than from West Point.

Mr. TOWER. That is absolutely correct.

Mr. RUSSELL. I did not expect the Senator from Texas to deny that, but that shows the importance of ROTC units.

Mr. COOPER. I had heard that statement from my brother-in-law, who is a West Point graduate and who taught later at Texas A. & M.

Mr. RUSSELL. If the Senator will indulge me, I should like to read a brief statement that was placed in the record of the hearings. It deals with the subject that the Senator from Texas raised:

> When equity for the individual and the welfare of society as a whole are inconsistent, decisions for society may be hard decisions to make and it may have to accept the resulting dissatisfaction and criticism. Unfortunately, true equity is hard to achieve in military operations. Inequity results when some serve while others escape. However, inequities also occur even among those that serve. No one can find much equity between pounding a typewriter in the Pentagon and carrying the M-16 rifle in the jungles of Vietnam.

Mr. COOPER. Has the role of local draft boards been firmly determined?

Mr. RUSSELL. Yes, it has. The legislation concerning draft boards that is now on the books has not been changed in the bill.

Mr. COOPER. Their role has been firmly settled?

Mr. RUSSELL. So far as the committee is concerned, yes. Unless the Senate overturns the committee, the question has been settled.

Mr. COOPER. I am pleased that the status of local draft boards has been maintained. The members of local boards, who serve without pay, are faithful to duty and understand local conditions.

Mr. RUSSELL. I think that the American people have tolerated the draft system over a long period of years largely because of what the local draft boards have done.

Mr. COOPER. I thank and commend the Senator from Georgia.

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

Mr. RUSSELL. I yield to the Senator from Texas.

Mr. TOWER. I do not quite share the Commission's fear about the ROTC. If we reflect upon it, with the undergraduate deferment being in existence, too, and with the applicant for the undergraduate deferment being required to waive all other deferments, he gets into the unit at age 22, when he receives his undergraduate degree. Knowing that he cannot get any more deferments, he may be encouraged to go into the ROTC.

Mr. RUSSELL. I hope that will be the result.

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

Mr. RUSSELL. I yield.

Mr. JAVITS. I have two subjects I should like to discuss with the chairman of the committee. One is a very needling one, to me and I think to all Americans. That is the implication that there is a certain amount of demagoguery going on in the country in connection with the fact that allegedly more Negroes than others serve in Vietnam, and in more dangerous positions; and there is always an implication in such statements that somehow or other the draft board setup tends to be free of the integration efforts which otherwise prevail in this country.

I know the Senator's view on that subject, and I know he is fair enough, because I have had long experience with him, to address himself to this responsibility without any overcast, in his thinking, of his basic views upon the subject, which we have been through many times. So I speak to the Senator very frankly.

Mr. RUSSELL. I thank the Senator.

Mr. JAVITS. Also, in an effort to equate the fact that not enough is being done to redeem the Negro minority from what is alleged, and I think properly, to be decades of backwardness in education, et cetera, because we are preoccupied with the Vietnamese war, this whole matter becomes something of an ogre which rears its head in a very lethal way because of the jeopardy that occurs to a man in Vietnam, with danger to his life, and so on, and there seems to be some kind of an insidious body of discrimination on the part of the U.S. Government itself.

I think it is most important just to lay the matter out as candidly as that, and to invite the chairman's views upon it.

Mr. RUSSELL. Mr. President, I am very happy that the distinguished Senator from New York has asked that question. I anticipated that it would be asked, and I knew that to some people I would be suspect in answering it.

Mr. JAVITS. Not to me.

Mr. RUSSELL. I understand, and I thank the Senator for that statement.

But to get testimony that would be absolutely unassailable, I examined Mr. Burke Marshall, the Chairman of the Advisory Commission appointed by the President, who was in charge of the civil rights section of the Department of Justice at the time of all the disorders on the University of Mississippi campus and some others throughout the Nation; because if any witness whose testimony could be accepted in this area could be brought forward, it is Mr. Marshall.

As Senators will find on page 134 of the hearings, I examined him very carefully. I stated:

> As a southerner I am perhaps somewhat suspect for asking this question, but I have

seen many statements in the press that have not been justified by my observations of our Armed Forces over a period of years as to the racial balance of the Armed Forces. I have read your report and I see it indicates that Negroes do not serve in the Armed Forces out of proportion to their composition of the population, is that correct?

Mr. Marshall stated:

That is correct, Senator.

Then I asked him this question:

And the Negro soldiers have a record of heavy reenlistment and volunteering in elite combat units, such as the paratroopers, making a career of the armed services?

I interpolate here that no one who has ever inspected the airborne divisions can have failed to be impressed by the large number of career sergeants and corporals in those airborne divisions—such as the 82d, the 101st, and the 173d Airborne Brigade—who are Negroes. They make a career of such service, perhaps, because they do not have the opportunities in civil life that they would like, and the airborne divisions do offer good pay. Their members receive, of course, as the Senator knows, extra pay for airborne service.

Mr. JAVITS. And they have a high degree of dignity, I might say to the Senator.

Mr. RUSSELL. The Senator is correct. I happen to have a nephew who at one time was engaged in airborne training, and who later was very severely wounded in Vietnam. He states that the Negroes in these units have done an utterly fantastic job over there.

To continue with Mr. Marshall's testimony, he replied:

That is correct, Senator. Their casualty rates right now are proportionately high for that reason.

I then asked him:

Did you in your study find that there had been any noticeable discrimination for racial reasons in connection with the selective service boards?

Mr. Marshall replied:

No, Senator. We have some statistics on the composition of the local boards, which show that proportionate to the population Negroes are underrepresented. I suppose that you could show that about other groups. We didn't have statistics on other groups, and there are lots of reasons for that, Senator, that aren't discriminatory.

I then said:

I didn't have as much reference to the boards as I did to those that they selected for service.

Mr. Marshall said:

We thought—Senator, there was no evidence before the Commission that racial discrimination, direct racial discrimination, accounted for the statistics which we referred to in the report with respect to the effect of the draft on the Negro. The statistics are that out of the eligible pool, some 18 percent of whites, I think, and 30 percent of Negroes are drafted, so that there is a higher proportion out of the eligible pool, and that is balanced by the rejection rate, which accounts for the fact that the total population mix is about even.

Then he goes on and testifies at some further length in this field. I invite attention to his further testimony on page 134 of the hearings.

There is a great deal of misapprehension throughout the country about the number of registrants under selective service who are rejected.

We must bear in mind that less than 50 percent of those in our armed services come in through the selective service. The others are volunteers, and they all qualified physically and mentally. So it is not a fair test, nor is it fair to condemn the youth of America for being unfit physically and mentally, to say that a high percentage of those who come in through the selective service are rejected, when the number inducted represents only a fraction of those who are in our Armed Forces.

Mr. JAVITS. May I ask the Senator—and I intend to make it as brief as I can; the Senator from Maine [Mrs. SMITH] has not yet even made her opening statement—may I ask the Senator, who is known as a man of honor throughout this country and the world——

Mr. RUSSELL. I thank the Senator. I would rather he said that about me than anything else he could say.

Mr. JAVITS. The Senator knows he and I have had many differences, but never on that question.

I ask the Senator whether it is fair to say that it is the policy of the committee that it will be alert to and will correct any evidence of discrimination in the makeup of draft boards and the drafting of individuals for service, and the kinds of service that they are put into, or in any of the terms and canditions of the draft; and that it is the committee's bounden purpose to see that this draft law is implemented and administered in a completely colorblind, raceblind, and ethnic-origin-blind manner.

Mr. RUSSELL. Insofar as the committee is concerned, yes. But let me point out that the committee has nothing whatever to do with the selection of those who comprise the draft boards.

Mr. JAVITS. I am speaking of the makeup.

Mr. RUSSELL. But insofar as it is within the power of the committee, we intend for people to be treated as individuals, and not as members of any ethnic, racial, or religious group.

Mr. JAVITS. And the committee's policy will be to implement that basic function?

Mr. RUSSELL. As far as possible. As the Senator knows, Congress can pass laws but it cannot administer them. That must be done by the executive branch. But insofar as it is within our power, we intend to see that every person in this Nation is treated fairly in the administration of this law.

Mr. JAVITS. There is a question concerning the rejectees for educational, physical, and other grounds.

I am a member of a subcommittee of the Committee on Labor and Public Welfare, of which the Senator from Massachusetts [Mr. KENNEDY] was acting chairman during some hearings.

The real problem that emerged is that those who do the poorest job of developing their future, who do not study, and who are not honest are most likely to be deferred while the boy who is a real 100-percent American boy and makes his grades in school is the most likely to be drafted.

Mr. RUSSELL. The Senator is correct.

Mr. JAVITS. Is it not well worth the attention of the United States, and is it not almost demanded as a matter of justice, that we should make far more mandatory and far more tight, provisions to make it possible for many of the present rejectees to become eligible to take their chances with the others rather than have it the other way around? There was the feeling that perhaps it might be too expensive or inconvenient to do something about the matter, and therefore the very people who deserved consideration the least were being let off the hook.

Mr. RUSSELL. I have no objection to that. As a matter of fact, I say that anything that can be done to insure equality of service to the Nation should be done.

I stated a few moments ago that I had some reservation about the military's undertaking to train 100,000 men when it takes so many veteran commissioned and noncommissioned officers who might be better employed in Vietnam.

Mr. JAVITS. But the Senator certainly agrees with the members of the subcommittee of the Committee on Labor and Public Welfare as a matter of principle.

Mr. RUSSELL. We have comprehensive programs, and we should pursue them to the utmost, not only for military purposes, but for other reasons.

Mr. JAVITS. Mr. President, I thank the Senator.

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

Mr. RUSSELL. I yield.

Mr. COOPER. Mr. President, not long ago I met with several classes at Yale.

I wanted to be able to answer questions about the draft and, among them, questions about the ratio of Negro and white soldiers. I went to the office of General Hershey, and the information I secured bears out the facts presented in the colloquy between the Senator from New York [Mr. JAVITS] and the chairman of the committee [Mr. RUSSELL].

I am very glad that this has been brought in detail.

There is another matter which concerns me and many other people. I have received a great deal of correspondence on the subject.

I do not see the Senator from Hawaii [Mr. INOUYE] present in the Chamber. I understand he is ill. Some time ago he introduced S. 1181 with a number of cosponsors. I subsequently asked to be listed as a cosponsor of the bill.

I think I am correct in saying that under present law, if a member of the military service is killed in Vietnam or dies as a result of injuries or sickness sustained there, and there is one surviving son, the surviving son, upon application, will not be assigned to service in the combat zone.

But if a family had three sons in the military service and one son is killed in Vietnam, and another son is in Vietnam, he would not be the sole surviving son, and must serve.

If we were engaged in a declared war to which the people and resources of our country had been committed, it would be better understood if several members of a family were engaged in combat, and more than one gave up his life. But I would think the legislation should provide that if one son were killed in the war in Vietnam, other sons should be relieved of duty in the combat zone and not assigned to Vietnam. Such a provision would be fair to the family concerned at a time when so many people are not contributing anything to the war except concern and anxiety. I do not think that a family which has given one son should be asked to risk the loss of another.

Mr. RUSSELL. Mr. President, I am familiar with the bill. I looked it over on the committee calendar. I have not come to any firm conclusion about it.

It might get the Senate involved in all kinds of collateral issues.

There are thousands of families that do not have but one son. What will we do in that situation? Will we draft him and send him to war? If he gets killed, that family will not have any son at all.

It is a difficult subject to legislate on.

When the Senator asks the question, the natural reaction is to say yes, but we must think of the impact that will be had across the board.

Mr. COOPER. I understand the aspects of the problem. However, there is fairness in my proposal.

Mr. RUSSELL. There is, because such a family has suffered a great tragedy in their lives. We have considered the matter and will consider it further.

Mr. COOPER. Mr. President, I had occasion to speak last fall in the town of Bowling Green, Ky. I was asked to come to the home of a family whose boy had been brought back home from Vietnam. I did not want to go because, frankly, I thought it might be considered political, and I did not want to impose on the family's sorrow.

But, the family sent for me. Standing by the coffin of the boy whose body was brought back from Vietnam was a younger brother from the same outfit in Vietnam, who in 10 days would be required to go back to Vietnam.

His father said to me: "I understand the law, and I am not protesting. But I do not believe my wife can stand to see this younger boy, 19 years old, go back to the same outfit in the same place in which his older brother had been killed."

Mr. RUSSELL. They had another son, I assume?

Mr. COOPER. Yes.

Mr. RUSSELL. If they did not, he was entitled to exemption. Not only that, but the sole son of a father killed in combat is likewise exempt from service.

Mr. COOPER. That is correct. The boy was reassigned, but it may not always be the same in such cases.

Mrs. SMITH. Mr. President, I am glad to join with the chairman of the committee in urging the Senate to give prompt approval to this bill.

Since the committee report and the chairman's statement explain the provisions of the bill and the action of the committee, I shall not detain the Senate by a repetitious elaboration.

I do wish to point out, however, that one of the virtues of the current law is its flexibility. Because of this flexibility it has been possible to procure manpower for our Armed Forces under circumstances that have varied greatly. Ordinarily, I believe Congress should be quite explicit in legislating the results it intends. In matters of manpower procurement, however, circumstances can change so rapidly that the executive branch must be left with some discretion in implementing the broad policies prescribed by Congress.

The changes in the law itself that are recommended by the committee could hardly be considered substantial. Indeed, the preponderant part of the needed changes in the draft can be accomplished by changes in the regulations. These changes could have been effected sooner, but I do not wish to be critical of the President in seeking the advice of Congress and the public on some of the controversial issues.

In addition to recommending a few changes in the law, the committee has expressed itself in the report on several of the major proposals for modifying the present system of procuring the manpower our Armed Forces need. That the committee was unanimous, or nearly so, in making these recommendations is to me rather remarkable. I must say, however, that the chairman, an authority on defense matters, known for his fairness, experience, and understanding, is largely responsible for this. I do not mean to say that all members of the committee view all the suggestions for change exactly the same way, but I believe there is no dissent to the major thrust of the committee's recommendations.

Speaking for myself, I must say that I am not completely satisfied with the state of the current law as it has been construed on the subject of conscientious objection. I recognize that matters of conscience and religion are extremely difficult areas to define precisely. Candidly, so far I have been unable to propose a better solution, but I believe that the conscientious objector provisions and their enforcement need to be followed carefully and that some further legislative action in this field may be needed.

To me, the need for extending the authority to induct persons into the Armed Forces is abundantly clear. As the chairman has so clearly stated, this need would exist even if we were not engaged in combat in Southeast Asia. I think we all regret that involuntary service in defense of our country is required. At the moment there simply is no satisfactory alternative.

I hope this bill will be overwhelmingly approved.

Mr. RUSSELL. Mr. President, I wish to extend to the distinguished Senator from Maine my profound appreciation for her complimentary references to me. She is a tower of strength on the committee. She is well informed on every aspect of legislation dealing with the armed services that comes before us. In some fields she is more expert than any other member of the committee. I am grateful to her for her kind remarks.

Mr. HATFIELD obtained the floor.

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

Mr. HATFIELD. I yield.

Mr. TOWER. Mr. President, I ask unanimous consent that I might ask for a quorum call, without the distinguished Senator from Oregon losing his right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. TOWER. 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. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Oregon has the floor.

AMENDMENT NO. 195

Mr. HATFIELD. Mr. President, I send to the desk an amendment, for the purpose of having it printed.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. YOUNG of Ohio. Mr. President, will the Senator from Oregon yield to me?

Mr. HATFIELD. I yield.

Mr. YOUNG of Ohio. Mr. President, I call up my amendment, which is at the desk, and ask that it be stated.

Mr. TOWER. Mr. President, will the Senator yield for a consent request?

Mr. YOUNG of Ohio. I yield.

Mr. TOWER. I ask unanimous consent that the Senator from Oregon [Mr. HATFIELD] be allowed to retain his right to the floor while the Senator from Ohio proceeds.

Mr. YOUNG of Ohio. I desire that reservation, also—that I ask the Senator from Oregon to yield to me without losing his right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The committee amendments have not been disposed of.

Mr. YOUNG of Ohio. I withhold offering my amendment.

Mr. RUSSELL. Mr. President, I ask unanimous consent that the committee amendments to the pending bill be considered and agreed to en bloc, and that the bill as thus amended be regarded for the purpose of amendment as original text.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the amendments are agreed to en bloc.

The PRESIDING OFFICER. The Senator from Oregon [Mr. HATFIELD] has the floor.

Mr. HATFIELD. Mr. President, I yield to the Senator from Ohio.

AMENDMENT NO. 190

Mr. YOUNG of Ohio. Mr. President, I have an amendment pending at the desk and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 3, between lines 2 and 3, insert the following:

"(2) The first sentence of section 4(b)

(50 App. U.S.C. 454(b)) is amended by striking out 'twenty-four' and inserting in lieu thereof 'eighteen'.

"(3) Paragraph (2) (A) of section 4(k) (50 App. 454(k)) is amended by striking out 'twenty-four' and inserting in lieu thereof 'eighteen'.

"(4) Paragraphs (1) and (4) of section 4(l) (50 App. U.S.C. 454(l)) are amended by striking out 'twenty-four' each place it appears therein and inserting in lieu thereof 'eighteen'."

Renumber paragraphs (2), (3), (4), and (5) of the first section of the bill as paragraphs (5), (6), (7), and (8), respectively.

Mr. YOUNG of Ohio. Mr. President, it is evident to all Americans that the present selective service law is discriminatory and unfair in many of its aspects. I am very happy that the legislative proposal which the Senate is now considering is a great improvement over the present draft law. It is my intention to vote for the pending bill which was considered in the Committee on Armed Services, of which I am a member.

The amendment I am offering would reduce the time of the draft from 2 years to 18 months.

I offered my amendment in committee, but it was not adopted. However, I strongly believe it warrants further consideration by the Senate.

Mr. President, undoubtedly the argument will be made, and it could be made forcefully, that this is an inopportune time to make a change in the period of service for draftees. It is unfortunate that the selective service law was not amended several years ago to provide for 18 months' service instead of the 2 years of service provided in the present law.

Those very eminent Senators on the Committee on Armed Services who are senior to me would state, I believe, that had this change been made several years ago, it would have been a change for the better in our selective service law. I shall ask for a vote on the amendment, but I shall not ask for a rollcall vote.

Mr. President, I cannot say enough or place enough emphasis on the fact that the Committee on Armed Services has reported a bill which greatly improves our selective service law and removes many of the inequities in our present law.

The distinguished chairman of the Committee on Armed Services [Mr. RUSSELL] and other senior members, such as the distinguished senior Senator from Missouri [Mr. SYMINGTON], who worked hard in the preparation of this bill, deserve a great amount of credit for their public service.

Mr. President, on the basis of careful research, however, I had hoped that the new selective service law would abolish the current practice of allocating draft quotas by State and local boards, and instead establish a national pool from which all eligible young men would be inducted. This would have eliminated the present situation whereby too much discretion for the granting of deferments has been in the hands of local selective service boards.

As a result, there are thousands of different criteria for deferment. Some boards have been granting deferments in instances where a neighboring board in the same State, or even in the same city, would not. For example, in my home city of Cleveland, a board in one section of Cleveland might grant a deferment to a young man when another board in another area of the city might give an opposite ruling and induct a youngster in an identical situation.

The majority of the committee, after considering all alternatives, felt that the present system should be continued. While I disagree with this conclusion, I feel that we can live with the present method if it is carefully monitored.

The most important recommendation made by the committee is to reverse the order of induction. At present, induction begins with those who are 26 years of age and works backward. The committee has recommended that induction commence with the age of 19. This procedure in the law will remove a great deal of uncertainty from the lives of young Americans eligible for the draft, decrease the number of deferment applications, and, perhaps most importantly, provide the services with a pool of manpower more readily adaptable to our military needs.

The present selective service law is very disruptive in the lives of millions of young Americans with the possibility of the draft hanging over a young man until after he attains the age of 26.

(At this point, Mr. MORSE assumed the chair.)

Mr. YOUNG of Ohio. Mr. President, it would be much better to commence the draft with 19-year-olds so that a youngster directly after graduating from high school would then be placed in the pool of young men of the same age, and if he were drawn for active service he would serve and have that behind him. He could then have a continuity about his education and later life.

Mr. President, I also completely agree with the committee recommendations on changing present standards for student deferments. However, there is one inequity in the proposed legislation. Young men drafted into our Armed Forces are and will continue to be required to serve for 24 months. This is an arbitrary figure arrived at many years ago when the original peacetime laws were enacted. It is outmoded and unnecessary today.

While there remains a continuing need for conscription to meet our military manpower requirements—especially while we continue to be involved in an ugly miserable civil war in Vietnam—the need for a 24-month term of service no longer exists.

The bill as reported by the committee continues to require an initial training period of not less than 4 months. The fact is that the present period of basic training is only 8 weeks. Thus under existing circumstances, a young man will have concluded his basic training and will have had an opportunity for an additional 2 months of specialized training before he could be sent to Vietnam or overseas to any combat zone.

The present tour of duty of men in our Armed Forces in Vietnam is 1 year. Even assuming that a young man were given 6 months of training before being sent into the combat area, it is obvious that he could fulfill his obligation to his country in a period of 18 months and then be returned to civilian life. Certainly, those in charge of personnel assignments for various branches of our Armed Forces could fulfill all their requirements with an 18-month tour of duty for draftees. In my considered judgment, it is unfair and unnecessary to require these young men to serve for 2 years.

Furthermore, in each of the next several years, nearly 1,900,000 young men will attain the age of 19. In 1970, that number will probably exceed 2 million. Of this number, under current standards, three of 10 will probably be disqualified for physical reasons or deferred for reasons of hardship or unfitness. Therefore, approximately 1,300,000 19-year-olds will be qualified and available for service in our Armed Forces each year.

According to Thomas D. Morris, Assistant Secretary of Defense in Charge of Manpower, in a typical post-Vietnam year—which we all hope will be very soon, but which many of us doubt will be so soon—it is estimated that 110,000 inductees will be required annually. These men would be selected from the residual pool of draftees available, exclusive of those who had already volunteered. That pool would consist of approximately 730,000 young men. Thus, under the proposed bill, only one out of seven of the 19-year-olds remaining available for induction each year would be needed to be drafted.

Why should the burden fall on such a comparatively small group? If shortening the tour of duty should conceivably result in the need for more men, they can be drawn from the additional hundreds of thousands of men who otherwise would be exempted. It would spread the service obligation among more young Americans and not allow it to fall upon a comparatively small segment.

Mr. President, it is startling and shocking that of our allies, Great Britain and Canada have no conscription whatever. Here we have a situation of more than 345,000 men in our Armed Forces in Western Europe ostensibly because of the threat of Soviet aggression, when every sensible person knows that no real threat exists. If there is such a threat, then Great Britain is closer to it than we are and still Great Britain has no conscription whatsoever.

Now let us consider some of our other allies.

New Zealand provides conscription for 12 months. France provides conscription for 16 months. West Germany and the Netherlands for 18 months each. Belgium, for 12 to 15 months. Denmark, which is close to the Soviet Union, for 14 months. Sweden, 10 to 12 months. The drafting of young men in Italy is limited to only 15 months. In Norway it is for 12 months.

Mr. President, this is shocking. Here we have been drafting the finest young men in the world and sending many of them overseas to fight in a small nation, Vietnam, which is of no strategic importance whatever to the defense of the United States. Yet, our allies and friends—so-called friends, such as Great Britain and France—either have no draft, or it is only for 18 months or less. We are drafting our men for 2 years. Not one of those countries has sent a soldier to fight in Southeast Asia.

West Germany has probably one of the finest armies in the world, but it has only an 18-month draft. That country is prospering as never before, largely as a result of the billions of dollars of American taxpayers' money which was poured into West Germany after we nearly destroyed it in World War II. Yet, Germany is doing nothing to help us. It has not sent one soldier to Vietnam.

As we all know, the draft seriously disrupts the lives of our young men, until they have fulfilled their military obligations—disrupts not only the lives of our young men, but those of their parents as well. Our boys are unable to make plans for the future. Likewise, it takes 2 years from their lives if they are selected for active duty. It puts those who are drafted at a serious disadvantage compared with others of their age group who have not been drafted and thus allowed to begin their careers.

If it is necessary to require millions of our young men to serve their nation, then we should at least do our utmost to spread the burden among more of our citizens—among more of our families—and to lessen that burden as much as we possibly can. There is no valid reason whatever for continuing the 24-month tour for draftees.

Mr. President, I expect to call up my amendment shortly after the Senate convenes tomorrow. I am not inclined to call it up for a vote tonight. I may want to speak further in support of it tomorrow.

Mr. President, this is a meritorious amendment. It should have been in the selective service law years ago. It would be fairer to the families of America. I have, therefore, offered this amendment to amend the Universal Military Training and Service Act. My amendment, with respect to every part of the law which at present provides for 2 years service, fixes the tour of duty for conscripted young men at a maximum of 18 months. I urge that the amendment, when it is called up for a vote tomorrow, be adopted.

Mr. BYRD of West Virginia. 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. KENNEDY of Massachusetts. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KENNEDY of Massachusetts. Mr. President, it is my understanding that the Senator from Oregon [Mr. HATFIELD] has the floor. I ask unanimous consent that the floor be yielded to me, without interfering with the right of the Senator from Oregon to have the floor when I conclude my brief remarks.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it so ordered.

Mr. KENNEDY of Massachusetts. Mr. President, the distinguished Senator from Georgia deserves our highest praise for the analysis he has just given us of the very troubled problem of draft reform, and for his explanation of the views of the Armed Services Committee on extending the Selective Service Act.

The committee report is, in my judgment, a document which we should all read closely. Those of us here in the Senate who have long urged that our draft laws be reformed can take heart at the carefully measured reasoning which the report represents. Not one of us would claim that draft reform is a simple matter. Not one of us would claim that the badly needed changes could be worked overnight. Yet we all recognize that changes are needed to bring an outdated system up to date, and they are needed urgently.

It is for this reason that I think the Armed Services Committee has done a very fine job in expressing its views on draft reform.

I was particularly heartened that the committee refrained from substantially amending the universal Military Training and Service Act. I hold a strong belief in the need for flexibility in the administration of the draft laws, a flexibility of the type the Chief Executive now has under that act. It is for this reason that when I introduced legislation early this year on the subject of draft reform, I introduced it in the form of a concurrent resolution. This resolution would have expressed the sense of the Congress relative to the administration of the draft, but would have left the administrative details up to the President.

If there is any area in which I would take issue with the action of the Armed Services Committee, it is this matter. There is spelled out in the report a sensitivity to the many problems which are the concern of those who urge draft reform. But it is my personal opinion that this matter is of such great urgency and importance to the American people, that it would have been helpful to have had a positive mandate from the U.S. Senate on these various questions. Such a mandate would be a resolution similar to Senate Concurrent Resolution 12, which I introduced earlier this year.

It is in that spirit that I endorse the comments of the distinguished chairman of the Armed Services Committee this afternoon, and also the findings of the committee. Particularly, I think that the strong language contained in the committee report, while not having the force of a concurrent resolution, is nevertheless a clear indication to the President of how the Armed Services Committee feels about the administration of the draft.

It is my hope that the Senate will adopt the bill reported out by the Armed Services Committee, and by reference the report accompanying it, because it gives the President some measure of backing for his announced intentions to change the draft laws.

It was my privilege, through the graciousness of the distinguished chairman of the Employment, Manpower, and Poverty Subcommittee of the Committee on Labor and Public Welfare [Mr. CLARK], to chair 7 days of hearings on the nonmilitary implications of the Selective Service System. These hearings turned up a great deal of highly relevant and interesting information, which I reported to the Armed Services Committee when I testified before it.

An area of particular concern to the members of the Employment, Manpower, and Poverty Subcommittee was the treatment of those rejected for military service because they do not meet the armed services qualifications, either educational or physical. We discovered that the profile of a rejectee is strikingly similar to that of a person struck by poverty, and we consequently endeavored to find out both what happens to rejectees and how they can best be rehabilitated. There presently exists a limited system of referral for those rejected by the Armed Forces, but we discovered that, as presently organized and constituted, the referral system is most disappointing. It does not reach effectively all of those who want treatment, and it provides very little help for those who need assistance but are put off by the paper work and procedures. Our subcommittee was very interested in a program the Department of Defense has called Project 100,000, under which men who do not quite meet the qualifications are nevertheless taken by the military and given military training.

It was also the observation of a number of us on that subcommittee, who concerned ourselves with the question of student deferment, that we would reach a different conclusion from that the Armed Services Committee reached.

The Secretary of Labor, Mr. Willard Wirtz, testified before our committee. When I asked him if he felt that deferment of students was of overriding national interest, he answered in the negative. The Commissioner of Education, Mr. Harold Howe, was asked whether there was a sound educational reason for considering student deferments, and he also answered in the negative. So it was my conclusion, and that of others, that if there were no overriding national interest for student deferment, or no overriding educational reasons for student deferment, particularly at a time of a "hot" war—and I would consider our present engagement in Vietnam a "hot" war—we ought to consider very seriously whether we should continue student deferments.

I believe, very simply, that we should have student deferments when we are not involved in a limited or "hot" war situation; that overriding educational reasons do justify student deferments in those times. But, under present circumstances, particularly with the statements of the Secretary of Labor and the Commissioner of Education, we should give serious thought to whether there should be a continuation of student deferments.

With that really fundamental exception, I do support the report of the Armed Services Committee. I think it does much to eliminate the inequities and unfairness that exist in the Selective Service System.

Comments have been made this afternoon that we will never be able to eliminate all the inequities, all the unfairness, all the uncertainties in the draft and Selective Service System. I think the Armed Services Committee has acted re-

sponsibly in doing what we in the Senate can do to eliminate many of those inequities.

I think the recommendations of the committee deserve the commendation of Senators.

Mr. President, under a previous unanimous consent agreement, it was agreed that at this point in the RECORD there would be printed material relating to the information developed by the hearings I chaired in the Subcommittee on Employment, Manpower, and Poverty of the Committee on Labor and Public Welfare.

These hearings were the result of discussions I had with the distinguished Senator from Georgia [Mr. RUSSELL] and the distinguished Senator from Pennsylvania [Mr. CLARK], in which we all agreed that in this year of intensive review of the Selective Service System it would be advisable to have hearings on the nonmilitary aspects of the Selective Service System, as well as on the military aspects. The 7 days of hearings before the Subcommittee on Employment, Manpower, and Poverty were the result.

It was my privilege to present a summary of the findings of these hearings to the Committee on Armed Services, and it is this summary which I would like to have printed in the RECORD at this point.

It would, in addition, be helpful to Senators, I think, to have before them the text of Senate Concurrent Resolution 12, which I introduced on February 23, and to which I have referred already today.

I thank the Senator from Oregon [Mr. HATFIELD] for yielding to me.

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

STATEMENT BY SENATOR EDWARD M. KENNEDY TO THE SENATE COMMITTEE ON ARMED SERVICES

Mr. Chairman, it is a distinct pleasure for me to present to you and the distinguished members of the Armed Services Committee a summary report on the hearings I recently chaired in the Subcommittee on Employment, Manpower and Poverty. These hearings, conducted during the weeks of March 20th and April 3rd, were concerned with the manpower, poverty, employment and educational implications of the Selective Service System, and ways in which the System could be improved this year.

When we discussed the possibility of these hearings on the floor of the Senate in February, you made very clear your belief that they would be beneficial to the deliberations of the Armed Services Committee as it considered legislation to extend the Selective Service Act. As you observed then, "the draft is one of the most difficult problems which confronts not only the Armed Services Committee but also Congress as a whole."

I shared that view then, and now, after our seven days of hearings and the testimony of nineteen witnesses, I hold it even more strongly. The draft touches the life of every young man in this country, and it touches him at a time when he is making the educational, career and family decisions which will largely determine his future. We cannot permit our system of military conscription to continue as a haphazard collection of outdated policies; for that system works against the opportunities our young men should have to develop themselves to their fullest potential. In a word, the hearings in the Labor Committee convinced me of the pressing need to give greater attention to the nonmilitary implications of the structure and policies of our system of military conscription than we have in the past, a conviction I know we share.

No one would seriously question the statement in Section 1 of the Universal Military Training and Service Act "that an adequate armed strength must be achieved and maintained to insure the security of this nation." There is no doubt that the needs of national defense must be the overriding consideration in designing any military conscription system. But national defense should not be the only consideration. If, for example, we are considering a number of different draft systems, all of which would satisfy the manpower requirements of the military, then it is imperative that in deciding which of the systems to adopt we consider the effects of that system on other important national goals—the education of our youth, the efficient use of manpower, and full employment.

Because these non-military elements of our draft laws were the focus of our hearings in the Subcommittee on Employment, Manpower and Poverty, my testimony today will concentrate more heavily on these elements of the draft. And this concentration is entirely appropriate, I think, in the light of the statement yesterday by General Mark W. Clark that his Panel directed its attention to the role played by the draft "in the procurement of military personnel." With General Clark's Panel's concentration on the military aspects of the draft, and our Subcommittee's concentration on the manpower, employment, poverty and educational implications of the draft, I think this Committee will have the benefits of a balanced presentation.

