

86. Also, petition of Henry Stoner, Portland, Oreg., relative to legislation dealing with the desecration of the U.S. flag; to the Committee on the Judiciary.

87. Also, petition of Disabled American Veterans, Department of Vermont, relative to the granting to veterans of administrative leave rather than sick or annual leave when required to report for annual physical examination; to the Committee on Post Office and Civil Service.

## SENATE

TUESDAY, MAY 16, 1967

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

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

Our Father God, who art above all and in all, apart from Thee life has no meaning or destiny. We are made confident in our hearts that Thy mercy endureth forever, as the perspective of the long years assures us that Thou puttest down the mighty from their seats and dost exalt the humble and the meek.

Through the crucial months that are past we have been at best but unprofitable servants, but in spite of our shortcomings we are grateful for the high honor in these tense times of marching with the armies of freedom in the titanic conflict against rampant evil bent on enslaving all people.

Help us to lay aside every weight of prejudice or pride of covetousness, and with glad and eager feet to march with the armies that go to free, not to bind, to develop and not to rule, to cooperate and not to dominate, until the knowledge of the Lord, who is no respecter of persons, shall cover the earth as the waters now cover the sea. For Thine is the kingdom and the power and the glory. Amen.

## MESSAGES FROM THE PRESIDENT

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

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 42) to amend the National Housing Act, and other laws relating to housing and urban development, to correct certain obsolete references.

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

H.R. 2531. An act to provide for the disposition of the unclaimed and unpaid share of the Loyal Creek Judgment Fund, and to provide for disposition of estates of interstate members of the Creek Nation of Oklahoma or estates of members of the Creek Nation of Oklahoma dying without heirs;

H.R. 5702. An act to remove the 5-acre limitation on the amount of tobacco allotment acreage which may be leased;

H.R. 7965. An act to transfer title to tribal land on the Fort Peck Indian Reservation, and for other purposes; and

H.R. 8265. An act to amend the Agricultural Adjustment Act of 1938, as amended, to authorize the transfer of tobacco acreage allotments and acreage-poundage quotas.

## HOUSE BILLS REFERRED

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

H.R. 2531. An act to provide for the disposition of the unclaimed and unpaid share of the Loyal Creek Judgment Fund, and to provide for disposition of estates of interstate members of the Creek Nation of Oklahoma or estates of members of the Creek Nation of Oklahoma dying without heirs; and

H.R. 7965. An act to transfer title to tribal land on the Fort Peck Indian Reservation, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 5702. An act to remove the 5-acre limitation on the amount of tobacco allotment acreage which may be leased; and

H.R. 8265. An act to amend the Agricultural Adjustment Act of 1938, as amended, to authorize the transfer of tobacco acreage allotments and acreage-poundage quotas; to the Committee on Agriculture and Forestry.

## THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Monday, May 15, 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 a nomination on the Executive Calendar under "New Report."

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

## EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

The PRESIDENT pro tempore. If there be no reports of committees, the nomination on the Executive Calendar will be stated.

## MINT OF THE UNITED STATES

The legislative clerk read the nomination of Hyman A. Friedman, of Pennsylvania, to be Assayer of the Mint of the United States at Philadelphia, Pa.

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

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

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

## LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

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

## EXECUTIVE COMMUNICATIONS, ETC.

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

### PLANS FOR WORKS OF IMPROVEMENT IN VARIOUS STATES

A letter from the Assistant Secretary of Agriculture, transmitting, pursuant to law, plans for works of improvement on North Pigeon watershed, Iowa, Clatonia Creek, Nebr., Upper Clinch Valley watershed, Virginia, Tri-Creek, Wis., Pecan Creek, Tex., Eutacutaches Creek, Miss., Little Sni-A-Bar watershed, Missouri, Tri-County Hopson Bayou, Miss., Farmers Creek, Tex., Papillion Creek, Nebr., and Upper Bayou Teche watershed, Louisiana (with accompanying papers); to the Committee on Agriculture and Forestry.

### STATUS REPORT ON OCEANOGRAPHIC RESEARCH SHIP

A letter from the Secretary of Transportation, reporting, pursuant to law, on the status of a proposed oceanographic research ship (with accompanying papers); to the Committee on Commerce.

### REPORTS OF FOREIGN-TRADE ZONES BOARD

A letter from the Acting Secretary of Commerce, transmitting, pursuant to law, reports of the Foreign-Trade Zones Board, for the fiscal year ended June 30, 1966 (with accompanying reports); to the Committee on Finance.

### REPORTS OF U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

A letter from the Chairman, the U.S. Advisory Commission on International Educational and Cultural Affairs, Storrs, Conn., transmitting, pursuant to law, a report of that Commission entitled "Government, The Universities, and International Affairs, A Crisis in Identity" (with an accompanying report); to the Committee on Foreign Relations.

A letter from the Chairman, the U.S. Advisory Commission on International Educational and Cultural Affairs, Storrs, Conn., relating to the Central Intelligence Agency's support of certain international educational programs; to the Committee on Foreign Relations.

### REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on U.S. construction activi-

ties in the Republic of Vietnam, 1965-66, dated May 1967 (with an accompanying report); to the Committee on Government Operations.

**AMENDMENTS OF ENABLING ACTS OF THE STATES OF NEW MEXICO, ARIZONA, AND HAWAII, WITH RESPECT TO ENFORCEMENT OF TRUST PROVISIONS**

A letter from the Attorney General, transmitting a draft of proposed legislation to amend the Enabling Act of the States of New Mexico, Arizona, and Hawaii with respect to enforcement of trust provisions (with an accompanying paper); to the Committee on Interior and Insular Affairs.

**AUTHORITY FOR SECRETARY OF THE INTERIOR TO ENGAGE IN FEASIBILITY INVESTIGATIONS OF CERTAIN WATER RESOURCE DEVELOPMENTS**

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments (with accompanying papers); to the Committee on Interior and Insular Affairs.

**TASK FORCE REPORT ON ORGANIZED CRIME**

A letter from the Executive Director, the President's Commission on Law Enforcement and Administration of Justice, Executive Office of the President, Washington, D.C., transmitting, pursuant to law, a task force report on organized crime (with an accompanying report); to the Committee on the Judiciary.

**REPORT OF JOINT COMMISSION ON CORRECTIONAL MANPOWER AND TRAINING**

A letter from the Executive Director, Joint Commission on Correctional Manpower and Training, Inc., Washington, D.C., transmitting, pursuant to law, a report of that Joint Commission, for the period April 1, 1966-March 31, 1967 (with an accompanying report); to the Committee on Labor and Public Welfare.

**FINANCIAL SUPPLEMENT TO ANNUAL REPORT OF POST OFFICE DEPARTMENT**

A letter from the Postmaster General, transmitting, pursuant to law, a financial supplement to the annual report of that Department, for the fiscal year ended June 30, 1966 (with an accompanying report); to the Committee on Post Office and Civil Service.

**PLANS FOR WORKS OF IMPROVEMENT IN VARIOUS STATES**

A letter from the Assistant Secretary of Agriculture, transmitting, pursuant to law, plans for works of improvement on Five Creeks, Miss., Big Racooc Creek, Ind., Big Creek, Miss., Bennett Creek, Tex.; and Wolf Creek, Oreg. (with accompanying papers); to the Committee on Public Works.

**AMENDMENT OF ATOMIC ENERGY ACT OF 1954, AND EURATOM COOPERATION ACT OF 1958**

A letter from the Acting Chairman, U.S. Atomic Energy Commission, Washington, D.C., transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended, and the Euratom Cooperation Act of 1958, as amended, and for other purposes (with accompanying papers); to the Joint Committee on Atomic Energy.

**DISPOSITION OF EXECUTIVE PAPERS**

A letter from the Acting Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The PRESIDENT pro tempore appointed Mr. MONRONEY and Mr. CARLSON

members of the committee on the part of the Senate.

**PETITIONS AND MEMORIALS**

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Maryland; to the Committee on Banking and Currency:

**"SENATE JOINT RESOLUTION NO. 6**

"A Senate joint resolution to establish the policy of the State of Maryland on housing for elderly persons of low and middle income

"Whereas, Maryland has been a leader in participation by non-profit sponsors in building housing for elderly persons of low middle income under Section 202 of the Housing Act of 1959, and the General Assembly has encouraged this type of housing by passing Chapter 201 of the Acts of 1966, which authorized the local subdivisions to grant tax relief to such projects in the form of negotiated payments in lieu of taxes; and

"Whereas, the General Assembly in 1937 also enacted enabling legislation authorizing the establishment of local housing authorities; and thirteen cities and towns in Maryland have established such authorities, several of which have built housing especially suitable for the elderly, but only two counties have appointed housing authorities; and whereas these housing authorities can be established by action of the County Commissioners or Councils, and the authorities so established would then be able to build housing for the low-income elderly with Federal subsidies without expenditure of County or State funds; therefore, be it

"Resolved by the General Assembly of Maryland, That it is hereby declared to be the policy of the State of Maryland that:

"1. In the interest of building housing for the lowest income group among the elderly, housing authorities should be established in all counties at the earliest possible date.

"2. All such housing authorities and non-profit housing sponsors are urged to provide to the fullest possible extent facilities in these housing projects for such ancillary services as may meet the needs of the tenants in these projects as long as possible, and thus forestall the need for institutionalization.

"3. The General Assembly is convinced that there is need for housing which would provide individual units, with congregate kitchen and dining for those for whom independent tenancies are no longer adequate, but institutionalization is not yet necessary. Such housing should provide normal individual living conditions, but in which meals, housekeeping, and personal care services are provided centrally for those elderly who desire or need it. To encourage the construction of such housing, the General Assembly requests the Secretary of the United States Department of Housing and Urban Development to amend the regulations adopted under Section 202 of the Housing Act of 1959, so as to extend the benefits of Section 202 to non-profit sponsors of congregate housing for the elderly; and in the event that in his judgment such amendment is not authorized under the present language of Section 202, the General Assembly memorializes Congress to amend Section 202 to give non-profit sponsors of congregate housing the benefits of that Section. And be it further

"Resolved, That the policy set forth in this joint resolution of the General Assembly of Maryland be submitted to the several counties of this State for their favorable consideration. And be it further

"Resolved, That the Secretary of State of Maryland, under the Great Seal of the State

of Maryland, is requested to send a copy of this joint resolution to each Board of County Commissioners or County Council in the several respective counties of Maryland, to the Secretary of the United States Department of Housing and Urban Development, to the Presiding Officers of the United States Senate and House of Representatives, and to the Maryland Congressional Delegation in Washington, D.C."

A resolution of the Legislature of the State of Maryland; to the Committee on Public Works:

**"RESOLUTION NO. 47**

"A House joint resolution requesting the Congress of the United States to rehouse the United States Patent Office in Howard County or Anne Arundel County, Maryland

"The citizens of Maryland are proud that on April 14, 1964, the Committee on Public Works of the United States House of Representatives, gave its approval to a proposal which would rehouse the Patent Office of the Department of Commerce in Howard County or Anne Arundel County, provided Government-owned land was available, or a suitable site was acquired by donation. Subsequently, both Anne Arundel County and Howard County have made suitable sites available, thus meeting the requirement set forth by the Committee. Both sites are within commuting distance of Washington and offer sufficient acreage for growth and expansion; now, therefore, be it.

"Resolved by the General Assembly of Maryland, That this body requests the Congress of the United States to take such steps as may be necessary to carry out the recommendation of the Committee on Public Works to rehouse the United States Patent Office in Howard County or Anne Arundel County, in the State of Maryland; and be it further

"Resolved, That the members of the Maryland Delegation in the Congress of the United States are requested to give their hearty support to any legislation which would insure the rehousing of the Patent Office in Howard County or Anne Arundel County; and be it further

"Resolved, That the Secretary of State, of the State of Maryland, is requested under the Great Seal of the State of Maryland to send copies of this Joint Resolution to the President of the United States, the Vice President of the United States and presiding officer in the Senate of the United States, the Speaker of the House of Representatives in the Congress of the United States, each member of the Maryland delegation in the Senate and House of Representatives of the Congress of the United States, and the Secretary of Commerce of the United States."

A resolution of the Legislature of the State of Maryland; to the Committee on Rules and Administration:

**"RESOLUTION 7**

"A Senate joint resolution requesting the Library of Congress to return certain historical documents to the State of Maryland

"The General Assembly of Maryland requests the Library of Congress to return a series of valuable documents and records to the State of Maryland.

"These documents, all of which date from the 18th Century, are described by archivists as 'fugitives.'

"They are part of a series of journals and account books owned by the State and were lost many years ago when the State of Maryland had not created a Hall of Records for the careful preservation of such old documents and materials.

"The Library of Congress acquired these documents in the year 1867 when it purchased the library of a private collector.

"While the Library of Congress acted in perfectly good faith in acquiring by purchase these old Maryland documents, it is also true that the State cannot give away

or dispose of such records, and any purchaser naturally undergoes the risk of having them reclaimed.

"A joint resolution has been introduced into the Congress of the United States, directing the Library of Congress to turn over these old and valuable records to the Maryland Hall of Records.

"The General Assembly of Maryland adds its enthusiastic endorsement to the proposal for returning these records to their native State. The General Assembly is requesting all members of the Congress, in particular the several members of the Maryland Delegation in the Congress, to support the joint resolution to require their return; now therefore, be it

*"Resolved by the General Assembly of Maryland,* That this State legislature strongly supports the request that the number of 18th Century documents belonging to the State of Maryland be returned to the Hall of Records of Maryland by the present custodian, the Library of Congress; and be it further

*"Resolved,* That the Secretary of State of Maryland is directed to send copies of this joint resolution, under the Great Seal of the State of Maryland, to the Vice President of the United States as President of the Senate of the United States, the Speaker of the House of Representatives in the Congress of the United States, each member of the Maryland Delegation in the Senate and House of Representatives of the United States, and the Librarian in the Library of Congress."