These two presentations are offered of course in addition to the broad-gauged inquiry of the National Advisory Commission on Selective Service, headed by Mr. Burke Marshall. This inquiry, under the authority of Executive Order 11289, was charged with conducting a thorough review of "the laws by which government calls its citizens to serve, . . . not only in the light of military needs but also with a view to other national, community and individual needs." I think we can all agree, whether or not we concur with each and every recommendation of the Marshall Commission, that the Commission Report is a masterful document, reflecting careful analysis of the problems and thoughtful resolution of them. The nation, in my judgment, owes Mr. Marshall, the members of the Commission, and its staff a debt of gratitude.

Mr. Chairman, I have long been urging specific reforms in our draft laws. I agree with the Clark Panel's conclusion that "the major discontents (with the present system) are, in fact, with the operation and administration of the law and policies relating thereto rather than with the law *per se*." And re the reasons for these discontents were well and succintly stated by the Marshall Commission: "Sweeping changes have come into our society since the system for selecting men for induction into the Armed Forces was established a quarter of a century ago . . . The United States has outgrown its Selective Service System."

Within the framework of the various recommendations for changes in the operation and administration of the law, and in the related policies, there is an astonishing range of agreement.

An example of the agreement lies in a area of deep concern to this Committee—the effectiveness of our armed forces. Mr. Thomas D. Morris, Assistant Secretary of Defense for Manpower, quoted to our Subcommittee from a recent statement of General Earl Wheeler, the Chairman of the Joint Chiefs of Staff. In it, General Wheeler made the point that younger recruits make better soldiers than older ones. "The younger ones are eager," General Wheeler said, "they are sturdy, they learn quickly," while the older men "are not as eager and not as willing to understand the military service." In this statement, General Wheeler seconded previous, similar statements by such distinguished military figures as General Omar Bradley and Admiral Forrest Sherman.

Not a single witness who appeared before our Subcommittee differed with this judgment of our military leaders. There seemed to be two general reasons cited by our witnesses for reversing the order of call and drafting the youngest first, starting at age 19.

First, it would eliminate uncertainty. The uncertainty about when and whether a young man will be drafted has long been a subject of considerable concern. From the date a young man registers until the age when he is likely to be inducted, he is unsure of his future. The average draft age has gone as high as 23 years and 7 months. Secretary of Labor Willard Wirtz testified that between registration and induction many young men face problems "because of many employers' reluctance or even refusal to hire them." And a Defense Department study showed that, in 1964, 48 per cent of employers placed restrictions on hiring draft-eligible college graduates. Needless to say, private activities beyond employment are also disrupted for these young men.

Second, it would decrease the number of deferments for occupation, education and dependency. At age 24, for instance, 27 per cent of all registrants have an occupational or dependency deferment. It should be apparent that drafting the youngest first would eliminate one of the serious strains on our draft system. There are, for example, over 3.5 million draft-eligible men with dependency deferments, and another 250,000 with occupational deferments.

This testimony, in short, backed up the recommendations of the Marshall Commission, the Clark Panel, and the President's Message. The feeling that the youngest should be drafted first seems to be unanimous.

The next two major areas of reform are wound tightly together: deferments and method of selection of draftees. I would like to discuss the method of selection first.

Of those who testified on this subject, all favored doing away with the present date-of-birth sequence selection system and instead adopting some form of random selection or lottery system. I am aware that yesterday General Clark made clear his opposition, and that of his Panel, to random selection. I regret that he declined to testify before our Subcommittee, because we had hoped to have him explain his thinking to us as well.

The testimony in favor of random selection was based on a number of different reasons, ranging from the inherent equality of a lottery, to frustration at being unable to select the few to serve from among the many eligible, to a concern for the mechanics of selecting from within a given age class by date-of-birth sequence.

General Lewis B. Hershey, since 1941, Director of the Selective Service System or its predecessors, told us: "I think random choice may satisfy better than what we have been doing, the choosing of those who will not have to serve."

Assistant Secretary Morris testified that, in the near future, even if we continue undergraduate—and I emphasize undergraduate—deferments, "about 1,300,000 19-year-old men will be qualified and available for service each year . . . . Our estimated military requirements for new men might amount to about 680,000 per year in a typical post-Vietnam year, or slightly over one-half of the total qualified age group . . . . We can expect to obtain about 570,000 of these men from voluntary enlistment and officer programs. Our estimated requirements for inductees would, therefore, total about 110,000 per year." These 110,000 draftees would be drawn from the residual pool of draft-eligible nonvolunteers, which would number about 730,000. *Thus we would have to draft only one man out of the seven available.*

Mr. Morris then detailed the various selection systems that had been considered, concluding that "the method that would most approach equity would be to establish a Fair and Impartial Random (FAIR) system of selection to determine the order of call for all equally eligible men." Moreover, he added that he foresaw no difficulty in instituting a random selection system rapidly, seconding the judgment of General Hershey.

The Secretary of Labor favored random selection because it would be "as fair to the sons of economically and politically weaker parents as to the sons of parents with more immediate influence." On this argument—that a random selection system would operate with absolute fairness—there can be little argument.

I would like to point out to the members of this Committee, at this point, that the random selection system faced repeated scrutiny in our Subcommittee. We asked all the witnesses what, in their view, was the most fair and easily operated selection system. The answer, in each case, was a system based on random selection.

The Subcommittee also considered the question of deferments, which is an overriding concern in planning our national defense needs. It is in this troubled area that our Subcommittee made what I consider its most fruitful discoveries.

In the area of those deferments based on manpower needs, for example, the testimony of Secretary Wirtz was highly interesting. He told us that "There is no justification under present circumstances, and especially in view of the prospective shift to a 19-year-old group induction priority, for 'occupational deferments . . .' There is nothing in the civilian manpower needs of the economy which warrants any consideration in determining who shall assume the military service obligation." I questioned Secretary Wirtz closely about our need for engineers, mathematicians, physicists, and other persons in similar fields. He was very firm in his belief that "the supply of those absolutely invaluable talents will not be interfered with in a significant way by the induction of the 19-year-old group." Part of the Secretary's reasoning is based on the fact that only two-tenths of one percent of 19-year-olds have an occupational deferment, and that the entire elimination of the deferment will in no way disrupt the supply of highly trained specialists.

Secretary Wirtz was, however, clear on the point that there are "skill shortages today in some key occupations." But the Secretary went on to argue that, in terms of drafting 19-year-olds first, "these are all situations in which there is somebody who can be trained for them," and that consequently the fact of the skill shortages should be no determinant in who gets drafted and who does not. The draft choice should be made, and then the men not drafted should be trained.

We must not forget, in the terms of the highly advanced technology of our military, that many men receive training while in the military service which is directly compatible to these skill shortages—such as in electronic circuitry. The members of our Subcommittee found Secretary Wirtz very persuasive, since his knowledge of the manpower needs of our country is perhaps unequalled.

Another very troublesome area when we consider deferments is education. We found a near agreement that graduate school deferments should be eliminated, except for doctors and dentists. The reasons for continuing graduate deferments for doctors and dentists is simply that doctors and dentists are the subject of an entirely separate conscription system, and that they should consequently be permitted to finish their educations and then be subject to the draft. This would ensure an adequate supply of trained health professionals to meet the needs of the nation, both civilian and military; it would not subject doctors and dentists to a double eligibility; and it is not an unfair use of the educational deferment to escape military service entirely.

Other than the educational postponement from draft eligibility for doctors and dentists, however, there was no support at all in the hearings for continuing the graduate school deferments.

On the subject of undergraduate deferments, however, we had some marked differences of opinion.

Mr. William Gorham, Assistant Secretary of the Department of Health, Education and Welfare for Program Coordination, stated that he didn't particularly favor either undergraduate or graduate student deferments. Yet he qualified this statement by saying that once the graduate deferment loophole is tightened, "college deferment is no longer tantamount to evasion from service." Further, he said that studies made both by the Defense Department and by the Department of Health, Education and Welfare could find "no evidence that breaking the (educational) career at mid-point would discourage continuation; so from a long-term point of view, ending college deferments would not necessarily have important implications one way or the other for the trained manpower which our educational system produces." It is apparent in fact that many young men are actually induced to serve in the military before going on to college because on their discharge they are eligible for the broad benefits of the Cold War GI Bill. Finally, Mr. Gorham said that he could find little basis for college deferments other than public sentiment.

Mr. Burke Marshall presented very ably both the majority and minority views on college deferments reflected within his Commission. I see no need to elaborate on his able presentation.

Mr. Harold Howe, the U.S. Commissioner of Education, told us that "from the point of view of HEW and the Administration, we want to keep this matter (of college deferments) open . . . With that reservation, and with the feeling that we have a lot to learn from the results of these hearings and other evidence that will be brought to the matter, I would personally feel that undergraduate deferments are no longer justified." I and the other members of our Subcommittee went into this matter at great length with Commissioner Howe, and I am now well satisfied that no valid reasons, based upon educational needs, exist for continuing college deferments.

We heard one day of testimony from a panel of editors of student newspapers, and there was a division of opinion among them over whether or not the college deferment should be continued. It was apparent that their testimony reflected the division on our campuses, and I would like to call witness to the president of the student body at the University of Oregon, Mr. Henry Drummonds, who left college last month, giving up his 2-S deferment and subjecting himself to the draft. He has already received his notice of induction. He left college, he says, because of his belief that college deferments are unfair in times of conflicts such as that in Vietnam. This voluntary surrender of a 2-S deferment is not, I am sure, a typical reaction of students to college deferments, but it highlights the very strong feelings our young men have about the equities of college deferments.

This strong feeling among students about deferments is greatly stengthened during conflicts such as Vietnam, when some young men are giving up their lives in combat yet no war or emergency is declared. I have visited many campuses in recent months, and the hostility to fighting in an undeclared war is, among some students, overt. I do not think this overt hostility is a matter of lack of courage or of lack of faith in our government, as some have suggested. I think, rather, that college deferments during a shooting war have caused what Yale University President Kingman Brewster has called "a cynical avoidance of service, a corruption of the aims of education and a tarnishing of the national spirit."

This cynicism toward the draft among our students has been a great concern to me, and it has given a certain credence to one particular argument against continuing college deferments in times of a shooting war.

This is the so-called "timing argument." If a man can choose whether to go to college or to subject himself to the draft, then he can, during a Vietnam situation, choose whether he will bear the risks of defending his country in a shooting war. Thus, a young man with the money and brains to attend college could, today, decide to enter college and take the chance that four years from now we would not be committed in Southeast Asia, or anywhere else, to the extent that we are now. A young man without the brains or money, or both, cannot get a 2-S deferment, of which there are now over 2 million. This young man without the 2-S deferment goes into the military and, perhaps, to Vietnam. If there were no college deferments, then the disadvantaged young man would not be subjected to this situation.

It is no good to say, as some have, that the young man who chose to go to college four years ago, instead of subjecting himself at that time to the draft, is now facing an entirely different military situation than he was four years ago. Now he might go to Vietnam, whereas had he gone into the service four years ago, he would have gone into the peacetime army. The point is this: if a man can choose now whether or not to go to college, he is certain to avoid serving in the military for the next four years. In this he has an unfair advantage over the young man who does not have that choice.

A number of us on our Subcommittee, as well as a number of our witnesses, tried to work out some way to permit four-year college deferments in peacetime, when the draft calls are quite low and the risks of death in the service small, but to discontinue them during periods of hostility such as Vietnam, when calls are high and the risks of death in combat something to be reckoned with. I noticed in General Clark's testimony yesterday a similar expression of concern, when he asked that some way be found to share the risks of the Vietnam war more equally between reservists and inductees. Mr. Morris told us that 47 per cent of the Army personnel in Vietnam are inductees, while the reservists, trained to be soldiers and paid to be soldiers, were not taking part in the Vietnam conflict.

We in our Subcommittee, as well as our witnesses, were not able to develop an appropriate triggering device for determining when a peacetime situation becomes a wartime situation, for the purposes of the draft. I don't, for example, think there is any question that we are now in a wartime situation. Yet we in the Congress have neither declared war nor has the President declared a a national emergency. Perhaps there should be some mechanism whereby, assuming we permit college deferments for up to four years in peacetime, these deferments can be discontinued when we become engaged in a war in which thousands of our young men are being killed and tens of thousands wounded. I do not think that we should permit one boy the luxury of avoiding the risks of the Vietnam war by going to college while we send another off to do battle with the Viet Cong. I am certain, though, that the members of the Armed Services Committee have thought about the problem of developing a suitable triggering device, and I hope to discuss it at the conclusion of my testimony.

To sum up, on the matter of college deferments: the overwhelming weight of the testimony to our Subcommitee was on the side of eliminating them entirely for those boys who were selected as draftees at age 19, unless some triggering mechanism could be developed to prevent the inequity of a young man avoiding a shooting war by electing to go to college.

If such a triggering mechanism is developed and college deferments consequently continued, or if college deferments are continued irrespective of the basic unfairness of permitting a young man to choose his way out of a shooting war, then our Subcommittee uncovered a very disturbing situation in the area of vocational and apprenticeship training and part-time attendance at college. And this unfairness exists today under our present system.

Secretary Wirtz first raised this issue for our consideration, and we subsequently aired it with all of the rest of our witnesses because of its importance. I would like at this point to quote from Secretary Wirtz's testimony, because he was very specific and eloquent on it. "If," the Secretary said, "there is to be continued deferment of college students, on the ground that a general education is important enough to warrant it, the question will be pressed more and more strongly of why and whether there should be any different treatment of young men who are in occupational training programs.

"My own answer is that there cannot justifiably be any such distinction made. It would be hard to prove, and it hasn't been proved so far, that there is a larger value—either to the public or to the individual involved—in letting Bob finish college than in letting Jim complete his apprenticeship as a carpenter or letting John work his way up the unskilled steps toward a skilled job as a punch press operator.

"In fact, the last two may be more likely to get thrown off stride by a two year interruption than the college student would be.

"Without arguing either for or against 'student deferments' I urge that the answer must be the same for the boys who are getting their training in college and for those who are getting it in a school of harder knocks.

"This point has been increasingly recognized in the case of young men who are in private apprenticeship programs. But that . . . still leaves out those who are in different kinds of employment where the 'training' is on unskilled or low-skilled jobs that offer advance to the next higher work classification, and then the next, and so forth."

Mr. Chairman, it is my opinion that Secretary Wirtz has given us a very important insight in a serious fault in our present draft system. We now give deferments to students: high school students, college students and graduate students. But only in a very, very limited fashion do we give deferments for students in occupational training. We have used the argument of the security and welfare of the nation for the judgement to defer college students, yet we give no deferments to the young man learning the skills he must have to become a productive participant in our economic system.

A further point brought out by Secretary Wirtz relating to occupation deferments is that "of the current 250,000 registrants classified by the local boards as 2–A (occupational deferment), half are neither in essential activities as certified by the Secretary of Commerce nor in critical occupations as certified by the Secretary of Labor." The Secretary gave us some examples of those occupations listed as critical: Glass blowers and structural linguists, among others, were on the list. He also gave us some idea of the applications for new occupational deferments, which included pretzel bakers and pipe organ makers. The Secretary noted that these applications had been turned down.

We have, at the present time, no information about the occupations or activities of the 125,000 registrants now deferred whose jobs are not on either the Labor Department's critical occupations list or the Commerce Department's essential activities list. But we are looking into the matter.

On one day of our hearings, we heard from a panel of three young men in apprenticeship training. One, an apprentice carpenter, was drafted out of his apprenticeship training, after one year, and spent two years in the Army as a missile technician stationed in Germany. He is now back completing his apprenticeship as a carpenter. His experience demonstrates the unfairness of a system which would defer a 19-year-old student of 14th century baroque music, but draft a 19-year-old student of carpentry. Both young men are students and both are acquiring the knowledge and the skills they will need to participate in our diverse marketplace economy.

In addition to the problem of those in occupational training, there is the problem of part-time students. I have received since our hearings began considerable mail on specific cases of unfairness in the administration of our present draft system. One letter came from a young man who had been a part-time engineering student while holding a full-time job. He had been working to support himself. When he reached the senior class, after six years, he received his induction notice, and after basic military training he was sent to Vietnam. He described the case of students who, because they were lacking credits, had also spent six years in college but were not drafted because they were full-time students. Something is wrong with a system which drafts a young man working his way through school and carrying only a part-time case load but skips over the young man who can afford to be a full-time student.

We did not, in this troubled area, reach any conclusion except that gross unfairness now plagues our policies governing apprentices and part-time students. In Secretary Wirtz's words, "There is a very real danger here of denying democracy's basic ideals by putting boys in double jeopardy because they are poor."

The final area of particular concern to our Subcommittee involves those rejected by the military as unfit for military duty.

In 1963 President Kennedy established the task force on Manpower Conservation, which made its report on January 1, 1964. It was entitled one-third of a nation, the one third in the title being those who of all men who turn 19 every year, are found unfit for military service. The letter transmitting the report to President Kennedy said: "This level of failure stands as a symbol of the unfinished business of the nation, an unavoidable fact of the present. There could be no more urgent task than to ensure that in our time it becomes a thing of the past."

Mr. Chairman, the testimony to our Subcommittee indicates that this shocking situation is still with us today. In fiscal year 1966 nearly three-quarters of a million men were rejected—half for educational deficiencies, and half for health reasons. I will not dwell here on the information we received on the income and racial breakdowns of the rejectees, except for one example and a generalization. Seventy-six and one half percent of all Negro registrants in South Carolina are rejected as unqualified for military duty. And, to generalize, the correlation between a profile of rejectees and of those classified as poverty-stricken is very close.

The reason I do not want to dwell extensively on this aspect of our hearings is that the program of economic opportunity designed to raise the one-third of a nation out of their hopelessness are properly the concerns of the Labor Committee, except for one particular area of joint concern.

If we want to increase the extent of voluntarism in our armed forces, then one way of doing it is to focus some of our attention on those who volunteer and are rejected. It is estimated that from one third to one half of those presently rejected every year, or from 230,000 to 350,000 young men a year, were volunteers for military duty. Their rejection has at least two effects. First, it means we must draft men to fill the places they would have occupied in the military if qualified and accepted. Second, it means, in the words of a witness who has worked extensively with rejectees, that since "the Army is the last chance for many of them, if they are rejected from the Army, they have nothing left, and this leads to difficulty. They roam the streets. They get in a group, something develops, and the next thing you know they are in the courts. On the other hand, those who have served, maybe in Vietnam, are very proud of their service. Many want to go back and serve in Vietnam for their nation."

Every witness in our hearings who spoke to this point spoke of the importance of training and treating those rejectees with deficiencies easily correctable. Secretary Wirtz went so far as to recommend compulsory rehabilitation, on analogy to compulsory education. Sargent Shriver recommended screening all young men—and women—at age 16 to identify their educational and health deficiencies, and to offer assistance. Commissioner Howe recommended an expansion of the referral service which presently exists for some of the rejectees. Mr. Morris recommended an expansion of Project 100,000, the program under which the Department of Defense is this year giving military training to 40,000 young men who missed qualifying by a very small margin. It is important to note that these men are not being given the intensive, special training envisioned by the step program, which was not funded, but are put through the regular basic training courses along with those not in Project 100,000. The preliminary results have been highly satisfactory, according to Mr. Morris, particularly from the standpoint of the military, because of the high military motivation of this group.

Another recent development in this area was the recommendation of the Republican members of the House Education and Labor Committee that Military Career Centers be established under the auspices of the Secretary of Defense for the rehabilitation of volunteers who are otherwise unable to meet the requirements for military service.

We found this area of medical and educational rehabilitation of rejectees to be an area of high activity in the military, in the Administration, in the Congress, and in universities. I am very certain that it will be given a great deal of consideration, both in this Committee and in the Labor Committee, and I think the net result will be a better military establishment, a higher degree of public satisfaction with the draft, and a marked improvement in the lives of those young men exposed to the advantages of military service.

There remain two major areas of concern on which we heard testimony.

The first relates to the volunteer army. Professor Milton Friedman of the University of Chicago, a leading advocate of the volunteer army, was our primary witness on this subject, and he presented his case well. But there remain a number of troublesome, unresolved problems. The first is cost. The Department of Defense has estimated the additional cost of maintaining a volunteer army at from $4 to $17 billion a year. This is quite a range, and the members of our Subcommittee did not feel competent to make any judgments as to the validity of these costs. It was Professor Friedman's view that these figures were not correct, and that a volunteer army might even be less costly.

The second problem is one to which General Clark spoke eloquently yesterday. This

involves what he called the "serious moral and psychological" problems of the volunteer army. He pointed out that the direct citizen participation in the military provides a "bridge of participation and identification" between military and civilian, and that an erosion of this bridge by reliance upon an army of professionals would have serious and unforeseeable consequences.

It seems to me, from our testimony, that we should attempt to increase the opportunities for volunteers to serve in the military, but that we should not move toward adopting a strictly volunteer army without considerably more serious study of the problems surrounding it.

National service is the last of the major areas of concern we touched upon in our hearings. The Executive Director of the National Service Secretariat, Mr. Donald J. Eberly, commented upon the various proposals for development of national service alternatives to military service. It was clear, from his testimony and from that of our other witnesses, that much thinking remains to be done before we can consider equating non-military service with military service, either directly or by some other means of determining equivalency.

In closing, Mr. Chairman, I want to comment briefly upon S. Con. Res. 12, which I introduced on February 23, and which was referred to the Committee on Armed Services. This resolution would declare it the sense of Congress that the President should effect certain changes in the administration of the Universal Military Training and Service Act. These changes, in brief, are:

(a) to establish national criteria for the classification of persons registered under the Act, and to require such criteria to be administered uniformly throughout the United States;

(b) to require that the order of induction of persons under the Act be determined on the basis of random selection, and that the method of such random selection be the same throughout the United States.

(c) to eliminate all deferments authorized by regulation except deferments for extreme hardship cases and deferments for students pursuing undergraduate work in colleges and universities, with the proviso that such student deferments should not last longer than four academic years;

(d) to require that youngest registrants be inducted first; and

(e) to continue to revise the physical and mental standards for military service so that persons who do not meet the physical and mental standards necessary for combat service may be inducted and, with remedial training and treatment, be made fit to perform noncombat or limited service, or, in appropriate circumstances, combat duty.

My rationale for submitting a Concurrent Resolution, instead of a bill, is my belief that the President, as Commander-in-Chief, should have a high degree of flexibility in the administration of the Universal Military Training and Service Act. That Act, as General Clark pointed out, has an inherent flexibility which is readily adaptable to our changing demands for military manpower, and it has consistently provided the "manpower essential to the security of the nation." I do not think we should in any way attempt to restrict the President's authority to operate the Selective Service System with a high degree of flexibility, particularly at this time when the President is moving to institute many of the reforms urged both by witnesses to our Subcommittee and to your Committee.

But the Universal Military Training and Service Act, as it now stands, does not give the President any policy guidance in the five crucial areas of draft reform listed in S. Con. Res. 12. And that is the reason for S. Con. Res. 12: to give the President an explicit statement of Congressional policy in how he should operate the Selective Service System. The actual operating details would be left to Executive Order and administrative regulation.

Mr. Chairman, I ask that the text of S. Con. Res. 12 be printed in the record at the conclusion of my testimony.

In sum, Mr. Chairman, I believe the Universal Military Training and Service Act should be extended before the induction authority which is its operative section expires this June. But I think we in the Congress have a responsibility to indicate to the President our feelings on what general form the badly-needed reforms in our draft system should take. The calls for reform are persistent, they are wide-spread, and they are specific. And they are persistent, wide-spread and specific because they are needed. I am very honored to have been able to present to this distinguished Committee a summary report on the hearings on the employment, manpower, poverty implications of the draft which it was my privilege to chair. The information we have developed is provocative, and I am certain that it will prove highly useful in this Committee's deliberations.

Draft reform is, Mr. Chairman, as you said, a most difficult issue. It fully deserves the intensive consideration being given it by your Committee and by the Congress. Our overriding concern must be provision for the continued strong defense of this country. But we must at the same time be fair to our young men, as they are the source of strength in our future. It is in this context that I will be happy to answer your questions.

S. CON. RES. 12

Whereas the lack of uniform national standards in the administration of the Universal Military Training and Service Act, as amended, has caused an unequal distribution of the burdens of military service among the residents of the several States and of different districts within the States;

Whereas the expansion of the pool of men eligible for induction into military service has made finding rational and fair policy distinctions for inducting some and deferring others increasingly more difficult;

Whereas the existing system of granting liberal deferments, authorized by regulations issued under the provisions of said Act, has caused an unequal distribution of the burdens of military service among men of different educational and family backgrounds and of different physical and mental capabilities;

Whereas the policy of drafting the oldest eligible registrants before the eligible youngest registrants has worked to cause uncertainty and unpredictability detrimental to career planning, job opportunities, and development of family life;

Whereas the present physical and mental standards for military service preclude limited or noncombat military service for many men anxious to serve their country, which service would permit them to lead more productive lives; and

Whereas the authority granted to the President by said Act to issue regulations governing the administration of said Act permits him to change certain aspects of its administration to make it more fair, equitable, and just: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is hereby declared to be the sense of the Congress that in the administration of the Universal Military Training and Service Act, as amended, the President should exercise the authority vested in him by law to effect, as soon as practicable, the following changes in the administration of said Act—

(a) Establish national criteria for the classification of persons registered under said Act and require such criteria to be administered uniformly throughout the United States;

(b) Require that the induction of persons under such Act be carried out on the basis of random selection and that the method of such selection be the same throughout the United States;

(c) Eliminate all deferments authorized by regulation except deferments for extreme hardship cases and deferments for students pursuing undergraduate work in colleges and universities: *Provided*, That such student deferments should not last longer than four academic years;

(d) Require that youngest registrants be inducted first; and

(e) Revise the physical and mental standards for military service so that persons who do not meet the physical and mental standards necessary for combat service may be inducted to perform noncombat or limited service.

SEC. 2. It is further declared to be the sense of the Congress that the student deferments specified in subsection (c) of section 1 of this resolution should be effective during all periods except a period of war hereafter declared by the Congress or a period of national emergency hereafter declared by the President.

Mr. YOUNG of Ohio. Mr. President——

The PRESIDING OFFICER. Does the junior Senator from Oregon yield to the Senator from Ohio?

Mr. HATFIELD. I yield.

Mr. YOUNG of Ohio. Mr. President, I withdraw my amendment for the time being. I intend to ask that it be considered again tomorrow. I thank the Senator from Oregon, who has the floor, for yielding to me.

The PRESIDING OFFICER. The amendment of the Senator from Ohio is withdrawn.

The Chair recognizes the junior Senator from Oregon.

Mr. HATFIELD. Mr. President, I call up my first amendment, and ask that it be reported.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 3, between lines 2 and 3, insert the following:

"(2) Subsection 1(c) (50 App. U.S.C. 451 (c)) is amended to read as follows:

"'(c) The Congress further declares that its power to raise and support armies to insure the security of the Nation includes authority for the establishment of a military manpower procurement system based on involuntary inductions; but—

"'(1) that the exercise of such authority necessarily constitutes an invasion of the liberties of America's young men;

"'(2) that, accordingly, such authority should be exercised only when the Nation's defense commitments are so extensive, and the resources available for meeting those commitments so limited by comparison, that reliance on a wholly voluntary military manpower system is not reasonably attainable;

"'(3) that whenever a military manpower system based on involuntary inductions is in operation, it should be designed so that the obligations and privileges of serving in the Armed Forces and the reserve components thereof may be shared generally, in accordance with a system of selection which is fair and just, and which is consistent with the maintenance of an effective national economy;

"'(4) that whenever such military manpower system is in operation, Congress has the responsibility for the frequent and impartial reassessment of the considerations justifying its use; and

"'(5) whenever such reassessment reveals that a system of involuntary inductions can be replaced by a system based on the free

choice of individuals at an overall cost the Nation can reasonably afford, Congress should act to facilitate the prompt termination of involuntary inductions and a transition to an effective voluntary system for the procurement of military manpower.' "

Redesignate paragraphs (2), (3), (4), and (5) of the first section of the bill as paragraphs (3), (4), (5), and (6), respectively.

Mr. HATFIELD. Mr. President, I should like to make an inquiry of the majority leader. Does the leadership plan to adjourn now, at this point, or what is the plan?

Mr. BYRD of West Virginia. Mr. President, it is the plan to recess until 12 o'clock noon tomorrow, but it is my understanding that the distinguished Senator from Illinois [Mr. PERCY] wishes the Senator from Oregon to yield to him briefly for a comment at this time.

Mr. PERCY. No, I will withhold that until tomorrow.

RECESS

Mr. BYRD of West Virginia. Mr. President, if there is no further business to come before the Senate, I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 41 minutes p.m.) the Senate took a recess until tomorrow, Thursday, May 11, 1967, at 12 o'clock meridan.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 10, 1967:

DEPARTMENT OF STATE

Robert H. McBride, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of the Congo.

AGENCY FOR INTERNATIONAL DEVELOPMENT

R. Peter Straus, of New York, to be an Assistant Administrator of the Agency for International Development.

IN THE ARMY

The following-named officers, under the provisions of title 10, United States Code, section 3066, to be assigned to positions of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant generals

Maj. Gen. William Bradford Rosson, O23556, Army of the United States (colonel, U.S. Army).

Maj. Gen. Harry Herndon Critz, O19786, U.S. Army.

Maj. Gen. Frederick Carlton Weyand, O33736, Army of the United States (colonel, U.S. Army).

Maj. Gen. Albert Ollie Connor, O20699, U.S. Army.

Maj. Gen. Robert Howard York, O21341, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Harry William Osborn Kinnard, O21990, Army of the United States (brigadier general, U.S. Army).

IN THE AIR FORCE

The nominations beginning William D. Abraham, to be second lieutenant, and ending Thomas A. Stevenson, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 28, 1967 (6AF).

IN THE ARMY

The nominations beginning William M. Gares, Jr., to be first lieutenant, and ending Robert W. Worthing, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 1, 1967 (6A).

HOUSE OF REPRESENTATIVES

WEDNESDAY, MAY 10, 1967

The House met at 12 o'clock noon.

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

O give thanks unto the Lord; for He is good: for His mercy endureth forever.—Psalm 106: 1.

O God of truth and love, who art worthy of a nobler praise than our lips can utter, and worthy of a greater love than our hearts can offer, in Thy presence we bow this moment as into Thy hands we commit our lives.

May the thoughts in our minds become channels for Thy goodness, may the noble dreams in our hearts find their fulfillment in Thee and may the work of our hands be honest and true. Together may we build a greater Nation and a better world upon the foundations of the faith of our fathers and our faith in the possibility of a new day.

Open our eyes to the manifestations of Thy spirit in our world. Give us courage in weakness, steady us when we would fall, enlarge our sympathies that we may become brothers to all the sons of men. Make us a people grateful for our privileges, faithful in our stewardship, and sensitive to the need of our countrymen. In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed, with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 6950. An act to restore the investment credit and the allowance of accelerated depreciation in the case of certain real property.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 6950) entitled "An act to restore the investment credit and the allowance of accelerated depreciation in the case of certain real property," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LONG of Louisiana, Mr. SMATHERS, Mr. ANDERSON, Mr. GORE, Mr. WILLIAMS of Delaware, and Mr. CARLSON to be the conferees on the part of the Senate.

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

S. 223. An act to authorize the disposal of the Government-owned long-lines communication facilities in the State of Alaska, and for other purposes;

S. 449. An act to provide for the popular election of the Governor of Guam, and for other purposes;

S. 477. An act for the relief of the widow of Albert M. Pepoon;

S. 645. An act to provide needed additional means for the residents of rural America to achieve equality of opportunity by authorizing the making of grants for comprehensive planning for public services and development in community development districts approved by the Secretary of Agriculture;

S. 1136. An act to amend section 9 of the Act of May 22, 1928 (45 Stat. 702), as amended and supplemented (16 U.S.C. 581h), relating to surveys of timber and other forest resources of the United States, and for other purposes;

S. 1190. An act to amend title 5, United States Code, to provide for the inclusion of certain periods of reemployment of annuitants for the purpose of computing annuities of surviving spouses; and

S. 1320. An act to provide for the acquisition of career status by certain temporary employees of the Federal Government, and for other purposes.

The message also announced that the Vice President, pursuant to Public Law 86–42, appointed Mr. STENNIS to attend the 10th Canada-United States Interparliamentary Conference to be held in Ottawa, Canada, May 10 to 14, 1967.

THE PRESIDENT'S BURDEN OF UNFAIR CRITICISM

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

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BOGGS. Mr. Speaker, I want to commend President Johnson for the dignity with which he has faced outrageous and hateful abuse from the critics of his Vietnam policies.

I daresay that no American President—including F.D.R. and perhaps even Lincoln—has been so vilified by his critics as has President Johnson.

The President, I believe, can take comfort in the fact that the worst invectives have traditionally been reserved for our greatest Presidents—leaders who topple the status quo or who pursue goals with the courage of their convictions, in spite of enormous counterpressures.

This administration is doing what it believes to be right, both at home and abroad. And I want the record to show that there has been no suppression of individual rights, no pressure brought to bear to curb freedom of speech, no obstacle put in the way of anyone desiring to speak their mind on Vietnam or anything else.

Free speech—no matter how irresponsible—has never been as unrestricted or as uninhibited as it is today.

Those who doubt this statement are cordially invited to read some of the signs held by pickets in front of the White House. Or, perhaps, they might want to attend the off-Broadway production of "MacBird."

I relish the freedom that our society provides for those wishing to dissent from Government policy. But I strongly de-

plore the abuse of this freedom demonstrated by those who savagely attack Mr. Johnson's patriotism, integrity, and honor.

The right to speak out does not necessarily include the right to be taken seriously. That right must be earned. Our Nation is involved in great issues of war and peace that demand the best from us, the most reasonable judgments and the most careful thought.

In this regard, I wish that the President's scattergun critics would emulate the man they are attacking.

Editorial reaction against vilification of our President has been most heartening. I think it is obvious that the overwhelming majority of the American people are fed up with the irresponsible tactics of a minority of dissenters. I include at this point in the RECORD a representative sampling of these editorials:

[From the Wyoming Eagle, Apr. 27, 1967]

THE RIGHT TO PROTEST

The right of dissent is inherent in our democratic form of government. Everyone has the right to his own opinion—and the right to express it.

It must be recognized always, that there are two sides to every controversial question.

The Constitution of the United States also guarantees the right of people "peaceably to assemble, and to petition the government for a redress of grievances"—the right of peaceable protest, if you will.

We, and most other Americans, most certainly would defend those rights.

But we believe some of the recent demonstrations, in protest against our role in the Vietnam war, have gone far beyond the limits of decent dissent—even in this freest of free nations.

Pulitzer prize-winning reporter Merriman Smith, veteran United Press International White House correspondent, said the other day that President Johnson has had to bear "some of the worst vilification—even obscenity—that I've seen or heard" in 25 years of covering the White House.

"At the so-called peace demonstration in New York's Central park the other day," he said, "there were grown men carrying signs which openly and plainly challenged the President's normalcy—mentally and sexually."

Smith expressed dismay at buttons which say "Lee Harvey Oswald, where are you now that we need you" and pamphlets and books which allege that President Johnson engineered the death of President Kennedy.

"This is not enlightened social change, or legitimate dissent or revolution. It is anarchy, born of a highly permissive atmosphere in which freedom, at times, seems to be working against the very things for which freedom supposedly stands," he said.

When the protestors defend their right to protest, we say: "Sure, go ahead. But keep your protests peaceable—within the limits of common sense."

When protestors complain that critics would deny them the right to protest, we say:

"Nuts! Even as you have the right to protest and demonstrate, we have the right, and perhaps the duty, to protest against your actions—particularly when those actions include attempts to keep top American officials from speaking, when those actions include burning the American flag, when those actions lead to rioting in the streets, and when those actions include scurrilous vilification of the President of the United States."

By way of criticizing such actions, we would say they are stupid at best, vicious and un-American at worst.

[From the Dallas Morning News, Apr. 27, 1967]

"FREEDOM" VERSUS FREEDOM

Reporter Merriman Smith of United Press International is the dean of all White House correspondents, a respected member of his profession, a Pulitzer prize-winner and a man who is sick and tired of all the "slimy" abuse heaped on national leaders, the President in particular.

Smith calls it anarchy in an atmosphere "in which freedom, at times, seems to be working against the very things for which freedom supposedly stands."

This may explain why the vulgar and vicious attacks are without parallel in American history; the atmosphere itself is unparalleled.

To Truman, Dewey was the cute little man on the wedding cake. And the fact that Truman came from a state noted for its jackasses was put to good use by his opposition.

Stevenson and Eisenhower were egghead and applehead, respectively, depending on which side was doing the talking. It was "give 'em hell" politics, to be sure, but few of the remarks came without a twinkle and a trace of a smile.

Contrast this with the current button asking, "Lee Harvey Oswald, where are you now?" And with the harangues that paint the President as a murderer of young men, leading the country to be a great purveyor of violence and deceit.

It has an entirely different ring to it—a sick, demented, rotten ring. And, unfortunately, it may be just one symptom among many that the country suffers from acute moral anemia.

Reporter Smith calls the malady an overdose of permissiveness. And he urges the American public to take some responsibility for its own image and stop blaming everything on either Lyndon Johnson or Drew Pearson."

That sense of responsibility can be encouraged by parents in the terms they use in front of their children to describe national leaders, those in positions of authority in general and other fellow citizens.

The treatment should by all means include religious institutions, for here is where the dream of true freedom was born. When Voltaire said, I disapprove of what you say, but "I will defend to the death your right to say it," he was speaking in a larger context—under the canopy of a higher law.

This is the law that counsels, in many languages and variations, Do unto others. . ." The Golden Rule is the only proved preservative for other law.

It is apparent now that massive transfusions of this great law are needed to arrest the cancer of permissive anemia. Or else for true freedom, the disease could be terminal.

[From the Houston Chronicle, Apr. 26, 1967]

CHICAGO TRIBUNE DEPLORES "VILIFICATION" OF JOHNSON

The Chicago Tribune, in its lead editorial, said Tuesday President Johnson "does not deserve the assaults he has been getting from the peaceniks, the 'black power' crowd, the liberal intellectuals, and other assorted fanatics."

The editorial, titled "The Vilification of the President," said, "the recent wave of vicious personal attacks on President Johnson and other government leaders was discussed yesterday by Merriman Smith, the respected White House correspondent for United Press International, at a meeting of editors and publishers in New York.

"He said the President 'these days is the object of some of the worst vilification—even obscenity—that I've seen or heard in more than 25 years on the White House assignment'."

The editorial continued:

"Mr. Smith cited some of the obscene signs carried in the recent 'peace' demonstrations in New York, the signs and songs that President Johnson is deliberately burning Asian babies with napalm, and the pamphlets and other material alleging that President Johnson engineered the death of President Kennedy.

" 'This is not enlightened social change or legitimate dissent or revolution,' said the correspondent. 'It is anarchy, born of a highly permissive atmosphere in this country; a strangely paradoxical, pejorative atmosphere in which freedom, at times, seems to be working against the very things for which freedom supposedly stands'."

"All presidents have been subjected to cruel jokes, unjustified ridicule, and falsification, some of which has been instigated by political opponents. The personal attacks on President Hoover will always be a black mark against the Democrats who made them. But the vilification of President Johnson is not based on political opposition; much of it seems to have no motivation, unless, as Mr. Smith suggests, the purpose is to tear down public confidence in authority at any level. This is the road to anarchy.

"The Tribune shares Mr. Smith's anger and disgust at the personal attacks on the President. As our readers know, this newspaper has vigorously criticized many of his policies, but we recognize the difficulties of his job and the efforts he has been making to do his best. He does not deserve the assaults he has been getting from the peaceniks, the 'black power' crowd, the liberal intellectuals, and other assorted fanatics.

"Mr. Smith noted that the press has a special reason for being concerned about the attacks on government leaders.

" 'Hate and vilification warp judgment just as heat buckles steel beams,' he said. 'If you tear down confidence in established authority, then those in public office blame a lot of this on the newspapers for reporting it. They say we are not doing enough reporting in depth; then when we do burrow beneath the government's bright public face of fresh handouts and self-serving background conferences not for attribution, they yell at us again for distorting their purpose of trying to second-guess Dean Rusk.

" 'So what do we have? An effort to destroy confidence in government plus an effort to pull down confidence in the press. Then, if both efforts are successful, whom do you believe, Dr. Spock?

" 'Mr. Johnson—in fact no president—deserves the indignities being heaped upon him these days in the name of peace or civil rights. Criticism and challenge have their rightful place in our political system, but not the scrawls from restroom walls.'

"Correspondent Smith closed his speech with the following comment:

" 'LBJ is in for much more punishment at the hands of the name-callers unless the squares who raise kids, mow the lawns, and pay their taxes decide to involve themselves by getting off their patios and telling the dirty-mouths to shut the hell up.' "

[From the San Antonio Express, Apr. 30, 1967]

VILIFICATION IS SELF-DEFEATING

The president of the United States is the target of the most vicious attacks in the history of the nation.

We do not refer to those who dissent with his domestic and foreign policies nor those who oppose the war in Southeast Asia per se.

Our form of government is open, and even requires contrary opinions in order to function as intended.

We do refer, however, to a nationwide campaign of slander, whispers, innuendo and vilification in outhouse-wall terms. One hears it on the streets, sees it on lapel pins and bumper stickers, and on picket lines.

Many of the signs, for instance, carried in peace demonstrations in Central Park in New York recently were such obscene attacks on Lyndon Johnson that the wire services would not transmit the photographs.

It is more than an attack on a president and an individual. It is a campaign calculated to undermine the very foundations of the government itself.

Every city has local ordinances that cover public filth. They should be inforced to the fullest. But a greater problem lies in the minds of those who have enjoyed smirks and sniggers at gutter slashes at the most powerful office in the world.

They think they are helping destroy Lyndon Johnson, the man. In truth, however, they are helping erode our form of government. It is immorality in its highest form and is self-defeating.

LBJ, the man, can handle himself; the life of the presidency lies in the hearts and minds of all of us.

THE 19TH ANNIVERSARY OF THE INDEPENDENCE OF ISRAEL

Mr. MULTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. MULTER. Mr. Speaker, I have just been granted unanimous consent to address the House on Monday, May 15, on the 19th anniversary of that little but great State of Israel. I invite all other Members who are interested to join in that special order on Monday next.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE—PERMISSION TO SIT DURING GENERAL DEBATE TODAY

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce be permitted to sit during general debate this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

INFORMATION LAW

Mr. KLEPPE. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. RUMSFELD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. RUMSFELD. Mr. Speaker, on July 4, 1966, Public Law 89-487 was signed into law. Its purpose is to clarify and protect the right of the public to Government information and is to become effective on July 4 of this year. The 1-year delay was provided to permit the agencies ample time to adjust their practices to conform with the requirements of the law. To facilitate the process, the Justice Department has been developing guidelines for the use of the various departments and agencies of Government in complying with the law.

While the guidelines have not been made public yet, there are disturbing rumors that some agencies are resisting the changed requirements. In an article by George Lardner, Jr., appearing in the Washington Post, the Food and Drug Administration's Bureau of Medicine and the Justice Department's Immigration and Naturalization Service are specifically cited. Mr. Lardner's article reflects a concern of members of the press that the nine exemptions the law provides "might be turned into sweeping rigid new excuses for the same old practices."

As a member of the House Committee on Government Operations—the committee which reported the bill—and as one who worked for its passage, I shall follow the implementation of the legislation with the closest scrutiny. Any attempt to rewrite or circumvent the intent of the law by administrative action would be unwise. If the fears reported by Mr. Lardner are realized, I am confident that those responsible will not be lacking in opportunities to explain their acts to the Congress.

The text of the article of May 8, 1967, follows:

U.S. DRAFTS GUIDELINES ON INFORMATION LAW

(By George Lardner, Jr.)

Scores of Government information officers gathered informally at the YWCA last month for a Justice Department briefing on an unprecedented new law intended to end the suppression of Government records on official whim.

Most in the audience had no more than a remote idea of what was in the new "freedom of information" law although it was passed almost a year ago with a delayed effective date to give them time to get used to it. Many were clearly apprehensive at the message that the old excuses for refusing to give out information would no longer wash.

Assistant Attorney General Frank M. Wozencraft, head of the Justice Department's Office of Legal Counsel, told them they had little time left to change their habits. The law goes into effect July 4.

To assist in the transition, Wozencraft—whose predecessor called the bill unconstitutional—has been working on a lengthy set of Government-wide guidelines.

The Administration had opposed the bill's passage, but Wozencraft and his assistants appear to be making a genuine effort to win the bureaucracy's acceptance of the principle that every American has the basic right to examine his Government's records.

Still in preliminary form and subject to further change, the guidelines begin with the notification that on July 4, "every executive agency must begin meeting in spirit as well as practice the obligations of the Public Information Act enacted by Congress last year."

The new law, the memo adds, requires:

"That disclosure be the general rule, not the exception.

"That all individuals have equal rights of access.

"That the burden be on the Government to justify the withholding of a document, not on the person who requests it.

"That individuals improperly denied access to documents have a right to seek injunctive relief in the courts."

IN THE PUBLIC INTEREST

Up to now, the law has permitted Government agencies, from top officials down to office clerks, to withhold any records where secrecy is considered "in the public interest" or required "for good cause." There was no recourse to the courts.

In approving the new law, the Senate Judiciary Committee pointed out that information has often been withheld simply "to cover up embarrassing mistakes or irregularities." The House Committee on Government Operations said "improper denials occur again and again."

The new law applies to every agency and organizational unit in the executive branch, presumably even the CIA—to whatever miniscule extent its secrecy might not be protected by other laws—and the nine across-the-board exemptions set out in the law.

Not a few agencies are expected to resist the changes, however. Reports, apparently reliable but impossible to document, have been received on Capitol Hill that officials in the Food and Drug Administration's Bureau of Medicine have been advised to get in the habit of putting as little on paper as possible.

Enthusiasm for the new law outside the Government, moreover, has been somewhat tempered by fears that the nine exemptions might be turned into sweepingly rigid new excuses for the same old practices.

The nine exemptions cover a broad spectrum, from national defense and foreign policy secrets covered by Executive order to various inter-agency and intra-agency memos and letters.

On this score, the Justice Department's own Immigration and Naturalization Service published a set of proposed regulations under the new law this past week that seem to conflict with the advice that Wozencraft has been enunciating.

Wozencraft has been publicly stressing the theme that the exemptions are "permissive," not mandatory, and that requests for records should be judged on their merits, not automatically rejected because the documents fall under one of the exemptions. Spokesmen for the House Government Information Subcommittee headed by Rep. John E. Moss (D-Calif.) have been pressing this view.

The Immigration Service, however, flatly proposes that any documents exempt under the new law "will not be made available."

The guidelines are being developed in what amounts to negotiations with the Moss Subcommittee. Restrictive advice in an early draft—such as a remark that records in use are not to be "snatched from agency employes"—has been dropped and replaced by a suggestion that a copy can always be made "with reasonable promptness."

SUGGESTS READING ROOMS

Wozencraft also has suggested that all agencies set aside reading rooms where the newly public records can be made available.

A spokesman for the Moss Subcommittee said disputes over the new disclosure law will inevitably have to be resolved by the courts. But so far, he said, the guidelines seem to be "on the plus side" for disclosure.

Except at this point, for the "freedom of information guidelines themselves, the still preliminary draft copies have been tightly restricted and selected newsmen have been promised a peek, when Justice is ready, on a "confidential" basis only.

Meanwhile, a Justice Department spokesman tersely told The Washington Post, which obtained a draft copy: "We have no comment. Wozencraft has no comment."

DAIRY IMPORT ACT OF 1967

Mr. KLEPPE. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BUTTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. BUTTON. Mr. Speaker, I am

concerned about the problem the dairy farmers of my area, and of the State of New York, have in making a living. Because they are receiving such a low return on their investment—plus they have to spend long hours on the job, 7 days a week—many are leaving the dairy farms. And unless something is done, and this trend is reversed, the result could be a shortage of milk in this country.

Today I introduced the Dairy Import Act of 1967. This bill limits imports to the average butterfat and nonfat milk solids shipped into this country from 1961 through 1965. Also, these quotas can be increased if necessary, in the national interest, and they will increase in the same ratio as the domestic market grows.

Foreign shippers would continue to sell dairy products to this country, but effective quotas would be in force. As it stands now, quotas are ineffective.

Because these quotas are not effective, the dairy farmers of my area are faced with increasing competition from foreign products. We want to encourage trade with other nations. We want to move toward a more trade-minded policy where economic benefits are likely to be diffused over a large number of people. We need to prove to the world's underdeveloped countries that we accept them as equal trading partners. But the dairy farmers need some protection.

In a State such as New York, the dairy industry is an important segment of our economy. Dairy farmers in New York sell $481 million worth of milk each year, the second highest total in the country. And dairying ranks first in total farm income in the State.

New York agriculture is big business. Four out of every 10 people working owe their employment, at least indirectly, to agriculture. Actually the production and selling of milk is New York's largest single industry. It accounts for a billion dollars of commerce each year in the State.

There are some 33,000 dairy farms in the State, producing about 5 billion quarts of milk each year.

But these 33,000 farmers are not the only ones who should be concerned about the problems in the dairy industry.

In addition to the milk business being big business, milk and dairy products are the largest portion of our diet. While we can buy manufactured dairy items from importers, fluid milk and fresh dairy products can only come from our dairy farms here in this country.

The future of our dairy industry affects not only farmers, but every consumer as well.

To encourage American dairy farmers of continuing markets, where they can receive reasonable prices for their milk, it has become necessary to place some sort of reasonable quotas on imported dairy products.

The President has called on the U.S. Tariff Commission to hold hearings on May 15 to determine if new quotas are needed. If the Commission recommends new quotas, and it is believed that it will, this will restrict dairy product imports.

However, in the past, such action under section 22 has provided only temporary relief.

Mr. Speaker, what the dairy farmers want is a permanent bill and they are united in support of the Dairy Import Act of 1967.

RODNEY HUNT CO. WINS "E" CITATION

Mr. KLEPPE. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. CONTE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. CONTE. Mr. Speaker, it was my very great pleasure recently to participate in a ceremony in which the Commerce Department's coveted "E" award was presented to the Rodney Hunt Co., of Orange, Mass.

The ceremony was an historic one, beyond simply the significance it has for those of us concerned with business and commerce in the First Congressional District and, indeed, all of Massachusetts. It was the first time a ceremony of this kind was ever held in the Senate, this being in a Senate reception room, and I was pleased to participate jointly in the ceremony with my very able and distinguished colleague from the other body, Senator Edward M. Kennedy.

The "E" award is one in which we all take great pride, of course. It is given in recognition of outstanding contribution to the export expansion program. And, as we all know, expansion of exports is a vital ingredient in both our political and economic foreign policies. It is one of the means by which we seek to remedy our long-standing balance-of-payments problem, and a very effective means by which we can perhaps lower the barriers between East and West and thereby lessen the tensions that have for two decades kept civilization at or near the brink of destruction.

I am personally very proud that Rodney Hunt has won the award, although for those of us to whom the imaginative, bold, and aggressive management policies of Rodney Hunt Co. are a familiar story, the award comes as no surprise. The firm has been in the very forefront for years, both in innovation and efficiency of production, and in employee and community relations.

These policies have paid off in a significant increase in exports in recent years. A vigorous sales program, based on the tradition of direct customer contact, plus significant new innovations in integrated communications programs to reach overseas clientele have opened significant new markets. As a result of an extensive travel, and territorial exploration program, the company now has major installations in more than 50 countries including Vietnam, Soviet Union, Pakistan, Egypt, Cuba, and Australia.

The Rodney Hunt Co. is among the oldest and proudest in the country. It was founded in 1840 to produce the equipment and machinery needed by the then developing textile industry that was for so many generations the very backbone of our New England economy. The firm continues to prosper today, in spite of the fact that much of our textile industry has migrated from New England to other areas where labor and operating costs are lower.

Specifically, the firm produces textile wet finishing machinery and sluice gates, these being its principal world market commodity. For domestic markets, it also manufactures industrial rolls for the paper, plastics, and textile industries. The company also produces more than 3,000 types and combinations of sluice gates for use in power, flood control, water purification, and the all-important area of sewage and pollution control systems. These, too, have found world markets.

The company pioneered in the development of continuous bleaching ranges for fabric processing in rope and open width form. Rodney Hunt bleaching and dyeing machinery is used by leading textile mills throughout the world.

Certainly, I am very proud and pleased indeed to offer my personal congratulations and best wishes to Rodney Hunt President Earl Harris, and to the approximately 350 employees who have made their firm one of the Nation's best.

RUMANIAN INDEPENDENCE

Mr. KLEPPE. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DERWINSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, it is a privilege for me to make note of the fact that today, May 10, 1967, is the 90th anniversary of the independence of modern Rumania.

The Rumanian nation achieved its official independence on this day in 1877, permanently breaking away from control of the Turkish Sultan. Its independence was achieved under Charles I, the first king of modern Rumania and its independence lasted until 1947 when the legal ruler, King Michael, was forced into exile by the Communists. The illegal Soviet-imposed government has held the Rumanian people captive for the last 20 years.

Mr. Speaker, we recognize that the Communist designs to control the world manifest themselves in all continents, although our main attention at the moment is in Vietnam where direct Communist military aggression is taking place. However, we recognize that true peace and freedom will not come to the world unless Communist aggression is completely halted. We look forward to the day when all the captive peoples, including the brave Rumanian nation, will be able to enjoy a government of their own choosing in conformance with their history and culture and legitimate national aspirations.

We must take practical steps on behalf of the oppressed people of Rumania.

Neither the Voice of America nor Radio Free Europe is doing an effective job of broadcasting behind the Iron Curtain. Both are preaching the coexistence line of the present administration.

The Voice of America programing to Eastern Europe and, therefore, to Rumania has been especially weak since there is the obvious policy of the Johnson administration to appease Communist dictators of Eastern Europe rather than to use our own excellent facilities to deliver a message of truth.

Radio Free Europe, which has been coerced into an almost neutral type of presentation in recent years should be encouraged to augment strong broadcasts into Rumania with messages that have practical and direct bearing on current events.

BEEF IMPORTS AND THE LIVESTOCK INDUSTRY

Mr. KLEPPE. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. RUPPE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. RUPPE. Mr. Speaker, livestock farmers throughout the country are disturbed by the prospects of a continued falling off in beef cattle prices. Heavy supplies of low-cost beef and veal are flooding the American market.

In the first quarter of this year, choice steers on the Chicago market averaged $24.95 per hundredweight—$3 less than a year ago. In fact, beef prices have been falling almost continuously for the past year. The present farm parity ratio of 74 has not been equaled since the depression of the 1930's and the Department of Agriculture is currently forecasting a further decline of 5 percent in realized net farm income this year. Farm production costs, farm mortgages, and farmers' short-term debts are at an alltime high.

Mr. Speaker, I do not mean to suggest that the answer to the distress of agriculture lies wholly within the livestock sector of the farm economy. But livestock and livestock products are big contributors to total farm income; in 1966 livestock and its products accounted for more than half, and meat animals for more than a third, of total farm marketings. There is little doubt that livestock producers held a critical position in the farm economy.

What is the current outlook for cattlemen this year? The Department of Agriculture notes that there were 3 percent more cattle on feed on April 1 than a year earlier, and that marketings in this second quarter will be increased 4 percent over a year ago. For the remainder of 1967, there seems to be no relief for livestock producers. Domestic supplies will continue to be heavy, costs will continue high, and as far as we can see, beef imports will continue to pour in from Australia, New Zealand, Ireland, Mexico, Canada, and other low-cost areas.

I shall not go into great detail at this time on the beef-import situation. This has been done by well-qualified Members of this body over the past 2 weeks. For those who missed it, I would suggest a reading of the discussion of the problem by 13 of our distinguished colleagues on April 27, here on the floor of the House.

For the present I would point out that, according to the Department of Agriculture, imports of beef, veal, and mutton in 1966 were 18 percent above 1965. Total imports are as high, or higher, than they were 3 and 4 years ago, when their volume nearly ruined the domestic industry, and the Congress attempted to curb them by enacting the Meat Import Act of 1964.

You will remember that the administration was extremely unsympathetic to that act. In order to get any legislation at all, the Congress was forced to accept a base period for the setting of quotas which resulted in a quota that was entirely too high. Moreover, Public Law 88-482 contained two provisions which almost guaranteed the present high volume of imports. First, it provided for a too-generous quota increase based on the growth of domestic marketings. Second, projected imports were allowed to exceed quotas by 10 percent before such restrictions could become operative.

Another shortcoming of the 1964 act was the provision which required the Secretary of Agriculture to estimate in advance the level of imports in determining whether they would exceed the quota. Early last year, it should be remembered, the Secretary estimated that 700 million pounds of beef and veal would be imported. He continued to revise that figure upward, but somehow his estimate never matched actual imports of more than 823 million pounds.

So it is with this background of failure that a number of our colleagues have introduced legislation to amend Public Law 88-482 to effectively limit imports of low-cost foreign beef, and insure domestic producers of a measure of security. I want to take this opportunity to assure sponsors of this proposal of my support, by introducing a bill to amend the 1964 act.

The proposal of the distinguished gentleman from Texas [Mr. PRICE]—among others—appears to me to answer the shortcomings of the 1964 act. Briefly, it would do six things:

First, it would eliminate the 10-percent overrun of quotas I mentioned;

Second, it would provide that the quotas be set by the law itself, rather than by an estimate of the Secretary of Agriculture;

Third, it would use the years 1958-62 in establishing quotas, rather than the present system which includes 1963—the highest year on record for beef imports;

Fourth, it would impose quotas on a quarterly—rather than a yearly—basis;

Fifth, it would allow the administration to impose quotas on other meat products, such as canned and cured beef, fresh lamb and pork; and

Sixth, it would require that offshore purchase of meat by our Department of Defense be charged against the applicable quota.

Mr. Speaker, when the 1964 Meat Import Act was passed, there were those among the membership of the House who warned that it was an inadequate measure. We now have the proof of their foresight. We have an opportunity and an obligation to correct this measure. Let us act—and quickly—to provide our livestock farmers with the protection they deserve.

Mr. Speaker, at this point I would like to insert the text of my bill:

H.R. 9839

A bill to revise the quota-control system on the importation of certain meat and meat products

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) it is the policy of the Congress that the aggregate quantity of the articles specified in items 106.10 (relating to fresh, chilled, or frozen meat) and 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs)) of the Tariff Schedules of the United States which may be imported into the United States in any calendar year beginning after December 31, 1967, should not exceed 585,500,000 pounds; except that this quantity shall be increased or decreased for any calendar year by the same percentage that estimated average annual domestic production of these articles in that calendar year and the two preceding calendar years increases or decreases in comparison with the average annual domestic commercial production of these articles during the years 1958 through 1962, inclusive.

(b) Before the beginning of each calendar year after 1967, the Secretary of Agriculture shall estimate and publish the aggregate quantity prescribed for such calendar year by subsection (a).

(c)(1) The President shall by proclamation limit the total quantity of the articles described in subsection (a) which may be entered, or withdrawn from warehouse, for consumption during each quarter of any calendar year to one-fourth the aggregate quantity estimated for such calendar year by the Secretary of Agriculture pursuant to subsection (b).

(2) The Secretary of Agriculture shall allocate the total quantity proclaimed under paragraph (1), and any increase in such quantity pursuant to subsection (d), among supplying countries on the basis of the shares such countries supplied to the United States market during a representative period of the articles described in subsection (a), except that due account may be given to special factors which have affected or may affect the trade in such articles. The Secretary of Agriculture shall certify such allocations to the Secretary of the Treasury.

(d) The President may suspend any proclamation made under subsection (c), or increase the total quantity proclaimed under such subsection, if he determines and proclaims that—

(1) such action is required by overriding economic or national security interests of the United States, giving special weight to the importance to the Nation of the economic well-being of the domestic livestock industry;

(2) the supply of articles of the kind described in subsection (a) will be inadequate to meet domestic demand at reasonable prices; or

(3) trade agreements entered into after the date of the enactment of this Act ensure that the policy set forth in subsection (a) will be carried out.

Any such suspension shall be for such period, and any such increase shall be in such amount, as the President determines and proclaims to be necessary to carry out the purposes of this subsection.

(e) The Secretary of Agriculture shall issue such regulations as he determines to be necessary to prevent circumvention of the purposes of this section.

SEC. 2. (a) Whenever the President determines that the imposition of quotas on the quantity of any article enumerated in subpart B of part 2 of schedule 1 of the Tariff Schedules of the United States (relating to meats other than bird meat), other than the articles enumerated in items 106.10 and 106.20, is necessary in order to prevent unwarranted increases in the quantity of such article imported into the United States, he is authorized—

(1) to determine the total quantity of such article which may be imported into the United States during such period or periods as he may specify, and

(2) to limit, by proclamation, the total quantity of such article which may be entered, or withdrawn from warehouse, for consumption during such period or periods to the total quantity so determined.

(b) The President may suspend any proclamation made under subsection (a) and may increase or decrease the total quantity proclaimed with respect to any article under such subsection.

SEC. 3. Prior to the beginning of each calendar quarter the Secretary of Defense shall certify to the Secretary of Agriculture an estimate of the quantity in pounds of meat to be accepted for delivery during such quarter, procured from appropriated funds by the Defense Department from foreign sources, of any of the articles with respect to which quantitative limitations have been imposed on imports under the provisions hereof. The quotas established pursuant to section 1 or section 2 hereof shall be diminished by the amount of such meat to be accepted for delivery as estimated by the Secretary of Defense.

SEC. 4. All determinations by the President, the Secretary of Defense, and the Secretary of Agriculture under this Act shall be final.

SEC. 5. Effective January 1, 1968, section 2 of the Act entitled "An Act to provide for the free importation of certain wild animals, and to provide for the imposition of quotas on certain meat and meat products," approved August 22, 1964 (Public Law 88-482), is repealed.

URBAN HOUSING—ADDRESS BY SENATOR PERCY

Mr. KLEPPE. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. MORSE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. MORSE of Massachusetts. Mr. Speaker, on the eve of his introduction of the National Home Ownership Act, Senator CHARLES H. PERCY, of Illinois, discussed the bill and the general problems of housing in urban areas before the Washington Urban League. As a cosponsor of this legislation here in the House, I would like to include the Senator's remarks in the RECORD for the attention of all Members and Senators.

Senator PERCY's initiative and vision in developing this proposal deserves the gratitude of us all. He has shown us a way to end our reliance on outdated and uninspiring programs that have failed to solve the critical housing problem. I hope this bill will command strong support in both Houses, on both sides of the aisle.

The address follows:

URBAN HOUSING: A NEW INITIATIVE

(Address by Senator Charles H. Percy, Republican, of Illinois, before the Washington Urban League, Apr. 19, 1967)

"Even the blindest of us now knows the danger signals are flashing. Our cities are in crisis."

Thus begins the 1966 annual report of the National Urban League. And unhappily, there is little reason today to believe that the situation will show dramatic improvement in 1967.

A dreary recital of the problems of the cities would serve no purpose for this audience. For 57 years the National Urban League has fought to focus public attention on the developing plight of our cities and, in particular, of the minority groups in their burgeoning slums and ghettoes.

Today I think it is safe to say that the goal of spotlighting the needs of our cities has been achieved. That is the essential beginning, and the Urban League can take a large share of the credit for it.

But unfortunately, the achievement of this beginning is only an infinitesimal part of achieving the ultimate goal—a satisfying urban environment where every person has the fullest opportunity to develop his innate human potential, and to pursue happiness urburdened by the chains of ignorance, poverty, exploitation and discrimination.

"Among all those problems to which we must address ourselves," continues your annual report, "the most critical is housing." Since I have long had a deep concern in this area, and since I have been chosen to serve on the Senate's Housing Subcommittee, I would like to discuss that particular problem with you this evening.

Before doing so, however, I would offer this observation: While it is convenient to discuss the problem of housing as such, we must never forget that housing exists to serve the needs of people. Any program or plan which fails to begin with that simple but too-often ignored fact is doomed to failure.

This has unhappily befallen the two principal Federal programs historically designed to fight the battle against slums—urban renewal and public housing.

In the concluding chapter of his book, *The Federal Bulldozer,* Professor Martin Anderson arrives at these conclusions about urban renewal:

"The federal urban renewal program", writes Dr. Anderson, "has made it more difficult for low and middle-income groups to obtain housing because of the amount of low rent housing it has destroyed."

"Urban renewal helps upper income groups and a few elite groups. It hurts low income people, especially those from minority groups." "Over 60 percent of the people forced to move are either Negroes, Puerto Ricans, or members of other minority groups."

Far from eliminating slums and preventing the spread of blight, "it is likely that urban renewal simply shifts slums and thus encourages the spread of slums and blight."

While one does not need to agree 100% with Professor Anderson's views, it seems to me inescapable that urban renewal, as a method of saving cities *and* improving the lives of city people, has fallen so far short of those goals that some better way must be found to achieve them.

Public housing has suffered much the same fate. Senator Robert Kennedy, certainly no enemy of government action, had this to say about public housing in his splendid testimony before the Ribicoff subcommittee last August:

"Public housing was once thought of as the answer to the problems of slums . . . Our housing projects were built largely without either reference or relevance to the underlying problems of poverty, unemployment, social disorganization, and alienation which caused people to need assistance in the first place. . . Too many of the projects, as a result, became jungles—places of despair and danger for their residents, and for the cities they were designed to save."

It is easy, looking backward, to criticize those who, two or three decades ago, launched what was then a bold and imaginative effort to strike at the heart of urban problems.

It is difficult today to devise a way of moving toward those same elusive goals they so bravely pursued.

The important thing is that we take full cognizance of the thirty years of experience we have gained. And the lesson of those years is indisputably clear: housing and the physical environment must be dealt with as they relate to human beings and human needs.

Having emphasized that, and bearing it always in mind, let me turn to the specific problem of housing.

If the housing needs of today's slum dwellers are to be effectively met, we must find a way to bridge the credit gap.

Hard data is difficult to come by, but I am sure that any of you who have worked in the housing field instinctively know that mortgage financing and home improvement loans can be desperately hard to obtain in areas that lenders regard as a slum.

I have in my files a letter from one of the ablest and most socially conscious bank officials in Chicago: In it he says:

"It is often stated that most financial institutions stay away from declining areas, and such is generally the case. Probably a majority of housing in such areas is sold at inflated and unrealistic prices to minority groups on a contract basis with little downpayment. Lack of a down payment and undue credit risks make the conventional mortgage a rarity for low or middle income people in decaying or slum areas. Often when there is a downpayment, the property is overburdened with first, second, and even third mortgages, leaving no cash flow for a rehabilitation loan."