A joint resolution of the Legislature of the State of Washington; to the Committee on Labor and Public Welfare:

**"HOUSE JOINT MEMORIAL 20**

"To the Honorable Lyndon B. Johnson, President of the United States, and to the Senate and the House of Representatives of the United States, in Congress assembled:

"We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, most respectfully represent and petition, as follows:

"Whereas, In the year 1965, the government of the United States, through duties and taxes on alcoholic beverages, collected almost four billion dollars (\$3,879,648,164); and

"Whereas, An Act of Congress of August 4, 1947, entitled 'Rehabilitation of Alcoholics' (61 Stat. 744, c. 472), officially recognized the fact that alcoholism is a disease and that an alcoholic is a sick person; and

"Whereas, Two United States Circuit Courts of Appeal have ruled that it is unconstitutional to jail an alcoholic simply because of public drunkenness; and

"Whereas, The Supreme Court of the State of Washington is now considering a case (Wayne J. Hill v. City of Seattle) which also challenges the constitutionality of jailing alcoholics simply because of public drunkenness; and

"Whereas, President Johnson's Commission on Law Enforcement and Administration of Justice has declared, 'Drunkenness should not in itself be a criminal offense' and has pointed out that including drunkenness within the system of criminal justice seriously burdens and distorts its operations; and

"Whereas, The President's Commission on Crime in the District of Columbia has recommended 'transferring responsibility for chronic alcoholism from law enforcement agencies to public health authorities'; and

"Whereas, The jailing of alcoholics is both cruel and futile, but prohibiting the practice will put a sudden and severe strain on the treatment resources presently available for alcoholics; and

"Whereas, Despite the facts cited above, the federal government has provided only insignificant financial help to any of the states in their efforts to combat the disease of alcoholism; and

"Whereas, The legislature of the State of Washington recognizes that alcoholism is a disease and that an alcoholic is a sick person who can be treated, has accepted this state's responsibility in the prevention of alcoholism and the treatment and rehabilitation of the victims of alcoholism, and has appropriated state funds for these purposes; and

"Whereas, A number of other states have also recognized their responsibility in the field of alcoholism;

"Now, therefore, be it resolved, That We, your Memorialists, the Senate and House of Representatives of the State of Washington, respectfully petition the Congress of the United States to enact the necessary legislation and provide the necessary funds to assist the states in meeting their responsibility to combat alcoholism, a disease which is now this nation's third leading health problem; and

"Be it further resolved, That copies of this Memorial be immediately transmitted by the Secretary of State to the Honorable Lyndon B. Johnson, President of the United States; the President of the United States Senate; the Speaker of the House of Representatives; each member of the Congress from the State of Washington; and to the Governors of the other forty-nine states.

*"Passed the House April 22, 1967.*

*"DON ELDRIDGE,*

*"Speaker of the House.*

*"Passed the Senate April 29, 1967.*

*"JOHN A. CHERBERG,*

*"President of the Senate."*

A resolution of the Legislature of the State of Minnesota; to the Committee on Labor and Public Welfare:

**"RESOLUTION 6**

"A resolution memorializing the President and Congress to abolish residence requirements for all federally supported programs for assistance to the blind

"Whereas the United States has appropriated substantial money to the several states for programs to assist the rehabilitation and aid in the support of the blind; and

"Whereas the several states have various and inconsistent residence requirements necessary for persons to qualify for assistance to the blind; and

"Whereas these requirements impede the movement of the blind throughout the union; and

"Whereas it would be of great value to persons otherwise qualified for assistance and to the public at large that those citizens have the same ease of movement throughout the union that citizens not so disadvantaged possess; now, therefore,

"Be it Resolved by the Legislature of the State of Minnesota that Congress should speedily enact legislation to abolish residence requirements for all federally supported programs for aid to the blind.

"Be it further Resolved that the Secretary of State of the State of Minnesota be instructed to transmit copies of this resolution to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States and to the Minnesota Senators and Representatives in Congress.

*"L. L. DUXBURY,*

*"Speaker of the House of Representatives.*

*"JAMES B. GOETZ,*

*"President of the Senate."*

*"Passed the House of Representatives this 17th day of April in the year of Our Lord one thousand nine hundred and sixty-seven.*

*"EDWARD A. BURDICK,*

*"Chief Clerk, House of Representatives.*

"Passed the Senate this fifth day of May in the year of Our Lord one thousand nine hundred and sixty-seven.

*"H. Y. TORREY,*

*"Secretary of the Senate.*

*"Approved May 10, 1967.*

*"HAROLD LEVANDER,*

*"Governor of the State of Minnesota.*

*"Filed May 11, 1967.*

*"JOSEPH L. DONOVAN,*

*"Secretary of the State of Minnesota."*

A joint resolution of the Legislature of the State of Idaho; to the Committee on Interior and Insular Affairs:

**"SENATE JOINT MEMORIAL 4**

"A joint memorial to the Honorable President of the United States, the Honorable Senate and House of Representatives of the United States in Congress assembled

"We, your memorialists, the Senate and House of Representatives of the state of Idaho, hereby request that:

"Whereas, the ever expanding population of the nation and the world demand a larger volume of foodstuffs and the surplus foodstuffs of this nation are steadily diminishing because of increasing demands; and

"Whereas, the natural resources of the state of Idaho include land peculiarly adapted to agricultural development, and abundant sources of water which are not being put to beneficial uses;

"Now, therefore be it Resolved, by the Thirty-ninth Session of the Legislature of the state of Idaho, now in session, the Senate and House of Representatives concurring, that we most respectfully urge the Congress of the United States to authorize the Southwest Idaho Water Development Project and appropriate funds upon projects surveyed and determined to be economical and feasible—namely, the Mountain Home Division and the power features of the Garden Valley Division.

"Be it further Resolved, that the Department of Interior direct the Bureau of Reclamation to undertake and complete feasibility studies upon the remaining divisions and upon the remaining features of the Garden Valley Division, in order to develop these areas of the project at the earliest possible date.

"Be it further Resolved, that the Secretary of State of the state of Idaho, be, and he is hereby authorized and directed to forward certified copies of this memorial to the President and Vice President of the United States, the Speaker of the House of Representatives of Congress, and to the Senators and Representatives representing this state in the Congress of the United States."

A resolution adopted by the Women's International League for Peace and Freedom, Philadelphia, Pa., relating to a review by an expert and disinterested commission of CIA policies and activities; establishment of the function of the CIA; and strict civil control of the CIA; to the Committee on Armed Services.

A resolution adopted by the Department of Hawaii, American Legion Post 41, Agana, Guam, opposing the proposal of the South Pacific Memorial Association, to be established on the Territory of Guam; to the Committee on Interior and Insular Affairs.

A resolution adopted by the Vicksburg Lodge 1581, Loyal Order of Moose, Vicksburg, Miss., relating to the enactment of legislation to prohibit the mutilation of the flag; to the Committee on the Judiciary.

A resolution adopted by the city council of the city of Elizabeth, N.J., favoring the enactment of legislation to permitting legislation for free postage for members of the forces; to the Committee on Post Office and Civil Service.

A resolution of the Disabled American Veterans, Department of Vermont, relative to the granting of administrative leave rather

than sick leave when required to report for their annual physical examination; to the Committee on Post Office and Civil Service.

A letter from the American Latvian Association in the United States, Inc., signed by Peter P. Lejins, president, of Washington, D.C., expression of appreciation for the adoption of Senate concurrent resolution in October 22, 1966; ordered to lie on the table.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HAYDEN, from the Committee on Appropriations, with amendments:

H. R. 9029. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1968, and for other purposes (Rept. No. 233).

By Mr. SPARKMAN, from the Committee on Foreign Relations, with amendments:

S. 1030. A bill to amend further section 1011 of the U.S. Information and Educational Exchange Act of 1948, as amended (Rept. No. 234).

By Mr. RANDOLPH, from the Committee on Public Works, without amendment:

S. J. Res. 74. Joint resolution to provide for the formulation, adoption, administration, and periodic updating of a comprehensive plan for the U.S. Capitol Grounds and contiguous related and influencing areas (Rept. No. 236).

#### IMPROVEMENTS OF CERTAIN BENEFITS FOR EMPLOYEES WHO SERVE IN HIGH-RISK SITUATIONS—REPORT OF A COMMITTEE (S. REPT. NO. 235)

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported an original bill (S. 1785) to improve certain benefits for employees who serve in high-risk situations, and for other purposes, and submitted a report thereon, which bill was read twice by its title and placed on the calendar, and the report was ordered to be printed.

#### BILLS INTRODUCED

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

By Mr. SMATHERS:

S. 1780. A bill for the relief of Harvey E. Ward; to the Committee on the Judiciary.

By Mr. SPARKMAN:

S. 1781. A bill for the relief of Kyong Hwan Chang; and

S. 1782. A bill for the relief of Soo Young Chang; to the Committee on the Judiciary.

By Mr. RIBICOFF (for himself and Mr. KENNEDY of New York):

S. 1783. A bill to provide criminal penalties for the introduction, or manufacture for introduction, into interstate commerce of master keys for motor vehicles, and for other purposes; to the Committee on the Judiciary.

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

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

S. 1784. A bill to amend the Act of October 30, 1965 (79 Stat. 1125), so as to authorize the State of Idaho to participate under the provisions of such Act; to the Committee on Commerce.

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

By Mr. FULBRIGHT:

S. 1785. A bill to improve certain benefits for employees who serve in high-risk situations, and for other purposes; read twice by its title and placed on the calendar.

(See reference to the above bill when reported by Mr. FULBRIGHT, which appears under heading "Reports of Committees.")

By Mr. TYDINGS:

S. 1786. A bill to amend the Life Insurance Act of the District of Columbia, approved June 19, 1934 (48 Stat. 1125); to the Committee on the District of Columbia.

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

By Mr. LONG of Missouri (for himself and Mr. SYMINGTON):

S. 1787. A bill to provide local grant-in-aid credit for urban renewal project in Kansas City, Mo.; to the Committee on Banking and Currency.

By Mr. JACKSON (by request):

S. 1788. A bill to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments; to the Committee on Interior and Insular Affairs.

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

By Mr. KENNEDY of New York (for himself, Mr. PROUTY, Mr. BAYH, Mr. BURDICK, Mr. CHURCH, Mr. GRUENING, Mr. JAVITS, Mr. KENNEDY of Massachusetts, Mr. McCARTHY, Mr. McGEE, Mr. MCINTYRE, Mr. MONDALE, Mr. MORSE, Mr. MOSS, Mr. NELSON, Mr. PELL, Mr. PROXMIRE, and Mr. TYDINGS):

S. 1789. A bill to authorize demonstration projects designed to help young adult criminal offenders through the services of members of VISTA and the Teacher Corps or other qualified teachers; to the Committee on Labor and Public Welfare.

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

By Mr. HAYDEN (for himself, Mr. KUCHEL, Mr. FANNIN, and Mr. MURPHY):

S. 1790. A bill to render the assertion of land claims by the United States based upon accretion or avulsion subject to legal and equitable defenses to which private persons asserting such claims would be subject; to the Committee on Interior and Insular Affairs.

By Mr. MAGNUSON:

S. 1791. A bill for the relief of Yoshihide Hayasaki; to the Committee on the Judiciary.

By Mr. RIBICOFF:

S. 1792. A bill for the relief of Osvaldo Soldati and his wife Anna Maria Soldati; to the Committee on the Judiciary.

By Mr. PASTORE (for himself and Mr. PELL):

S. 1793. A bill for the relief of Teresina Del Toro; to the Committee on the Judiciary.

#### RESOLUTION

#### ERCTION OF A STATUE IN THE FORM OF "THE MAINE LOBSTERMAN" IN THE DISTRICT OF COLUMBIA

Mrs. SMITH submitted the following resolution (S. Res. 122); which was referred to the Committee on the District of Columbia:

S. RES. 122

Whereas the National Capital Planning Commission of the District of Columbia is charged with planning the redevelopment of the "New Southwest" section of the city; and

Whereas part of this redevelopment in-

cludes that area known as Maine Avenue; and

Whereas this avenue, running along Washington's waterfront area, has been designated in honor of the State of Maine: Now, therefore, be it

Resolved, That provisions be made by the National Capital Planning Commission to provide for a suitable site to erect a monument commemorating the State of Maine; and be it further

Resolved, That this monument be in the form of a statue, "The Maine Lobsterman", one hundred and two inches tall, and forty-one by thirty inches at the base, said statue to be supplied and erected by the State of Maine.

#### PREVENTION OF AUTO THEFT

Mr. RIBICOFF. Mr. President, for myself and the junior Senator from New York [Mr. KENNEDY], I introduce for appropriate reference a bill to provide criminal penalties for the introduction, or manufacture for introduction, or advertisement for sale in interstate commerce of master keys for motor vehicles.

This is identical to the bill I introduced on this subject last year. It prohibits the advertisement for sale of master keys except to those with a legitimate need for them. The bill authorizes the Postmaster General to establish regulations for the mailing of such keys.

Last year there were more than 500,000 cars stolen resulting in a direct financial loss of \$140 million. Nearly two-thirds of these thefts are committed by youngsters under 18.

There is persuasive evidence that a substantial portion of the car thefts are perpetrated by minors and professional thieves with the aid of master keys. These keys are advertised for sale to the general public in many general circulation magazines for a cost of about \$30. This invitation puts temptation too close at hand for those with the intent to commit auto theft. My bill would remove this source of criminal activity. It would permit only those with a lawful business purpose to obtain these keys.

Mr. President, auto thefts are rising at an alarming rate. In 1964 there was a 16-percent increase over the previous year. In 1965 there was a jump of another 5 percent, and preliminary figures for 1966 show another rise of 12 percent. It is a time for speedy, effective action to stop this spiraling rate. This bill will significantly curb auto thefts. I hope it will receive prompt consideration by the Senate.

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

The bill (S. 1783) to provide criminal penalties for the introduction, or manufacture for introduction, into interstate commerce of master keys for motor vehicles, and for other purposes, introduced by Mr. RIBICOFF (for himself and Mr. KENNEDY of New York), was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. KENNEDY of New York. Mr. President, in a measure designed to deal with one more aspect of the crime problem, I have joined Senator RIBICOFF in cosponsoring a bill to prohibit the sale through the mail of master car keys. This meas-

ure would prevent the sale of master keys for automobiles to juveniles and others who do not have a legitimate need for them.

Car theft is one of the most common crimes committed in this country. Last year, over 500,000 cars were stolen and every indication we presently have leads to the conclusion that the number of car thefts will continue to rise this year.

We also know that the crime of stealing automobiles is not normally committed by older offenders. It is a crime of the young—of the juvenile who wants to show off to his friends or is simply searching for a new thrill. Statistics compiled in the 1966 Uniform Crime Report show that over two-thirds of these thefts were committed by individuals under 18 years of age.