The result of this sort of credit gap, which widens whenever the mortgage market is tight, is the further deterioration of the ghetto. If our urban ghettoes are going to be revitalized as decent, attractive communities—and they must be—some way must be found to bring more credit in on reasonable terms to do the job.

Fifty years ago farmers in downstate Illinois suffered from a credit gap very similar to the credit gap in Chicago's slums today.

The small country banks could finance plows and wagons, but lacked the resources to make long-term credit available for land and equipment.

The large city banks had the resources, but lacked the familiarity with rural areas and were reluctant to make loans far from their home office.

That credit gap was bridged by what was then a daring new concept—the Federal land bank system. Today, in the 50th year of the land bank system, a broad array of lending institutions exist to serve the specific needs of the American farmer.

The initiative came from action by the Federal government. But the responsibility was left, ultimately, with the farmer-borrowers themselves. As a result, the entire Federal land bank system authorized in 1917 passed into full private ownership in 1947. When the government had played its part in the difficult early phases, it stepped aside to let the farmers themselves take over.

What we need today is a mechanism to bridge the credit gap in our urban slums—a new lending institution tailored to the specific conditions and needs of slums and gray areas, and sympathetic to the needs of their people.

Tomorrow in the United States Senate I intend to introduce legislation to create just such an institution.

Last fall I advanced the idea of creating

a private, nonprofit institution combining a loan fund and a technical assistance service. This institution would support construction or rehabilitation programs to provide decent housing for sale to families who, though poor at the beginning, had the capacity to rise, given the opportunity and motivation, to the point where they could successfully carry a low-cost mortgage.

I spoke in terms of outright sale to poor families because I believed then—and believe even more strongly now—that home ownership can be a powerful force for motivating them to invest in themselves—to rise through their efforts to economic security. In addition, home ownership gives that feeling of roots, of dignity, of self-esteem that a poor man can scarcely get as the perpetual victim of the slumlord or the public housing management. It promotes responsibility, stability, respect for property, good maintenance, and many other habits which contribute to the creation of wholesome, attractive neighborhoods and aspiring communities.

The bill I intend to join in sponsoring tomorrow represents a tremendous improvement over the first version advanced last fall. There is, of course, much room for further refinement. That is the purpose of the Senate Housing Subcommittee, and I know that the accumulated know-how of my colleagues of both parties will find many ways to make it a better bill.

Let me give you a preview of its contents.

Basically, the bill would charter a private, nonprofit National Home Ownership Foundation, consisting of two major components: a loan fund to help local sponsoring organizations overcome the credit gap; and a technical assistance service, to help them acquire the expertise to plan and execute a successful program for making home ownership available to aspiring families who could not on their own, get credit from conventional local sources.

Before a poor man could qualify for home ownership, of course, he would have to exhibit the earning capacity for carrying a mortgage. This might mean six months to a year of education, job training, and credit counseling assistance before he and his family could qualify. The realistic prospect of home ownership, I am convinced, can provide the crucial impetus for low income families to embark on this path—even if they have been slapped down time and time again when they sought to take charge of their lives.

The local sponsoring organizations would have to spring from the people themselves—they would not be superimposed from above by well meaning people in Washington or elsewhere. They might be nonprofit housing associations or cooperatives or limited dividend corporations. The Washington Urban League might be a sponsor. But whatever form the sponsoring organization might take, it would have to be based upon the people to be served and command their allegiance and personal involvement.

The $64 dollar question, of course, is how can the housing produced, whether single family, cooperative, or condominium, be made available at a cost a lower income family—say in the $3500–$6000 range—can afford? Won't this require a government subsidy, given today's housing costs?

Well, I for one am hopeful that ways can be found to cut deeply into the costs of housing rehabilitation. The Department of Housing and Urban Development and several of the large building materials suppliers are hard at work on this problem. But barring a breakthrough of unexpected proportions there will probably have to be some government aid to make home ownership a meaningful possibility for low income families.

The assistance plan we finally developed is deceptively straightforward. It would work something like this:

Here is a local sponsoring organization with houses or apartments ready to sell. Perhaps it is the Washington Urban League. There is a waiting list of families seeking homes, and they have over a period of time demonstrated their qualifications for home ownership.

And so the committee says to this family, "We think you have ability and motivation. We think you have what it takes to move even further up the economic ladder."

"So we are going to help you become the owner of this home. Since the payments are a little more than you can afford now, the government will pitch in and pay part of your interest cost. A few years later on, when you are earning a good deal more money, you can gradually begin to pay back that original government investment in you. What you are able to pay back will go to help another family coming along the same path. And if you have bad luck along the way, and if you never quite make enough money to pay back any of that investment—don't worry about it. You won't owe anyone a thing."

Now that is a proposition with dignity.

That says to a poor man today not, "Here is a government handout," but "We have faith that you and your family can make your own way."

Here, I think, is a helping hand that not only does *not* destroy dignity and pride in the person being helped, but actually encourages those feelings in him. Contrast this with welfare system, with its investigations and harassment and condescension, and I think you will see the power in it to uplift a man, not crush his spirit.

Now cynics will say that this is a tight-fisted scheme to tax the recently poor. I say it is a generous scheme to build pride and incentive in a poor man by investing in him—by helping him to have something and be somebody—and gently excusing him if he does not quite live up to our hopes.

There are countless other details and aspects of the National Home Ownership Foundation Act. I am sure you all have many questions which I have perhaps stimulated but not answered.

Over the next few months I will attempt to discuss and reply to many such questions, and I will expect to profit by your suggestions and, I hope, your support.

I am fully aware that this legislation is not perfect. I am aware that it does not provide the answer to *all* our slum housing problems or new hope to *all* slum people. But it is a beginning.

Last September, just as I first advanced the rudiments of this idea, President Johnson spoke at the Brookings Institution here in Washington. Speaking of his actions as President in coping with urban problems, the President said, "We need not delay action in the cities until Brookings, and its sister institutions, have given us a definitive answer . . . When governments are faced with great public dilemmas, they must shape their programs with the greatest wisdom that they possess, but governments must act. They cannot wait to act until all that is tentative and hypothetical can be established as firmly as a law of mathematics."

That is the spirit in which I will offer this legislation tomorrow. That is the spirit in which I hope it will be received.

I am hopeful that, perhaps with some further refinements, a National Home Ownership Foundation can be made a reality. When it is, we will have an important new tool for mobilizing the enormous resources of the private sector behind sound grassroots programs to make today's poor slum families the middle income home owners of tomorrow.

MAKING IT EASIER FOR THE RUSSIANS TO EXPORT COMMUNISM

Mr. KLEPPE. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, the House Committee on Un-American Activities today heard testimony from Leonard I. Epstein, a New Jersey businessman who was approached by a Russian national in hopes of getting various technological items for the Russian's "customer."

Epstein related how Vadim Isakov, an employee of the United Nations International Children's Emergency Fund, initiated his espionage efforts by indicating that he was interested in buying items for UNICEF—he was a UNICEF procurement officer—and ended up attempting to buy an underwater robot, which could be used for retrieving items from the ocean floor, accelerometers, which could be used to accomplish a soft landing on the moon by a space vehicle; a miniature computer, which could be used on board a space craft; titanium pressure vessels—it had to be titanium because of the weight factor; and flexible hoses used to fuel missiles prior to launch.

While a member of the staff of UNICEF was attempting clandestine purchases of American technological goods, the administration is attempting to make it easier for the enemy to get goods, mainly through the expansion of East-West trade. As Mr. Epstein said, much Russian technology is probably 30 to 40 years behind us.

Fortunately there is a group that is attempting to block this expansion. Headed by former Gov. John Davis Lodge, this group of distinguished individuals has apparently started on the right track by calling a spade a spade. This is seen in their name, Committee To End Aid to the Soviet Enemy.

Here is an article from the Washington Post of May 8, 1967, which lists the sponsors. As you can see they include businessmen.

EIGHT CEASE SPONSORS LISTED BY JOHN LODGE

John Davis Lodge, Republican former governor of Connecticut, announced last night eight sponsors for his Committee to End Aid to the Soviet Enemy (CEASE), a group dedicated to blocking administration efforts to increase West-East trade.

Lodge listed his sponsoring committee as: F. K. Weyerhauser, of the Weyerhauser Co., St. Paul, Minn.; Edgar Ansel Mowrer, Washington author and journalist; former U.S. Sen. William F. Knowland, publisher of the Oakland, Calif., Tribune; retired Adm. Arthur Radford of Washington, former chairman of the Joint Chiefs of Staff.

John B. Adams, a Washington publisher; Alex Parker Jr., of the Parker Tobacco Co., Maysville, Ky.; William Penn Patrick, board chairman of Holiday Magic Co.; retired Gen. Arthur Trudeau, chairman, Gulf Research and Development Co., of Pittsburgh, and retired Adm. Arleigh Burke, Washington.

Mr. Epstein stated this morning that the UNICEF employee apparently believed that American businessmen would be glad to sell to an unknown "European customer," anything to make a "buck."

"I think that most businessmen should

uphold the safety and security of their Nation and hang the dollar in these cases," Epstein told the committee. Needless to say, Mr. Epstein and his partner, Mr. George Yohrling, were more concerned about their country than making money and contacted the Federal Bureau of Investigation as soon as they realized what was going on.

In contrast to Mr. Epstein and CEASE, I have an article from the New York Times of May 6, 1967, headed, "U.S. Pushes Drive for Soviet Trade." This article states that there is a renewed effort to "break a logjam in trade with the Soviet Union," and the "President ordered hundreds of goods removed from a list of products barred from sale to the Communist bloc." Here is the Times article:

U.S. PUSHES DRIVE FOR SOVIET TRADE—SPONSORS PARTICIPATION BY BUSINESS IN MOSCOW FAIR

(By Raymond H. Anderson)

Moscow, May 5.—The United States Government and American businessmen have started a campaign to break a log jam in trade with the Soviet Union.

For the first time, Washington is supporting the participation of American companies in a trade fair here. The exhibition, concentrating on food-processing and food-packaging equipment, will open May 16.

Also for the first time, an American trade mission is in the Soviet Union specifically to buy and sell. The group represents 15 Minneapolis concerns.

Another trade mission, from California, will arrive in Moscow May 15 to explore the potential for sales of farm machinery, food products and food processing equipment.

The surge of American interest in trade with the Soviet Union reflects, in part, the appeal last October by President Johnson for improved relations with the Communist countries of Eastern Europe.

As a step toward better relations, the President ordered hundreds of goods removed from a list of products barred from sale to the Communist bloc.

EXPANDING MARKET

The new interest in doing business with the Soviet Union also reflects an awareness that the country is now in the market for a wide variety of equipment as it drives for a major expansion in agriculture, automobiles and many other areas.

Eighteen American companies will have exhibits at the Moscow trade fair, called Inprodmash-67. The fair, which will last 13 days, will be in Sokolniki Park in the northeast section of the city.

Among the companies taking part are Crown Cork and Seal of Philadelphia, Dow Chemical of Midland, Mich., Fairbanks Morse, Glenrock, N.J., and Scientific Data System of Santa Monica, Calif.

Three soft-drink companies, Coca-Cola, Pepsi-Cola and Royal Crown Cola, will have exhibits at the fair in the hopes of persuading Soviet officials to allow them to produce their drinks under license.

Equipment for processing and packaging food is of vital interest to the Soviet Union, which loses a large amount of fresh food each harvest because of spoilage.

The Minneapolis trade mission, which arrived early this week and leaves Sunday for Poland, represents food-processing companies as well as concerns manufacturing farm equipment, road building equipment and industrial machinery.

Among the companies are Honeywell, Acrometal Products and John Deere.

The members of the mission have made no sales yet, but they hope some contracts will be signed within a year or so.

Soviet officials are reported they hope some contacts will be an artifical meat offered by one Wellens & Co. The product is made from soybeans.

According to Louis R. Brewster, vice president of the company, the Russians found it hard to believe that the samples he gave them were artificial.

Mr. Brewster said the products, including artificial ham, beef, bacon and hamburger, had a higher protein content than real meat.

The product, he added, would be offered to the Russians for about 30 cents a pound, which compares with a meat price here of more than a dollar a pound. Meat is still in short supply in the Soviet Union and Mr. Brewster's company is hopeful of making sales.

The California mission, which arrives later this month, will include the Elliot Manufacturing Company of Fresno, the West Coast Growers and Packers, of Selma, and the Blackwelder Manufacturing Company of Rio Vista.

Mr. Speaker, if my memory is correct, several of the firms mentioned in the Times article as participants of the Moscow trade fair were also mentioned this morning as sources of some of the items which the "unidentified European customer" wanted.

I think it is true that most Americans are against trading with the enemy but it seems that the administration is not.

For my part, I have introduced a resolution which would prohibit trade with the Soviet Union and satellite nations until there is solid evidence that they have called a halt to their alleged wars of liberation.

It would no doubt be profitable to export goods to the Soviet Union and other Communist nations, but our goods only make it easier for them to export communism.

CONSIDER WHAT HUD PLANS TO DO TO YOUR CITY

Mr. KLEPPE. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. TALCOTT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. TALCOTT. Mr. Speaker, the administration is lavishly spending money and time to promote the "demonstration cities" program. The Department of Housing and Urban Development has convinced hundreds of cities that if the requested budget of $662 million is appropriated for "demonstration cities," they will receive large grants to cure the economic, social, racial, educational, and esthetic ills of the cities. These promises have been misleading.

The techniques and tactics of the Department of Housing and Urban Development should be a fair warning of what can be expected in the "Federal cities" program. Not only will cities be prostituted by impossible promises, but Members of Congress will be treated like puppets on strings. "Vote for the appropriation, and your city will share the largess."

The model cities program is the first step in forging a new and predominant Department of Domestic Affairs to supersede all other domestic Cabinet departments and independent agencies.

Housing is only one objective of the model cities program—it has nothing to do with models or demonstrations. The Secretary will be in charge of all racial, social, and economic integration plans of this administration—and they are ambitious. Housing is no longer the principal objective. American housing is already far superior to any other housing in the history of mankind because of individual pride, ordinary citizen ambition, and private enterprise. Few cities, officials, or planners have had the courage to evaluate this model cities program. Whenever any question has been raised or inadequacy mentioned, the Department simply promised a grant.

A view of one experienced expert was published in the National Observer of May 1, 1967. All Members should consider the warning of Lewis Mumford, our country's foremost scholar in the field of urban problems:

ARTICLE BY MR. LEWIS MUMFORD

By profession I am a writer—not an architect, an engineer, or a city planner; and though I have been a professor of city and regional planning at the University of Pennsylvania I have no wish to appear before you as an urban specialist, an "expert," an authority. But please do not read any false humility into this statement. All the colossal mistakes that have been made during the last quarter century in urban renewal, highway building, transportation, land use, and recreation have been made by highly qualified experts and specialists—and as regards planning, I should blush to be found in their company. . . .

Is there any plausible reason for expecting any better results from wholesale government intervention, under our present auspices, no matter how much money you are prepared to spend? If you embark on such a program without asking far more fundamental questions about the reasons for our past failures, and if you fail to set up more human goals than those our expanding economy now pursues, you will be throwing public money down the drain. And worse: In the course of doing this, you will bring about even more villainous conditions than those you are trying to correct; for you will wipe out on a greater scale than ever what is left of neighborly life, social co-operation, and human identity in our already depressed and congested urban areas. . . .

Surely it is time that there was a general realization of the fact that we must deliberately contrive a new urban pattern; one that will more effectively mobilize the immense resources of our great metropolises without accepting the intolerable congestion that has driven increasing numbers of people to seek—at whatever sacrifice of time and social opportunity—at least a temporary breathing space in less congested suburban areas. The new form of the city must be conceived on a regional scale. Not subordinated to a single dominant center, but as a network of cities of different forms and sizes, set in the midst of publicly protected open spaces permanently dedicated to agriculture and recreation. In such a regional scheme the metropolis would be only the first among equals.

This is the organic type of city that the technology of our time, the electric grid, the telephone, the radio, television, fast transportation, information storage and transmission, has made possible. A handful of planners, notably Christopher Tunnard, has seen the implications of this new scale in urban planning. But most of our planning authorities still remain like a scratched phonograph record, with the needle stuck in the old met-

ropolitan groove. Many people, since the publication of Jean Gottmann's monumental survey, have tried to take comfort in the thought that the present disordered and disintegrating urban mass, which Gottmann has popularized as "megalopolis," is in fact the modern form of the city, new, dynamic, and inevitable, whether we like it or not.

That is a silly idea, worthy only of a Marshall McLuhan or a Timothy Leary. You might say of this sprawling megalopolitan nonentity, in McLuhan's terminology, that the mess is the message. And the more massive the mess, the more muddled the message.

Now, I have had to explain to myself why the ideas we put forward during the last half century often proved politically and financially acceptable, but only at the price of being sterilized, dehumanized, and degraded. But the full explanation dawned on me only recently in the course of an analysis I have been making on the basis assumptions and goals that have governed all large-scale technology since the Pyramid Age in Egypt some 5,000 years ago.

GROWTH OF THE MEGAMACHINE

From the earliest stages of civilization on, as I read the evidence, the most striking advances in mass technology have been the outcome of centralized organizations, deliberately expanding power in every form—mechanical power, political power, military power, financial power, and not least the scientific power of accurate analysis and prediction—to achieve control over both the natural environment and the human community. The astounding mechanical success of these high-powered technologies is due to their method of systematically breaking down ecological complexities by deliberately eliminating the human factor. I have called this ancient form of mechanized organization the "megamachine." Wherever it operates, it magnifies authoritarian power and minimizes human initiative, self-direction, and self-government.

The main point to observe is that there is a deep-seated antagonism between a mechanistic, power-centered economy and the far older organic life-centered economy; for a life economy seeks continuity, variety, orderly and purposeful growth. Such an economy is cut to the human scale, so that every organism, every community, every human being shall have the variety of goods and experiences necessary for the fulfilment of his own individual life-course, from birth to death.

The basis of a life economy is a respect for organic limits. It seeks not the greatest possible quantity of any particular good, but the right quantity, of the right quality, at the right place and the right time, for the right purpose. Too much of any one thing is as fatal to living organisms as too little.

In contrast, a power economy is designed for the continuous expansion of a limited number of uniform goods—those are specially adapted to quantity production and remote control. Apart from enlarging the province of mechanization and automation itself, the chief goal of this economy is to produce the greatest amount of power, prestige, or profit for the distant controllers of the megamachine. Though these modern power systems produce a maximum quantity of highly specialized products—motors cars, refrigerators, washing machines, rockets, nuclear bombs—they cannot, on their own terms, do justice to the far more complex and varied needs of human life, for these needs cannot be mechanized and automated, still less controlled and suppressed, without killing something essential to the life of the organism or to the self-respect of the human personality.

For the last century, we Americans have been systematically indoctrinated in the virtues of mass production and have accepted, with unction, the plethora of goods offered, in which even those on public relief now participate. But we have been carefully trained to look only at the plus side of the equation, and to close our eyes to the appalling defects and failures that issue from the very success of the megamachine.

No sound public policy in housing and urban renewal can be formulated till we have reckoned with these liabilities. The overproduction of motor cars has not only wrecked our once-efficient and well-balanced transportation system, and turned our big cities into hollow shells, exploding with violence; but it has polluted the air with lethal carbon monoxide, and even, with the use of lead in gasoline, dangerously poisoned our water and food. The chemical industry, in its undisciplined effort to sell a maximum amount of its products, has poisoned our soils and our foods with DDT, malathion, and other deadly compounds, while heedlessly befouling our water supply with detergents.

So, too, with the pharmaceutical industry, the rocket industry, the television industry, the pornography and narcotics industries. All have become immensely dynamic and profitable enterprises, automatically expanding, and by their very expansion callously disregarding human health, safety, and welfare, while wiping out every trace of organic variety and active human choice.

The point I am now making challenges, I regret to say, not only some of the published views of your chairman, but probably the views of the rest of this committee. You accept, I take it, the current American faith in the necessity for an expanding machine-centered economy, as if this were one of the great laws of nature, or if not, then America's happiest contribution to human prosperity and freedom. I wish you were right.

But do you seriously believe that a housing industry based, as Senator Ribicoff has put it, on "the technology of megalopolis" will be any more regardful of human needs and human satisfactions, or any more eager to overcome the distortions and perversions of a power-obsessed, machine-driven, money-oriented economy? If so, you are ignoring the very factors that have mocked and ruined so many of our previous efforts at urban improvement. This expanding economy, for all its suffocating abundance of machine-made goods and gadgets, has resulted in a dismally contracted life, lived for the most part confined to a car or a elevision set; a life so empty of vivid firsthand experience that it might as well be lived in a space capsule, traveling from nowhere to nowhere at supersonic speeds.

Space capsules—yes, stationary space capsules—that is what most of our new buildings are, and our prefabricated foods taste increasingly like those supplied in tubes to astronauts; while in our urban planning schools I have encountered ominous designs for whole cities to be built underground, or underwater, so that their inhabitants may live and die without ever coming into contact with the living environment, which has been essential to the human race for organic health, psychological stability, and cultural growth for at least 500,000 years. And in boasting of the fact that automation will soon be able to do away with all serious and humanly rewarding work, manual or mental, we are threatening to remove perhaps the most essential historic invention for preserving mental balance and furthering the arts of life. These are all danger signals. Is it not time to give them heed?

Now your chairman, in his able speech last January, attempted to bring together what seems to me, if I may speak frankly, two altogether incompatible, in fact downright antagonistic, proposals: On one hand for restoring neighborhoods as the basic human environment, on the other for applying to housing what he called, quite properly, the technology of megalopolis. Senator Ribicoff wisely recognized the need to respect the small unit, the neighborhood, in order to promote those qualities we associate, at least as an ideal, with the small town—meaning, I take it, a place where everyone has an identifiable face and is a recognizable and responsible person—not just a Social Security number, a draft-card number, or a combination of digits on a computer.

As to neighborhoods, I am entirely on his side. I have not spent part of my life in a small country community, and another part in a planned neighborhood unit, Sunnyside Gardens, Long Island, without learning to appreciate these intimate small-town virtues. And I believe the greatest defect of the United States Constitution was its original failure, despite the example of the New England township and the town meeting, to make this democratic local unit the basic cell of our whole system of government. For democracy, in any active sense, begins and ends in communities small enough for their members to meet face to face.

But if your purpose is to do urban planning and renewal on the basis of neighborhoods and balanced urban communities, you would, I submit, be deceiving yourselves if you imagined that a vast contribution by the Federal Government—$50 billion over 10 years has been suggested—could possibly achieve the happy results you hope for. Such a massive expenditure succeeded, we all know, in producing the atom bomb; and it has been applied with equal success in producing rockets, space satellites, supersonic jets, and similar instruments of physical conquest or destruction.

But note—this method can be applied only to those structures or machine assemblages that can be designed without the faintest regard for the human factor, and without any feedback from the human reaction. This patently leaves out the neighborhood and the city. Unless human needs and human interactions and human responses are the first consideration, the city, in any valid human sense, cannot be said to exist, for, as Sophocles long ago said, "The city is people."

Accordingly, I beg you to look a little more closely at what such a huge supply of capital, with such large prospective profits, would do. Not merely would it skyrocket already inflated land values so that a disproportionate amount would go to the property owners and real estate speculators; but even worse—it would invite ever greater megamachines to invade the building industry. With $50 billion as bait, a new kind of aerospace industry would move in, with all its typical paraphernalia of scientific research and engineering design. At that moment your plans for creating humanly satisfactory neighborhoods would go up in smoke.

ENFORCED CONFORMITY

"General Space-Housing, Inc." will solve your housing problem, swiftly and efficiently, though not painlessly, by following its own typical method, derived from the ancient pyramid builders: eliminate the human factor by enforcing conformity and destroying choice.

Once started, such a scientifically ordered housing industry, commanding virtually unlimited capital at national expense, and providing, as in the Pentagon's favored industries, indecently large salaries and exorbitant profits for private investors, would be geared for further expansion. And it would achieve this expansion, not only by designing units prefrabricated for early obsolescence, but likewise by wiping out, as dangerous rivals, those parts of the rural or urban environment that were built on a more human plan.

I have only nibbled at the edges of this difficult subject. My final words must be mostly words of negation and caution. Go slow! Experiment with small measures and small units. Whatever you do in extending

the policies followed in the past will almost surely meet with the same embarrassments and the same failures.

Remember that you cannot overcome the metropolitan congestion of the last century, or the cataclysmic disintegration of urban life during the last 30 years, by instituting a crash program. You are much more likely to produce more lethal congestion, more rapid disintegration, ending in a greater crash. The time for action on a massive scale has not yet come. But the time for fresh thinking on this whole subject is long overdue.

BILL TO PROHIBIT DESECRATION OF FLAG GAINS SUPPORT

Mr. KLEPPE. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, I have today reintroduced a bill which I originally introduced in the second session of the 89th Congress, which would prohibit desecration of the American flag.

This bill, similar to several which have been introduced by my colleagues during this session, would provide for imprisonment for not more than 1 year and a fine of not more than $1,000 for anyone who publicly mutilates, defaces, defiles, defies, tramples upon, or casts contempt, either by word or act, on any flag, standard, colors, or ensign of the United States.

It is strange to see in our newspapers pictures of American young men facing danger and death in Vietnam while in these same editions there are pictures of other Americans burning their Nation's flag in the safety of an American park.

While we pride ourselves on the right of dissent in our Nation, a right which was established by our Founding Fathers and one which must remain inviolate, there is a point at which dissent ends and disloyalty begins. This great right of dissent was never intended to allow the desecration or mutilation of our American flag, a symbol of our national heritage.

And even as I have read and heard with disgust of recent desecrations of our flag, so have I been heartened and encouraged by my many colleagues who have introduced legislation to prohibit this; and by the prompt hearings granted similar bills by the Committee on the Judiciary.

I hope these hearings will be followed by quick and positive action to end these disgraceful exhibitions.

RUMANIA'S INDEPENDENCE DAY

The SPEAKER. Under a previous order of the House, the gentleman from New York [Mr. HALPERN] is recognized for 10 minutes.

Mr. HALPERN. Mr. Speaker, the 10th of May is the traditional anniversary of the day of Rumania's independence, but the people of Rumania, locked behind the Iron Curtain, may not celebrate this day.

Those who have escaped from their homeland to the freedom of America, continue to mark this national holiday, and today at the Carnegie Endowment National Center in New York City, messages will be read, preparatory to broadcasting them to the Rumanians behind the Iron Curtain.

We others in America who are fortunate enough to have our heritage of freedom, must step forward this day to join in sending messages of hope which can help to keep alive the will to fight for the restoration of freedom.

Rumanians today are denied the right to mark their traditional day of independence because their overlords order them to observe May 9, the date on which the Russian forces defeated the Nazis in Rumania.

May 10 was selected by the Rumanian people to commemorate three significant events in their history: the establishment of the Principality of Rumania in 1866, independence won from Turkey in 1877, and the establishment of their nation as a kingdom in 1881.

During its period as an independent nation, Rumania had one of the more socially progressive and stable governments in Europe. Liberal reforms had been instituted by Rumania, including a land reform measure which gave the peasantry an opportunity to acquire ownership of much of the land. A compulsory educational system was established. By the provisions of the 1923 Rumanian Constitution, male suffrage came into existence in Rumania.

Yet it was to be the tragic fate of the Rumanian people again to fall under foreign subjugation. Following World War II, a Communist regime was imposed on them, and the people were terrorized into submission.

Life today in Rumania means strict police-state surveillance. It means submitting to Communist Party directives on a broad range of everyday matters from housing and holidays. It even means being dependent on the party's favor to earn a livelihood.

Despite years of indoctrination, the Communists have not succeeded in erasing the national consciousness of the Rumanian people. They continue to yearn for freedom—freedom from foreign control for their nation and the individual freedoms now denied them.

Even the Communist functionaries in Rumania are becoming more responsive to the undercurrent surge of nationalism permeating the population of Rumania today. Partly to gain greater popular support and partly a reflection of the current trend of the loosening ties within the Soviet bloc, Rumanian Communists have adopted one of the more independent courses taken by the East European nations.

The Rumanian Communists have gone perhaps even further than any other East European nation in attempting to de-Russify Rumania. Russian-language courses are no longer compulsory in Rumanian secondary schools, national history books are being corrected to eliminate some of the pro-Soviet slanted material, and even street names have been changed.

Although the more nationalistic policy adopted by the Rumanian Communists may produce an amelioration of the living conditions in Rumania, the Rumanian people will never be satisfied by a mere reassertion of national identity. Not until that national identity assumes the form of a restoration of national and individual freedom will the Rumanian people be truly satisfied.

On this occasion of the Rumanian national holiday, we Americans wish to express again our lasting friendship toward the Rumanian people, our continuing prayers for the restoration of their complete independence, and our deepest hope that the Rumanian people will soon be in control again of their own government and their individual lives.

UNITY AND THE NATIONAL FEDERATION OF REPUBLICAN WOMEN

The SPEAKER. Under a previous order of the House, the gentleman from Ohio [Mr. ASHBROOK] is recognized for 10 minutes.

Mr. ASHBROOK. Mr. Speaker. I had a firsthand opportunity to observe the conduct of the biennial convention of the National Federation of Republican Women which was held in Washington during last week. I know when I see a railroad running through the middle of the house so it was not hard to observe what was transpiring.

It appears to me that a decision was made that Mrs. Phyllis Schlafly should not be elected President of NFRW and every tactic and device was used to accomplish this objective. I saw many of them. Others can only be the subject of conjecture. For example, it would appear that the only real reason for postponing the convention which was originally scheduled for last year in California was for the purpose of undercutting Mrs. Schlafly.

It is also interesting to note that the theme of last week's convention was unity. If Mrs. Schlafly wants to support those who stacked the deck against her, it would be sheer grace on her part. On the other hand, it is clear to me that those who manipulated, gave unfair rulings and engaged in unfair tactics have no right whatsoever to ask for unity. They were the most divisive force I have ever seen in the Republican Party—the same dominant elements we saw playing the spoiler's role in 1964.

A formal objection has been lodged by a number of the pro-Schlafly delegates. Their objections are not those of sore losers but of indignant women who witnessed this affair. I include their letter and two newspaper articles in the RECORD at this point:

MAY 8, 1967.

Mr. RAY BLISS,
National Chairman, Republican National Committee, Washington, D.C.

DEAR MR. BLISS: The undersigned women, who served as delegates to the Convention of the National Federation of Republican Women in Washington, D.C. on May 5–6, formally protest the gross illegalities and

irregularities which characterized both the Convention proceedings and the election. We believe that these irregularities defeated the choice of the majority of the delegates and members of the Federation. We urge that you initiate an investigation by impartial persons acceptable to both candidates.

1. The Credentials Committee wrongfully deprived about 100 Schlafly delegates of their right to vote at this Convention for reasons which were either completely invalid or of doubtful validity. At the same time, the Committee wrongfully seated about 800 O'Donnell delegates from New York and Pennsylvania who should have been disqualified for the very fundamental reason of not paying their full dues. Some of the specifics on these cases are set forth in the Minority Report of the Credentials Committee.

It is a shocking double standard that little pro-Schlafly clubs were disqualified for being allegedly one or two days late in paying their dues, but the big pro-O'Donnell states of New York and Pennsylvania were allowed to vote although they paid only about half the dues required by Section 4 of Article 3 of the NFRW bylaws. The official NFRW Statistical Report proves that New York paid on membership of only 32,500 for 1965 and 1966, although the "actual membership is 65,000," which means that New York, in effect, paid only 5¢ per capita dues, while all states other than New York and Pennsylvania paid 10¢ per capita dues.

The same NFRW Statistical Reports prove that Pennsylvania made only a token payment of about one-quarter what they owed in 1965, and one-third what they owed in 1966. Thus, for two of the three years since the last NFRW Convention, New York and Pennsylvania are substantially in arrears in their dues, and a large percentage or all of their delegates should have been barred from voting at this Convention.

Another pro-O'Donnell state which was permitted serious deviations from the dues requirement was Oregon. Oregon did not pay its dues for 1967 until about 10 days after the deadline, and then only in response to a telegram request from the NFRW office. By contrast, 12 Schlafly delegates were disqualified because the state treasurer forwarded the dues to the national office one day late. In Texas, 17 pro-Schlafly clubs were barred from voting for tardiness in paying dues, although it was proved that these clubs had been given erroneous information about the date of the dues deadline.

Because of one erroneous challenge, brought to the Credentials Committee by a single O'Donnell supporter, 26 Wisconsin delegates who had complied with all rules and paid their registration fees and were wearing their badges, were made to wait 48 hours standing, sitting and lying in hot and stuffy halls, missing $23 worth of meals they had already paid for and two nights of sleep; they were finally cleared at 5 A.M. the morning of voting. This was in shocking contrast to the automatic credentialling and registering of hundreds of delegates arriving by busloads from pro-O'Donnell states, some arriving as late as five hours after voting had begun.

2. The principal credentialling of delegates was not handled by an impartial credentials or registration committee, but was turned over to state presidents, 35 of whom were in the O'Donnell campaign organization. This meant that state presidents could hand the badges over to anyone of their own choosing, without any check whatsoever on whether they were proper delegates. There was no guarantee against badges being given to unauthorized persons; there was even no guarantee against one woman voting twice with different badges. The result was that, the morning of the voting, busloads of women arrived from New York, Pennsylvania, New Jersey and Michigan who were taken immediately to their state headquarters, given badges, instructed how to vote, herded through the voting area, and then put back on the buses and driven home without ever going to the Convention floor or participating in the Convention. In the absence of proof to the contrary, it can be assumed that these were not legitimate delegates "from each club," as specified in the NFRW bylaws, but were women appointed by their state presidents to "represent" clubs to which they never belonged.

3. Although the official Call to Convention stated that, in order to vote, a delegate must present the yellow credential slip signed by her club president and countersigned by her club treasurer, this requirement was abandoned at the Convention. Delegates were permitted to vote without showing this yellow form to the tellers, so that there were no cross checks with the ballot machine spindle cards against this official form. Further, there are many tellers who will testify to other irregularities of voting procedures. Some 95 Schlafly delegates from Ohio were subjected to incredible harassment and delay after they arrived in the voting area.

4. Mrs. Elston, as presiding officer, denied the Convention the right to accept or reject any Credentials Committee report. This is clearly contrary to Section 71 of Roberts Rules of Order Revised which states that the adoption of the Credentials report shall be the first order of business. There was never an official determination before the election of how many delegates were entitled to vote. Repeated attempts from the Convention floor to demand the Credentials Committee report were ruled out of order.

5. We have never yet been given any accurate or satisfactory Credentials Committee report. As of today, we do not know how many delegates were present and entitled to vote.

6. In the Convention hall, the seating was NOT alphabetical, but arranged in a manner beneficial to pro-O'Donnell states. New York, Pennsylvania and Michigan were seated together in the front rows under the television lights, while the pro-Schlafly states were seated in the poorly-lighted rear of the hall and on the outer fringes. Thus, it was physically impossible for the chair to rule fairly or accurately on any close voice or standing votes.

7. The floor of the Convention was policed with such efficient control that leaders of Mrs. Schlafly's delegations could not even communicate with one another or with the chair. Microphones were usually turned off in the area of the pro-Schlafly states. Men were controlling and directing the entire Convention floor. Visitors imported from areas hostile to Mrs. Schlafly were made sergeants-at-arms. A force of hired police was stationed at all doors, and Schlafly delegates were not allowed to leave by side doors convenient to the ladies' room. Mrs. Grace Thackeray, president of the Southern Division of the California Federation, heading a membership of 40,000 women, could not walk down the aisle to speak to a member of her delegation without being harassed and threatened. When she tried to speak to a point of personal privilege, she was never recognized. A network of control prevented her leaving the floor to talk with reporters, or to speak with them on the floor.

8. It was a clear conflict of interest for Mrs. Dorothy Elston, the real campaign manager of Mrs. O'Donnell campaign, to preside at the Convention. For many months, Mrs. Elston had used the National Federation office as a campaign headquarters for Mrs. O'Donnell and against Mrs. Schlafly, the elected First Vice President. Mrs. Elston continued her partisan and prejudicial behavior in the conduct of every phase of the Convention and the election. She named all the Convention committees, which resulted in a ratio of 15 Schlafly supporters out of 109 committee members. Only after a strong protest was lodged by Schlafly supporters did Mrs. Elston agree to some additional Schlafly tellers. The president of the Hawaii Federation, Mrs. Ruth Jackson, resigned as a member of the Credentials Committee because of its steady stream of biased decisions.

9. The many violations of proper parliamentary procedure and Roberts Rules of Order are too numerous to list. Many points have been already mentioned. In addition, there was no Treasurer's Report presented, probably because it would have brought up embarrassing questions about the failure of New York and Pennsylvania to pay their full dues. By a series of maneuvers, the chair successfully evaded the presentation of the Credentials Committee report, although Roberts Rules say that a change in the Convention program requires a ⅔ vote.

10. Mrs. Schlafly's representatives were denied the right to watch the preparation and sealing of the voting machines, and denied the right to test-vote them, although Mrs. Elston had promised this in writing in her letter to Mrs. Schlafly's campaign manager, Mrs. Kate Hoffman. Mrs. Elston's letter also promised that Mrs. Schlafly's representatives would be notified of the time of the preparation of the voting machines. Such notice was not given. When Mrs. Schlafly's ballot security representatives accidentally discovered that the preparation of the voting machines was in process and 6 of the 20 machines had already been sealed, they tried to watch the preparation of the remaining machines. They were ejected from the voting machine area and not permitted to do this.

11. As late as 6 A.M., Mrs. Schlafly's representatives indicated that they would be satisfied with a spot check of the backs of the machines, but even this was denied. The cursory viewing of the outsides of the machines then permitted was no guarantee whatsoever of a fair election, and cannot possibly substitute for inspection of the sealing of the machines.

12. A formal challenge to the whole election was presented on the floor of the Convention. Please note that this challenge was presented while the election was taking place—not after the election results were known. The delegate who presented the challenge, Mrs. Rosalind Frame, stated that she was making the challenge regardless of who won the election.

13. What is at stake here is the integrity of the ballot. In our opinion this was a controlled and rigged election which has constituted an election fraud depriving the half million Federated Republican women of their representation at the National Convention. Republicans cannot point their fingers at election frauds in Texas and Cook County unless our own elections are, like Caesar's wife, above suspicion.

Respectfully submitted.

Mrs. KATE HOFFMAN, *Illinois.*
Mrs. GRACE THACKERAY, *California.*
Miss LUCILLE BOSTON, *California.*
Mrs. RUTH MURRAY, *Wisconsin.*

[From the St. Louis Post-Dispatch, May 8, 1967]

MRS. SCHLAFLY CHARGES FRAUD IN GOP VOTING—4 BACKERS ASK BLISS TO MAKE INVESTIGATION

(By Richard Dudman)

WASHINGTON, May 8.—Mrs. Phyllis Schlafly of Alton, Ill., charged fraud today in the election Saturday in which she was defeated for president of the National Federation of Republican Women.

She and her conservative followers demanded an impartial investigation of what

they called a "controlled and rigged election" that constituted an "election fraud."

Four of her lieutenants asked for the inquiry in a letter addressed to Ray Bliss, chairman of the Republican National Committee. She said it would be hand delivered to Bliss today.

Mrs. Schlafly, elaborating on the charges at a press conference, accused "New York-based liberals" of defeating her. She and her aids blamed the "eastern establishment" for the continuing split in the 500,000-member women's federation.

ILLEGALITIES CHARGED

The victor in the election Saturday was Mrs. Gladys O'Donnell, a Long Beach (Calif.) businesswoman and airplane pilot. The vote was 1910 to 1494.

The letter protested against "gross illegalities and irregularities" in the election and in the proceedings of the federation's convention, held here Friday and Saturday.

"We believe that these irregularities defeated the choice of the majority of the delegates and members of the federation," the letter said.

"We urge that you initiate an investigation by impartial persons acceptable to both candidates."

The women charged that the credentials committee wrongfully deprived about 100 pro-Schlafly delegates of the right to vote but wrongfully seated about 800 O'Donnell delegates from New York and Pennsylvania who had not paid their full dues.

Handling of credentials was turned over to state presidents; 35 of whom were in the O'Donnell campaign organization, the letter said. They contended that there was no guarantee against passing badges around or even voting twice with different badges.

"The result was that, the morning of the voting, busloads of women arrived from New York, Pennsylvania, New Jersey and Michigan, who were taken immediately to their state headquarters, given badges, instructed how to vote, herded through the voting area, and then put back on the busses and driven home without ever going to the convention floor or participating in the convention."

The bill of particulars charged also that there never was any satisfactory credentials committee report.

"As of today, we do not know how many delegates were present and entitled to vote," it said.

The letter charged the retiring president, Mrs. Dorothy Elston, with a conflict of interest on the ground that she was "the real campaign manager" for Mrs. O'Donnell.

"Mrs. Elston continued her partisan and prejudicial behavior in the conduct of every phase of the convention and the election," the letter said.

INSPECTION BARRED

It repeated earlier charges that Mrs. Schlafly's representatives were denied the right to inspect the voting machine as promised in advanced by Mrs. Elston.

Mrs. Schlafly said she did not expect legal action if the demand for an inquiry was rejected.

"I don't have any faith in any legal action, so there really isn't much recourse except to tell people the truth and make sure it doesn't happen again," she said.

[From the St. Louis Globe-Democrat, May 9, 1967]

THE REPUBLICAN WOMEN'S DEBACLE

It was the Republican party, not Phyllis Schlafly, who suffered a defeat in the voting of the National Federation of Republican Women in Washington this past weekend.

Mrs. Schlafly was so clearly the better candidate that, left to personal selection, there would have been no contest. She was next in line for the presidency, but completely beyond this rather substantial claim, Phyllis Schlafly is brilliant, hardworking, energetic and beautiful—a hard combination to beat in any league.

Her opponent proclaimed herself a "simple garden variety of uncomplicated Republican." It is difficult to imagine anything that the Republican party needs less in these troubled times.

Not everyone will always agree with Mrs. Schlafly, although this newspaper has watched her career over the years with considerable enthusiasm. At the very least, her party regularity, her unfailing enthusiasm for Republican candidates, as demonstrated in many elections, and her contagious enthusiasm in support of good causes made her the ideal selection.

There seems little doubt that she was counted out, which isn't the first time that this has happened to a Republican candidate in recent years.

Many of her adherents, properly qualified dues-paying Republicians, were disfranchised without hearing on flimsy technicalities while bus loads of ladies of dubious political background at best were rushed in at the last moment under the aegis of Gov. Nelson Rockefeller, that perennial spoiler of Republican chances, and were allowed to vote.

It is regrettable that Mrs. Rosemary Ginn, Republican National Committeewoman in Missouri, whose tenure has scarcely been showered with the roses of success in this state, allied herself with the Rockefeller stop-Schlafly faction.

Our prediction is, knowing Mrs. Schlafly, that she will continue her energetic fight for Republican causes and that she will be crowned with the eventual success which is due here talent and her vision.

The Republican party has an excellent chance of electing a President and a number of Governors, Senators, Congressmen and lesser officials next year.

They will not do it, however, if they persist in trying to give the election away by such means as the abortive anti-Johnson, so-called policy statement last week, and the Schlafly robbery at the polls last weekend.

THE 40TH ANNIVERSARY OF LINDBERGH'S FLIGHT

Mr. BOB WILSON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BOB WILSON. Mr. Speaker, this month marks the 40th anniversary of Lindbergh's flight from New York to Paris. A replica of the original "Spirit of St. Louis" has been painstakingly reconstructed by Frank Tallman of the Tallmantz Aviation Co. in Orange County, Calif. Beginning today, this exact flying replica of Lindbergh's "Spirit" is on display at North Island Naval Air Station in San Diego. With Tallman in the cockpit, the model "Spirit" will take off today at 3:55 Pacific daylight time, the exact time of Lindbergh's departure in 1927, and will fly over the San Diego area. From there, the plane will be transported by the Department of Commerce to the Paris Air Show in France where the Tallman replica will be the centerpiece of the U.S. Pavilion at the airshow. In Paris, Tallman plans to reenact the historic landing on May 21 at Le Bourget.

I can still recall my excitement as a schoolboy in Calexico, Calif., when I saw Charles Lindbergh fly his "Spirit" of St. Louis. He was touring the country just a few months after his historymaking transatlantic flight and we "kids," at the time, were let out of school to watch the "Spirit" circle overhead.

Many San Diegans can remember far more than just catching a glimpse of the original plane, for a number of our citizens worked with Lindbergh in the construction and testing of his aircraft. At this point, I would like to insert a story by Robert Zimmerman from the San Diego Union describing the vital role of these aircraft workers:

"SPIRIT OF ST. LOUIS" BRINGS BACK MEMORIES

(By Robert Zimmerman)

The replica of the Spirit of St. Louis that will appear in the sky over San Diego this week embodies a dream that goes back many years for some San Diegans.

They are men who worked on the original plane for Charles Lindbergh 40 years ago and have hoped to see one like it fly again.

Although the replica to be flown here Wednesday was built by the Tallmantz Aviation Co. in Orange County, its close resemblance to the original is due in part to a project undertaken several years ago in San Diego.

This was "Project We," a program of the San Diego Aerospace Museum which was aimed at putting a new Spirit of St. Louis into the air on the 40th anniversary of Lindbergh's solo hop across the Atlantic.

Although "Project We" got only part-way toward its goal, it covered important groundwork leading to the construction of the Tallmantz replica.

FOR PARIS SHOW

Frank Tallman, a movie pilot whose firm at the Orange County Airport has produced many reproductions of early aircraft for Hollywood films, decided last fall to build a Spirit of St. Louis replica to be flown at the Paris Air Show this year.

Tallman wanted it to be a dead-ringer, even down to the ribs and spars that would be hidden by fabric. He began collecting all the records and drawings pertaining to the original that he could find.

The Ryan Aeronautical Co. came up with an extensive file of 1927 photographs showing the original Spirit in different phases of construction. Other 40-year-old documents gave additional specifications.

But nothing in the way of original factory blueprints could be found. Then Tallman got a helping hand from "Project We."

A set of shop drawings—painstakingly reproduced by men who had worked on the original—had been assembled at the Aerospace Museum. Much of the work had been done by Dan Burnett of 8069 Culowee St., La Mesa, now an employe of Rohr Corp. He had served as foreman in the wing assembly shop when the first Spirit was made by Ryan Airlines, Inc.

Tallman's craftsmen added these drawings to their collection of Spirit of St. Louis records and went to work. John Van der Linde of 4550 56th St., a retired Ryan engineer who also worked on the original, visited the Tallman shops for consultations as the new Spirit began to take shape.

When Tallman took the replica on its maiden flight two weeks ago, he said he was satisfied that it not only looked like the original but flew just like it as well. It is as close to a perfect reproduction as anyone could hope for, he said.

Many San Diegans who had a hand in building the first Spirit of St. Louis will be able to size up the replica when it goes on display at North Island Naval Air Station Wednesday.

Ed Morrow, who lives at 1271 Clarendon St., El Cajon, and retired two years ago as a Ryan employe, was another who worked on the first Spirit and has been active in "Project We."

Morrow is one of those whom Lindbergh recalls meeting at the Ryan shops on Harbor Drive when he came here in February, 1927, to supervise construction of his plane by Ryan Airlines. The events are recounted in Lindbergh's 1953 book, "The Spirit of St. Louis."

Lindbergh had dealt first by telegram with T. Claude Ryan, now chairman of the Ryan Aeronautical Co., who was then a partner in Ryan Airlines with B. F. Mahoney. Shortly before Lindbergh came here, Ryan sold his interest in the firm to Mahoney.

DESIGN CREDITED

The 25-year-old air mail pilot whose name would one day be known throughout the world spent hours in consultation with Donald Hall, then the chief engineer for the Ryan firm, who now lives at 3330 Xenophon St.

Hall is credited with the actual design of the plane—a modification of the M-2 monoplane which Ryan was building to fly the mail. Changes had to be made in the wing and fuselage to create a plane that could get off the ground with enough fuel aboard to make a non-stop flight from New York to Paris.

Lindbergh tells of leaning over Hall's shoulder under a bare light bulb as the Spirit of St. Louis took shape on a drawing board, and of strolling with Hall on the Silver Strand beach as they ironed out details of the design.

At one point, Lindbergh and Hall went to the San Diego public library to figure out just how far it was from New York to Paris. They stretched a piece of white grocery string across the library's globe and calculated the span as 3,600 statute miles.

Lindberg also writes of his association with Hawley Bowlus, who was the Ryan factory manager and now lives in the San Fernando Valley. Bowlus spent many years in San Diego, and during the 1930s he taught Lindbergh and his wife to pilot gliders off Point Loma.

Another figure around the Ryan shops in 1927 was Douglas Corrigan, who would some day earn the nickname "Wrong-Way" for a transatlantic flight of his own. Corrigan is now an orange grower in Orange County.

In San Diego, Lindbergh also met the late Fred Rohr for the first time. Then Rohr's small firm was supplying fuel tanks and cowlings for Ryan planes. The Rohr Corp. is now one of the major aircraft subassembly manufacturers in the nation.

In his book, Lindbergh decribes his departure from North Island May 10. He had set 4 p.m. for his departure time, but actually took off 5 minutes early.

"At 3:40 I crawl into my flying suit. It's uncomfortably hot in this California sun, but I can't very well put the suit on while I'm in the air—and I'll certainly need it over the mountain ranges tonight. . . .

"We start and warm up the engine. It's a few minutes early, but why wait longer in the heat? I wave good-by, taxi into position, and ease the throttle open. As I pick up speed, I hold the tail low to put as much load as possible on the wings and reduce the strain on the landing gear. . .

"The take-off wasn't as difficult as I expected. It's 3:55 Pacific. I make a mental note of the time, check instruments, pull the throttle back slightly, and begin a wide, climbing turn to the left. . .

"We circle North Island, the factory, and the city of San Diego. Then, leaving ocean and bay behind, I set my compass heading for St. Louis."

The story by no means ends here. The building of the "Spirit of St. Louis" was only the beginning of San Diego's paramount role in the development of aviation. Lindbergh's flight, however, more than any other single event, put the stamp "Made in U.S.A." on future advances in aeronautics and the fantastic air age in which we are privileged to live.

Therefore, Mr. Speaker, I respectfully request that the Congress recognize this anniversary date as the beginning of many productive and far-reaching years of aviation for San Diego, and the Nation, by passage of the following resolution which I am introducing today in conjunction with my San Diego colleague, the gentleman from California, JAMES B. UTT:

H. RES. 470

Whereas the 40th anniversary of the beginning of the historic transatlantic flight of Charles A. Lindbergh in his plane, the "Spirit of St. Louis," will be commemorated in San Diego, California, on May 10, 1967; and

Whereas that historic flight began at Rockwell Field in San Diego, the "Spirit of St. Louis" was built in San Diego, and San Diego has been the site of many other firsts in the annals of aviation; and

Whereas the Department of Commerce will transport the only exact flying replica of the "Spirit of St. Louis" to Paris, France, for the reenactment on May 21, 1967, of Lindbergh's landing at Le Bourget, France, on May 21, 1927; and

Whereas that replica of the "Spirit of St. Louis" will become a focal point of the United States pavilion at the Paris Air Show; and

Whereas the efforts of the San Diego community linked with the United States Government will form a bridge of friendship with the people of France which is appropriate to the 40th anniversary of that historic flight: Now, therefore, be it

Resolved, That the city of San Diego, California, be commended for its community leadership in this worthy international event.

RESPECT FOR OUR FLAG AND RESPECT FOR OUR CONSTITUTION

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BINGHAM] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. BINGHAM. Mr. Speaker, I know that all of our colleagues share by revulsion at the burning of the American Flag by those who oppose our country's foreign policy. But we must guard against the danger that such revulsion may lead to unnecessary and unwise legislative action. Respect for our flag and respect for our Constitution must go hand in hand.

In the overheated atmosphere of emotionalism that prevails, a breath of fresh air is provided by the editorial which appeared in the Washington Post this morning; it reads as follows:

RESPECT FOR THE FLAG

The American flag is an emblem of the United States. As such, of course, it deserves respect; and any misuse or desecration of it is properly and understandably offensive to Americans. But respect for the flag means respect for the great values of which it is emblematic. It represents a nation which, in its fundamental charter, recognizes dissent from prevailing opinion as vital to the general welfare, which fosters diversity and individuality as socially desirable and which guarantees freedom for the expression even of opinions which a majority abhors.

Some of the recent clamor in the House of Representatives for protection of the flag by legislation seems grossly ignorant of these values. Congressmen who urge their countrymen to "forget the First Amendment" or who talk wildly about firing squads for flag-burners or who propose to make verbal contempt for the flag a Federal crime do greater violence to the flag of the United States and to its meaning than the worst of the boorish oafs who fancy that setting fire to a flag is a meaningful form of protest.

Every one of the 50 American states and the District of Columbia now has a law forbidding such behavior. There is not the slightest need for Federal legislation invading the jurisdiction of the states in this connection. And in point of fact the Federal Government has no facilities for enforcing such legislation. Let's not inflate a nuisance into a menace.

Flag burning is a silly and ineffectual gesture on the level of hanging someone in effigy. The person hung in effigy may be annoyed but is unlikely to be injured. But the United States san be gravely endangered by official outbursts of hysterical "patriotism" aimed at odious opinions—or at odious expressions of opinion. The country's temperature is already feverish. Genuine patriotism will aim at cooling it down, not at heating it up.

RESULTS OF QUESTIONNAIRE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BINGHAM] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. BINGHAM. Mr. Speaker, I have recently completed the tabulation of a questionnaire which I sent to every resident in my congressional district in February. The thousands of replies received are a tribute to the interest taken by my constituents on important public issues.

For the benefit of our colleagues and other readers of the RECORD, I insert the results at this point in the RECORD:

I. VIETNAM

1. Do you favor these steps in an effort to get peace talks going (as recommended by U Thant):

A. Stop bombing in North Vietnam:

	Percent
Yes	45
No	49
Undecided	6

B. Agree that the National Liberation Front (Vietcong political arm) should be party to peace talks in its own right:

	Percent
Yes	66
No	25
Undecided	9

C. Reduce level of fighting in South Vietnam (i.e., de-escalate):

	Percent
Yes	43
No	51
Undecided	6

2. Assuming the fighting in Vietnam continues, how do you want your Congressman to vote on Defense Appropriation bills:

	Percent
For	73
Against	27

II. OTHER FOREIGN POLICY

1. Should U.S. support U.N. decision to compel Rhodesia to move toward majority rule?

	Percent
Yes	60
No	27
Undecided	13

2. Do you favor President Johnson's efforts to "build bridges" to communist countries of Eastern Europe, for instance through increased trade?

	Percent
Yes	70
No	24
Undecided	6

III. The draft: The Selective Service Act expires this year. Which of the following alternatives do you favor for the future?

	Percent
A. Continue the existing system of selective service with its limited exemptions (for students, etc.)	23
B. Use a lottery with exemptions only for health reasons or where family circumstances absolutely demand them	19
C. Draft all youngsters of given age and require either military or other national service (e.g. community service, conservation corps, etc.)	44
D. Other (specify)	14

IV. I favor federally assisted research to help develop an inexpensive electrically-powered car as a means of fighting air pollution. Do you agree?

	Percent
Yes	77
No	17
Undecided	6

V. Do you favor the President's proposal to make all wiretapping and "bugging" illegal except where a judge certifies that the national security is involved?

	Percent
Yes	86
No	5
Undecided	9

VI. Would you favor a law limiting the total amount of TV and radio time that candidates for public office could buy?

	Percent
Yes	75
No	17
Undecided	8

VII. On the question of mail order sales of firearms, do you believe they should be

	Percent
Prohibited	58
Strictly regulated	36
Allowed to continue as is	6

VIII. Trading stamps: Which of the following statements most nearly reflects your views:

	Percent
A. The gifts from redeemed trading stamps are a pleasant bonus for shopping in certain stores	12
B. Trading stamps mean higher prices and are unwanted	55
C. Use of trading stamps, which have good and bad features, should be more closely regulated	33

RUMANIAN INDEPENDENCE DAY

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. DINGELL] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. DINGELL. Mr. Speaker, throughout history Rumania has been a crossroad between East and West in southeastern Europe. Partly for that reason, up to the latter half of the 19th century Rumania was divided among her neighbors for nearly 400 years, and the Rumanians had to endure alien rule. During those centuries Rumania was part of the Ottoman Empire and it was ruled by the callous and corrupt agents of the sultans. Through misgovernment and misrule the people suffered much, but the Rumanians continued to struggle hard for the attainment of their freedom. In 1877, when the Russo-Turkish War was raging in the Balkans, the liberty-loving Rumanians cast off the Ottoman yoke and proclaimed their independence on May 10 of that year.

That has become a memorable day in Rumanian history. The Rumanian forces joined the Russians in the war against the Turks, and at the end of that war their newly won independence was recognized by the Congress of Berlin in 1878. Thenceforth they enjoyed freedom for several decades, but their peaceful life was interrupted by many wars, including of course the two world wars. They were involved in both, and they suffered indescribable misery in both.

At the end of the last war they lost part of their territory to the Soviet Union, and they lost their national freedom. A Communist government was forced upon them by the Kremlin, and they had to endure its rigid rule for almost two decades. But in recent years, in response to growing pressures from the freedom-loving Rumanian populace, the Rumanian Communists have been forced to find ways of loosening Moscow's rigidity and thus partly free Rumania from Moscow's close supervision. This response to pressure from the people of Rumania has succeeded in introducing some freedom in many spheres, including foreign trade and internal affairs. Fortunately, an open clash with the Soviet Union has been avoided. In its moves, Rumania has been remarkably successful and has not roused the wrath of the Soviet government. However, the Rumanian people want full freedom, and let us hope that they will attain their goal without involving the country in a war. That is our wish for the Rumanian people on their Independence Day, and I am indeed pleased to join them in the observance of the anniversary of that memorable day.

NEED TO REVISE SELECTIVE SERVICE LAW—LXI

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. KASTENMEIER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, compulsory military service not only results in a severe deprivation of civil liberties, but it is also a grievous departure from this Nation's most cherished heritage—that of personal freedom. Rising public anxiety about such violations, as well as the obvious inequities in the present Selective Service System, has led many private citizens to speak out against the draft and demand its abolition. One such individual is Dr. Joseph McMurray, president of Queens College. In a speech delivered to a conference on the draft sponsored by the American Veterans Committee, President McMurray spoke of conscription being undemocratic in any form and urged the adoption of a voluntary army. Furthermore, he called for the limitation of unneeded military occupations and the making of military service more attractive through increased remuneration and educational benefits. Because of the significance of Dr. McMurray's remarks, I am calling to the attention of my colleagues the full text of his statement, as follows:

THE DRAFT AND FREEDOM

(By Joseph McMurray)

I have, as you know, proposed a volunteer army as a means of ending the draft in the United States. I am glad to be here today at the invitation of Gus Tyler to put that suggestion before you. I am here on my day off—the College offices are closed in observance of Veterans Day. What I have to say is not the official opinion at Queens College, nor is there such an opinion. I speak as an individual but I know that my concern reflects the widespread interest among college and university people in the draft.

My suggestion should not convey with it any sense of opposition to the policies of President Johnson and our government in their conduct of the war in Vietnam. I have known President Johnson for many years. I know his desire to do his best. I know his patriotism. I think that if I had all the facts that are available to him that I might well make exactly the same decisions he has made. I support President Johnson and I want to make this clear to you first of all. This is not meant on my part to be a discussion of Vietnam, and in the event that my speech is reported in the press, I hope this will be made clear.

Like you, like President Johnson, I have been disturbed by the draft. An entire generation of Americans has grown up under a system of military conscription. I am disturbed, deeply disturbed, when our young men and women make heroes out of those who evade service to their country. This is the state of patriotism we find ourselves in today.

It is said that the issue of enforced military conscription has nothing to do anymore with freedom. As distinguished a writer as Hanson Baldwin wrote that the draft's un-American aspects do not "play a major role in suggestions for reform." Chairman Rivers, in his opening remarks to the House Committee on Armed Services said, "The facts appear abundantly clear—we do need a draft law for now and the foreseeable future."

Psychologically, slowly, inexorably we are being told that there is no turning back.

Even many of the most sincere and outspoken opponents to the draft only advocate alternatives that are just as involuntary. Some propose lotteries, as if a machine could better dispense justice. Others propose vari-

ous forms of universal service to the government. Still others confuse the draft issue with civil rights. One of the most emotionally-charged arguments against the present system of Selective Service today is that it discriminates against the poor who often are Negroes. No facts that I have seen bear this out.

Many rise up against the present system because they say students go scot free. As a matter of fact, 57% of men deferred for college eventually serve.

The old saw about "citizen soldiers" gets resurrected every week or so to support the "common defense" rationale of enforced service. This takes us back to the frontier. But we are not talking about a citizens army by any stretch of the imagination. Look at the figures. The armed forces number about 3 million. Of that number, only some 300,000 are draftees. Few men in today's army, actually about one-fifth of them, are engaged in combat. While some draw dangerous missions, others are clerks, truck drivers, IBM keypunchers, photographers, typists, accountants, engineers, and the like. We are told that in the army every man is a soldier. I would like to see the army that could put its orderlies into combat.

Men do not serve equally, it is obvious. Nor are they chosen equally, for the selective service system allows for deferments on various grounds, as indeed it must. General Hershey's facetious remark in a hearing about the lottery calling up a man with no legs quickly establishes that—for one reason or another—some are going to be more equal than others.

My suggestion for ridding us of the draft came about, in part, because I do not believe in a world without alternatives. No plan is perfect and time makes us judge our plans against new backdrops. You cannot put your foot into the same stream twice Heraclitus told us. So I believe we are wrong, ladies and gentlemen, to accept alternatives to the draft or the draft itself without first examining the basic argument. Do we, in the United States today, need to put our young men into what, in strong and plain language, must be seen as involuntary servitude?

I think the basic issues of the draft can be discussed on two grounds. The first is on the ground of freedom, which is most important, and the second is on the ground of the draft's economic meanings.

Men should not be coerced into service to their country, barring the most calamitous circumstances. We are not in those circumstances, as Secretary McNamara made quite clear from his statement about lowering the draft call the other day. I just read in this morning's *Post* that Mr. McNamara wants civilians to be drafted even if there are enough volunteers to meet manpower requirements in the Armed Forces. This is healthier for us, he argues because it civilianizes the army and keeps the military from being separate.

One might as well propose that we sentence everyone to terms of hard labor in schoolrooms, police stations, and city rooms because teachers, police, newsmen exercise a potent influence over American life that conceivably might be abused.

Well, I am for civilian review of the police and the military and I am for public accountability from the press and from educators.

But it is simply silly to think that a few hapless 19 year olds can mold the military establishment.

Mr. McNamara's argument for the continuation of the draft is another example of the blinders that constrict our view of the Selective Service Act.

Men should not be deprived of their liberties, their choices of careers, or their choices of action in order to satisfy the Joint Chiefs of Staff, the admirals, the Congress, or even the President of the United States, unless clearly there is no other way—and I stress that phrase—no other way to insure the security of the nation.

The Selective Service system has been admired by its head as a "channeler" of men. General Hershey said before a Congressional committee ". . . . we have channeled people into training for occupations and professions that were said to be very necessary in national life. . . . I have no idea how many people we are deferring that may well be as immediately involved in survival as the people who are in uniform . . . in fact, it takes 85% of our time" the General continued, "with the people we are trying to encourage to go into professions and occupations and training for those by deferring them . . ."

Any system that takes people into involuntary servitude either by putting them into uniforms or by forcing them into occupations is unjust.

Such a system, defended on the grounds of justice and fairness, in the words of President Brewster of Yale, "tarnishes our national spirit" and suggests that the only way to serve humanity is "to repudiate your country."

The conscription of men in any form, under any system, raises a question of freedom in the United States and I shall not be brainwashed to think otherwise.

The draft is economically wasteful and economically unfair.

To draft about 300,000 men a year primarily into the Army, has required an enormous bureaucracy. I quote from the Selective Service Act some of the jobs that have sprung into being to feed these men into the Army: registrars, local boards, appeal boards, medical advisors to local boards, medical advisors to State Directors, advisors to registrants, interpreters. All of these people, and some are volunteers, make telephone calls, have office or meeting quarters, print materials, travel, and eat. The 1964 cost of this great "channeling" machine was in excess of $40 million.

One interesting expenditure of time is this. The Director of Selective Service in each state, in the words of General Hershey, is "almost constantly cancelling inductions so that people can enlist." You know, of course, that the law does not permit a man to enlist for three years when he has been called for two.

Delays in such a system are bound to be costly and common. Out of a pool of 990,000 men available as of May 1, only 71,000 had been examined and certified fit. The draft took 17,000 men from Michigan and only 15,000 from Texas—a state with 2.55 million more people—in the same period of time. Turnover must be very costly. Each year, 400,000 men retire, most of whom are draftees whose reenlistment rate is only 8%.

The process of the draft is mostly one of elimination and rejection rather than recruitment. Out of every ten men who reach the age of 26, 3 are drafted, 3 enlist, 3 are rejected, and one is deferred as a student or for some other reason. As I said before, most students eventually serve. On the initial examination at 18 years of age, 58% are rejected. With so many men, some figures estimate as many as 45% of the 18 year old population who never serve, the system becomes honeycombed with exemptions and exceptions. The situation is not helped in its efficiency by 4,000 local boards, each with considerable autonomy, administering the law.

There is a lot of economic unfairness about the draft. John Galbraith said that the draft is a "device" by which we use compulsion to get young men to serve at less than the market rate of pay. We shift the cost of military service from the well-to-do taxpayer, who benefits by lower taxes, to the impecunious young draftee. "Presumably," he concludes, "freedom of choice here as elsewhere would be worth paying for . . ."

The men who are presently drafted are forced to subsidize by their lost time and their lost wages the costs of defending their country. Why should we expect men in the armed forces to bear the greatest expense at the same time we expect them to bear the greatest danger? Freedom must have its own motives. Freedom must supply men with incentives and rewards for behavior or government becomes a punishing and coercive force.

I believe that rewards and pride are better than bondage. I propose that men be recruited into the armed forces by means of attractive benefits. Some of these benefits might be in the form of salary. One could expect a soldier to earn at least as much as a new police officer, yet he does not even after long years of service.