The stealing of automobiles is encouraged and made easy through the sale of master car keys at low prices. Popular magazines carry advertisements for key sets available through the mails to anyone who will send in the necessary \$3 to \$6. This type of advertisement is an open invitation to a young person to steal a car for a joyride—a joyride that all too often winds up in a reformatory or an accident.

Mail order sales of master car keys is a national problem since the laws of any one State are not effective against mail that crosses State boundaries. A national solution is therefore required. The bill introduced by Senator RIBICOFF can provide that solution. I urge that hearings be held on this bill in the near future so that Congress can take appropriate action this year.

#### AMENDMENT TO ANADROMOUS FISH ACT

Mr CHURCH. Mr. President, I introduce, for appropriate reference, on behalf of myself and my distinguished colleague from Idaho [Mr. JORDAN], a bill to amend the Anadromous Fish Act, Public Law 89-304. The purpose of the Anadromous Fish Act, Mr. President, is to conserve, develop and enhance the supply of salmon and similar fish which ascend fresh water streams to spawn.

It provides that the Secretary of the Interior may enter into agreements with the States for cooperative action and for matching Federal grants of up to 50 percent for these important programs.

Unfortunately, the Anadromous Fish Act prohibits the spending of funds in the Columbia River drainage. Congress excluded the Columbia drainage because Federal funding was made to that area through the Mitchell Act of May 11, 1938 (52 Stat. 345) as amended (16 U.S.C. 755-757). The Mitchell Act, however, excluded the upper Columbia, and it was not until 1958 that my State of Idaho was allowed to participate in that program.

As I mentioned earlier, the Anadromous Fish Act approved by the 89th Congress, specifically prohibits spending Federal funds in the Columbia River drainage. This was appropriate, Mr. President, for our sister States of Washington and Oregon, because they have numerous anadromous fish streams that

pour into the Pacific, and in the case of Washington, also into Puget Sound, all outside the Columbia drainage.

But Idaho's great Snake, Salmon and Clearwater Rivers—one of the last major spawning grounds for salmon and steelhead trout—are part of the Columbia drainage, and thus excluded from the benefits of the act.

Downstream dams, Indian and commercial fishing have reduced the great runs of salmon and steelhead in the Pacific Northwest, and in Idaho, where this major nursery is located. This is added reason why we should be allowed to participate in this program. With one of the best fish and game departments in the Nation, Idaho is already spending large sums of money on research and management of these anadromous fish, but further Federal assistance is needed.

The bill which we introduce today simply amends the Anadromous Fish Act so as to authorize the State of Idaho to participate under its provisions. This is not, Mr. President, just because it is only fair and equitable, but because these fish sustain an estimated \$50 million annual industry in the Pacific Northwest. The runs must be preserved and the major spawning complex is in Idaho where much of the research and work must be done. I hope we can have early action on this bill.

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

The bill (S. 1784) to amend the act of October 30, 1965 (79 Stat. 1125), so as to authorize the State of Idaho to participate under the provisions of such act, introduced by Mr. CHURCH (for himself and Mr. JORDAN of Idaho), was received, read twice by its title, and referred to the Committee on Commerce.

#### AMENDMENT OF THE LIFE INSURANCE ACT OF THE DISTRICT OF COLUMBIA

Mr. TYDINGS. Mr. President, I introduce today a bill to amend the Insurance Code of the District of Columbia to assure that the eight Canadian-based life insurance companies licensed to do business in the District are accorded the same rights to advertise their business figures and distribute their financial statements to prospective buyers as are their American-based competitors.

Last year the Congress amended the life insurance laws of the District of Columbia to make it possible for companies licensed to sell insurance in the District to advertise their total business figures in accordance with the latest fiscal information available to them. This was a useful and necessary amendment for both the consumer and the life insurance companies.

Unfortunately, the amendment was drawn in such a way that it did not extend this same privilege of providing updated financial data to alien companies as it did to their American-based competitors. The only alien insurance companies presently licensed to do business in the District are eight Canadian-based companies. The continued presence here of these companies is distinctly in the

interest of the citizens of the District. Their presence increases the choices available to our consumers, and their sound financial status is unquestioned by the Superintendent of Insurance.

The bill which I introduce today will put these eight companies back on equal operating terms with all other life insurance companies doing business in the District of Columbia. I hope the Congress will give the bill early and complete consideration.

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

The bill (S. 1786) to amend the Life Insurance Act of the District of Columbia, approved June 19, 1934 (48 Stat. 1125), introduced by Mr. TYDINGS, was received, read twice by its title, and referred to the Committee on the District of Columbia.

#### FEASIBILITY INVESTIGATION OF CERTAIN WATER RESOURCE DEVELOPMENTS

Mr. JACKSON. Mr. President, I send to the desk, for appropriate reference, a measure I am introducing at the request of the Department of the Interior to authorize feasibility studies on four proposed irrigation projects.

The draft of this proposed legislation was submitted in compliance with section 8 of Public Law 89-72, which provides:

SEC. 8. Effective on and after July 1, 1966, neither the Secretary of the Interior nor any bureau nor any person acting under his authority shall engage in the preparation of any feasibility report under reclamation law with respect to any water resource project unless the preparation of such feasibility report has been specifically authorized by law, any other provision of law to the contrary notwithstanding.

The Members of the Senate will recall that this provision was written into S. 1229, 89th Congress by the Senate Interior Committee so that Congress would retain control over all phases of irrigation projects.

Mr. President, I ask unanimous consent that the text of the draft legislation, the letter of transmittal of the Secretary of the Interior, and a description of each of the proposed projects that will be the subject of a feasibility study be printed in the RECORD at this point.

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

The bill (S. 1788) to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments, introduced by Mr. JACKSON, by request, 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. 1788

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized*

to engage in feasibility studies of the following proposals:

1. Missouri River Basin project, Garrison division, Garrison diversion unit, Minot extension, in the vicinity of Minot, North Dakota.

2. Mogollon Mesa project, Winslow-Holbrook division in the Little Colorado River Basin in the vicinity of Winslow and Holbrook, Arizona.

3. Mountain Park project in the vicinity of Altus, Oklahoma.

4. Retrop project on the North Fork of the Red River in the vicinity of the W. C. Austin project, Oklahoma.

The letter of transmittal and a description of each of the proposed projects are as follows:

U.S. DEPARTMENT OF THE INTERIOR,

OFFICE OF THE SECRETARY,  
Washington, D.C., May 8, 1967.

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

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "To authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments." Authorization of feasibility studies as proposed by this draft bill is required by section 8 of the Federal Water Project Recreation Act of July 9, 1965 (79 Stat. 217).

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

The bill would authorize the Secretary of the Interior to engage in feasibility studies of the Mountain Park and Retrop projects in Oklahoma, the Winslow-Holbrook division of the Mogollon Mesa project in Arizona and the Minot extension of the Garrison diversion unit in North Dakota.

A feasibility report on the Mountain Park project was submitted to Congress in May of last year. Due to the possibility of certain additional studies and analyses, the project was included in S. 3034, 89th Congress, 2d Session, "To authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource development proposals." Studies of the Retrop project were initiated in fiscal year 1966 prior to the date the Federal Water Project Recreation Act went into effect. With the enactment of S. 3034 work has been suspended.

Both of these projects were omitted from S. 3034, as passed, due to "water supply problems". The Department is not aware of any water supply problems which should prevent feasibility studies from continuing on these projects. In view of the pressing need for the water supply that these projects would make available, the studies should be resumed and completed at the earliest practicable date.

Reconnaissance studies have been completed for the Holbrook-Winslow division of the Mogollon project and the Minot extension of the Garrison diversion unit. On the basis of the reconnaissance data, it appears that the developments are economically desirable and financially justified, there is good local support, and feasibility studies are warranted. The Department proposes to undertake the feasibility studies as soon as study authorization is available and the work can be fitted into its planning program.

Also enclosed are supplementary statements which provide information on the plan of development for the four projects, and the justification for seeking feasibility study authority.

The Bureau of the Budget has advised that there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

Sincerely yours,

KENNETH HOLUM,  
Assistant Secretary of the Interior.

MISSOURI RIVER BASIN PROJECT, GARRISON DIVISION UNIT, MINOT EXTENSION, NORTH DAKOTA

Location: Ward County near the city of Minot, North Dakota.

Project data: (Reconnaissance 1966).

|                         |             |
|-------------------------|-------------|
| Total construction cost | \$5,861,000 |
| Adjust                  | 1,284,000   |
| Total allocation        | 6,145,000   |

PROGRAM GOALS

|   | Cost allocation  |
|---|------------------|
| Municipal and industrial water,<br>18,907 <sup>2</sup> acre-feet per year | \$6,145,000      |
| Fish and wildlife   | ( <sup>4</sup> ) |
| Recreation  | ( <sup>4</sup> ) |
| Total   | 6,145,000        |

<sup>1</sup> Represents interest during construction.

<sup>2</sup> Canalside delivery; annual use at city's plant estimated at 14,562 acre-feet annually for population of 70,000 in year 2000.

<sup>3</sup> Does not include cost of water at Velva Canal, Garrison diversion unit which is estimated at \$15 per acre-foot annually, including assigned OM&R.

<sup>4</sup> Storage reservoir is expected to provide opportunities for outdoor recreation and fish and wildlife enhancement; to be evaluated in feasibility study.

Benefit-cost ratio: 1.3 to 1.0.

Description: Under the authorized initial stage of the Garrison diversion unit, the Velva Canal will be constructed from Lone-tree Dam and Reservoir, a regulating reservoir, to a point about 12 miles east of the city of Minot, serving irrigable lands to the southeast and northeast of the city. The plan being considered under the proposed feasibility investigation for delivering water to the city would be a physical extension of the Garrison diversion unit. A canal about 10.5 miles long would be constructed from the Velva Canal to a potential dam and reservoir site about one mile from the city. Two pumping plants would be required on the canal to lift the water a total of 80 feet. A 4.7-mile pipeline from the proposed reservoir to the city's treatment plant would be required. The reservoir, which would store water during the off-season period when the Velva Canal is not being operated, would have a capacity of about 7,500 acre-feet.

Status: As a part of studies for the initial stage of Garrison diversion unit, the overall feasibility of delivering water to 14 municipalities, including the city of Minot, and four industrial areas was determined.

For determination of benefits, preliminary estimates were made of the costs to each water user for works to deliver water from the project canals. This information has been updated in respect to furnishing a water supply for the city of Minot, and a reconnaissance estimate has been prepared of costs for construction of a delivery system by the Bureau of Reclamation.

Justification: The city of Minot has attempted to make the best utilization of any and all sources of water to maintain its steady population growth, but is still faced with a critical water supply if it must depend on underground aquifers and the Souris River. The ground water level has continued to recede, even under summer rationing practices, and the supply from the Souris River is limited. A current program to recharge the aquifer has met with some success but is not considered a long-term solution to the problem.

For 20 years the city has looked to the Garrison diversion unit as a potential source of water of better quality and adequate quantity to meet current and long-term requirements. The authorized initial stage of the unit would provide such a water supply at canalside. An extension of the Garrison diversion unit would be required, however, to provide for Federal construction of

the lateral, pumping plants, storage reservoir, and other facilities required to deliver water to the city's system.

Local interest: The city has actively supported all aspects of the multipurpose Garrison diversion unit during the many years of study. Through many resolutions and letters, the city has urged that preconstruction studies leading to construction of Velva Canal be accelerated to provide a source of municipal and industrial water at the earliest possible date.

With construction of Velva Canal now scheduled in the near future, the city has expressed strong interest in extension of the unit to provide delivery of water from the canal to the city. The city and the Garrison Diversion Conservancy District have urged the Bureau to undertake studies of this aspect as soon as possible in order that a plan for water delivery would be completed in advance of availability of water from the unit. These interests were instrumental in the Congress inserting funds in the 1967 Public Works Appropriation Act for a reconnaissance study preceding a feasibility investigation.

MOGOLLON MESA PROJECT—WINSLOW-HOLOBROOK DIVISION

Location: On Chevelon Creek, a tributary of the Little Colorado River, in southern Navajo County and in the vicinity of the towns of Winslow and Holbrook, Arizona.

Project data:

|                         |              |
|-------------------------|--------------|
| Total construction cost | \$14,958,000 |
| Adjust                  | 1,021,000    |

Total allocation 15,419,000

PROGRAM GOALS

Cost allocation

|  |              |
|--|--------------|
| Municipal and industrial water,<br>14,350 acre-feet per year | \$14,501,000 |
| Fish and wildlife  | 746,000      |
| Recreation   | 172,000      |

Total 15,419,000

<sup>1</sup> Contributed planning funds and interest during construction.

Benefit-cost ratio: 1.5 to 1.0.

Description: The plan under consideration and as described in the reconnaissance report on Arizona-Colorado River Diversion Projects, Little Colorado River Basin and Adjacent Counties, involves the construction of a multipurpose reservoir on Chevelon Creek, a tributary of the Little Colorado River, together with a pump and pipeline system to divert water to Winslow and Holbrook, Arizona. The water will be used primarily for municipal and industrial purposes; however, the project will also provide recreation and fish and wildlife benefits. The project features include a 230-foot-high dam and a 49,000-acre-foot reservoir at the Wildcat location, approximately 25 miles south of Winslow; a diversion pumping plant at the Wildcat reservoir, with a total static lift of 167 feet, and about 8 miles of 24-inch-diameter pressure pipeline to a bifurcation in the system. At the bifurcation, the flow would be by gravity for 17.4 miles to Winslow through a 21-inch-diameter pipeline and 28.4 miles to Holbrook through a 21-inch-diameter pipeline.

Status: A reconnaissance report was completed in September 1966 which indicates the Winslow-Holbrook division is economically feasible and financially justified and that detailed feasibility studies are warranted.

Justification: The investigation of the Winslow-Holbrook division of the Mogollon project should be initiated as soon as possible to permit coordination of the plans for that division with the plans now being developed for the Flagstaff-Williams division (formerly referred to as the Flagstaff-Williams project).

The Flagstaff-Williams division involves the construction of a multipurpose dam and reservoir on Clear Creek, a tributary of the Little Colorado River, with a pipeline system to deliver the water to the cities of Flagstaff and Williams which are facing serious water shortage. The city of Winslow, however, has rights to 17,800 acre-feet annually of the flows of Clear Creek, and, while its present source of groundwater is adequate to meet its short-term needs, the Clear Creek water, or suitable replacement, will have to be developed in the not too distant future to meet the city's growing demands. The proposal now under consideration is to develop the flows of Chevelon Creek to serve the city of Winslow as a replacement to its rights to the Clear Creek water thus permitting the latter water to be diverted to Flagstaff and Winslow. In order to develop a coordinated plan for the two divisions that will have the unified support of the various communities, the investigations must be made concurrently.