Benefits might take the form of bonds or other savings put away during the man's service and payable to him later in life. Educational benefits were cited in a recent Defense Department study as one of the key reasons for enlistment. A guarantee of future educational opportunity in a college or vocational school would be a cogent argument for enlistment.

I have no doubt but that the $40 million budget of the Selective Service operation could fund a successful recruitment campaign for the armed services.

When I first mentioned this idea of a volunteer army in a Commencement Address last June, I supposed it not to be original—which it is not—but an opinion that was in circulation and that was receiving or would receive consideration. I offered the idea as a citizen, not as an expert, and I expected perhaps naively that any alternative in favor of freedom would receive priority of consideration. I regret to say that this does not seem to be the case.

General Hershey said quite bluntly, "Any person I can get in the Armed Forces that comes for pay alone, I don't want." I have reported to you the eroding pressure put upon us to think only in terms of other methods of conscription. In press reports about the Pentagon study of the draft, Assistant Secretary of Defense Thomas Morris is said to have testified, and I quote, "Neither improved pay nor fringe benefits would help enough to do away with the draft." Another account reported Mr. Morris as follows: "In discounting the prospects of ending the draft, Morris noted that even by raising pay and other benefits to the tune of $17 billion a year, the Pentagon would be 'theoretically' unable to maintain a force of 2.7 million men, the pre-Viet level."

I next read, on July 3, of the President's appointment of a 20 member panel headed by IBM General Counsel Burke Marshall with a "broad mandate" to study the Selective Service System and make a recommendation by January 1. In *The New York Times* account of that appointment, I was surprised by the fact that not once was the prospect of ending the draft so much as mentioned.

I draw to your attention right now that this panel may never even consider the elimination of the draft.

Mr. McNamara, according to a *Reporter* magazine piece by Bruce Chapman, gave two estimates of the additional cost of an all-volunteer army. One estimate was $4 billion; it was made in February. The second was $20 billion, made in December. You have heard Mr. Morris' estimate of $17 billion.

The ease with which these billions slip through the rooms of the Pentagon inclines me to agree with Mr. Chapman when he writes, ". . . the Department of Defense has either found the computation of cost of this alternative to the draft inordinately complicated or has not given it serious consideration."

I should like the idea of a volunteer army to have the serious attention and consideration it deserves. Will it cost billions? Yes, freedom is expensive and our own freedom is as expensive and as precious and as worth investing in as any freedom we have paid for in the past. It might cost as much as $300 million per State, a small percentage of our gross national product, to keep men

out of a state of involuntary servitude. What is our money for if it cannot keep us free?

But let us begin to at least plan for an end to the draft. Let us stop deluding ourselves that more conscription will solve the problems of unfair conscription or that teaching in Brooklyn or in Mississippi are viable alternatives to service in a combat area.

Let us stop teaching our young men how to "cop out" in cynical avoidance of military service. In some situations, every man may be called to patriotic service. But until those situations are clearly before us, let us not confuse patriotism with adherence to an outmoded bureaucracy.

Our young men and women love their country. They have shown us that in their acts of consicence, in their urban corps, in their teacher corps, in their tutoring of the young, in their fight for minority rights and in their willingness to sometimes die in that fight.

I propose an alternative to a system that has made military service a shameful act and a place for the unlucky or the unwanted. I propose that we honor the men who serve their society by protecting it by treating them with the compassion of an abundant and a grateful society. Men will risk death for us and they will risk it voluntarily as the long histories of the armed forces, the police, and the fire departments of this country have proven. We must provide all of these men with the benefits due their hard and difficult work.

I ask you and I ask those in our government responsible for these matters to turn away from coercion and force. I ask that every effort be made immediately to study ways of reducing and eventually eliminating the numbers of men taken into service against their wills.

I ask that every man and woman serve our nation with the right to choose the form of service he or she shall give, as fits a nation of free men and women.

GORDON McLENDON

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. POOL] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. POOL. Mr. Speaker, Gordon McLendon, head of the well-known broadcasting organization, recently challenged the music industry either to clean up some of their lyrics or desist sending to stations records that many listeners hold objectionable. The national press, as well as broadcasters across the country, were quick to acknowledge this unprecedented move. It is the natural fear of most broadcasters that they must play what is selling, regardless of what is in good taste, for fear they will lose out to an unscrupulous competitor.

All the more reason that Gordon McLendon and his staff should be commended. Their unprecedented courage in assuming such community responsibility should be an example for the music industry to follow.

I know the Members of this body will share my interest in McLendon's open letter to the music industry, as it appeared in Broadcasting on April 10, 1967, and a number of articles and letters in response:

AN OPEN LETTER TO: THE MUSIC INDUSTRY

Frankly, we're tired . . .

Tired of today's new releases coming through rife with "raunchy" lyrics, et cetera. In the past month, six records which were on the national charts far *overstepped* the boundaries of good taste, and we were forced to ban them.

Tired of "policing" *your* industry. It is time consuming, not *our* responsibility, and an outright *imposition*—on all broadcasters.

Tired of answering complaints from our listeners, civic groups, and civic leaders who *blame* us for *your* poor judgment on what is, and what is not, in good taste.

Tired of sincerely promising the FCC that we will do everything to elevate the needs, *tastes* and desires of the community—only to have one or two records threaten to *tear it all down*.

Therefore, we intend to—

1. *Refuse* to review effective May 15, 1967 any record submitted to us for air play unless it is accompanied by a valid and actual lyric sheet for both sides.

2. *Refuse* to play record releases which continue, through "gimmicks," intonations, and nuances to either innocently or intentionally offend public morals, dignity or taste.

3. *Refuse* consideration of both sides of a record if one side is adjudged unfit for airplay.

4. *Urge all responsible broadcasters to follow this "code of record standards"* in reviewing records in the future.

Frankly, we are tired. We want to be fair. But our success, after all, is often dependent on your success as record producers; but conversely, your success is predicated on radio airplay of your product. Please, let's work together. Clean things up before some unnecessary regulatory action is taken or before the broadcaster's listening audience indignantly tunes out.

THE MCLENDON STATIONS.

LIFE LINE

This is "Life Line," Melvin Munn from Dallas.

There is nothing basically wrong with sophistication, modern viewpoints, and changes in our culture so long as our open society is allowed to retain its affection for good taste. There is no reason why art, films, books, and music must dredge in stagnate waters of our English language in order to turn up words and phrases that shock and startle the listener. Almost every language on earth has its colorful and bawdry expressions to be used in verbal assaults upon everything from the Andean Llama of South America, to the Missouri mule, to the balky space rocket, and to the man next door who lets his sprinkler block your driveway! There are words that ought to be left scrawled on the alley fence or allowed to drop on the floor during live conversation. There are also words that have no place in books, magazines and papers which are intended for family reading.

I am told that my hearing is excellent and I find no difficulty in being able to hear clearly most things that occur in sound of me. I do, however, have one problem. I find it extremely difficult to translate some of the vocal sounds made by singers who are competing with rock 'n roll bands on the stage and recordings. It may well be because I do not hear enough of this type of music to be able to interpret the words, but I'm also convinced that I don't understand many of the lyrics simply because the music is over-shadowing the singer. Still, I find that young people have a keen ear since this is their favorite kind of popular tune. As a result, the youth often understands lyrics to a new song much better than does the adult. Thus, if there is an obscene, indecent, or off-color word or phrase in the lyrics the youngster generally recognizes it at once.

There are many rock 'n roll tunes that have quality, depth, and appeal. The lyrics of many such tunes express a reasonable thought with some clarity. On the other hand, a great many lyrics make little or no sense even to the most faithful devotee. Still other lyrics are downright objectionable and have no place on the broadest airwaves or on the home record player. There are probably several million American homes today with youngsters having in their record collection vocalists singing lyrics parents would not permit if they knew some of the words the singer was using.

I have been in and around the record, radio, and television industries for a lot of years. With very few exceptions these powerful elements in our American life are managed by responsible and honorable people. For many years the broadcasting industry has policed itself with a broadcasting code that has protected the listening public from much of the cheap and the vulgar. That is also true of the record industry. However, zeal, enthusiasm, and the pressure of daily work sometimes results in temporary lapses of responsibility and judgment essential to the preservation of good taste.

Perhaps that has happened in the record business. In any case, the recording industry does need to take a second and third look at some of the cheap and vulgar material occasionally released on record.

In that direction comes now a broadcasting pioneer, both a firm and its founder widely known for courage and imagination. The McLendon Stations is a corporate name for the firm that owns a number of radio stations throughout the United States. On page 39 of Broadcasting Magazine for April 10, 1967, there appeared a full page ad. The ad speaks for itself and it speaks for the McLendon Stations. It is an open letter to the music industry and reads as follows:

"Frankly, we're tired . . . .

"Tired of today's new releases coming through rife with 'raunchy' lyrics, et cetra. In the past month, six records which were on the national charts far *overstepped* the boundaries of good taste, and we were forced to ban them.

"Tired of 'policing' *your* industry. It is time consuming, not *our* responsibility, and an outright *imposition*—on all broadcasters.

"Tired of answering complaints from our listeners, civic groups, and civic leaders who *blame* us for *your* poor judgment on what is, and what is not, in good taste.

"Tired of sincerely promising the FCC that we will do everything to elevate the needs, *tastes* and desires of the community—only to have one or two records threaten to *tear it all down*.

"Therefore, we intend to

"1. *Refuse* to review effective May 15, 1967 any record submitted to us for air play unless it is accompanied by a *valid* and *actual* lyric sheet for both sides.

"2. *Refuse* to play record releases which continue, through 'gimmicks,' intonations, and nuances to either innocently or intentionally offend public morals, dignity or taste.

"3. *Refuse* consideration of both sides of a record if one side is adjudged unfit for airplay.

"4. Urge all responsible broadcasters to follow this 'code of record standards' in reviewing records in the future.

"Frankly, we are tired. We want to be fair. But our success, after all, is often dependent on your success as record producers; but conversely, your success is predicated on radio airplay of your product. Please, let's work together. Clean things up before some unnecessary regulatory action is taken or before the broadcasters' listening audience indignantly tunes out."

And that ad is signed the McLendon Stations.

The McLendon organization operates radio stations in Dallas, Buffalo, Los Angeles, Chicago, Houston, San Francisco.

I want to salute Mr. Gordon McLendon, his staff, and his station personnel for the dignity, clarity, and professional responsi-

bility inherent in this new code of record standards. The relationships between the broadcasting station and the general public will continue to be pleasant and beneficial if radio and television broadcasters will insist upon a fair level of decency in every song they broadcast. It would be most unfortunate if objectionable song lyrics sank so low as to force the public to demand federal government intervention.

MOST LABELS DENOUNCE MCLENDON CHAIN EDICT

(By Dave Finkle)

The McLendon Stations announced last week that after May 15 all singles submitted for airplay must be accompanied by copies of "valid" and "actual" lyrics for both sides of the single.

(They also announced that their eight affiliated AM and FM stations would not play records which "either innocently or intentionally offend public morals, dignity or taste" and they would not consider either side of a single for play "if one side is adjudged unfit for airplay.")

The record company reaction, polled by *Record World*, to the demand for lyrics was varied, with only one company—United Artists—deciding to send the lyrics from the home office.

The UA feeling was that their promotion department exists in part to service disk jockeys, and if certain disk jockeys require lyrics, they would receive them.

MGM also seemed to be of a mind to give the McLendon stations what they want. Distribs locally who hand out the deejay singles, it was explained, would be fulfilling the request.

GENERALLY UNRECEPTIVE

Most of the other companies queried were unreceptive to the idea for a variety of reasons, which ranged from the expense of "going into the printing business" to sentiment that stations are lucky to get so much free product without making further demands.

Most company spokesmen stated that stations should decide whether or not to play a record by listening to it and if they don't like what they hear or suspect that what they hear is objectionable, they should veto it.

A prevalent quote (paraphrased) was: We censor our own records; so we don't need to send out accompanying proof.

One label executive felt that stations should not consider themselves censors at all, that if they profess to be playing best-selling records, they should plan their playlists by sales reports solely.

The play list of records is being carefully perused visually and aurally for overt and covert meretricious expression. And, of course, the problem of obscenity or questionable taste is an extremely moot one in these days of LSD obsession, when just about every obtruse word or phrase is immediately assumed to be hoodwinking argot.

The McLendon stations include KLIF and KNUS-FM-Dallas; KILT and KOST-FM-Houston; KTSA-San Antonio; KABL-AM-FM-Oakland-San Francisco; WYSL-AM-FM-Buffalo; and WNUS-AFM-FM-Chicago.

Barton R. McLendon is Chairman and Gordon B. McLendon is President.

[From Billboard, Apr. 22, 1967]

HAIL MCLENDON

EDITOR: To the McLendon radio stations: Your statement of policy in the April 8 issue is both courageous and necessary. I only wish that copies of your statement could be nationally publicized on a vast enough scale to encourage those who have felt that they alone were disturbed by current trends, both in and out of the music field. Thank you.

MRS. JOAN R. ERNST.

PALM BEACH, FLA.

EDITOR: Regards McLendon's open letter. WGH radio concurs. The broadcasting industry is much too late in taking a stand on this issue.

ROGER CLARK,
WGH Program Director.

NEWPORT NEWS, VA.

[From Newsweek, May 8, 1967]

PURGE

When an executive for the McLendon Corp's radio-station chain found his 9-year-old daughter last month with a Rolling Stones record called "Let's Spend the Night Together," he followed his impulse and slashed its grooves with a can opener. His second thought was to convince his boss, Dallas-based Gordon B. McLendon, to launch a morality campaign against "dirty lyrics" in pop music.

McLendon obliged. In full-page ads appearing in broadcast trade magazines, the chain owner popped off loud and clear: "We're tired of today's new releases coming through rife with raunchy lyrics." He also stridently urged other broadcasters to go along with him in a purge of records which through "intonations and nuances either innocently or intentionally offend public morals, dignity or taste."

Suiting action to words, the McLendon Corp.'s six stations have already purged themselves of the Beatles' "Penny Lane" for its cockney earthiness, "Candy Man" by the Nitty Gritty Dirt Band for a casual reference to God, and a funky little number by Mitch Ryder and the Detroit Wheels called "Sock It to Me Baby."

Although McLendon was soon joined by the six outlets of the Susquehanna Broadcasting Stations in Pennsylvania, the immediate reaction from the recording industry was a loud guffaw. "Ridiculous," said a spokesman for Capitol Records which had orders for more than a million "Penny Lanes" even before it was released. "When the Beatles make a record, the kids know about it and they buy it." "Rock and Roll has always been raunchy," adds Richard Goldstein, a music critic for New York's World Journal Tribune. "That's what it's all about. It's got a special code and a lot of kids understand it. It's made for that purpose."

All stations, of course, exercise record censorship when the leerics get too lusty. But few have exercised so heavy a hand as the McLendon chain. "The hippies know what they're saying on these records," snorts Bill Young, program director at McLendon's KILT in Houston. "But ole John Q. Public doesn't. We're tired of them putting it over on ole John Q."

IMMORAL RECORDS BANNED BY MCLENDON RADIO GROUP

(By Ben Gross)

At last something is being done about it . . . and it's about time! The McLendon group of radio stations, extending all the way from Buffalo to San Francisco, is banning all recordings (mostly rock 'n' roll) with lyrics "that are immoral or in bad taste."

In full page advertisements appearing in two trade magazines, this company announced that, effective May 15, it will not review any platter submitted for air play "unless it is accompanied by a valid and actual lyric sheet for both sides."

Also, it will refuse to play the record releases which continue "through gimmicks, intonations and nuances to offend public morals, dignity or taste; either innocently or intentionally."

Too, these stations will not air either side of a disk if one side is "adjudged unfit for air play."

A WELCOME MOVE

This action on the part of a progressive group of independent stations will be welcomed by parents, teachers and all lovers of good popular music. For years, certain manufacturers of recordings, especially the fly-by-nights, have been getting away with murder. That is, the murder of all decencies and sensibilities.

In the name of the "new music" and the "new freedom of youth," too many lyrics have been not only off-color in a subtle sort of way but openly dirty in a coarse and leering manner.

Those who have ventured to criticize these excrements of song have often been attacked as old fogies, fuddy-duddies and—horror of horrors—as squares. We have been told that they, far from being "in," are hopelessly "out" . . . social pariahs who're simply "not with it."

Gordon B. McLendon, president of the chain, and the father of four children ranging from 15 to 22, gave a cogent explanation of his action: "I have been disturbed at the lyrics and sounds of many records popular with the youth of America. I think these are morally damaging and I have ordered all our stations to ban this type of recording. But it is up to the record industry to police itself, not up to the broadcaster."

MEMORANDUM

APRIL 17, 1967.

To: The music industry.
From: The Susquehanna stations.
Subject: Your poor taste.

We thought *we* were alone with the problem. So . . . our hats are off to The McLendon Stations for publicly airing *their* concern in Billboard.

We, too, spend too much time with the evidence of your bad taste. Lyrics, song titles, offensive vocal sounds, and even names of the performing groups have moved from the clever and creative to the crude and outrageous.

If you are trying to find out if you can get away with it . . . you can't. We, along with other responsible broadcasters, are blowing the whistle.

We join with The McLendon Stations in:

1. Requiring—a lyric sheet with records submitted for air-play.

2. Continuing—to refuse records if *either* side offends public morals by title, lyrics, or group name.

3. Urging—all responsible broadcasters to publicly set the same standards.

Yours is a great industry. So is ours. We plan to keep ours that way by respecting the dignity and taste of the people who have made us great . . . our listeners.

How about you?

THE SUSQUEHANNA STATIONS.

[From Bill Gavin's record report No. 642, Weekly Summary, San Francisco, Calif., April 7, 1967]

ON THE RECORD

The April 8 issue of Billboard offers broadcasters more than the normal amount of interesting reading.

We were also struck by the full page, in the same Billboard issue, taken out by the McLendon stations as an open letter to the record companies. The letter objects to suggestive song lyrics. It reflects the opinions of many broadcasters. It is hardly necessary to point out that responsibility for the influx of questionable records does not lie with the record business as a whole, but only with the comparatively few manufacturers who have sacrificed good taste to good profit. The venality of a small minority should not be used to reflect discredit on the entire record industry.

In the final analysis, each broadcaster is responsible, not for the records he receives, but for those that he puts on the air. Radio consistently rejects a vast majority of the records submitted each week for shortcomings of quality and/or content. Radio is never demeaned by the inferior level of the records that are auditioned; each radio sta-

tion tells it like it is by the records played for its listeners.

The admonitions in the McLendon letter might, with somewhat greater relevance, be applied to those radio people—program directors, music directors and DJ's—who interpret a station's ethical standards by what they put on the air.

AMERICAN MOTHERS COMMITTEE, INC.,
New York, N.Y., April 21, 1967.

Mr. WILLIAM STEWART,
McLendon Stations,
Dallas, Tex.

MY DEAR MR. STEWART: It was pleasant to talk with you today, and to know that you can participate in the Panel Discussion scheduled for May 10th at luncheon 12:30 noon in the Astor Gallery, Waldorf-Astoria. The subject is—"*In our complex society what can inspired individual leadership achieve toward strengthening the home, the community and the nation?*".

Mrs. Harold V. Milligan will moderate the panel. This discussion follows the morning session devoted to the Young Mother Council Service. We hope that you will attend the luncheon as our guest.

The response of thousands of mothers to our "Mothers Manifesto" indicates the concern felt by the public. Your leadership indicates clearly what individuals can do when sufficiently motivated. We hope that your contribution will not only reveal what you have accomplished but will be so directed as to stimulate our audience to greater dedication.

I enclose some background material for your information. The other panel members are distinguished leaders of accomplishment.

Best wishes.

Cordially,

Mrs. DOROTHY LEWIS,
President.

POLK BROS.,
Joliet, Ill., April 5, 1967.

GENTLEMEN: Just a little acknowledgement of your full-page announcement in Billboard concerning the vulgarity that has become rampant in today's song lyrics. I for one couldn't be more gratified that someone has finally taken an important step forward in the morass we call modern-day music; a stand against the gradual degradation of our culture; a positive move toward restoring a sense of decency and morality to current popular music.

Our young people in this day and age find it hard enough to distinguish between what is good and what is bad, what with all the promiscuous movies, to shows, and magazines that prevail everywhere. The music business should take it upon itself to at least provide one haven from the barrage of "Sex at any Price" purveyors seeking to warp the minds of our youth and the whole basis of our social and moral structure.

As Record Dept. manager, I have long been appalled at the lack of discretion shown by the promoters of off-color lyrics and dirty meanings in today's pop songs, and I sincerely hope your courageous action will encourage a more active participation by everyone concerned in promoting a greater sense of decency and responsibility in the music business.

Yours sincerely,

MICHAEL LAPIKAS.

THE MCLENDON STATIONS MEMORANDUM,
APRIL 11, 1967

To: Bill Stewart.
From: Bill Young.
Subject: Billboard ad.

More reaction to the Billboard ad!

Chuck just talked to Juggy Gayle (Promo man for Atlantic) and he said that Atlantic is making arrangements now to comply with the lyric sheet requirement.

He also said that the line "sock it to me, Baby" has been edited out of the new Aretha Franklin single "Respect". This cut has been pulled from her LP, but because of the ad, will be edited for release!

Apparently, we are making our point.

DICK DALE ENTERPRISES, INC.,
Hollywood, Calif., April 7, 1967.

Mr. GORDON MCLENDON,
Dallas, Tex.

DEAR MR. MCLENDON: Read your open letter to the Music Industry in the April issue of the Billboard and I agree with you 100%.

I knew sooner or later some one of importance would have the guts to tell the music producers to clean house. I have been in the music business for many years and have noticed the downward trend of music in the past several years, especially the titles which have double meaning It was bad enough we had to put up with the long hairs and the uncouth scene. I can see in the near future a change for the best if many music producers follow your example. I, for one, will do my part to produce the better type of music as I have been doing in the past on our Del-Tone Record label and also our Cougar Record label.

Please feel free to call me at any time, if I can help in any way to help the drive you have started. If every producer in every area takes notice, the music industry can thank you for spear-heading this drive for better music.

Soon to follow this letter will be our new release on Cougar Records which we believe is the better type of music. This record was turned down by the major stations in Los Angeles. My guess is because it is too clean and is good music. I am led to believe if we want to get a hit record we must make it dirty. I say, hell will freeze over before we go that route.

Please keep up the good work and I'm sure the major stations will soon wake up to the fact there is good music to be heard.

Warmest Regards,

JIM MONSOUR,
President.

ADAMS-ETHRIDGE PUBLISHING CO., BMI,
Galveston, Tex., April 3, 1967.

Mr. GORDON MCLENDON,
The McLendon Stations,
Dallas, Tex.

DEAR MR. MCLENDON: You are to be commended for your ad appearing in the April 8 issue of Billboard. The situation in our business has been heartbreaking to the serious producer for the past few years.

We have a release out now featuring Roy Montague on Columbia Records. We realize his potential, and we went all out on the production, with the Anita Kerr Singers, strings, the best arranger, Bill Walker. Roy will be the next big recording star of the Jim Reeves, Eddy Arnold style.

Yet we have been turned down for airtime on many stations including your KILT, even though I made a personal trip to the Program Director, Mr. Dunaway. Yet a great piece of trash, Sock It To Me, Baby, is getting fantastic air time on KILT.

I hope to see national results on your stand. In the meantime, I am re-submitting our release to your stations as outlined in your policy.

Sincerely,

LEON ETHRIDGE.

AVCO BROADCASTING CORP.,
Washington, D.C., April 27, 1967.

Mr. WILLIAM STEWART,
National Program Director,
The McLendon Stations,
Dallas, Tex.

DEAR BILL: I have your letter of April 20, and the attached repro of your April 10, 1967 Broadcasting Ad. In direct answer to your question regarding my feelings, I concur completely.

The problem is not an especially serious one to WWDC which, for the lack of a better description, is a swinging middle-of-the-road station. Since we regularly exercise subjective discretion over the list of records we play, we can, and do, simply avoid records which fit the descriptions in your Ad.

At my former association, WPTR, which was, for the lack of a better description, a top-40 station, the problem was far more acute. There, the dilemma of being required to play the top records of the day and yet recognizing the "put on" or worse, of some of the records we were playing was quite apparent to us.

WPTR's Program Director, Dick Lawrence, and myself discussed this at considerable length just prior to my leaving. I am, therefore, taking the liberty of sending a carbon copy of my letter to him and, in closing, your letter and repro for his consideration.

Irv Lichtenstein, WWDC's Program Director, to whom you also sent this correspondence, asked me to tell you that he too is in agreement. Please let me know if there is any way further we can help.

Kind regards,

Sincerely yours,

PERRY S. SAMUELS.

[From Variety Apr. 26, 1967]

MCLENDON STATION EXEC HITS BRITISH LACQUER LEERICS

Two centuries ago a warning cry went out "The British are coming!" Today a cry in the broadcasting industry is "Stop the British . . . from influencing American music with their out-and-out 'single' entendres," so declares McLendon Stations' national program director Bill Stewart.

Radio chain, with headquarters in Dallas, is the first to go on record anent the increasing "Gimmicks, intonations and nuances innocently or intentionally offending public morals, dignity and taste" through the new wave of lyrics in certain songs.

BLASTS BEATLES

"The English, spearheaded by The Beatles, are continuously injecting these suggestive lines that ultimately will bring strong censorship by the U.S. government, not just the broadcast industry alone," Stewart asserted

Stewart reports within six months between 25 and 30 top recordings have been banned by his stations because of the "tone of the words."

Starting May 15, all diskeries must submit separate lyric sheets before wax will be aired.

"If we keep getting titles like 'Fish And Finger Pie' and 'Let's Spend The Night Together Baby' and such lines within the songs themselves like 'sock it to me, baby' and '40,000 purple holes in my arm' the time to stop is now," Stewart warned. Another English group he charges is an offender is The Rolling Stones.

Stewart went on to say that "they (pop-rock English groups) are just having too much influence, and are making an impact on the diskers and record manufacturers in this country."

Stewart says "most other broadcasters concur with what we have to say and the stand we are taking." The Susquehanna Broadcasting Co., which controls six top-40 stations, he asserts is lending "support" to the crusade started by McLendon.

"Many of the major record companies are behind us in our thoughts, but there are still some which are objectionable in misconstruing this as being censorship of free expression. We sincerely mean our 'code of record standards' as a better guideline for the companies and performers alike.

"We've had all we can take of this glorifying of LSD and hop."

AMERICAN BROADCASTING CO.,
New York, N.Y.

GENTLEMEN: We ask your cooperation in assisting us to handle a problem of concern

to both the record and broadcast industries: the screening of records which contain lyrics in bad taste.

Initially, we want to reaffirm our basic position: this station will not play records whose lyrics, in our sole opinion, violate the tenets of good taste.

We try to screen all new record releases for possible inclusion on our weekly play list. Many records contain lyrics which are clearly and easily distinguishable by listening to them. Our problem does not involve these records, since if the lyrics are deemed to be in bad taste, the specific record will not be broadcast by our station.

The problem area involves those records in which the lyrics are not clearly and easily understandable in the initial screening. Effective immediately, in such instances we ask you to furnish us (*at the same time you furnish the record*) with a copy of the lyrics actually used on the particular record furnished.

If there is the slightest doubt whatsoever that the lyrics on your record are not clearly distinguishable, we suggest that you attach a copy of the lyrics used, because *if the station cannot understand the lyrics, and there is no transcript attached, that record will not be considered for broadcast by this station.*

Thus, in any situation in which there is the slightest doubt, you must include a transcript of the lyrics if you wish to protect your record's opportunity for equal consideration with all other records for inclusion on our play list.

We believe the foregoing procedures will enable us to implement our obligation to broadcast in the public interest and will be extremely helpful to both the record and broadcast industries in maintaining the high standards observed by the overwhelming majority of those engaged in our business.

We hope all responsible record companies will cooperate with us in this endeavor.

Very truly yours,

WALTER A. SCHWARTZ,
Vice President and General Manager.

WLCY RADIO,
Tampa, Fla., April 25, 1967.

Mr. BILL STEWART,
National Program Director,
The McLendon Stations,
Dallas, Tex.

DEAR BILL: Thanks for your note. It's been a lot of years since we've been in touch.

Bill, I posted your ad when it appeared in the trades for staff and management opinion. The response was one of relief: "Thank God somebody's taking a stand."

We do not air records with suggestive lyrics, naturally, and it would certainly ease our load (and ears) not to have to play and replay a record while writing down the lyrics.

I thought I was the only blue nose in the world who wouldn't play the flip of a record like the Rolling Stones' last one—I'm glad to hear I'm not alone: Those kids buy a record on our say-so and play both sides when they get it home. And what really bugs me is that one of the network-owned major labels is in it deep. I asked one of that label's regional men if he'd have his 14 year old daughter come over to my office and let me talk dirty to her for an hour or so. He got the point.

Cordials,

ROY E. NELSON,
Operations Manager.

RESOLUTION ADOPTED APRIL 23, 1967 BY THE LOUISIANA ASSOCIATION OF BROADCASTERS MEETING IN SHREVEPORT, LA.

Whereas there is an apparent increase in the amount of salacious and immoral material being included in records distributed to all stations, and

Whereas the broadcasting industry has no control over the production and distribution of records and must use recorded music made available to it;

Now therefore be it resolved that this Association concurs with Gordon McLendon in his contention that the industry responsible for the production and distribution of this music should show more concern about the nature of the music and lyrics produced, and

Be it further resolved that we compliment Mr. McLendon for taking this courageous stand and making his voice heard.

REMARKS BY DR. JOSE A. MORA, SECRETARY GENERAL OF THE ORGANIZATION OF AMERICAN STATES

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. PEPPER. Mr. Speaker, on the first of May, the distinguished Secretary General of the Organization of American States, Dr. Jose A. Mora, delivered a very eloquent and significant address at the annual dinner of the Florida State Chamber of Commerce at the Mayflower Hotel in Washington. This great Organization of American States has done much to promote the peace and prosperity of the Western Hemisphere in years past. We know that its role in the progress and peace of the Western Hemisphere in the years ahead shall be even greater. Dr. Jose A. Mora, distinguished statesman, as Secretary General, has immeasurably contributed to the accomplishments of the Organization of American States. We, of the Florida State Chamber of Commerce, were highly honored to have him appear at this function, and were particularly pleased to hear Dr. Irving Muskat speak so favorably of the great Inter-American Cultural and Trade Center, known as Interama, located in my district in Miami, and to have his recognition of the part that the Inter-American Cultural and Trade Center will play in future years in bringing closer together in friendship, and in cooperation, the peace-loving nations of the Western Hemisphere.

I commend Dr. Mora's able address to my colleagues and fellow countrymen and include it in the body of the RECORD at this point:

REMARKS OF THE SECRETARY GENERAL OF THE ORGANIZATION OF AMERICAN STATES, DR. JOSE A. MORA, AT THE ANNUAL DINNER OF THE FLORIDA STATE CHAMBER OF COMMERCE

It is indeed a pleasure to be present upon the occasion of the annual dinner of the Florida State Chamber of Commerce here in Washington, and to find myself in the company of so many friends of long standing.

Over the many years I have spent in this country, first as Ambassador of Uruguay, and more recently as Secretary General of the Organization of American States, I have been in unusually frequent contact with the State of Florida.

Some of my experience, of course, stems from the fact that Florida is in a very literal sense the United States' gateway to the south—the point of passage for thousands of travelers between this country and Latin America.

Much more is involved than mere geographical proximity, however.

The ties between Florida and the lands of the Caribbean date, as you all know, from the earliest years of our recorded history. The first European settlement in United States territory, Saint Augustine, was not English-speaking, but Spanish-speaking, and throughout the colonial period Florida's contacts were exclusively with the captaincies of the Viceroyalty of New Spain, not with the British establishments to the north.

If the Spaniards went their way a century and a half ago, and their place has been taken by an ever-increasing flood of descendants of the British colonists, their memory lingers on.

To begin with, of course, there is the name of the state, commemorative of its discovery on Easter Sunday, but singularly appropriate in its suggestion of a land of flowers. Then there is the oft-told tale of Ponce de Leon's vain search for the Fountain of Youth. Perhaps that gentleman was not so much misled as ahead of his time: could he return today during the Easter vacation period, and land on the beach at Fort Lauderdale, he would surely be convinced that his goal had been attained!

As befits a race called Conquistadores, the Spanish were great military architects, and the Castillo de San Marcos is a lasting reminder of the first empire on which the sun never set. The restoration of that and other colonial buildings at Saint Augustine, enthusiastically promoted by native Floridians and immigrants from as far off as New England, will bring visitors from all parts of the country to a vivid realization that the American heritage is Iberian as well as British in origin.

However respectful of history they may be, Floridians are not given to living in the past. Indeed, considering the installations at Cape Kennedy, they are in some respects living in the future! Thus, in connection with the Saint Augustine restoration, they have provided a Pan American Center, to further closer relations with Spaniards and Spanish Americans of today. A little farther to the south, a still more ambitious undertaking for the promotion of trade and friendship between the United States and Latin America is coming into being at Miami—the project known as Interama.

The Florida-Colombia Alliance represents one of the outstanding relationships developed under the Partners of the Alliance Program. I had the pleasure of addressing the Conference held in Tampa in November of last year, and was impressed to note that the projects considered ran from agrarian technical assistance to health programs, from tourism to the exchange of students and professors and aid to libraries and educational institutions. I am confident that the activities that have been undertaken will be fruitful, not merely in material benefits to those who are the object of assistance, but also in meaningful personal relationships among the collaborators—one of the firmest bases of inter-American solidarity.

It is indeed encouraging to me, as Secretary General of the OAS, that the fastest-growing state in the East, and one that is in the vanguard of progress, is also a leader in promoting friendship, cooperation, and trade with the United States' neighbors to the south.

I salute the State of Florida—a historic outpost of imperial Spain, the gateway to the adventures of outer space, and a bridge between the peoples and cultures of the New World.

POOR SCHOOLS FIRST

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may

extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. PEPPER. Mr. Speaker, Republican efforts to dismantle our current Federal aid to education program are being conducted in the name of "States' rights." Challenging this theory, the St. Petersburg Times points out in an April 29 editorial that without the Elementary and Secondary Education Act the result in States such as Florida "would be a complete reversal of Congress' intent to stimulate better schools. The rich would get more, the poor less."

Mr. Speaker, I include the editorial in the RECORD at this point:

POOR SCHOOLS FIRST

American governmental progress is marked by a series of great compromises. One of them—deciding the proper role of the federal government in assisting elementary and secondary schools—has fallen into deep trouble.

Every Congress since the end of World War II has heard impassioned debate over federal aid to education. With local and state tax resources consumed by ever-increasing demands, Congress wanted to offer some relief with federal tax dollars. But for two decades, every attempt was stalled by emotion-packed differences between public and religious schools, rural and urban areas, rich and poor states.

It was left for the remarkable 89th Congress to discover an acceptable compromise in 1965. Federal aid was not to go to states, school districts or schools. It was to go to children, specifically children of low-income families. Congress directed the U.S. Commissioner of Education to distribute appropriated funds to state education departments which would in turn apportion moneys to school districts according to a precise formula devised by Congress. The formula is based upon the number of 5 to 17-year-old children in each district from families with incomes below $2,000 a year, multiplied by 50 per cent of each state's average expenditure per school child. Thus, when state school support rose, so would federal aid.

Aware of the long and bitter struggle on this issue, President Johnson called the Education Act "the most important measure that I shall ever sign."

Supported by the churches, educators, private schools and the public, the program has worked beautifully.

Now, when the 90th Congress must renew the law, a short-sighted group of House Republicans is attempting to throw out the entire compromise. Whether it is their goal or not, these efforts threaten all federal aid to education.

Ironically, the attack is being conducted in the name of states' rights. Instead of states being required to follow Congress' needy children formula, the opponents want to give state education departments the power to distribute the funds as they wish.

The result in states such as Florida, where outdated state school aid formulas actually discourage county support, would be a complete reversal of Congress' intent to stimulate better schools. The rich would get more, the poor less.

Or, if the worst happens, the entire federal program will collapse. So, in the name of states' rights, the Republican House members will have increased the load on state treasuries and on heavily overburdened property taxes.

This must not be allowed to happen. It is to be hoped that Florida's 12 members of the House will help see that it doesn't.

ILLITERACY

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. SCHEUER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. SCHEUER. Mr. Speaker, there are more than 2 million American schoolchildren who do not speak English and who, as a direct result, suffer in terms of the educational opportunities available to them, in terms of being able to compete effectively for jobs upon graduation, and in terms of social standing in their communities. Unable to communicate in the language of the mainstream of American life, they have been cut off from effective participation in their society by an invisible but real barrier of verbs and nouns, idiom and nuance.

In my own New York there are more than 67,000 such children, less than 1,000 of whom graduate each year from an academic high school. Although the vast majority of these children in New York are of Puerto Rican heritage, the school age, non-English-speaking children in New York cut across 74 different locales and speak 32 distinct languages.

For one child to be deprived of his birthright of equal opportunity as an American citizen because of inadequate language preparation is a cause for national shame; for 67,000 or 2 million children to be thus deprived is a national disgrace.

The effects of this word barrier extend beyond the 2 million children directly involved. Because of their inability to communicate effectively their classmates are often slowed down in the learning process. What appears to be an important but relatively small problem then, actually has tremendous magnitude and impact on untold millions of American children.

I have, therefore, today introduced a bill to establish a Bilingual Education Act to provide the assistance necessary to allow these children and their parents the opportunity to participate more fully in the life of America.

Although individual school districts have made efforts to meet the problems faced by non-English-speaking students in their classes, these efforts have rarely provided the comprehensive, concerted force needed to effect change. The Bilingual Education Act will provide this force.

The text of the bill follows:

H.R. 9840

A bill to amend the Elementary and Secondary Education Act of 1965 in order to assist bilingual education programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Bilingual Education Act."

SEC. 2. The Elementary and Secondary Education Act of 1965 (Public Law 89-10) is amended by redesignating title VII as title VIII, redesignating sections 701 through 706 and references thereto as sections 801 through 806, respectively, and by inserting after title VI the following new title:

"TITLE VII—BILINGUAL EDUCATIONAL PROGRAMS

"Authorization of appropriations

"SEC. 701. There are authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1968, $35,000,000 for the fiscal year ending June 30, 1969, and $50,000,000 for each of the three succeeding fiscal years, to enable the Commissioner to make grants to local educational agencies and institutions of higher education to assist them in carrying out bilingual education programs in accordance with the provisions of this title.

"Uses of Federal funds

"SEC. 702. Grants under this title may be used, in accordance with applications approved under section 703, for—

"(a) planning for and taking other steps leading to the development of programs designed to provide high-quality educational opportunities for children from non-English-speaking homes, including pilot projects designed to test the effectiveness of plans so developed and the development and dissemination of special instructional materials for use in bilingual education programs;

"(b) providing preservice training designed to prepare persons to participate in bilingual education programs as teachers or teacher-aides, and inservice training and development programs designed to enable such persons to continue to improve their qualifications while participating in such programs; and

"(c) the establishment, maintenance, and operation (including the construction, remodeling, or renovation, or acquisition by lease or otherwise, of necessary facilities and the acquisition of necessary equipment and instructional materials) of programs which are designed to upgrade the quality of the entire program of schools consisting of a large proportion of children from non-English-speaking low-income families or special programs designed to meet the educational needs of children in areas having high concentrations of children from non-English-speaking low-income families, including—

"(1) intensive early childhood programs involving bilingual education techniques designed to provide children during the preschool, kindergarten, and early elementary years with educational experiences which will enhance their learning potential;

"(2) special programs or projects designed to supplement and enrich the programs of elementary and secondary schools, including bilingual education programs and bicultural education programs which acquaint students from both English-speaking and non-English-speaking homes with the history and culture associated with each language;

"(3) comprehensive programs of supportive services to students, including guidance and counseling, remedial instruction, summer programs, psychological and social work services, health and nutrition programs, and efforts to establish closer cooperation between the school and the home; and

"(4) adult education programs related to the purposes of this title, particularly for parents of children participating in bilingual programs.

"Approval of project applications

"SEC. 703. (a) A grant may be made under this title only for a project under clause (a) of section 702 or a project involving programs under both of clauses (b) and (c) of section 702, upon application submitted to the Commissioner jointly by a local educational agency and an institution of higher education, at such time or times, in such manner, and accompanied by such information as the Commissioner deems necessary. Such application shall—

"(1) provide that the local educational agency and the institution of higher education jointly submitting the application will be responsible for carrying out the programs for which assistance is sought under this title;

"(2) set forth procedures and policies which assure that the training provided by the institution of higher education for teachers and teacher-aides will be coordinated with the bilingual education programs of the local educational agency in which such persons are serving or will serve;

"(3) provide for such methods of administration as will best carry out the purposes of this title;

"(4) set forth policies and procedures which assure that the Federal funds made available under this title will be so used as to supplement and, to the extent practicable, increase the level of funds that would, in the absence of assistance under this title, be made available by the applicant for the education of children served by programs assisted under this title, and in no case supplant such funds;

"(5) show the estimated total current educational expenditure per pupil participating in the programs for which assistance is sought under this title;

"(6) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title;

"(7) provide for making such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this title and to determine the extent to which funds expended for the purposes set forth in section 702 have been effective, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports; and

"(8) provide assurance that, to the extent consistent with law, provision has been made for the participation in the project of non-English-speaking children who are not enrolled in public school on a full-time basis.

"(b) Applications for grants under this title may be approved by the Commissioner only if—

"(1) the application meets the requirements set forth in subsection (a);

"(2) the project set forth in the application is of such size, scope, quality and design as to provide reasonable assurance of making a substantial impact in meeting the special educational needs of persons who come from non-English-speaking low-income families; and

"(3) approval of the project is consistent with criteria established by the Commissioner, including criteria designed to achieve an equitable distribution of assistance under this title and criteria designed to take into account the impact upon the educational programs in communities in which the number of non-English-speaking persons from low-income families constitutes a substantial proportion of the population.

"(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulations, be subject to approval in the same manner as original applications.

"Payments

"SEC. 704. (a) The Commissioner shall pay to each applicant which has an application for a project approved under this title such amounts as the applicant may expend under the terms of the grant, which may include an amount for development of the proposal of not to exceed one per centum of the grant in the first year of a project assisted under this title.

"(b) Payments under this title may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"Labor standards

"SEC. 705. All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this title 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). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z-15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c)."

SEC. 3. (a) That part of section 801 (as so redesignated by section 2 of this Act) of the Elementary and Secondary Education Act of 1965 which precedes clause (a) is amended by striking out "and V" and inserting in lieu thereof "V, and VII".

(b) Clause (j) of such 801 is amended by striking out "title II and title III," and inserting in lieu thereof "titles II, III, and VII".

SOCIAL SECURITY IMPROVEMENTS

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. ST GERMAIN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. ST GERMAIN. Mr. Speaker, our senior citizens should be able to look upon the sunset of their lives with the assurance that they will not be darkened by the ugly shadow of poverty.

We in the Congress must take the necessary legislative steps to improve our social security system so that our senior citizens will have the assurance they so rightfuly deserve that their retirement years will be lived in dignity and self-respect.

I have received a resolution from the Rhode Island chapter of the National Council of Senior Citizens requesting such action which I would like to insert into the RECORD at this time:

RESOLUTION FOR SOCIAL SECURITY IMPROVEMENTS

Whereas, President Johnson has urged the Congress of the United States to increase Social Security benefits by an average of 20 percent with the biggest proportionate share going to the 2½ million retirees who now get only the minimum of $44 a month ($66 for a couple); and

Whereas, even the proposed increases would fall short of assuring Social Security beneficiaries genuine financial independence, as contemplated by the Social Security Act; and

Whereas, many other nations, far less affluent than the United States, have far more adequate social welfare systems; and

Whereas, no remotely comparable insurance protection is available to Americans at any price;

Therefore be it resolved, that the Congress of the United States take prompt, positive action to attack the deficiencies that exist in the Social Security system, so that older Americans, widows and children, and the disabled can live out their retirement years in dignity and self-respect rather than in poverty and despair; and

Be it further resolved, since the program's biggest single defect is the lack of adequate cash benefits, that the Congress act to increase these benefits as proposed by the President; and

Be it further resolved that copies of this resolution be sent to Senator Pastore, Senator Pell, Congressman St Germain, Congressman Tiernan, and Chairman Wilbur Mills, requesting them to support the President's proposals, and to place this resolution in the records of Congress; and

Be it further resolved that this resolution be given the fullest publicity through the communications media.

RUMANIAN NATIONAL HOLIDAY

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. ST GERMAIN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. ST GERMAIN. Mr. Speaker, on May 10, the national holiday of the Rumanian people is celebrated. On this day in 1866, Prince Charles of Hohenzollern—Sigmaringen was proclaimed Prince of Rumania and the Rumanian dynasty was founded. Eleven years later, in 1877, the principality of Rumania severed her links with the Ottoman Empire and proclaimed her independence and on May 10, just 15 years after the founding of the Rumanian dynasty, Charles I was crowned King of Rumania.

Therefore, Mr. Speaker, May 10 is a most significant day for the Rumanian people and for the world because mankind has been greatly enriched by the many contributions made to it by this great nation. A nation, which we are sad to say, now stands beneath the dark shadow of communism.

Twenty-two years have passed since the independence of this spirited nation has been disrupted by the forces of communism but this passage of two decades has not destroyed the will of the Rumanian people to assert their sense of national pride and national independence. It still remains to pierce the shadow of communism with the bright light of hope and historic strength.

This spirit of nationalism is particularly significant when we view how it has managed to break the monolithic Soviet bloc into many factions of communism, some of which are opposed to each other. And the spirited light of nationalism shines brightest in Rumania. Someday I expect this spirit to overcome the darkness of communism and once again clearly place before the world the splendor of an independent Rumania.

EXPORT-IMPORT FIAT CASE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. ST GERMAIN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. ST GERMAIN. Mr. Speaker, too often immediate considerations cloud ultimate objectives and cause us to veer off course in our endeavor to gain a lasting world peace.

Such is the case concerning the authorization of the Export-Import Bank to grant a $40 million credit to Italy's Fiat Co. in order to allow the company to purchase machine tools in the United States for a huge auto plant to be built in the Soviet Union.

Because of Russia's assistance to North Vietnam, an immediate consideration, too many people have failed to realize that the loan in question would provide for an increasing amount of the Soviet's industrial capacity to be geared to producing consumer goods, an ultimate objective.

For the benefit of my colleagues, I would like to insert into the RECORD an editorial concerning this matter that appeared in the May 9 edition of the Providence Journal.

This article brings to light all the considerations of the case at hand and is as follows:

TOOLING UP

The House banking committee has acted in the nation's best interest by helping to establish what could be an important element in President Johnson's plan for improved East-West trade.

The committee narrowly rejected an amendment that would have barred the Export-Import Bank from granting a 40-million dollar credit to Italy's Fiat company in order to allow the company to purchase machine tools in the U.S. for a huge auto plant to be built in the Soviet Union.

The amendment had a political ring because, generally speaking, it would prohibit the bank from making loans or guaranteeing any loans for the use of any nation whose government is providing goods or services for an antagonist of the United States.

The Soviet Union happens to be helping North Vietnam in the Vietnam War, and the machine tool credit involved in the Fiat-Soviet auto plant would fall under this prohibition.

The House committee fortunately was guided by long-range and more valid considerations concerning U.S. security. It is to America's advantage and in the cause of world peace if an increasing amount of the Soviets' industrial capacity is geared to producing consumer goods. There also is important American self-interest in selling machine tools in what probably will be a rapidly growing market.

It is to be hoped that the entire House will see these advantages as clearly as did the majority of the banking committee and help to move along this important bit of liberal trade legislation.

WAR ON POVERTY

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. ST GERMAIN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. ST GERMAIN. Mr. Speaker, one of the glories of an affluent society is its ability to combat poverty wherever and whenever it may exist.

Being cognizant of our ability to remove the ugly shadow of poverty from the face of our land, the Congress committed itself to this task by waging a war on poverty. Our commitment is a firm one. And it should be.

Therefore, it was with great delight that I listened to President Johnson's stirring words yesterday about the war on poverty.

It is clear that we are not backing off from our commitment to fight poverty—

He stated—

Nor will we—so long as I have anything to say about it.

We are staying for the long pull.

Continued the President.

These words embrace the tenacity that must be the very backbone of our antipoverty program. The President knows that victory in the war on poverty will not be easy to come by. He is aware of the strong political forces that threaten to destroy the war on poverty in favor of short-range political gain. But the President is determined that the war on poverty shall be won and he is willing to stick it out. And, I submit, so is this House and the rest of the Nation.

It would indeed be a tragedy for America, Mr. Speaker, if this body should fail to face up to the long pull and should fail in its commitment to our underprivileged citizens. And this is what would occur if the so-called Republican opportunity crusade were to be enacted. This "crusade" would abolish the Office of Economic Opportunity, the only voice the poor have ever had in the Halls of Government. It would scatter the antipoverty programs throughout the old bureaucracy to agencies whose heads have publicly warned that they are strained to the administrative breaking point by the programs they already have.

Much to my dismay, Mr. Speaker, there is a great deal of misunderstanding about the Office of Economic Opportunity and the President's war on poverty. Too many people have failed to realize that the war on poverty is not a matter of welfare or the dole. On the contrary, its aims are to abolish the dole by making productive members of society out of those welfare recipients who are not able to help themselves.

And there is another misunderstanding, Mr. Speaker, to which the President alluded yesterday. That is the erroneous idea that the economic opportunity legislation is an exclusively Negro program.

Poverty wears different masks in different places—

The President wisely remarked—

We may sometimes think of it as a Negro affliction, but seven out of ten poor people are white.

I would like to emphasize for the benefit of my colleagues, Mr. Speaker, that the war on poverty is a comprehensive program and a national program. It has the strong support of the President and of the Nation. It, therefore, deserves the strong support of this body.

PANAMA CANAL: BETRAYAL OF OUR TAXPAYERS' VAST INVESTMENT PROPOSED

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FLOOD] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. FLOOD. Mr. Speaker, since December 18, 1964, the governments of the United States and the Republic of Panama have been engaged in diplomatic negotiations for a new treaty to replace the treaty of 1903 under which Panama granted in perpetuity to the United States exclusive sovereignty over the Canal Zone for the construction of the Panama Canal and its perpetual maintenance, operation, sanitation, and protection.

In a joint statement by the Presidents of the United States and Panama on September 24, 1965, they announced that agreement had been reached on the following points:

First. That the 1903 treaty will be abrogated.

Second. That the new treaty will effectively recognize Panama's sovereignty over the Canal Zone territory—United States owned.

Third. That the new treaty will terminate after a specified number of years.

Fourth. That a primary objective of the new treaty will be to integrate the Canal Zone territory with that of the Republic of Panama.

The significance of that announcement was immediately apparent to informed Members of the Congress and students of the Isthmian question but not to the people of our country at large. It was evident that our negotiators with Panama had been bamboozled from start to finish by radical and communistic demands on the part of the Panamanian negotiators.

In a statement to the House and press release on September 27, 1965, I emphasized three points: First, that the Presidential declaration meant a complete and abject surrender to Panama of our indispensable sovereignty with respect to the Panama Canal and Canal Zone in favor of a dual managerial and governmental setup, in an area of endless bloody revolution and political instability; second, that such control could only lead to unending conflicts and recriminations that always accompany extraterritorial jurisdiction; and third, that it would mean the scrapping of all laws enacted by the Congress since 1904 for canal purposes and for governing the zone territory, with the loss of our huge investment. For full text of my press release see the CONGRESSIONAL RECORD of September 30, 1965.

As a consequence, many Members of the Congress and others have wished to know the extent of our investment in the Panama Canal and Canal Zone territory, the funds for which have been furnished by our Nation's taxpayers. Since its total

sum apparently had never been determined, on August 30, 1966, I requested the Secretary of the Army to supply me such information. He has now replied in two reports: the first on April 10, 1967, concerning the costs to the Army, Navy, and Air Force for defending—military—the Panama Canal; and the second on April 21, 1967, concerning the costs of the acquisition and government of the Canal Zone and of the construction, maintenance, operation, sanitation, and —police—protection of the canal.

From the data thus supplied, the following are the sums paid by our Government—an astounding total:

Defense of the Panama Canal:	
Army	$2,874,361,000
Navy	853,190,000
Air Force	320,400,000
Total	4,047,951,000
Acquisition of government of the Canal Zone, construction, maintenance, operation, sanitation, and protection (police) of the Panama Canal:	
Gross U.S. investment	1,951,600,000
Recoveries by U.S. Treasury	1,251,500,000
Unrecovered	700,100,000
Total investment	4,748,051,000

This is exclusive of $141,000,000 of net revenue which if added would bring our total investment to $4,889,051,000.

In connection with the gross U.S. investment of $1,951,600,000, this figure does not accurately reflect its present value, which, conservatively speaking, would be anywhere from 100 to 200 percent more than the sum stated.

Mr. Speaker, this total book value of $4,748,051,000 is greater than I expected and this is the investment that our country will altogether lose by the currently proposed treaty or treaties that may be sent to the Senate at any time after July for ratification—a shocking assault on the taxpayers of our country. Moreover, the proposed treaties if ratified will constitute an ignoring of American taxpayers who, in the canal picture, constitute a group that has been entirely ignored and forgotten.

No wonder the hidden architects of this planned surrender are using the treaty process to bring about what could never be obtained by legislation. No wonder they are strenuously endeavoring to keep the current diplomatic negotiations secret and to maintain silence in the Senate until the treaties are sprung on an uninformed body with the evident purpose to obtain a stampeded ratification.

In connection with the last, one of the key officials concerned with the treaty negotiations, a Presidential appointee, has visited Capitol Hill, talked with a number of prominent Senators, and endeavored to persuade them to remain silent until after the treaties are submitted. Could there be anything more iniquitous than to discourage Senators from studying this vital matter in advance of submission of the treaties? Could there be anything more ruinous of our constitutional system of separation of powers? And could there be a more atrocious disregard of our citizens who have furnished the huge funds thus to be given away as if they amount to no more than a pinch of salt?

In order that the entire Nation may have the facts and figures of our investment at Panama and with the hope that in some way the taxpayers will come to understand the situation involved, I quote my initial request to the Secretary of the Army and his two reports as parts of my remarks; and commend them for study by every Member of the Congress, the staffs of cognizant committees, interested agencies in the executive branch of our Government, and all others concerned with the isthmian question, especially transportation agencies, institutions of learning, and those responsible for mass media dissemination.

The information follows:

AUGUST 30, 1966.

Hon. STANLEY R. RESOR,
Secretary, Department of the Army,
Washington, D.C.

DEAR MR. SECRETARY: In view of the importance of the Canal Zone and Panama Canal problems now pending and in furtherance of studies that I have made through the years in these connections, I desire, as early as may be practicable, a statement showing all sums paid by our government and its subsidiaries for the construction, maintenance, operation, sanitation, protection and defense of the Canal and the government of the Canal Zone, starting in 1904 and continuing until the present time.

Such statement should include any interest that our government had paid on the account of expenditures dealing with the Zone and the Canal, including expenditures by the Panama Canal Company; and for all bridges, roadways, hospitals, residences and other improvements in the Zone made at the expense of the United States, together with the costs of fortifications in and out of the Canal Zone. Such gross sums of expenditures should be credited respectively by any sums of reimbursements received by our government and its agencies.

In brief, I should like to have a complete chronological recital of all and expenditures and credits so as to show, at least in approximation, what has been thus expended, in net, in the activities.

I realize that this request may involve considerable research, but I believe that under existing conditions such data is imperative.

Sincerely yours,

DANIEL J. FLOOD,
Member of Congress.

DEPARTMENT OF THE ARMY,
OFFICE OF THE UNDER SECRETARY,
Washington, D.C., April 10, 1967.

DEAR MR. FLOOD: This is in response to your letters of August 30, 1966 and February 21, 1967 to Secretary Resor requesting information on the sums paid by our Government and its subsidiaries for the acquisition, construction, maintenance, operation, sanitation, protection and defense of the Panama Canal and the Government of the Canal Zone.

The enclosure attached provides cost data relating to the protection and defense of the Canal in a chronological display as requested. You will note that this data covers all identifiable expenditures of the Department of the Army, Navy, and Air Force.

The remaining data requested will be provided shortly.

Sincerely,

THADDEUS HOLT,
Deputy Under Secretary of the Army,
(International Affairs).

COST OF PROTECTION AND DEFENSE OF THE PANAMA CANAL BY MILITARY DEPARTMENT

Cost of defense and protection of the Panama Canal

[In thousands of dollars]

Year	Army	Navy	USAF	Total
1904	7	292	0	[1] 299
1905	16	67	0	83
1906	14	145	0	159
1907	22	234	0	256
1908	36	150	0	186
1909	50	203	0	253
1910	43	214	0	257
1911	1,652	206	0	1,858
1912	1,590	314	0	1,904
1913	3,052	339	0	3,391
1914	6,996	183	0	7,179
1915	5,610	782	0	6,392
1916	14,452	782	0	15,234
1917	21,122	957	0	22,079
1918	18,784	182	0	18,966
1919	15,764	1,262	0	17,026
1920	15,926	1,262	0	17,188
1921	20,101	1,337	0	21,438
1922	27,536	1,172	0	28,708
1923	28,536	1,156	0	29,692
1924	28,036	1,165	0	29,201
1925	27,786	1,355	0	29,141
1926	29,013	1,230	0	30,243
1927	29,013	1,210	0	30,223
1928	30,013	1,751	0	31,764
1929	29,013	2,195	0	31,208
1930	29,013	3,811	0	32,824
1931	30,704	5,809	0	36,513
1932	30,704	6,982	0	37,686
1933	31,704	6,798	0	38,502
1934	31,599	2,617	0	34,216
1935	43,951	2,571	0	46,522
1936	41,969	3,500	0	45,469
1937	43,547	4,080	0	47,627
1938	51,744	3,825	0	55,569
1939	46,029	3,878	0	49,907
1940	75,146	4,740	0	79,886
1941	119,437	12,508	0	131,945
1942	197,255	26,277	0	223,532
1943	194,067	66,784	0	260,851
1944	140,442	87,360	0	227,802
1945	108,435	84,000	0	192,435
1946	60,101	51,830	0	111,931
1947	54,189	35,572	8,605	98,366
1948	30,113	35,400	8,605	74,118
1949	41,058	27,492	8,605	77,155
1950	49,019	21,139	8,605	78,763
1951	58,729	19,456	5,834	84,019
1952	72,204	26,398	7,568	106,170
1953	60,207	24,580	9,144	93,931
1954	54,582	23,318	9,854	87,754
1955	64,531	19,384	10,031	93,946
1956	49,182	26,700	10,817	86,699
1957	51,356	15,600	11,310	78,266
1958	36,783	12,460	11,209	60,452
1959	41,220	10,206	11,459	62,885
1960	51,408	9,817	11,102	72,327
1961	56,413	10,325	11,437	78,175
1962	58,789	10,387	12,066	81,242
1963	68,256	11,032	13,944	93,232
1964	77,955	10,253	20,610	108,818
1965	75,872	10,717	27,423	114,012
1966	76,742	11,590	29,914	118,246
MCA total	115,723	83,849	72,258	[2] 271,830
Total	2,874,361	853,190	320,400	4,047,951

[1] Total estimated expenditures include appropriations for military personnel, operation and maintenance, and procurement of equipment and missiles (including replacement of equipment and ammunition).

[2] MCA (military construction, appropriations) have not been itemized by year. This total represents all sums expended for military construction, including housing, for all military departments from 1904 to June 30, 1966.

DEPARTMENT OF THE ARMY, ESTIMATED COST OF PROTECTION AND DEFENSE OF THE PANAMA CANAL

FOREWORD

This report was prepared by the Comptroller of the Army.

1. The report contains a chronological listing by major appropriation of the estimated expenditures of the US Army from 1904 to 30 June 1966.

2. Format of the report is as follows:

Column 1: Year.

Column 2: Military Strength of the Army as of 30 June, each year.

Column 3: MPA (Military Personnel, Army) Appropriation.

Column 4: OMA (Operation and Maintenance, Army) Appropriation.

Column 5: PEMA (Procurement of Equipment and Missiles, Army) Appropriation.

(Includes PEMA Replacement and Ammunition).

Column 6: MCA (Military Construction, Army) Appropriation.

Column 7: Total Expenditures, rounded to the nearest thousand dollars.

Cost of protection and defense of the Panama Canal

[Dollar amounts in thousands]

Year (1)	Military strength (2)	MPA (3)	OMA (4)	PEMA (5)	MCA (6)	Total (7)
1904	[1] 4	$4	$3	0	(2)	$7
1905	9	9	7	0		16
1906	8	8	6	0		14
1907	13	12	10	0		22
1908	21	20	16	0		36
1909	29	28	22	0		50
1910	25	24	19	0		43
1911	876	841	673	$138		1,652
1912	841	807	646	137		1,590
1913	[3] 886	851	681	1,520		3,052
1914	2,179	2,092	1,674	3,230		6,996
1915	3,000	2,880	2,304	426		5,610
1916	8,000	7,680	6,144	628		14,452
1917	11,222	10,773	8,618	1,731		21,122
1918	10,461	10,043	8,034	707		18,784
1919	[4] 4,722	8,467	6,774	523		15,764
1920	4,772	8,556	6,845	525		15,926
1921	6,053	10,853	8,682	566		20,101
1922	8,334	14,943	11,954	639		27,536
1923	8,334	14,943	11,954	1,639		28,536
1924	8,334	14,943	11,954	1,139		28,036
1925	8,334	14,943	11,954	889		27,786
1926	8,784	15,750	12,600	663		29,013
1927	8,784	15,750	12,600	663		29,013
1928	8,784	15,750	12,600	1,663		30,103
1929	8,784	15,750	12,600	663		29,013
1930	8,784	15,750	12,600	663		29,013
1931	9,303	16,680	13,344	680		30,704
1932	9,303	16,680	13,344	680		30,704
1933	9,303	16,680	13,344	1,680		31,704
1934	9,578	17,173	13,738	688		31,599
1935	13,367	23,967	19,174	810		43,951
1936	12,759	22,877	18,302	790		41,969
1937	13,243	$23,745	$18,996	$806		$43,547
1938	14,942	26,791	21,433	3,520		51,744
1939	13,451	24,118	19,294	2,617		46,029
1940	22,384	40,135	32,108	2,903		75,146
1941	35,017	62,785	50,228	6,424		119,437
1952	58,257	104,455	83,564	9,236		197,255
1943	57,305	102,748	82,198	9,121		194,067
1944	41,278	74,011	59,209	7,222		140,442
1945	32,018	57,408	45,926	5,101		108,435
1946	14,704	33,569	23,526	3,006		60,101
1947	13,821	27,794	23,496	2,899		54,189
1948	7,251	14,763	13,777	1,573		30,113
1949	7,682	23,300	16,132	1,626		41,048
1950	8,343	26,247	18,772	4,000		49,019
1951	8,424	33,890	20,807	4,032		58,729
1952	11,671	37,125	29,761	5,318		72,204
1953	9,960	29,083	26,484	4,640		62,207
1954	8,146	26,963	23,697	3,922		54,582
1955	9,360	32,610	27,518	4,403		64.531
1956	6,808	25,305	20,485	3,392		49,182
1957	6,934	26,585	21,329	3,442		51,356
1958	4,825	18,750	15,426	2,607		36,783
1959	4,859	21,312	17,288	2,620		41,220
1960	5,930	26,359	21,075	3,974		51,408
1961	6,444	28,940	23,295	4,178		56,413
1962	6,699	30,025	22,485	4,279		58,789
1963	7,735	30,419	28,148	4,689		63,256
1964	8,557	41,288	31,652	5,015		77.955
1965	8,245	39,436	31,545	4,891		75,872
1966	8,313	39,902	31,922	4,918		76,742
MCA total						115,723
Total	[5] 656,596	1,451,388	1,156,796	150,454	$115,723	2,874,361

[1] The 1st U.S. military garrison in the Canal Zone consisted of approximately 1,400 U.S. Marine Corps personnel that were landed in November 1903 and departed in January 1914. Army personnel during the period 1904–10 consisted primarily of survey teams. The 1st U.S. Army troop unit arrived in the Canal Zone October 1911.

[2] Original Army fortifications (1911–15) cost approximately $11,000,000. Construction just prior to and during World War II cost approximately $75,000,000. Remainder is for roads and other required military construction. Does not include minor construction projects which are funded under "Operation and maintenance," Army. Does not include defense expenditures such as bombproofing locks which were funded by the Panama Canal Company.

[3] Plans for early defense of the canal had their beginning in January 1913. At this time a House committee on appropriations held open hearings on the defenses to be constructed. It was estimated that a minimum mobile force of 7,000 troops plus the coast artillery personnel to man the planned heavy fortifications would be required. The study resulted in the Department of the Army being authorized a total of 8,350 military personnel for the protection and defense of the Canal Zone. It is interesting to note that the present day Army strength in the Canal Zone is very close to this figure. The Panama Canal Department has undergone many reorganizations since this early defense plan was implemented; however, the major changes in Army units are that the Hawk batteries have replaced the coast artillery batteries and an infantry brigade along with a Special Forces Group have replaced the infantry regiments and other mobile forces of that era.

[4] The 1st Air Corps units were assigned to the Panama Canal Department in 1919. During this period the Army coast defenses and the mobile defenses consisted of 18 coast artillery batteries, 3 infantry regiments, 1 cavalry squadron, 1 field artillery battalion, 1 signal company, 1 engineer regiment, 2 observation groups (Air Corps), and 1 photographic section (Air Corps).

[5] Total for col. 2 is military man-years.

Sources: Annual reports of the Secretary of War, the Chief of Staff, or the Adjutant General. Chief, Military History, Deputy Chief of Staff for Personnel, Chief of Interoceanic Canal Studies, Office of the Chief of Engineers, and the Comptroller of the Army.

Historical references: History of the Panama Canal Department, vol. I–IV, An Integrated History of Panama Canal Department and the Fortifications of the Panama Canal. (Historical manuscripts are on file in the Office of the Chief of Military History, Department of the Army.)

DEPARTMENT OF THE NAVY ESTIMATED COST OF PROTECTION AND DEFENSE OF THE PANAMA CANAL

FOREWORD

1. This report presents estimated net expenditures in cases where complete fiscal data were not available. Estimates are based on historical records.