**Local interest:** All communities and civil leaders in the project area have indicated support for this study. The State of Arizona has contributed funds to assist in financing the studies conducted in this area.

#### MOUNTAIN PARK PROJECT—OKLAHOMA

**Location:** On the North Fork of the Red River in the vicinity of Altus, Oklahoma.

**Project data:** (Feasibility—June 1963 re-evaluated April 1966).

Total construction cost ..... <sup>1</sup> \$19,978,000  
Adjustment ..... 762,000  
Total allocation ..... 20,740,000

#### PROGRAM GOALS

|  | Cost<br>allocation <sup>1</sup> |
|--|---------------------------------|
| Municipal and industrial water,<br>16,000 acre-feet per year | \$15,153,000                    |
| Flood control  | 2,713,000                       |
| Fish and wildlife  | 2,057,000                       |
| Recreation   | 817,000                         |
| Total  | 20,740,000                      |

<sup>1</sup> Based on supplemental information and reevaluation statement, dated April 1966.

<sup>2</sup> Reimbursable interest during construction.

Benefit-cost ratio: 1.91 to 1.

**Description:** The Mountain Park project would supply municipal and industrial water to the towns of Snyder and Altus and to the Altus Air Force Base in southwest Oklahoma and in addition, it would provide substantial flood control, fish and wildlife, and recreation benefits to the area. The plan of development involves construction of Mountain Park Dam and Reservoir on Otter Creek; Bretch Diversion Dam and Canal to divert Elk Creek flows into the Mountain Park Reservoir; an aqueduct system to deliver water from the reservoir westward to Altus in Jackson County and southward to Snyder in Kiowa County and basic recreation and fish and wildlife management facilities. The plan contemplates construction of Mountain Park Dam and Reservoir as Stage I of the project. Stage II would consist of the Bretch Diversion Dam and Canal, to be built when Altus and Snyder water demands have grown to require the inclusion of Elk Creek flows.

**Status:** The Secretary's report on this project was transmitted to the Congress on May 11, 1966, and has been printed as H.D. 438, 89th Congress H.R. 10430 and S. 2401, to authorize construction of the project, were introduced in the 89th Congress but no action was taken. Mountain Park project was included in the Administration's draft of legislation submitted to the 89th Congress, 2d Session to authorize the Secretary of the Interior to engage in feasibility investigations. Although the feasibility investigations were completed on this project, the project was included in section 1(a) of the Adminis-

stration's draft to permit the Secretary to undertake any additional work that could arise from congressional consideration of the proposal. The project was omitted from the bill as enacted into law (P.L. 89-561) but it is recommended that authority be made available to provide for any additional studies that may become necessary prior to authorization for construction.

**Justification:** The scarcity of good quality water in southwest Oklahoma, together with a large increase in population in recent years, has justified investigation of all possible sources of supply. The city of Altus has a contract with the Lugert-Altus Irrigation District which serves the W. C. Austin Irrigation project. Irrigation water shortages have been severe and will increase as sediment continues to encroach on the storage capacity of the lake. The 4800 acre-feet of assured supply available to Altus under its contractual arrangement is not adequate for the increased population of the city and for the Altus Air Force Base. City officials are exploring every possible source for a supplemental supply. Construction of the Mountain Park project would provide an ample supply of good quality water to meet future demands of the communities in the area.

**Local interest:** Expressions of interest in development of the Mountain Park project as a source of municipal and industrial water date back to 1954. More recent expressions include (1) a resolution passed by the city of Snyder on June 4, 1962, requesting inclusion in the project as outlined in the feasibility report; (2) a resolution to the same effect passed by the city of Altus on July 16, 1962; and (3) a resolution passed by the Oklahoma Water Resources Board on May 8, 1962, concurring in the findings of the report and agreeing to take the necessary action to insure repayment to the United States of the water supply storage costs which are deferred as cost allocable to future water supply under the Water Supply Act of 1958, as amended by Public Law 87-88. On November 1, 1965, a meeting of communities southwest of Altus was held in Eldorado, Oklahoma, to discuss requesting inclusion in the project. Representatives from Altus attended with the thought that the additional interest and demand for the water might expedite authorization of the project. The city of Altus has taken steps to initiate the formation of a Master Conservancy District to facilitate the contractual arrangements between the United States and local interests which are prerequisites to start of construction.

#### RETROP PROJECT, OKLAHOMA

**Location:** In the drainage basin of the North Fork of the Red River at and above the existing Altus Reservoir, which is above the existing W. C. Austin irrigation project.

**Project data:** (Reconnaissance 1966).

Total estimated construction cost ..... \$7,015,000  
Adjust ..... 0  
Total allocation ..... 7,015,000

#### PROGRAM GOALS

|                                   | Cost<br>allocation |
|-----------------------------------|--------------------|
| Safety of dams program            | \$4,000,000        |
| Irrigation, 50,000 acre-feet/year | 3,015,000          |
| Total                             | 7,015,000          |

<sup>1</sup> The allocations and benefit-cost analysis are based on use of the conservation storage for irrigation although part of the water may be used for municipal and industrial purpose and there may be benefits from fish and wildlife enhancement and recreation. Decision as to use of water and final allocations will depend upon completion of feasibility studies and further negotiations with the local interests.

Benefit-cost ratio: 1.3 to 1.0.

**Description:** The purpose of this investigation is to develop plans to increase the height of the existing Altus Dam by 6.5 feet which would add 50,000 acre-feet to the storage capacity and to modify the existing spillway, which has been found necessary under a Bureau-wide program of examination of the safety of existing dams to accommodate the maximum flood that can be expected.

**Status:** A reconnaissance evaluation of the Retrop project was completed early in fiscal year 1966 and a feasibility investigation was initiated in that year. The Retrop project was among those included in the Administration's draft bill submitted to the 89th Congress, 2d Session, to authorize the Secretary of the Interior to engage in feasibility investigations. It was omitted, however, from the Act as passed by the Congress (P.L. 89-561). The studies were subsequently suspended pending congressional approval of feasibility studies of the project.

**Justification:** Altus Dam and Reservoir on the North Fork of the Red River provides the conservation storage for the irrigation of 47,000 acres. In the original planning of the W. C. Austin project in the latter 1930's, it was recognized that Altus Reservoir would not provide a full water supply for the entire acreage and there would be serious shortages. This has been borne out by actual operating experiences. Based on 1962 reservoir conditions for the period from 1926 to 1959, the annual water shortages averaged approximately 21 percent of the consumptive use requirements with maximum shortage of 65 percent. One factor that has contributed to the water shortages is the sedimentation that has taken place in Altus Reservoir. In 1962 the conservation storage in the reservoir had been reduced from the original 156,100 acre-feet in 1946, to 132,000 acre-feet.

**Local interest:** There is strong local support for this study. Officials of the Lugert-Altus Irrigation District have expressed interest in reducing reservoir spills by providing additional capacity in Altus Reservoir, either by dredging sediment from the reservoir, raising the dam, or by constructing sediment traps outside the reservoir area. Reconnaissance studies of these alternatives indicated that raising the height of Altus Dam has the most promise and merits detailed study.

#### DEMONSTRATION PROGRAM FOR THE REHABILITATION OF CONVICTED CRIMINAL OFFENDERS

Mr. KENNEDY of New York. Mr. President, today, I am introducing, together with Senator PROUTY, a bill to establish a demonstration program for the rehabilitation of convicted criminal offenders. I am also pleased to announce that the bill can number among its sponsors, Senator BAYH, Senator BURDICK, Senator CHURCH, Senator GRUENING, Senator JAVITS, Senator KENNEDY of Massachusetts, Senator McCARTHY, Senator McGEE, Senator MCINTYRE, Senator MONDALE, Senator MORSE, Senator MOSS, Senator NELSON, Senator PELL, Senator PROXMIRE and Senator TYDINGS.

The bill is designed to deal with a problem which Oscar Wilde once described vividly when he put pen to paper to protest against the shame and degradation that he had experienced behind prison walls. He wrote:

The vilest deeds like poison weeds  
Bloom well in prison air  
It is only what is good in Man  
That wastes and withers there  
Pale Anguish keeps the heavy gate  
And the Warden is Despair

That this protest is all too applicable to this Nation's present treatment of criminal offenders is testified to by the President's Commission on Law Enforcement and Administration of Justice. In its recent report, The Commission concluded:

For a great many offenders, . . . corrections does not correct. Indeed . . . the conditions under which many offenders are handled . . . are often a positive detriment to rehabilitation.

As more and more statistical data comes to light, we are learning startling but depressing facts about our corrections system. Over 1.2 million people are under correctional authority on an average day. Although approximately 120,000 people are employed in the corrections field only 20 percent of these employees deal with rehabilitation as their primary function.

When we translate this general data into specific figures, we learn that all too little has been done to rehabilitate and reintegrate into society those who have once run afoul of the law enforcement process.

Until now, we have committed virtually no resources to assist those who have been arrested. We release many of them on bail and in recent years on their own recognizance. But we have not coupled release with efforts at placing these people in jobs or vocational training programs. As a consequence, the vast majority of arrestees appear at trial without employment or prospects for employment. Under such circumstances, prosecutors and judges are simply not willing to dismiss charges or utilize probation extensively. They cannot and should not return those who are unemployed and unschooled, who are alienated and disturbed, back into the same environment which once led them to commit offenses.

And for those who are incarcerated, we have taken few steps to insure the adequate treatment and training necessary to change lawbreakers into productive and useful law abiders. The over 1 million people who are held in jails each year live in deplorable conditions. More than 40 percent of these facilities were built before 1920. Most of them are outmoded. They are dirty, overcrowded, and devoid of adequate facilities. Training and educational programs are virtually nonexistent.

We have also failed to take the necessary steps to rehabilitate those offenders who are sent to prison. In the entire Nation, our adult correctional institutions are served by a total of only 50 full-time psychiatrists and 100 psychologists. The ratio of teachers and vocational instructors to inmates is about 1 to 400 and as the President's Commission on Crime in the District of Columbia notes, these same disturbing figures appear again when we turn to the institutions in which juveniles are incarcerated. Less than 8 percent of those employed in the field of corrections have received any professional education.

And we have been just as lax and faulty in our handling of the postincarceration process. The task of rehabilitating the offender—in particular the

youthful offender—only begins when he leaves prison. The parolee needs assistance if he is to adjust successfully to society. At present, too little of this assistance is available.

We know that at a bare minimum, an efficiently run parole department requires one officer to every 50 releases. Currently, in most jurisdictions, a parole officer's usual caseload ranges from 100 to 200 men.

We also know that it is important for the ex-convict to find steady employment paying decent wages as soon after his release as possible. Yet large-scale state employment services to assist him are non-existent. A majority of those who obtain work beginning immediately after prison do so with private and not public assistance. And meaningful jobs at decent pay are hard to find. Most wages barely reach the subsistence level. The average Federal offender earns less than \$200 a month during the period immediately following his release. Only 25 percent of all Federal releases work even 80 percent of the time during their first month out of prison and only 40 percent obtain this much work within the first 3 months. During this same period nearly 20 percent of the releases have found no work at all.

Under these circumstances, the ex-convict must normally turn to friends or to family for assistance. If he is rejected by them, then his next step is a welfare mission or skid row. At any point along the way it may simply be easier for him to return to crime.

And in fact the rate of recidivism for released criminal offenders is extremely high. A recent study of adult offenders in the District of Columbia revealed that only 17 percent of them had not been previously convicted of a crime, and that only 35 percent had not been institutionalized prior to their current conviction. After a limited study of released offenders, Prof. Daniel Glaser found that over one-third of those who are released will be convicted and returned to prison again. Still others will violate parole and find themselves back in incarceration facilities.

The difficult question that faces this Nation is how best to deal with this recurrent cycle which continually brings those who have once had a taste of the criminal process back into contact with that process. From the little information that we have, the answer appears to lie in a greater commitment to rehabilitation. We must help supply jobs and services to those who are arrested and then released before or after trial. We must educate and vocationally train those who are in prison; and we must be prepared to supply guidance and help find employment for those who are released from incarceration facilities.

The task ahead will not be simple for we know something about the background of the average young offender. A study conducted in Atlanta revealed that the typical boy sent to a State training school was 3.4 years behind his contemporaries in basic skills like reading and writing, and that almost 40 percent of those appearing in juvenile courts were 5 years behind the average young-

ster. Less than 5 percent of those in prison have had any college training and only 17 percent—less than one-third the national average—have finished high school. A recent survey found that the number of totally unskilled laborers in the prison population is almost three times the national average. Over 75 percent of the men in Federal prisons lacked steady employment during the 2 years before they went to prison.

On Sunday, Mayor Lindsay and I announced that the Labor Department and the Vera Institute of Justice are now in the process of developing a 3-year pilot project for New York City to help solve one phase of this rehabilitation problem. The objective of this project is to place arrested but released persons in jobs or vocational training programs. It is my hope that this experiment will demonstrate the feasibility of diverting appropriate cases from the criminal process and securing probation as well as suspended sentences for offenders who do not require a prison sentence. With the full cooperation of the Labor Department and New York City, it is expected that the Vera Institute will begin its rehabilitation program in September 1967. I assisted in arranging the Federal financing for this experiment because I believe that it will show how successful this Nation can be in reducing recidivism if it will just devote a little time and attention to the criminal offender.

The bill that I submit today grew out of a suggestion that I made in a recent address at Columbia Law School; it is meant to complement and broaden the ramifications of the Vera experiment. It is also a demonstration program and as such it will not solve the problems of rehabilitating and making productive citizens out of our entire prison population. But it should prove to be a step in the right direction and, as a demonstration program, will provide us with information to know the future course of action we must take if we are to reduce substantially the rate of recidivism in this country.

The bill constitutes an amendment to section 805 of the Economic Opportunity Act of 1964. It provides that over the next 3 fiscal years, teams composed of VISTA volunteers and qualified instructors will be placed in no more than six prison facilities in or nearby six of our large cities. The purpose of the bill is to provide young adult criminal offenders with intensive education, training, and counseling during the 6 to 8 months prior to release from confinement and during the 6 to 8 months immediately following release. The teachers will be based at the prison facilities and each instructor will work with 10 prisoners at a time. The VISTA volunteers will work in the community with caseloads of four offenders who have previously received intensive training at the prisons. The teams of volunteers and teachers will receive close supervision not only from their own leaders but from community sponsoring groups composed of judges, prison and parole officials, and criminologists. The work of these teams will in no way conflict with the operations of local corrections departments; rather

the activities of VISTA and its affiliated teachers will only supplement existing programs. In short, those cities which desire to participate in this experimental project will have to offer close cooperation and assistance, but they will not have to disturb or change their ongoing correctional policies.

As designed, this project should help solve many of the problems that we know arise in the rehabilitation of criminal offenders. First, it provides a means for bringing educational skills to a number of incarcerated offenders. We are now learning of the remarkable results that intensive training programs can have for disadvantaged youths. A demonstration project at the Rhode Island Adult Correctional Institution revealed that 30 hours of training increased the reading skills of participants by one full grade. A study in Detroit demonstrated that under intensive teacher-training the failure rate of underprivileged high school students in their courses could be halved. Finally, the innovative programs of the Department of Labor at such correctional institutions as Draper in Elmore, Ala., and Lorton in Washington, D.C., have shown that saturation training programs and extensive counseling can significantly decrease the possibility that the released offender will again engage in criminal activities.

Under the bill I put before you today—a bill which builds on these past experiments—qualified instructors will have between 6 and 8 months to work intensively with young adult offenders. Every reason exists for believing that under this type of training, young offenders will advance anywhere from two to four grades in their educational abilities and begin to develop the necessary skills to take full advantage of numerous employment opportunities.

Second, the work of the VISTA volunteers during the pre-release phase will serve to shape the training that prisoners receive to the positions they will hold upon leaving the correctional institution. Until now, one of the greatest problems of prison rehabilitation has been that inmates rarely receive training that will aid them upon release. In an initial study of Federal ex-convicts, Professor Glaser found that of those who find jobs, only 17 percent have employment related to their work in prison. Under this experimental program, the VISTA volunteer will meet with his assigned charges soon after they have come under Teacher Corps supervision; he will then begin to seek out a suitable job or vocational program for each of these men. Once the VISTA volunteer begins to develop a position for his charge, then the teacher assigned to the case can structure the individual's educational program toward his actual plans upon release. Through coordinated planning, the prisoner will reenter society not only with definite prospects for a useful life but with a realization that he is prepared to cope with the problems that will arise at his new job.

Third, the VISTA volunteer will continue to work with his charge for between 6 to 8 months after release. His assignment will be to offer guidance and

counsel. The few studies that have been made of the problems faced by releasees reveal that what these men need most are advisers and not new authority figures. They must be provided with constant attention and assistance if their alienation from society is to be reduced. The VISTA volunteer must therefore serve as the link between the releasee and his community. He must not only be a friend but a mentor who must seek ways to help his charges reintegrate themselves into an all too hostile environment.

Fourth, the bill provides for a large research effort as a means for supplying us with detailed information on the strengths and weaknesses of our rehabilitation programs. We must ascertain more fully the reason why some releases fail while others succeed. We must analyze the factors which contribute to the absorption of some ex-convicts into the world of law-abiding contributing citizens. And we must determine whether the program I am here suggesting is succeeding in substantially reducing recidivism and is therefore a worthy model to be expanded by Congress and to be copied at the State and local levels.

The program that I am requesting calls for only a small outlay of Federal funds. During fiscal year 1968, less than \$1.3 million will be needed; during the following 2 fiscal years of this 3-year experiment less than \$2 million a year will be required. From the judges, corrections officials, and criminologists that I have spoken to about this bill, I have received nothing but enthusiastic responses. Since VISTA has already engaged in several projects involving the criminal process, this program should not prove to be a major divergence from its existing functions. In fact, I have drawn on the expertise of both VISTA and the Teacher Corps in working out the mechanics of this demonstration program.

Mr. President, I ask unanimous consent that this bill pertaining to the amendment of the Economic Opportunity Act of 1964 be printed in the RECORD in its entirety. I also request that a short summary of the program, and a more complete analysis of the requested appropriation be printed in the RECORD following the text of the bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and analysis of the rehabilitation demonstration program will be printed in the RECORD.

The bill (S. 1789) to authorize demonstration projects designed to help young adult criminal offenders through the services of members of VISTA and the Teacher Corps or other qualified teachers, introduced by Mr. KENNEDY of New York (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. 1789

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 805 of the Economic Opportunity Act of 1964 is amended by inserting "(a)" immediately after the section designation and by adding*

at the end thereof the following new subsection:

"(b) (1) The Director is authorized to conduct, or to make grants, contracts or other arrangements for the conduct of, demonstration projects in not more than four metropolitan areas during the fiscal year ending June 30, 1967, and in not more than six metropolitan areas for each of the two succeeding fiscal years under which volunteers under section 802 and members of the Teacher Corps established pursuant to part B of title V of the Higher Education Act of 1965, or other qualified teachers, provide criminal offenders, aged sixteen through twenty-five, with intensive education, training, and counseling for at least a six-month period prior to their release from confinement and for at least a six-month period thereafter. The Director is authorized either to make arrangements with the Secretary of Health, Education, and Welfare, for the use for the purposes of this subsection, on a reimbursable basis, of the services of not more than forty members of the Teachers Corps during the fiscal year ending June 30, 1968, and of the services of not more than sixty members for each of the two succeeding years. Or to hire the same numbers of qualified teachers during the next three fiscal years.

"(2) There is hereby authorized to be appropriated \$1,290,000 for the fiscal year ending June 30, 1968, and \$1,926,500 for each of the two succeeding fiscal years, for the purposes of this subsection."

The rehabilitation demonstration program presented by Mr. KENNEDY of New York, is as follows:

#### REHABILITATION DEMONSTRATION PROGRAM

1. The program will operate for three years. It will involve four prisons during the first year and six prisons during the second and third years. The required appropriation will be under \$1.3 million for year one and under \$2.0 million for each of the two subsequent years.

2. The controlling organization will be VISTA. It will contract with either the Teacher Corps or with individual teachers in order to provide the requisite number of instructors for the prison facilities.

3. The program will treat young adult offenders who are in the age range between 16 and 25.

4. The program will operate in the following way:

a. During year one, 100 VISTA volunteers will be needed along with 40 teachers;

b. During years two and three, 150 VISTA volunteers will be needed along with 60 teachers;

c. It is expected that these groups of teachers and volunteers will be divided evenly between the participating cities. But if the Program Director decides that a somewhat unequal distribution will better serve the purposes of the program, he may divide the participants up in that manner.

d. The teachers will work with the prisoners during the six to eight months prior to their release. They will work with them in a 1 to 10 ratio. Each project will therefore work with 100 prisoners at any one time and between 150 and 200 a year.

e. In the first week there will be educational testing to ascertain the individual needs of prisoners so that particular remedial education can be planned. The breakdown of a group of 100 should produce a small number of individuals who are at or near high school graduation and have college potential, a second group who must be considered functional illiterates, and a large remainder who are at various levels in between these two extremes. The early months of the teaching program should call for an intensive remedial program in English and arithmetic at the individual's level and pace. It would probably be convenient to divide the sample into small groups of comparable

achievement levels and utilize team teaching and other innovative methods. Interspersed around this intensive basic work would be special work in the social and physical sciences, as well as history and literature utilizing good film materials, guest expert teachers and perhaps some cultural trips to plays, concerts, movies, etc. These would be structured as "breaks" in the basic academic routine.

f. Within a month after a prisoner enters the program he will be interviewed by a VISTA volunteer who will, in cooperation with existing groups in the community, begin to develop a suitable job and home for the offender upon his release. (At all times in the program, there will be one VISTA volunteer assigned to every four prisoners.) As the VISTA volunteer develops projects, the teacher assigned to the case will structure the individual's educational program toward his actual prospects upon release. Thus, if the prisoner has possibilities as a cook in a restaurant, his academic program will stress the weights and measurements and recipe arithmetic needed for the specific type of restaurant where the offender will work. Order forms, menus and written instructions provided by the staff of this restaurant will be obtained and the offender will be drilled so that he can deal with this material effectively. In short, as release nears, the program will become more adapted to the situation which will actually be faced by the release.

g. The VISTA volunteer will provide a valuable link between the prisoner and his community and family that is not existent at the present time. Prior to release he will help obtain jobs for the prisoners, introduce the employer's special requirements into the educational program, and develop additional community contacts for the prisoner.

h. After release, he will provide opportunities for the releasee to continue the educational and training programs begun in the institution. He will also work with the releasee's family and visit the releasee every 1 to 2 days both on the job and in the home to see if problems are developing. Finally, he will acquaint the releasee with all available community programs that he can take advantage of.

1. The VISTA volunteers will work in teams composed normally of 25 volunteers and 2 supervisors. Smaller teams of 5 volunteers may be formed in centers situated in the areas the releasees will be living in after release. It is possible that with municipal cooperation, the centers will also afford living areas for these teams. The sponsoring group should provide the necessary contacts with existing community resources. Supervision for the volunteers will be provided by VISTA, but the local sponsoring group will have final control over most of the important decisions made about the project.

5. A research staff is provided for in the bill. Its primary function will be to collect data on the value of the program and the problems faced by the VISTA volunteers and teachers who are running it. The research staff must help select those prisoners who will participate in the program and establish meaningful control groups. It will have to program tests for the prisoners and set up reporting procedures for the teachers and volunteers. How much we learn from this project will depend upon the capabilities of those who are selected to head these staffs.

#### Budget

#### YEAR 1

|                            |           |
|----------------------------|-----------|
| Teachers:                  |           |
| Instructors (40 × \$7,500) | \$300,000 |
| Supervisors (4 × \$12,500) | 50,000    |
| <b>VISTA:</b>              |           |
| Volunteers (100 × \$4,350) | 435,000   |
| Supervisors (8 × \$12,500) | 100,000   |

|  |                  |
|--|------------------|
| <b>Budget—Continued</b>  |                  |
| <b>YEAR 1—continued</b>  |                  |
| <b>Executive staff:</b>  |                  |
| 1 Head in each city (4 × \$15,000)                                       | \$60,000         |
| 1 project coordinator (Washington)                                       | 17,000           |
| <b>Research staff:</b>   |                  |
| 2 in each city (8 × \$14,000) ——   | 112,000          |
| secretaries plus research aids (16 × \$6,000) ——                         | 96,000           |
| Miscellaneous for facilities, equipment, loans for participants, etc. —— | 120,000          |
| <b>Total</b>   | <b>1,290,000</b> |
| <b>YEARS 2 AND 3—ADDITIONAL EXPENDITURES</b>                             |                  |
| 20 Teachers  | \$150,000        |
| 2 Supervisors  | 25,000           |
| 50 VISTA volunteers  | 217,500          |
| 4 VISTA supervisors  | 50,000           |
| 2 Executive supervisors  | 30,000           |
| 4 Research staff   | 56,000           |
| 8 Research assistants and secretaries                                    | 48,000           |
| Miscellaneous  | 60,000           |
| <b>Total, years 2 and 3</b>  | <b>636,500</b>   |
| <b>Total, year 1</b>   | <b>1,290,000</b> |
| <b>Total, all years</b>  | <b>1,926,500</b> |

#### ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTION

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Indiana [Mr. HARTKE], I ask unanimous consent that, at its next printing, the name of the Senator from South Carolina [Mr. THURMOND] 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. BYRD of West Virginia. Mr. President, I also ask unanimous consent, on behalf of the Senator from Indiana [Mr. HARTKE], that, at its next printing, the name of the Senator from Rhode Island [Mr. PASTORE] be added as a cosponsor of 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.

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

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the name of the Senator from Pennsylvania [Mr. CLARK] be added as a cosponsor of S. 1717, the medical stockpile disposal bill, at its next printing.

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

Mr. RANDOLPH. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Indiana [Mr. BAYH] be added as a cosponsor of the joint resolution (S.J. Res. 74) to provide for the formulation, adoption, administration, and periodic updating of a comprehensive plan for the U.S. Capitol Grounds and contiguous related and influencing areas.

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

Mr. MAGNUSON. Mr. President, I

ask unanimous consent that, at its next printing, the name of the Senator from Indiana [Mr. HARTKE] be added as a cosponsor of the bill (S. 1551) to permit a compact or agreement between the several States relating to taxation of multistate taxpayers.

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

Mr. MAGNUSON. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Maryland [Mr. TYDINGS] be added as a cosponsor of the bill (S. 1585) to provide the Coast Guard with authority to conduct research and development for the purpose of dealing with the release of harmful fluids carried in vessels.

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

Mr. CLARK. Mr. President, I ask unanimous consent that, at its next printing, my name be added as a cosponsor to S. 1779, a bill to establish an international health, education, and labor program to provide open support for private, nongovernmental activities in the fields of health, education, and labor, and other welfare fields.

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

Mr. CLARK. Mr. President, I ask unanimous consent that, at its next printing, my name be added as a cosponsor to S. 1590, a bill to prohibit, without the express approval of Congress, any construction which would result in altering the proportions, changing the size, or modifying the U.S. Capitol Building in any substantial manner and to establish a commission to study the existing and future space needs of the Congress.

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

#### ANNOUNCEMENT OF HEARING ON INTER-AMERICAN DEVELOPMENT BANK BILL (S. 1688)

Mr. FULBRIGHT. Mr. President, the Committee on Foreign Relations has scheduled a public hearing at 10 a.m. Thursday, May 18, 1967, to receive testimony on S. 1688, authorizing the United States to contribute \$900 million to the Inter-American Development Bank, and for other purposes. The hearing will be held in room 4221 of the New Senate Office Building.

Persons interested in testifying on this bill should communicate with Mr. Arthur M. Kuhl, the chief clerk of the Committee on Foreign Relations.

#### NOTICE OF RECEIPT OF NOMINATION BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, as chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the following nomination:

William J. Porter, of Massachusetts, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Korea.

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

#### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, May 16, 1967, he presented to the President of the United States the bill, S. 1161, an act to establish the John Fitzgerald Kennedy National Historic Site in the Commonwealth of Massachusetts.

#### WHERE WE STAND

**MR. DIRKSEN.** Mr. President, on May 4, the distinguished mayor of Chicago, Mayor Daley, held a mayor's prayer breakfast, very largely attended, at the Conrad Hilton Hotel. The principal speaker was a man formerly in Government and now back with the First National Bank of Chicago, the president of that bank, Mr. Herbert V. Prochnow. He delivered an excellent address under the title "Where We Stand."

I ask unanimous consent that this address be printed in the RECORD as a part of my remarks.

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

#### WHERE WE STAND

(By Herbert V. Prochnow, president, the First National Bank of Chicago)

Many centuries ago a great nation was struggling to determine the course it should follow. The distinguished Old Testament prophet who was the head of that nation was deeply concerned about where the leaders and elders of his nation stood on the vital issues of his time. He said to them, "Choose this day where you will stand. Declare your position firmly and clearly." He himself stated precisely the principles he would serve and the high ideals he would follow. There was no confusion in his mind. There was no slick political subterfuge in his language.

In a sense every person is confronted with such choices in life. Every nation must also choose where it will stand as it faces the difficult problems of national existence and leadership, and as it writes its history among the civilizations of the world.

Three hundred and fifty years ago a small company of men and women in Europe had to choose where they would stand. Their animating spirit was a deep religious conviction and a belief in self-government. They chose to cross the Atlantic in December and bring a small boat to anchor in Plymouth Harbor. If you measure their choice in terms of ease and safety, it was a disastrous decision. But with their decision they launched the conquest of a wilderness and established a new nation.

This small company of men and women did not believe that the conditions of life ought to be anything but a challenge, or that the rewards of life could be possessed except through valiant effort. They had made their choice and they went their way without dismay and with a definite purpose and high aspiration. They knew where they would stand. In the poverty of their resources, the obscurity of their beginnings, and the grandeur of their achievements, this is one of the great stories of history.

A century and a half later the representatives of the American colonies met in Philadelphia. They faced a critical situation involving their lives and fortunes. They were there to choose where they would stand on

the great issues of their time. A tall, auburn-haired, Virginian was appointed to prepare the statement of principles which would guide them. In less than a month, he produced a document which was to change the course of world history. These men in solemn assembly made the choice of where they would stand. They chose to reaffirm their belief in the great truths that men are created equal, that they have certain inalienable rights, and that among these are life, liberty and the pursuit of happiness.

As we march down through the years, we see booms and depressions, crop failures and crises, triumphs and the tragedy of a Civil War. But once the people understood a great issue they chose wisely the course they would follow.

Then came the fabulous years from 1870 to 1914 when, despite the crises of 1873 and 1893, our people were choosing the course of dynamic economic expansion. They were choosing the course of risk-taking with losses for failure and rewards for successful business venture. They were spanning a continent with covered wagons and railroads. By 1880, the value of manufactured products and the capital invested in manufacturing industries had each increased to over five times the level of 1850, only 30 years earlier. In this period of enormous expansion, human nature was swinging the pendulum high. There was speculation. There were economic excesses, but each time the people departed from sound principles, they returned to them. They eliminated their extravagance. They paid off their losses from speculative ventures and got back on solid ground. The thrifty, those who work, those who save, and those who accumulate new capital for financing the economy soundly, have always finally swayed the issue.

In the half century from 1914 to the present, we have had one of the most amazing chapters in our history. We are weaving the economic life of the world into a single fabric. We are now the most powerful nation in history. In the development of this nation our people chose a government and a constitution that gave them religious and political freedom and encouraged initiative, enterprise, responsibility, industry, thrift and inventive genius.

Working hours are at their shortest, and leisure and its luxurious use are at the highest point ever known in any nation. Our total real national product has nearly doubled every 20 years. The average worker receives better wages, has shorter hours, produces more goods and has more plant, equipment and energy working for him than any worker in the world. Less than 7 per cent of our workers are required to feed our people, and 93 per cent are now free to produce other goods and services to raise our standard of living.

Our people are wealthier than ever before. Average family income, in constant 1958 dollars, is now estimated at \$8,270 a year. Over 20 million of our people are shareholders in American industry.

We are also healthier than ever. Private business corporations and great research foundations with large expenditures fight back the horizons of medical and scientific knowledge.

Nowhere else in the world is there such eagerness to provide for the future of the family and such resolute individual initiative in so doing. Life insurance in force amounts to over \$900 billion and averages \$14,700 per family.

We are healthier and wealthier, and by the measurable standards we are even wiser. Thirty years ago only one out of every eight employed Americans had been to high school. Today four out of five children of high school age attend high school. Thirty years ago only 4 per cent of the young people of college age were in college. Today the figure is 35 per cent for the entire country and closer to 50

per cent for metropolitan areas. Fifty-six million students, or about 28 per cent of the total population, are enrolled in our schools and colleges, a number of students greater than the entire population of France or Italy.

Ten thousand public libraries put a book education just around the corner from millions of American homes.

Over 62 per cent of our families are homeowners. Fifty-six million families, over 95 per cent of all families, have television and can hear a Western every day. From 8,000 registered automobiles in 1900, we now have more than 75 million, and they are all out Sunday afternoon.

Almost 2 million of our people go abroad each year and they spend about \$2 billion, which affluence gives us some trouble with our balance of payments. Our people are also spending over \$26 billion a year just for recreation. They travel and tour as no people in history ever did.

We are able now to produce more at the same time that we reduce our hours of work. An unskilled worker in 1900 received \$1.50 a day and worked 10 hours a day, six days a week. No one had heard of a five-day week. In 1900, a working man earned \$400 to \$500 a year. Today a worker in manufacturing earns \$5,800 a year. The average man now enters the labor force later and leaves it earlier than ever before. Our work lives are shortening. Our leisure lives are lengthening.

No other nation can approach in magnitude the industrial power of the United States and its capacity to improve the economic welfare of the people of the world. The gross national product of the United States is approximately twice that of its nearest rival, Soviet Russia, and six times that of the third largest economy, West Germany. We have witnessed in this nation the social ministry of a machine civilization under a system of private capital and private enterprise which has made increasingly available to the masses the comforts, conveniences and cultural advantages that once were the privilege of the few.

Guided by Providence, the first Americans entered the wilderness. They took a forked stick and made a steel plough. They took a crude sickle and made a reaper. They took a wagon and made an automobile, a truck, and a tractor. They took a metal thread and made an ocean cable. They took rough type and made giant color printing presses. They took a forest trail and made an express highway. Soon a wilderness was pouring forth its riches from farm and factory. The vast solitudes of a continent became a nation of 195 million people. Where once there rose the smoke of the wigwams, there rose the noise of industry, the halls of learning and the temples of religion. Man is the child of economic progress, but he is also the child of God. His foot is upon the clod, but in his moments of greatness his forehead grazes the stars.

Our people have chosen wisely the course this nation should follow and the principles it should serve. They have known where they stood. We have every reason to be proud of the achievements of the nation.

We have our problems and our areas where standards of living are not as good as they should be. However, if one measures the American economy by its gross national product, personal income, wage scales, property, insurance, savings, travel, education, health, recreation, transportation, communication, highways, housing, food, clothing and the whole standard of living, history reveals no comparable record where so many have fared so well.

And yet, as this nation stands at the peak of its power, it is confronted with some of the most difficult problems in its history. We stand in the conduct of our national affairs at one of those decisive moments in history when as the prophet centuries ago said, "This day you must choose." We must choose be-

tween greatness and mediocrity. We must choose between expediency and principle. In the processes of history, nations as well as men are finally judged. Nations succeed and nations fail.

We may pray that wisdom has come with our wealth and that vision has come with our power.

Consider some of the major choices that now confront us. We say that a nation may spend more than it takes in when the economy needs to be stimulated. But we declare that a nation must show at least a balanced budget and preferably a surplus in times of business prosperity. This has been the economic gospel of this generation. But we really do not believe it, or we lack the self-discipline to practice what we profess. We are unwilling to pay for our spending even when we are prosperous. This has been true for decades. A distinguished journalist has said that sometimes a nation's character needs to assert itself. Sometimes a nation needs to say that it is willing to pay for what it is willing to spend. And this does not mean that we should fall in making the expenditures necessary for our schools and urgent human need.

The national governments of Western Europe—the great democracies of the world—have followed financial policies not wholly unlike ours. It is a significant economic fact that in the Western World in the last few years, when the need clearly existed for dampening overheated, inflated economies, the governments of the Western World have been unwilling to reduce their spending or raise taxes.

The governor of one of the great central banks of Europe said to me recently, "In a modern democracy you cannot expect that a government will reduce its spending. The people make strong demands for increased government spending. The best you can hope for is that you can do something about holding down the size of the increase in the expenditures."

We need also to decide where we stand on the problem of the deficit which has persisted for fifteen years in our balance of payments. Our expenditures in Viet Nam are making the problem more difficult. But the time has clearly arrived for us to demonstrate that we have the capacity, the determination, and the self-discipline to bring our balance of payments more nearly into equilibrium. If we do not succeed in solving the problem of our balance of payments, there is the great danger that we shall have more and more government controls on the outflow of funds from this country.

There are other matters on which we need to decide where we stand. When we find it difficult to live within our income, ought we not at least set down our priorities for expenditures? If we cannot do everything, which things come first? In what order do we place schools, defense, highways, housing, health, welfare, transportation, the conservation of water resources, agricultural subsidies and space programs? Which are the most urgent priorities?

Our international relations also constitute an area where we need to have a clearer idea of where we stand. As we have learned in two World Wars, war always recruits emotional energies and builds up subtle hypocrisies to justify its motives and its flaming promises to build a world where men will be free from want. But at the end men awaken disillusioned from their dreams as they survey the destruction and political upheaval. After World War I, world leadership brought with it responsibilities we had neither anticipated nor sought. The new underdeveloped nations, with their shaky social and economic orders, will constitute for years a continuing threat to the peace of the world. We cannot ignore this threat, but precisely how do

we meet it? We no longer sit at the ringside of world events. We are in the arena.

With only 195 million people, can we solve problems of poverty, illiteracy, disease, inadequate tax systems, inflation, and land reform for almost one and one-half billion people? Eight hundred million of these people live in India, Pakistan, Indonesia and Southeast Asia, 50 million in the Middle East, 240 million in Africa and 230 million in Latin America.

If current population trends continue for only 34 years, 80 per cent of the world's people will live in Asia, Africa and Latin America. Less than 20 per cent will live in North America and Europe, including Soviet Russia.

By the end of this century less than one-half of the human race will be white. Twenty-five per cent of them will be Chinese. Twenty per cent will be in India. They will be hungry. The conflict then may not be between political philosophies, between communism and democracy. It may well be between the non-white peoples of the underdeveloped nations in the southern half of the world and the rich industrial highly developed white nations of the northern half of the world. Are these underdeveloped nations to conclude that their opportunity to defeat poverty, illiteracy, hunger and disease will steadily become less probable in the years ahead, as now seems possible? One understands why the underdeveloped nations stir uneasily in their hopes and in their dreams.

One of the most serious problems is food. Per capita food production in various areas now is less than it was before World War II. Someone has said that 2 out of every 5 American wheat farmers are now working to feed India. Nearly two-thirds of the world's people have inadequate food supplies. World food production has been lagging behind population growth. In Latin America and the Far East food production is below the levels of 25 years ago. In the last five years, the population of Latin America has increased almost twice as fast as food production.

Can we provide pure water supplies and drainage systems soon for hundreds of millions of these people? Can we supply means of transportation, communication and power to many countries that are completely without such facilities? As one considers the muddled affairs of the world and the problems of the less developed nations, it seems inevitable that we shall face a turbulent and politically unstable world for years. This is a time to know where we stand and to be strong. Can we really live above the world's struggles? Or can we ever be sufficiently strong to maintain order wherever trouble may arise in the entire world? If not, precisely how far does our responsibility go? Where do we stand?

We are a nation with a substantial surplus in its international trade and yet with a deficit for many years in its international payments. A nation with great prosperity for years and yet unwilling to live within its income. A nation with \$75 billion of defense expenditures and with vast programs for the welfare of its people, but unwilling to pay for what it spends. A nation thrust into world leadership but uncertain of the character and magnitude of its responsibility.

There is one other major area where we need to be clear about where we stand. Our machine economy has passed through its adolescence. Mass production by automated and power-driven machinery has given us an almost endless flow of goods for our people. We have the highest standard of living in history. We have the world's greatest consumer market. We produce a complex array of equipment for the nation's defense.

We have multiplied the physical efforts of labor so that man can be liberated from poverty. For the first time in human history the elimination of economic poverty has become a distinct possibility.

But we have not always recognized that there are others forms of poverty. In our dedication to the commendable objective of eliminating economic poverty, we have forgotten that a people may suffer even more from spiritual poverty. They may suffer from poverty of character. They may suffer from poverty in moral standards. Is there any clear assurance that with our remarkable economic progress we have had a comparable advance in the things that are spiritual? Is there any assurance that with higher and higher standards of living we have had higher and higher moral standards? Is there any assurance that with more material things we have greater respect for law? Is there any assurance that with greater affluence we have come to esteem more those abiding values in a civilization that its beyond butter and guns?

The critical minds of our time are deeply concerned that a spiritual concept of life may have lost some of its significance to our people. Sometimes it seems that we are living in the chill and shadow of a world whose spiritual values are being steadily eroded. Are the transcendent objectives of the nation today largely concerned with the economic aspects of our lives? Have the growth in personal income, industrial production and gross national product become the nation's status symbols and the overriding objectives of our national life? As one looks at the rise and fall of civilizations, it is not clear that as nations become more affluent, their spiritual life, morals and ideals rose to higher levels. One may ask whether it is adversity or affluence that stimulates men to greatness.

These are great issues which confront us. They are issues on which we must make a choice. There is a time for the discussion of such issues. But there also is a time when we must firmly choose where we will stand. Perhaps we need to reaffirm our stand on two great principles that have strongly motivated the conduct of our people throughout our history. The first principle is our recognition of the sovereignty of God. We need to re-emphasize that man is not the center of the universe. Pleasure is not the goal of the people. Power is not the goal of the government. Expediency is not the guiding principle of conduct. It is Providence that is sovereign and gives the ultimate objectives and goal to mankind. It is the City of God, as St. Augustine said, that man is to build on earth. In a nation where faith in Providence dies, literature loses its inspiration, art its beauty, government its consecration, business its ideals and labor its dignity.

The second great principle we need to re-emphasize is the divine worth of man. We believe in the independence and dignity of every man, for he was made in the image of God and is over-shadowed only by Him.

In the world beset by bewildering uncertainty, we need to renew our allegiance to the two great principles of the sovereignty of God and the divine worth of man.

As the prophet said, "Choose this day where you will stand."

#### F. D. R. IN PERSPECTIVE

Mr. DIRKSEN. Mr. President, a few months ago a book entitled "The First New Deal," by Prof. Raymond Moley, was published by Harcourt, Brace & World. Since its publication, it has been winning widespread readership and increasing approval in many quarters, and

has been over this period very thoughtfully reviewed by many competent critics.

Among the more prominent of these critics has been Mr. Robert Moses, for many years an outstanding public servant of the city and State of New York. Mr. Moses' review of Professor Moley's book is so searching and comprehensive that I feel that it, too, deserves an ever wider readership. The review first appeared in the December 12, 1966, issue of *Newsweek*, and I respectfully request that the text of the review be printed in the RECORD following these remarks.

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

F. D. R. IN PERSPECTIVE

(NOTE.—*Newsweek's* Contributing Editor Raymond Moley was in the thick of things during the early, turbulent days of Franklin D. Roosevelt's New Deal. His new book of reminiscence and judgment, "The First New Deal" (577 pages. *Harcourt, Brace & World*. \$12.50), is reviewed by Robert Moses, whose long, multi-role career as a New York City public servant uniquely qualifies him to write about the inner councils of government.)

Raymond Moley's "The First New Deal" is an honest appraisal of the first Roosevelt term. It begins with the Brain Trust that he assembled following Gov. Franklin D. Roosevelt's nomination as President in 1932, and continues to 1936. The words Brains Trust were invented by James Kieran, a distinguished New York Times reporter, in place of Privy Council which President Roosevelt had suggested. The original members were Moley, Adolph Berle, Gen. Hugh Johnson, Rexford Tugwell, Sen. James F. Byrnes and Sen. Key Pittman. Roosevelt clarified Moley's status by writing several prominent Democratic leaders that Moley was to head a personal study group apart from political management.

In 1936, following President Roosevelt's nomination for a second term, aside from clashes of personality, temperament and ambition, Moley concluded that the good of his boss was no longer the good of the country. His difference with the President may be summarized by saying that he believed in individual enterprise operating in a free market and Roosevelt did not.

No brief review of the Moley book can cover the extraordinary ferment of the so-called "Hundred Days." Many of the measures adopted were impulsive. Others aimed at, and some achieved, permanent usefulness. Origin of these expedients has long been in dispute. The major attacks on unemployment were declared unconstitutional; Frances Perkins's grandiose scheme to control industry failed; Hugh Johnson, rather than Harold Ickes, should have been head of Public Works instead of codes. Sen. Carter Glass, not the President, was responsible for the Glass-Steagall bill which separated commercial banking and security selling. Federal Deposit Insurance also came from Congress, as did much of the TVA concept. Moley fairly analyzes these disputed programs in the light of many years of study. He was more than a speechwriter skilled in meeting the assignments of the moment. He had ingrained political principles, and when the First New Deal turned strongly against business and toward cultivating urban concentrations, he retired to journalism, teaching and occasional services to the administration.

DOUBT

How long does the jury stay out before deciding the verdict of history? What delays

the *nihil obstat* and imprimatur? What secret debates precede elections to the Academy? When does the church get around to canonizing the martyr? What authority lifts the sentence of ostracism? When does public opinion bring back the exile of Devil's Island? When are the acerbities of the time sufficiently forgotten to establish a reputation beyond the peradventure of a doubt? To these more or less rhetorical questions, perusal of the Moley book affords no easy reply.

Other questions occur. When is the time ripe for even a tentative verdict? Is the tentative verdict reconsidered periodically? Justices of our highest Court sometimes differ profoundly, 5 to 4, on the fundamental law. One or two changes in the Court may reverse the verdict. A change in the Constitution may reverse it again. Only the Medes and Persians made immutable laws, and, as the punsters remark, one man's Mede is another's Persian.

Is there indeed ever an indisputable consensus of opinion? When do the old debates become moot? Still another related problem rises as to those who make history—meetings of the inevitable informal official board of advisers, planners, inner circles, political strategists, brain trusters, kitchen cabinets and seminars of schools of economics and social movements. Why is it that when the smoke-filled rooms have been finally ventilated, there is so wide a difference as to what was said and done? The conferees are honest, intelligent people loyal to the chief. Each seems to have his own story of what happened. Sometimes it is almost impossible to reconcile the accounts.

Is it a matter of emphasis and interpretation? Do they think and talk themselves into dogmatic assertions? There is probably no such thing as absolutely impersonal history. Faulty memories, human vanity, unrecorded tones and overtones, gestures and manners speaking, expressions baleful and benign, are part of the picture. Einstein showed that light rays do not travel in a straight line but are bent by various influences incomprehensible to laymen. Does this reasoning apply to truth as well as light? Maybe history is an art, not a science.

FEAR

The disputed authorship of the Roosevelt Inaugural of March 1933 is a fine example of claim and counterclaim. Moley proves that he wrote a substantial part of it. Louis Howe seems to have imagined that he invented the dubious, overdone phrase "the only thing we have to fear is fear itself." Moley's recollection is that this came out of a piece of department-store advertising which Howe saw and appropriated.

The Presidential adviser who is a member of the Kitchen Cabinet may be a member of Congress, an undersecretary, a minister without portfolio, a journalist or visiting professor, or almost anything else. He may even be a judge. If he is in the administration, his least equivocal title is that of Assistant to the President. Moley seems to have thought so, but accepted a direct appointment by the President as Assistant Secretary of State, just as Tugwell was tapped for Assistant Secretary of Agriculture. This is always a mistake since it drives a wedge between the Secretary, a Cabinet member, and the Chief Executive.

When, as in the case of Cordell Hull, the Secretary is elderly, proud, touchy, powerful, experienced, popular in Congress and at home, he naturally resents a nominal assistant imposed on him from above, closer to the throne and operating independently on roving assignments. Moley in the first hundred days was perhaps the second man in the nation. It soon developed that as Assistant Secretary of State he was in a much less secure and tenable position. Subsequent events proved that Hull bore a grudge.

SQUIRREL CAGE

Every potentate, royal or common, aristocratic or plebeian, needs close, intelligent, experienced, unselfish friends who have no axe to grind, no chestnuts to fry, nothing to offer but loyalty and disinterested advice. For every dozen vain and ambitious Warwicks there is one homely *fidus Achates*, a chosen companion who asks only to be inconspicuous and helpful and is even willing to be sacrificed in the process. Roosevelt, because of the effects of his almost tragic infantile paralysis, was especially dependent on those close to him. He had enormous stamina and superb physical and moral courage, but he had to lean on others, protect himself and conserve his strength. As President, he was an invalid sealed in a harness and mostly imprisoned in a fabulous, restored colonial mansion, half museum and half squirrel cage.

In this context I find it hard to accept Moley's dictum that Eleanor Roosevelt's influence on the President was not history and that her personal career began only after the President's death. The claim of this loyal friend goes back to the hour at Campobello when she encouraged a cripple to stand, and to those first years in Washington when he leaned so heavily on her. Those who are disposed to make fun of Eleanor Roosevelt's oddities should recall Disraeli's remark when one of his sophisticated friends made whimsical fun of Disraeli's wife, Mary Anne. Disraeli's biographer reports it in this way: "One day the cold and daring George Smythe made bold to ask Disraeli whether his wife's conversation did not annoy him just a little. 'Oh, no, I am never put out by that.' Well, Dis, you must be a man of most extraordinary qualities. 'Not at all. I only possess one quality in which most men are deficient: gratitude.'"

STRINGS

Moley by numerous examples indicates that the President was adept at assigning the same job to various people for independent study, each thinking he was alone on a secret trail. Sometimes an assignment went confidently to a deputy without notifying the head man. Roosevelt always had several strings to his bow and, thoroughly to scramble the metaphor, one string didn't know what the other was doing. It worked as long as the agents didn't run afoul of each other or into a chief who had been kept in the dark.

Moley's opinion of the President is stated very succinctly in two quotations from "The First New Deal":

"He was unsurpassed in administering a campaign. As an executive, he was one of the most imprecise, not to say inefficient, administrators who ever held the office of President."

"Roosevelt's habit of nodding may be the reason that Hoover believed he agreed. Roosevelt, those who were close to him knew, nodded to express his understanding of what had been said. It did not at all mean that he agreed with what had been said. This habit was destined to cause grave misunderstandings about many matters in the years to come."

The first crisis after Roosevelt's election was precipitated by President Hoover. It was due to notice by the British and other chancelleries to President Hoover that they had decided to suspend payment of war debts and demand renegotiation and reduction. Mr. Hoover asked the President-elect to meet him for discussion. Moley at the time was chief adviser to Roosevelt. Secretary of the Treasury Ogden Mills was Mr. Hoover's representative. Mr. Hoover was well-informed, stubborn, irritating and inept, and Mr. Roosevelt cautious, devious and sparring for time to get the ultimate credit for recovery. This sparring continued to inauguration when the new President took full charge.

## DEMORALIZATION

The international monetary crisis again had to be faced by Roosevelt shortly after his inauguration. The original United States delegation to the World Monetary and Economic Conference in London, led by Secretary Hull, got into a hopeless snarl. Roosevelt was yachting and out of touch. Our conferees gave Europe a shocking exhibition of fatuous demoralization. Ramsay MacDonald, the British Prime Minister, who thought he had made an agreement with Roosevelt in Washington, was alternately mystified, enraged and saddened. Into this breach the President lowered the luckless Moley as a sort of *deus ex machina*, a liaison officer or messenger, to save the day. Moley took Herbert Bayard Swope along. Hull seems not to have been consulted. He must have read the papers. Did he see the remark of F.P.A., acid author of "The Conning Tower"? F.P.A. said: "Most of us know that Swope will be accompanied by Moley, which Mr. Moley himself probably discovered before the ship reached Ambrose Light." Roosevelt finally blew up the World Monetary and Economic Conference in July 1933.

Moley describes the wizardry and shifting, weaving, devious devices employed by the President to obtain acquiescence on legislation involving the sale of securities and regulation of exchanges. Harvard economists and New York bankers and corporation lawyers were involved. As usual, several bill drafters, independently appointed, were thwarting each other, and the usual Presidential efforts were made to resolve their differences by suavity and charm. The first compromise was a failure and froze the issuance of securities for a year. Later an effective statute was adopted. The process was mystifying and in the New Deal tradition.

## IRRECONCILABLE

Moley's taking off was gradual but nonetheless inevitable and thorough. In the summer of 1936 he paid his last formal visits to the President. He wrote an acceptance speech which Roosevelt characteristically assigned at the same time to others and then ordered the several irreconcilable versions reconciled. Moley did not return to the White House until John F. Kennedy was there 25 years later.

Moley's incidental thumbnail character sketches of contemporaries in "The First New Deal" are almost his most valuable contributions to the book. They include Howe, Marvin McIntyre, "Missy" LeHand, Jesse Jones, Lew Douglas, Hugh Johnson, Rex Tugwell, Jim Farley, John Garner, Sam Rayburn, Ed Flynn, Pittman, Byrnes, Hiram Johnson, Joe Kennedy, Felix Frankfurter and Bernard Baruch. These are sharp, incisive etchings. Occasionally personal dislike is evident—for example, he is not completely fair to Louis Howe, but full justice to such a curmudgeon is not to be expected this side of the pearly gates.

"The First New Deal" is more than one expert's interpretation of a critical period in our affairs. It is a remarkable human document.

## ANOTHER EXAMPLE OF WASTE BY DEFENSE DEPARTMENT

Mr. WILLIAMS of Delaware. Mr. President, under date of April 24, 1967, the Comptroller General submitted another report—B-157445—outlining another example of waste by the Defense Department.

In this instance, the Air Force, in awarding a \$28 million negotiated contract to Olin Mathieson Chemical Corp. for the procurement of missile fuel, allowed that company to realize a profit of 49 percent, or \$9.2 million.

In addition to the 49 percent profit, Olin Mathieson also was allowed \$1.8 million profit on raw materials supplied by its own chemical plant for use in this same operation.

This gave Olin Mathieson a total profit of \$11 million on a \$17 million cost, thus bringing its profit margin to 65 percent.

As if these excessive profits were not enough, the Comptroller calls our attention to the strange circumstances whereby the U.S. Government acquired the \$15.6 million plant in which this material was manufactured, and it is on land owned by the company. Under the terms, only the company could be eligible as a purchaser if the plant is resold.

I quote from the Comptroller General's report:

The Air Force acquired a \$15.6 million production plant that is completely surrounded by Olin property on which the Government has certain easement rights for access roads, utilities, and disposal facilities. Although this location of the fuel production plant resulted in economies in initial construction costs, it also strengthened the contractor's position as the sole-source supplier.

Because certain supporting facilities for the plant were integrated with those of the contractor, the Air Force recognized that it would be impractical for any contractor other than Olin to operate the plant. Moreover, should it become appropriate for the Government to dispose of this plant; under the terms of the deed, all easement rights and privileges except the easement covering the access road to a public highway would then terminate. This would adversely affect the value of the property to anyone other than Olin; and, under the terms of the agreement, in the event of disposition of the property, Olin has the option to purchase the property at the highest price offered by any other prospective buyer.

The contractor requested a fee of \$720,000 for the production process "know-how" and experience which it, in effect, was giving to the Air Force in constructing the plant. The Air Force did not permit this fee under the facility construction contract but included it in the price for the production contract.

Based on our estimate of this intracompany profit, Olin's rate of profit on incurred costs amounted to about 65 percent, as shown below:

|   |       |              |
|---|-------|--------------|
| Contract price  | ----- | \$28,152,000 |
| Total costs incurred, including overhead and general and administrative allocations | ----- | 18,921,000   |
| Less estimated intracompany profit  | ----- | 1,820,000    |
| Total costs incurred  | ----- | 17,101,000   |
| Profit (65 percent of \$17,101,000)   | ----- | 11,051,000   |

<sup>1</sup> Includes \$720,000 "know-how" fee for undertaking the facility construction contract.

I ask unanimous consent that the Comptroller General's letter of April 24, 1967, be printed at this point in the RECORD.

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

COMPTROLLER GENERAL  
OF THE UNITED STATES,  
Washington, D.C., April 24, 1967.  
To the President of the Senate and the  
Speaker of the House of Representatives:  
The accompanying report presents our  
findings on a review of contracts for the

procurement of critically needed missile fuel under adverse conditions from a sole-source supplier—Olin Mathieson Chemical Corporation.

The Air Force acquired a \$15.6 million production plant that is completely surrounded by Olin property on which the Government has certain easement rights for access roads, utilities, and disposal facilities. Although this location of the fuel production plant resulted in economies in initial construction costs, it also strengthened the contractor's position as the sole-source supplier.

Because certain supporting facilities for the plant were integrated with those of the contractor, the Air Force recognized that it would be impractical for any contractor other than Olin to operate the plant. Moreover, should it become appropriate for the Government to dispose of this plant; under the terms of the deed, all easement rights and privileges except the easement covering the access road to a public highway would then terminate. This would adversely affect the value of the property to anyone other than Olin; and, under the terms of the agreement, in the event of disposition of the property, Olin has the option to purchase the property at the highest price offered by any other prospective buyer.

The contractor requested a fee of \$720,000 for the production process "know-how" and experience which it, in effect, was giving to the Air Force in constructing the plant. The Air Force did not permit this fee under the facility construction contract but included it in the price for the production contract.

Olin would not accept a cost-plus-a-fixed-fee contract for the production of the fuel. As shown on page 27 of the report, the contractor stated that it would accept a fixed-price redeterminable contract subject to certain conditions, the principal condition being the explicit provision for a 20-percent profit on selling price. As Olin stated, the Air Force would not agree to the inclusion of such a provision in the contract. In our opinion, the form of contract proposed would not have been acceptable from a legal standpoint.

A fixed-price production contract was negotiated. However, we found that certain of the contractor's costs were estimated primarily on its production experience at another Olin plant where only limited quantities of the fuel were produced. Other costs were estimated on the basis of anticipated performance at the new Government plant even though Olin had no prior experience with the new production processes or the equipment to be used. Thus, in our opinion, there was no sound basis at the time for establishing a fixed price and the Air Force had no assurance that the price proposed was reasonable.

Officials of the Air Force agreed to this arrangement because they considered it imperative to establish promptly a source for volume production of this fuel and because they believed Olin to be the only contractor capable of satisfying the requirements in the time available. In the performance of this production contract which eventually totaled \$28 million during 1961, 1962, and 1963, Olin realized a profit of \$9.2 million, or the equivalent of about 49 percent on total costs of \$19 million. This profit does not include an additional profit of \$1.8 million which, we estimate, the contractor realized in the price of raw materials supplied by its own chemical plant.

In our opinion, the lower costs incurred and the resulting substantial increase in profit beyond the rate estimated stemmed, in part, from (1) the uncertainty as to the costs that would be incurred and (2) the contractor's refusal to accept a form of contract more appropriate to the circumstances.

Olin's contribution to the timely success of the missile program must be acknowl-

edged. The contractor performed creditably and, in so doing, successfully met the Air Force's required delivery schedule even though no missile fuel plant of this size had ever been built and this fuel had never been produced in such large quantities before.

According to the Air Force, the contractor "adopted a take-it or leave-it attitude" at the negotiations and insisted on very strict terms and a fixed-price contract. In its comments on this matter in February 1966, the Department of the Air Force stated that, in weighing the factors of cost and time against national security, it had little choice but to accept the contractor's terms and conditions. The Department concurred in our belief that lack of timely forecasting of requirements sometimes forces a sole-source procurement situation but believed that such a condition was not illustrated by this case.

The contractor disagreed with our findings and conclusions and expressed the opinion that its actions were proper, fair, and reasonable—particularly when considered in light of the circumstances and the company's prior experience with military fuel contracts. Olin stated that the atmosphere which surrounded the negotiations and its reluctance to risk large sums on uncertain Government programs was a direct outgrowth of the company's then-recent history of substantial losses incurred in its Defense contracting business.

We recognize that, in situations such as this one, the contractor is entitled to a contractual arrangement which does not subject it to undue risks. We believe, however, that it is not unreasonable to expect a contractor to accept a contractual arrangement which also affords the Government some protection against an unreasonably high price. We believe also that, in the absence of cost data which would enable a more realistic estimate of production costs, some sort of flexible price arrangement would have been appropriate and equitable to both parties.

In view of the important considerations of national security and urgency that were involved in negotiating the facility and production contracts covered by this report, it appears that the Air Force could not have taken an alternative action and met its critical requirements. We are reporting our findings to the Congress because they exemplify the high costs and other undesirable contractual conditions that military departments feel they are compelled to accept in some situations where there is only one source capable of furnishing urgently required items for high-priority programs.

Copies of this report are being sent to the Director, Bureau of the Budget; the Secretary of Defense; and the Secretary of the Air Force.

ELMER B. STAATS,  
Comptroller General of the United States.

#### WORLD'S LARGEST BANKER

Mr. WILLIAMS of Delaware. Mr. President, in recent years the Federal Government has developed into the world's largest banker. Today I call the attention of the Senate to the spectacular manner in which the lending activities of the U.S. Government have been expanding.

Like Topsy, these agencies have grown until today the duplication represents a staggering waste of the taxpayers' dollars.

In some cases as many as five different Federal lending agencies could be servicing the same debtor.

These agencies have multiplied so rapidly that very often Members of Congress receive inquiries about some new

lending agency or authority with which we are not familiar. Thinking that perhaps other Members of Congress as well as the American taxpayers would be interested, I asked the Bureau of the Budget to compile a list of all the various lending agencies operated by the U.S. Government, along with a statistical report as to the amounts of the loans outstanding, the lending authority, and so forth.

This list has been received and will be incorporated in the RECORD at the end of my remarks.

This report shows that there are 60 loan and loan-guarantee programs being operated under the various departments of the U.S. Government. It further shows that these 60 agencies as of June 30, 1966, had a total of \$34.354 billion in loans outstanding plus another \$82.490 billion in outstanding loan guarantees.

In addition to these 60 agencies, whose primary purposes are making and guaranteeing loans, there are 20 other agencies in which loans and loan guarantees are secondary or incidental to their operations. These 20 lending agencies have a total of \$2.305 billion in loans and \$1.033 billion in loan guarantees outstanding as of the same date.

Summarizing: As of June 30, 1966, these 80 lending agencies had a grand total of \$36.659 billion in outstanding loans plus an additional \$83.523 billion in loan guarantees.

At this point I ask unanimous consent that a report furnished by Mr. Phillip S. Hughes, Acting Director of the Bureau of the Budget, be printed in the RECORD.

This report gives an itemized breakdown by departments and agencies as to the total amount of outstanding loans and loan guarantees for each.

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

EXECUTIVE OFFICE OF THE PRESIDENT,  
BUREAU OF THE BUDGET,  
Washington, D.C., March 15, 1967.

Hon. JOHN J. WILLIAMS,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR WILLIAMS: We are enclosing a table providing the detailed information requested in your letter of January 11, 1967, together with extensive explanatory notes. The following general comments on the three types of data you requested may also be helpful.

1. *Total amount of borrowing or lending authority.* Usually, the total lending authority is the sum of the loans outstanding column plus the additional amounts available column, unless a smaller limitation has been established by law. The "Comments" column points out any such limitations. The total borrowing authority is also shown in the "Comments" column.

2. *Borrowing from Treasury.* As the table indicates, almost all of the funds used by these agencies are obtained in the first instance from the Treasury Department, sometimes by appropriations and sometimes from public debt authorizations.

3. *Outside borrowing.* In only a few cases is there any authority to borrow from the public (corporate debt authority). In those few cases, where corporate debt authorizations are involved, we have included footnotes which identify the actual outstanding obligations and their amounts, whether

they are guaranteed, and whether or not they are included in the debt subject to limitation by section 21 of the Second Liberty Loan Act as amended.

If you have any further questions we shall be glad to answer them for you.

Sincerely,  
PHILLIP S. HUGHES,  
Acting Director.

#### LOAN AND LOAN GUARANTEE PROGRAMS OF THE U.S. GOVERNMENT

The attached table provides information on the loan and loan guarantee programs of the United States Government, except those repayable in foreign currencies. Of the \$5 billion in foreign currency repayable loans outstanding as of June 30, 1966, \$3 billion is payable in currencies of which the U.S. currently has a supply in excess of our needs over the next few years. Loans repayable in foreign currencies being made at present are limited to those using foreign currencies which are restricted by international agreements.

"Loans" include the extension of sales credit as well as loans disbursed in cash.

The first section of the table covers funds that are used primarily or solely for loans and loan guarantees; the second section covers funds that are used only incidentally or secondarily for loans or loan guarantees.

For each of the programs, the table shows:

(1) The type of new obligational authority which finances the program—whether an appropriation, authority to borrow from Treasury (public debt authorization) or authority to borrow from the public (corporate debt authorization). The effect of borrowing from the public on the national debt total is shown in footnotes. Limitations on borrowing authority are shown in the "Comments" column.

(2) The amount of loans outstanding as of June 30, 1966. Repayments of these loans are over a number of years unless otherwise noted. Limitations on loans outstanding, if any, are noted in the "Comments" column. The outstanding loans covered in the table differ from those in Special Analysis E of the Budget, mainly because they include not only loans reflected in the administrative budget, but also loans from trust revolving funds and mixed-ownership corporations and because they exclude loans repayable in foreign currencies.

(3) Additional amounts available in 1967 from balances brought forward (including balances obligated but not yet disbursed) and new obligational authority already available. Balances brought forward include retained earnings accumulated in prior years. In most cases, principal repayments, proceeds from the sale of loans, or of participations in loans, interest, and other revenues during the year will also be available in 1967. Cases where repayments and other collections are not available for relending, but are deposited to miscellaneous receipts, have been noted in the "Comments" column. No figures are shown in this column in the second section of the table, since balances available will be used mostly for other purposes. Even for major programs, a portion of the amount shown will often be used for administrative and other expenses.

(4) The amount of Government guarantees outstanding as of June 30, 1966 (i.e., contingent liabilities), whether or not funds have been provided. Where only a portion of the loan is guaranteed, the non-guaranteed portion is excluded from these figures. Exclusion of the non-guaranteed portion, amounting to \$15,837 million, represents the major difference between the total guarantees outstanding shown in this table and that in Special Analysis E of the Budget. Limitations on guarantees, if any, are noted in the "Comments" column.

## Loan and loan guarantee programs of the U.S. Government

## A. FUNDS PRIMARILY FOR LOANS AND LOAN GUARANTEES

|   | Type of NOA  | Loans outstanding June 30, 1966 | Additional amounts available in 1967 <sup>1</sup> | Loan guarantees outstanding June 30, 1966 | Comments   |
|---|--|---------------------------------|---|---|--|
|   |  | Millions                        | Millions  | Millions                                  |  |
| Funds appropriated to the President:  |  |                                 |   |   |  |
| Office of Economic Opportunity: Economic opportunity loan fund.                     | Appropriation.....   | \$46                            | \$33  | -----                                     |  |
| Military assistance: Foreign military sales fund.                                   | .....do.....   | 45                              | 329   | \$36                                      | Excludes guarantees of loans made by Export-Import Bank.   |
| Economic assistance:  |  |                                 |   |   |  |
| Alliance for Progress, development loans.....do.....                                |  | 800                             | 1,478   | -----                                     |  |
| Development loans, revolving fund.....do.....                                       |  | 2,273                           | 2,330   | 184                                       |  |
| Other dollar loans.....do.....  |  | 1,954                           | -----   | -----                                     |  |
| International financial institutions: Loans to the International Monetary Fund.     | Appropriation.....   | -----                           | 2,000   | -----                                     |  |
| Department of Agriculture:  |  |                                 |   |   |  |
| Rural Electrification Administration: Loan authorizations.                          | Public debt authorization.....   | 4,274                           | 1,716   | -----                                     | Repayments are not available for relending.  |
| Farmers Home Administration: Direct loan account.                                   | .....do.....   | 1,127                           | 155   | -----                                     | New loan obligations up to \$440,000,000 are authorized in 1967. Authority to borrow from Treasury is \$598,000,000.   |
| State rural rehabilitation funds (trust revolving fund).                            | -----  | 25                              | 2   | -----                                     |  |
| Rural renewal.....do.....   | Appropriation.....   | 2                               | 2   | -----                                     | Repayments are not available for relending.  |
| Rural housing, direct loan account.....do.....                                      | Public debt authorization.....   | 685                             | 124   | -----                                     | New loan obligations up to \$15,000,000 are authorized for 1967. \$5,000,000 in prior year loan obligations will be disbursed. \$104,000,000, together with collections during the year, will be used in future years. Authorization to borrow from Treasury is \$663,000,000. |
| Emergency credit revolving fund.....do.....   | Appropriation.....   | 120                             | 31  | -----                                     |  |
| Agricultural credit insurance fund.....do.....                                      | Public debt authorization.....   | 197                             | 42  | 887                                       | Insurance authority is limited to \$450,000,000 in each year. Authority to borrow from Treasury is indefinite.   |
| Rural housing insurance fund.....do.....  | Appropriation.....   | 32                              | 68  | 122                                       |  |
| Department of Commerce:   |  |                                 |   |   |  |
| Economic Development Administration: Economic development loans.                    | .....do.....   | 161                             | 216   | 4   | Repayments are not available for relending.  |
| Maritime Administration:  |  |                                 |   |   |  |
| Federal ship mortgage insurance fund.....do.....                                    | Public debt authorization.....   | 30                              | 1   | 452                                       | Total authority to guarantee is \$990,000,000. Authorization to borrow from Treasury is indefinite. Inactive; repayments are not available for relending.  |
| Other.....do.....   | Appropriation.....   | 80                              | -----   | -----                                     |  |
| Department of Defense—Military:   |  |                                 |   |   |  |
| Revolving and management funds: Defense production guarantees.                      | .....do.....   | 15                              | 18  | 24  | If fees are insufficient, procurement funds may be used to pay losses.   |
| Department of Defense—Civil:  |  |                                 |   |   |  |
| Department of the Army: Construction of power system, Ryukyu Islands.               | .....do.....   | 10                              | 8   | -----                                     | Repayments are not available for relending.  |
| Department of Health, Education, and Welfare:                                       |  |                                 |   |   |  |
| Office of Education:  |  |                                 |   |   |  |
| Student loan insurance fund.....do.....   | Appropriation; public debt authorization.....                                      | -----                           | 4   | -----                                     | Authority to insure new loans in 1967 of \$75,000,000 for vocational education loans and \$1,000,000,000 for higher education student loans will be used only when State and private guarantees are not available. Authorization to borrow from Treasury is