2. Military construction costs for the Navy Department are in the summary for all Services in Enclosure 1.

Estimated cost of protection and defense of the Panama Canal

[Dollar amounts in thousands]

Year	Military strength (man-years)[1]	Military pay	All other costs	Total costs [2]
1904	946	$287	$5	$292
1905	203	66	1	67
1906	417	142	3	145
1907	675	230	4	234
1908	415	144	6	150
1909	415	194	9	203
1910	415	204	10	214
1911	415	197	9	206
1912	415	265	49	314
1913	415	270	69	339
1914	27	101	82	183
1915	(3)	96	686	782
1916	(3)	96	686	782
1917	(3)	96	861	957
1918	(3)	96	86	182
1919	(3)	170	1,092	1,262
1920	(3)	170	1,092	1,262
1921	(3)	170	1,167	1,337
1922	(3)	170	1,002	1,172
1923	52	212	944	1,156

Estimated cost of protection and defense of the Panama Canal—Continued

[Dollar amounts in thousands]

Year	Military strength (man-years)[1]	Military pay	All other costs	Total costs [2]
1924	62	$221	$944	$1,165
1925	65	221	1,134	1,355
1926	66	346	884	1,230
1927	64	400	810	1,210
1928	62	807	944	1,751
1929	64	1,131	1,064	2,195
1930	72	1,555	2,256	3,811
1931	83	1,908	3,901	5,809
1932	97	2,262	4,720	6,982
1933	85	2,216	4,582	6,798
1934	85	1,750	867	2,617
1935	82	1,751	820	2,571
1936	93	1,771	1,729	3,500
1937	144	1,839	2,241	4,080
1938	150	1,826	1,999	3,825
1939	174	2,336	1,542	3,878
1940	220	2,518	2,222	4,740
1941	2,043	3,961	8,547	12,508
1942	5,674	6,259	20,018	26,277
1943	10,810	14,454	52,330	66,784
1944	10,172	13,133	74,227	87,360
1945	9,546	15,819	68,181	84,000
1946	3,835	13,723	38,107	51,830
1947	3,280	9,720	25,852	35,572
1948	2,455	6,478	28,922	35,400
1949	2,968	7,989	19,503	27,492
1950	1,262	3,550	17,589	21,139
1951	1,440	4,740	14,716	19,456
1952	1,467	4,679	21,719	26,398
1953	1,563	5,391	19,189	24,580
1954	1,474	3,945	19,373	23,318
1955	1,194	4,157	15,227	19,384
1956	1,193	4,209	22,491	26,700
1957	984	3,750	11,850	15.600
1958	650	2,511	9,949	12,460

Estimated cost of protection and defense of the Panama Canal—Continued

[Dollar amounts in thousands]

Year	Military strength (man-years)[1]	Military pay	All other costs	Total costs [2]
1959	615	$2,577	$7,629	$10,206
1960	526	2,232	7,585	9,817
1961	544	2,348	7,977	10,325
1962	530	2,290	8,097	10,387
1963	577	2,522	8,510	11,032
1964	592	2,845	7,408	10,253
1965	639	3,197	7,520	10,717
1966	639	3,225	8,365	11,590
Total	[4] 73,150	177,938	591,403	769,341

[1] Man-year data prior to 1941 cover Marine Corps personnel only. Military pay is for Marine Corps only in 1904 through 1907 but for Navy and Marine Corps personnel beginning in 1908. Navy man-year data are not available 1908 through 1940.

[2] Excludes $83,849,000 for military construction, Navy expenditures from 1904–66, as provided by the Chief of Interoceanic Canal Studies, Office of the Chief of Engineers, U.S. Army.

[3] Not available.

[4] Total for col. 2 is military man-years.

DEPARTMENT OF THE AIR FORCE, ESTIMATED COST OF PROTECTION AND DEFENSE OF THE PANAMA CANAL

FOREWORD

1. The data shown thereon reflect costs of the U.S. Air Force Southern Command (formerly the Caribbean Air Command), and to the extent possible excludes those costs

related to various Latin American programs such as missions. Also excluded are those expenses not financed through or identified with this command or its bases, such as Aircraft POL and centrally procured items purchased through procurement appropriations. Of the costs presented, the funds related to that specific mission of the command which is "to direct the Air Defense of the Canal Zone" cannot be separately identified.

2. Expenditures for the Army Air Corps (prior to 1947) are included in Army costs.

Air Force expenses in Panama Canal Zone

[Dollar amounts in thousands]

Fiscal year	Military personnel		Operation and maintenance	Military construction	Total
	Number	Amount			
1947 [1]	3,213	$5,552	$3,053		$8,605
1948 [1]	3,213	5,552	3,053		8,605
1949 [1]	3,213	5,552	3,053		8,605
1950	3,213	5,552	3,053		8,605
1951	1,328	2,548	3,286		5,834
1952	1,781	3,754	3,814		7,568
1953	1,994	5,659	3,485		9,144
1954	1,789	5,807	4,047		9,854
1955	1,604	5,546	4,485		10,031
1956	1,547	5,705	5,112		10,817
1957	1,411	5,385	5,925		11,310
1958	1,282	5,113	6,096		11,209
1959	1,252	5,353	6,106		11,459
1960	1,207	5,026	6,076		11,102
1961	1,144	5,037	6,400		11,437
1962	1,139	5,346	6,720		12,066
1963	1,173	5,357	8,587		13,944
1964	1,736	8,776	11,834		20,610
1965	2,312	12,545	14,878		27,423
1966	2,469	14,678	15,236		29,914
MCA total [2]				$72,258	72,258
Total	38,020	123,843	124,299	72,258	320,400

[1] Estimated for 1947–49.

[2] MCA total is for 1947–66. Includes $62,157 originally appropriated for Army MCA and transferred when the U.S. Air Force became a separate department.

DEPARTMENT OF THE ARMY,
OFFICE OF THE UNDER SECRETARY,
Washington, D.C., April 21, 1967.

DEAR MR. FLOOD: In my letter of April 10, 1967 I submitted to you cost data relating to the protection and defense of the Panama Canal. This was in partial response to your requests for information in letters of August 30, 1966 and February 21, 1967 to Secretary Resor.

The remaining investment of the United States Government in the Canal is reflected in the enclosure attached. These same data were submitted for the record to the Senate Appropriations Committee's Subcommittee on Public Works as an extension of the testimony by the Governor of the Canal Zone at a hearing on April 11, 1967.

If I can be of further assistance to you on this matter, please let me know.

Sincerely,

THADDEUS HOLT,
Deputy Under Secretary of the Army (International Affairs).

PANAMA CANAL ENTERPRISE

Unaudited summary of funds and property received by the Panama Canal enterprise from the U.S. Government, interest costs thereon payable to the U.S. Government, and funds paid back to the U.S. Treasury by the Panama Canal enterprise from inception to June 30, 1966

[In millions of dollars]

	July 1, 1951	June 30, 1966
Gross investment of U.S. Government:		
Funds and property transfers (1)	1,013.9	1,419.8
Interest on net investment of U.S. Government:		
From inception to June 30, 1951 (2)	373.4	373.4
PANAMA CANAL ENTERPRISE—Continued		
Gross investment of U.S. Government—Continued		
Interest on net investment of U.S. Government—Con.		
From July 1, 1951, to June 30, 1966:		
Panama Canal Company (paid to U.S. Treasury) (3)		139.6
Canal Zone Government and Thatcher Ferry Bridge (4)		18.8
Total gross investment of U.S. Government	1,387.3	1,951.6
Recoveries by the U.S. Treasury:		
Deposits and deposit credits from all sources (5)	784.6	1,251.5
Unrecovered balance excluding retained earnings	602.7	700.1

NOTE.—Not included above is $141,000,000 of net revenue (carried over from Panama Railroad Company, $71,100,000 plus $70,000,000 accrued to Panama Canal Company since July 1, 1951). If this amount is to be considered as an added investment it should be added to the cash total above, as follows:

	1951	1966
Total as above	602.7	700.1
Retained net revenue	71.1	141.1
Adjusted total	673.8	841.2

Detailed statement supporting summary statement of unrecovered investment of the U.S. Government in the Panama Canal enterprise from inception to June 30, 1966

1. Funds and property transfers:	
Funds appropriated directly for the enterprise:	
Original construction	$386,910,301.00
Maintenance, operation, and additional capital expenditures	929,593,859.40
Total	1,316,504,160.40
Funds appropriated for other U.S. Government agencies for the direct benefit of the enterprise:	
Construction annuity to employees (and their widows) engaged in the construction of the canal	45,672,877.91
Increased annuity to Panama	16,500,000.00
Annuities to employees retired prior to July 1, 1951	15,091,000.00
Salaries of military personnel assigned to the canal prior to July 1, 1951	9,307,002.00
Injury and death payments, Bureau of Employees Compensation	4,704,700.17
Total	91,275,580.62
Total appropriations	1,407,779,741.02

Detailed statement supporting summary statement of unrecovered investment of the U.S. Government in the Panama Canal enterprise from inception to June 30, 1966—Continued

1. Funds, etc.—Continued	
Property transferred from other U.S. Government agencies	$19,395,443.22
Property transferred to other U.S. Government agencies	7,354,372.75
Total property transfers, net	12,041,070.47
Total funds and property transfers	1,419,820,811.49
FROM INCEPTION TO JUNE 30, 1951	
2. Interest on net direct investment:	
Interest at 3 percent to Aug. 14, 1914, and at individual annual rates thereafter (as determined by the Secretary of the Treasury), has been calculated on net withdrawals (total appropriations less deposits of canal tolls and other deposits) from 1904 to 1951)	373,442,987.50
FROM JULY 1, 1951, TO JUNE 30, 1966	
3. Panama Canal Company: Interest at rates from 1.95 percent for fiscal year 1951 to 3.63 percent for fiscal year 1966 (as determined by the Secretary of the U.S. Treasury) has been calculated on the Company's net direct investment, established in accordance with section 62 of title 2 of the Canal Zone Code, charged to Company operations and subsequently deposited into the U.S. Treasury as miscellaneous receipts, as required by law	139,586,357.35
4. Canal Zone Government and Thatcher Ferry Bridge: Existing law specifically exempts the net direct investment of the Canal Zone Government and the Thatcher Ferry Bridge from interest charges. However, it is considered that this element should be included in arriving at the unrecovered investment of the U.S. Government in the canal enterprise. The interest cost reflected herein has been calculated at the same rates used for the Company as shown un-	

Detailed statement supporting summary statement of unrecovered investment of the U.S. Government in the Panama Canal enterprise from inception to June 30, 1966—Continued

4. Canal Zone, etc.—Con.	
der paragraph 3 above, on the net direct investment of the Canal Zone Government and Thatcher Ferry Bridge as of June 30 each year through June 30, 1966	$18, 847, 860. 00
5. Recoveries by the U.S. Government:	
(a) Actual deposits into the U.S. Treasury:	
Canal tolls prior to June 30, 1951	643, 883, 520. 78
Net profits from business operations (activities corresponding roughly to our present supporting operations	28, 591, 812. 05
Licenses, fines, fees and postal receipts	6, 887, 294. 59
Proceeds from sale of construction equipment	6, 990, 681. 75
Capital repayments and interest on public works in Panama and Colon	3, 547, 006. 22
Dividends paid by the Panama Railroad from 1905 to 1950	23, 994, 905. 00
Interest on net direct investment of the Company from July 1, 1951 to date	139, 586, 357. 35
Capital repayments from July 1, 1951 to date	25, 000, 000. 00
Net cost of Canal Zone Government, reimbursed by the Panama Canal Company	192, 533, 569. 49
Canal Zone Government revenue and plant salvage	109, 821, 007. 64
Total	1, 180, 836, 154. 87
(b) Deposit credits: Value of Canal tolls on U.S. Government vessels to June 30, 1951	70, 668, 969. 00
Total deposits and deposit credits	1, 251, 505, 123. 87

JOB CORPS

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. ALBERT] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. ALBERT. Mr. Speaker, I should like to bring to the attention of the House an up-to-date report on an important part the Job Corps is playing in each of our States, regardless of whether or not we each happen to have a Job Corps Center in our congressional district.

Job Corpsmen are sending home money to their dependents in the form of allotments—this act in itself is commendable. It is the beginning of responsibility that will have an influence on them the rest of their lives.

Under unanimous consent I include a report the Office of Economic Opportunity recently compiled showing that Job Corpsmen have spent home nearly $16 million in allotments in the last 2 years.

The Job Corps report follows:

JOB CORPS ALLOTMENTS TO NEEDY DEPENDENTS TOTAL NEARLY $16 MILLION

Job Corpsmen and women in two years have sent nearly $16 million in allotments home to needy dependents, Director William P. Kelly of Job Corps announced today.

In March 1967, he said, 75 percent of the young men and women in the program made allotments to needy dependents. The allotments by 24,581 young men and women totaled $1,211,910 that month.

Kelly said that 96.4 percent of those making allotments send the maximum of $25 a month, with Job Corps matching the amount of the allotment.

The share of the allotment by the Corpsman or woman is taken from the $50 a month readjustment allowance, which is paid the youth on leaving the program.

The first allotments were paid in March 1965 and the monthly total has increased steadily since that time, running at the rate of more than $1 million a month since November 1966.

"It is heartening to see the great number of young people who willingly make these allotments, even though it comes in part out of their own funds," Kelly said. "These allotment payments are of great help to thousands of families in America, as well as thousands of communities."

Allotments paid from March 1965 through March 1967 by states:

Job Corps allotments

Alabama	$721, 887
Alaska	26, 800
Arizona	138, 380
Arkansas	511, 150
California	1, 057, 410
Colorado	251, 070
Connecticut	66, 670
Delaware	70, 730
District of Columbia	161, 520
Florida	693, 860
Georgia	746, 310
Hawaii	98, 600
Idaho	40, 860
Illinois	496, 070
Indiana	168, 020
Iowa	48, 890
Kansas	124, 370
Kentucky	375, 590
Louisiana	698, 400
Maine	78, 360
Maryland	327, 740
Massachusetts	143, 550
Michigan	262, 180
Minnesota	97, 450
Mississippi	592, 140
Missouri	368, 040
Montana	48, 860
Nebraska	64, 220
Nevada	41, 090
New Hampshire	22, 300
New Jersey	418, 810
New Mexico	201, 520
New York	1, 086, 390
North Carolina	292, 350
North Dakota	52, 250

Job Corps allotments—Continued

Ohio	$405, 260
Oklahoma	243, 760
Oregon	110, 200
Pennsylvania	438, 200
Rhode Island	20, 830
South Carolina	581, 400
South Dakota	62, 370
Tennessee	404, 940
Texas	1, 668, 720
Utah	63, 770
Vermont	18, 940
Virginia	743, 350
Washington	125, 690
West Virginia	365, 620
Wisconsin	95, 240
Wyoming	36, 920
Total	15, 957, 095

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MULTER, for 1 hour, on Monday, May 15, on the 19th anniversary of the independence of Israel.

Mr. ESCH (at the request of Mr. KLEPPE) for 1 hour, on June 7; and to revise and extend his remarks and include extraneous matter.

Mr. ASHBROOK (at the request of Mr. KLEPPE), for 10 minutes, today; and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. PUCINSKI.

(The following Members (at the request of Mr. KLEPPE) and to include extraneous matter:)

Mr. TAFT.

Mr. THOMPSON of Georgia.

(The following Members (at the request of Mr. MONTGOMERY) and to include extraneous matter:)

Mr. MURPHY of Illinois.

Mr. RODINO.

Mr. KEE.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 223. An act to authorize the disposal of the Government-owned long-lines communication facilities in the State of Alaska, and for other purposes; to the Committee on Armed Services.

S. 449. An act to provide for the popular election of the Governor of Guam, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 477. An act for the relief of the widow of Albert M. Pepoon; to the Committee on the Judiciary.

S. 645. An act to provide needed means for the residents of rural America to achieve equality of opportunity by authorizing the making of grants for comprehensive planning for public services and development in community development districts approved by the Secretary of Agriculture; to the Committee on Agriculture.

S. 1136. An act to amend section 9 of the act of May 22, 1928 (45 Stat. 702), as amended and supplemented (16 U.S.C. 581h), relating to surveys of timber and other forest resources of the United States, and for other purposes; to the Committee on Agriculture.

S. 1190. An act to amend title 5, United States Code, to provide for the inclusion of certain periods of reemployment of annuitants for the purpose of computing annuities of surviving spouses; to the Committee on Post Office and Civil Service.

S. 1320. An act to provide for the acquisition of career status by certain temporary employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

ADJOURNMENT

Mr. MONTGOMERY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 11 minutes p.m.), the House adjourned until tomorrow, Thursday, May 11, 1967, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. NIX: Committee on Post Office and Civil Service. H.R. 1411. A bill to amend title 39, United States Code, with respect to use of the mails to obtain money or property under false representations, and for other purposes; with amendment (Rept. No. 235). Referred to the House Calendar.

Mr. NIX: Committee on Post Office and Civil Service. H.R. 3979. A bill to amend section 6409(b)(1) of title 39, United States Code, which relates to transportation compensation paid by the Postmaster General; with amendment (Rept. No. 236). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

Br. Mr. ASPINALL:

H.R. 9833. A bill to amend section 1331(c) of title 10, United States Code, to authorize the granting of retired pay to persons otherwise qualified who were Reserves before August 16, 1945, and who served on active duty during the so-called Berlin crisis; to the Committee on Armed Services.

By Mr. BUTTON:

H.R. 9834. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. CLEVELAND:

H.R. 9835. A bill to prohibit desecration of the flag; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 9836. A bill to amend the Internal Revenue Code of 1954 to provide a credit against income tax to offset losses of retired pay sustained by certain individuals who retired from the Armed Forces before June 1, 1958; to the Committee on Ways and Means.

By Mr. HAYS:

H.R. 9837. A bill to amend the Legislative Branch Appropriations Act, 1959, as it relates to transportation expenses of Members of the House of Representatives, and for other purposes; to the Committee on House Administration.

By Mr. HICKS:

H.R. 9838. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. RUPPE:

H.R. 9839. A bill to revise the quota-control system on the importation of certain meat and meat products; to the Committee on Ways and Means.

By Mr. SCHEUER:

H.R. 9840. A bill to amend the Elementary and Secondary Education Act of 1965 in order to assist bilingual education programs; to the Committee on Education and Labor.

By Mr. BOB WILSON (for himself, and Mr. UTT):

H. Res. 470. A resolution commending San Diego, Calif., for its commemoration of Charles A. Lindbergh's historic transatlantic flight in the Spirit of St. Louis; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ADDABBO:

H.R. 9841. A bill for the relief of Giacomo and Vincenza Bologna and minor child, Pasquale Bologna; to the Committee on the Judiciary.

By Mr. CAREY:

H.R. 9842. A bill for the relief of Nina Gemma Sinagra; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 9843. A bill for the relief of Luciana Ernesto Rodrigues DeCastro; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

80. The SPEAKER presented a petition of the Board of Supervisors, county of Santa Barbara, Calif., relative to the establishment of an oil drilling sanctuary offshore of the city of Santa Barbara, and to establish a moratorium for 1 year on oil leasing in the Santa Barbara Channel, which was referred to the Committee on Interior and Insular Affairs.

EXTENSIONS OF REMARKS

Rumanian Independence Day

EXTENSION OF REMARKS

OF

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1967

Mr. TAFT. Mr. Speaker, May 10 is the national holiday of the Rumanian people, celebrated by Rumanian organizations throughout the world. After centuries of oppressive domination by the Ottoman Empire, the Rumanian people had at long last achieved their much desired freedom and nation independence. Today marks the 90th anniversary of that event.

Unfortunately, the Rumanian people today live in a state of national oppression, victims of the vile infection of communism. Rumania along with many of her Eastern European counterparts was swallowed up by the tyranny of communism following World War II.

Let us all express a common wish that the forces of Rumanian unity with the West will increase and that in the course of time the Rumanian people will enjoy the national independence they so richly deserve. Today we join with Rumanians who are captive in their homeland in hoping for the dawn of a new time, when freedom will return to their country.

Rumanian National Independence

EXTENSION OF REMARKS

OF

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1967

Mr. PUCINSKI. Mr. Speaker, today, May 10, we commemorate the anniversary of the proclamation of Rumanian independence. On this date, in 1877, the Rumanian Parliament declared Rumania totally independent of the Turkish Ottoman Empire, after having endured centuries of persecution, oppression, and hardship. In 1856 Rumania had secured a status of autonomy from the Turks who by then had begun to feel the symptoms of decline. Even so, the Ottomans exacted an annual tribute from the Rumanians.

Ten years later, Rumanians elected as prince, Charles of Hohenzollern-Sigmaringen; at the same time a new constitution was instituted to which Prince Charles subscribed. This constitution was based on the Belgium Charter of 1851 and provided for upper and lower legislative bodies and gave the prince an unconditional veto on all legislation.

The existence of the Turkish tribute served to overburden the economic and social system of Rumania. When the Russo-Turkish War broke out in 1877, Rumanians were overjoyed. They were confident that Russia would crush Turkey, gain for Rumania complete freedom from Turkey, and at the same time, respect Rumania's territorial integrity. Thus, it was that on May 10, 1877, the Parliament passed the resolution declaring Rumania's independence from Turkey, gain for Rumania complete freedom by the Treaty of Berlin in 1878, albeit with certain harsh territorial encroachments, to the benefit of Russia.

Mr. Speaker, I am happy to salute the Rumanian people and their perseverance and courage in attaining independence from outside domination. It is our firm belief that Rumanians will persevere still in their struggles against outside domination and will one day soon take their proper position on the world stage of free nations.

Rumanian Independence Day

EXTENSION OF REMARKS

OF

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1967

Mr. RODINO. Mr. Speaker, the Rumanians constitute the largest ethnic group in southeastern Europe, in the Balkan Peninsula, and their homeland is among the largest in Eastern Europe. Just as these 19,000,000 hard-working peasants constitute a formidable force in Balkan region today, so in their past history they played an important part in the history of that region. For centuries they held their own against powerful and aggressive invaders, but in the 15th century they were overwhelmed by the Ottoman Turks. Their country was overrun, and for some 400 years they became subjects of the Ottoman sultans. During that long period they endured the cruel rule of the Turks, and at the same time they did their utmost to cast off the alien yoke weighing heavily upon them. Time and again they revolted and rose in rebellion against their fierce overlords; time and again they were overpowered and severely punished for their attempts to free themselves. But the Rumanian people, firmly determined to free themselves, and unwilling to be held down for long, revolted several times during the last century, and in at least two of these revolts they were successful.

In 1856 they obtained autonomous status within the Ottoman Empire, and for all practical purposes their only tie with the Sultan was the payment of annual tribute to his treasury. But the Rumanians wanted to cut off this last link with the Turks. To attain this goal they rose again in 1877, proclaimed their independence on May 10, and started fighting against the Turks. Fortunately they had the Russians as well as other Balkan peoples on their side. So the victory of their cause was assured early in 1878.

Thus May 10, 1877, and the events connected with that date, mark a true milestone in Rumania's political history. The proclamation of May 10 ushered in a new era, and gave the Rumanian people a new lease on life as a nation. They then built and developed their country, and made good use of its immense natural resources, making Rumania, Eastern Europe's "breadbasket." Later on Rumania became an important source of petroleum. Rumanians enjoyed their freedom and the prosperity of their country. Then with the outbreak of the last war things began to take a sad turn, leading to Rumania's tragedy at the end of the war.

It is Rumania's misfortune to be bordering on the Soviet Union. That geographical fact made Rumania one of the first victims of Soviet aggression early in 1945. Since then the Rumanians have known little real freedom. Today they suffer under communism, but they have successfully tried to loosen the chains which have held them tied to the Kremlin. In recent years they have attained some measure of freedom even under the Communist regime, often defying the authority of the Kremlin. Let us all hope that they will retain the freedom thus gained, and will soon attain full national freedom. On their independence day I wish them fortitude and patience in their struggle against totalitarianism in their homeland.

The Kee Report: Federal Aid to Education

EXTENSION OF REMARKS

OF

HON. JAMES KEE

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1967

Mr. KEE. Mr. Speaker, under leave to extend my remarks in the RECORD, I include last week's public service television and radio newscast, "The Kee Report." The subject discussed is Federal aid to education.

The report follows:

FEDERAL AID TO EDUCATION

This is Jim Kee, bringing you the Kee Report.

The United States Office of Education is now administering the most far-reaching aid to education program ever sponsored by the Federal Government.

This program has been underway for nearly a decade—since the enactment of a measure known as the National Defense Education Act. This legislation contained a number of provisions intended to help meet the rising costs of education. But the climax of the program came 2 years ago when Congress passed and the President approved 2 landmarks in the history of education—the Elementary and Secondary Education Act and the Higher Education Act.

The purpose of this legislation was to improve the quality of education in every school district in the country and to provide an opportunity for every qualified American youngster to obtain a higher education if he has the determination.

In helping the progress of education, Congress was following a tradition almost as old as our country itself. Shortly after we became a nation the Federal Government authorized the establishment of agricultural experiment stations and many of these later developed into full-time colleges. But the biggest boost to education came during the Civil War when Federal legislation brought about the beginning of the land-grant colleges.

This came about when Congress passed an Act transferring Federal land to the various states on condition that the revenue from these lands should be used for educational purposes. The wisdom of that act is shown by the fact that today every state has at least one land-grant college or university.

The Office of Education is now just 100 years old. Its creation was sponsored a century ago by Representative James A. Garfield, a member of the House of Representatives who later became one of our martyred presidents. The purpose of the Office was to keep an eye on the public school system which was then enjoying its greatest period of growth.

Today the primary responsibility for the public school system rests upon the states and local communities, just as it always has. However, in thousands of school districts, local education boards faced an alarming crisis a few years ago because of expanding population and rising costs. This was especially true in school districts where a large percentage of the children came from low income homes. It was to help meet this crisis that the Elementary and Secondary Education Act was enacted 2 years ago.

This year, the sum available in Federal grants for schools in the Fifth Congressional District totals $3,790,930. This Federal aid is based upon the presence in the 7 counties of more than 28,000 pupils who come from low income families.

This is now the second full year of operation for this Federal aid program. Educators believe it is too early to appraise the benefits or the shortcomings of this program. However, there is general agreement that the ultimate outcome will be a better school system functioning under the supervision of a better-paid teaching corps.

It has been well said that you can have education without democracy. But you cannot have democracy without education.

Thank you for listening.

Rumanian Independence Day

EXTENSION OF REMARKS

OF

HON. WILLIAM T. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1967

Mr. MURPHY of Illinois. Mr. Speaker, it is true that every nation has a special day which is significant in its history. This day is a day of rededication and of patriotic celebration. Rumania has such a day—May 10—a day commemorating the anniversary of Rumanian independence. It is also true that some nations have a history of misfortune and suffering. Rumania has such a history.

After centuries of Turkish domination, Rumania declared her independence on May 10, 1877. Realizing that this was a day of dedication, the Rumanians had no illusions about the difficulties of maintaining their independence and governing their country. Yet the Rumanians on that day could not have foreseen the national tragedy which would befall them even before the end of World War II. Turkish domination was replaced by Russian domination—no less cruel, no less a national disaster.

The Soviet domination of Rumania is a tragedy, but there is no finality in this tragedy. Indeed, there have been stirrings, as Rumania attempts to move toward greater economic freedom, to a reassertion of things Rumanian, and to greater cultural contacts with the West.

It has been said that it was Rumania's misfortune to border the Soviet Union. It can also be said that it is Rumania's fortune to have a brave and patriotic citizenry. It is difficult to salute a people who know tragedy, for the words must seem somewhat irrelevant coming from someone who has not shared their trials. We can, however, commemorate the Independence Day of the Rumanians. We can reaffirm our belief that on some future day they will be free, just as the Rumania of today is reaffirming

the same belief. We commemorate a proud and brave people who have been overrun by conquerors and invaders through most of their known history—but who have constantly, tirelessly attempted to reassert their independence.

To Rumanians in their native land, and to Rumanians throughout the world, we extend our hope on this Independence Day that the bonds oppressing them will someday rust and crumble. We all look forward to that May 10 when Rumanians can celebrate their independence day as free citizens of a free country.

Draft Laws

EXTENSION OF REMARKS

OF

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 1967

Mr. THOMPSON of Georgia. Mr. Speaker, each year the Congress is called upon to pass thousands of new laws touching upon all aspects of our society. Many knowledgeable persons request the Members of this House and the other body to adopt laws making it a crime under the Federal statutes to commit certain offenses. Yet the Members of this body well know that many of these proposed laws are unnecessary now, and will be in the future, if those charged with the responsibility of enforcing the law would carry out their sworn duty.

A case in point occurred only yesterday before the House Armed Services Committee during the testimony of Gen. Mark W. Clark, now retired. General Clark urged the committee, according to news accounts, to make it a "very severe punishable offense" for anyone to encourage the youth of our country to evade the obligation of military service under the Universal Military Training and Service Act.

Mr. Speaker, judging by the present attitude of the Justice Department toward such matters, it is entirely understandable that General Clark and others concerned about the security of our country could feel that no law presently exists to regulate conduct such as is now occurring in too many parts of America. But there is such a law. It is already "a very severe punishable offense" under existing Federal statute to encourage others to evade the draft law. Imprisonment for up to 5 years and a fine of up to $10,000 is severe punishment under any standards—and that is what the law now provides for such an offense.

Specifically, I refer to section 12(a) of the Universal Military Training and Service Act. This section declares that whoever "evades or refuses registration or service in the Armed Forces or any of the requirements of this title, or who knowingly counsels, aids, or abets another to refuse or evade registration or service in the Armed Forces or any of the requirements of this title or who shall knowingly hinder or interfere or attempt to do so in any way, by force or violence or otherwise or who conspires to" do so, is in violation of the provisions of this act.

Subsection (b)(3) of the same section applies to anyone who "knowingly destroys, knowingly mutilates" a draft card. Thankfully, Mr. Speaker, this section is being enforced by the FBI. But the enforcement of this section alone merely reaches those who have violated the law after being encouraged to do so. Such enforcement does not reach those principals who encouraged such acts in the past and continue to do so today with apparent impunity.

Members of this body well know that it is the duty of the Department of Justice to enforce the law, both civilly and criminally. It is not now, nor has it ever been, the responsibility of that Department to pass upon the validity of laws passed by the Congress before taking any action under them, to decide whether it wants to carry out those laws. The duty of interpreting the laws, and testing their constitutionality, is both historically and constitutionally the duty of the courts. If we allow our own Justice Department to permanently settle into a pattern of deciding what laws it wants to enforce, and those which it does not want to enforce, then we have openly condoned the substitution of the rule of men for the rule of law, right here in the Nation's Capital.

Further, the discussion in the House yesterday made it abundantly clear that the section mentioned is not the only law which applies to this situation. Section 2388 of title 18 of the United States Code also applies when properly construed in light of the emergency which was declared in December of 1950.

This is the section which makes it a punishable offense for anyone to willfully cause "insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or willfully obstructs the recruiting or enlistment service of the United States or attempts to do so."

Mr. Speaker, such acts have occurred within the largest city within my congressional district; they have occurred within the largest city within this Nation; and they have occurred elsewhere. There is no need to name names. The identity of the perpetrators is well known, for they seek, rather than avoid, publicity. They openly parade their contempt for the laws of this country before the entire Nation. No bloodhound is needed to track them down.

And yet, as pointed out here yesterday, the representative of the Department of Justice candidly declares that no one has been prosecuted under existing Federal law for such an offense "within his experience." Apparently this Department has no intention of obtaining any such "experience" until it is forced to do so.

Mr. Speaker, we cannot allow this situation to continue. We should not allow the Justice Department to continue to say that it will not enforce this or that law because it thinks enforcement might violate this or that amendment of the U.S. Constitution. Every lawyer Member of this body is well familiar with the rule that no right guaranteed under the Bill of Rights is an absolute right. It is a cardinal principle that all of our rights must be exercised with due regard for the rights of others and the rights of society.

The Congress has already declared that it is not a proper exercise of the right of free speech to encourage others to violate the draft law. It is now incumbent upon the Attorney General to carry out that law. It is not for him to decide whether he likes that law, or the duty it imposes. The Attorney General is sworn to uphold the law, and he should either uphold it or resign in favor of someone who will.

Mr. Speaker, the Members of this body feel so strongly about this matter that I will ask their support in a few days for a resolution I plan to offer which will call upon the President to direct the Attorney General to enforce the law as intended by the Congress.

HOUSE OF REPRESENTATIVES

THURSDAY, MAY 11, 1967

The House met at 12 o'clock noon.

The Reverend Edward G. Carroll, district superintendent of the Methodist Church, Washington, D.C., offered the following prayer:

Let us then with confidence draw near to the throne of grace, that we may receive mercy and find grace to help in time of need.—Hebrews 4: 16.

Let us pray. Gracious Father of our spirits, we thank Thee for this day and the opportunity to feel the strength that surrounds us, to follow the light that indwells us, and to appropriate the wisdom Thou givest liberally to all who ask of Thee.

Bless those who sit in this Chamber and other places of Government. Endow them with sensitiveness, pure purposes, and determination to the end that they legislate justly and assure for all people the fruition of their fullest potential.

Grant unto them the grace of penitence that they may not grow insensible to their need of forgiveness, from one another, and from Thee; but seek cleansing in communion that they may walk into that heaven of freedom where the mind is without fear and the head is held high. In Thy name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on May 5, 1967, the President approved and signed a bill of the House of the following title: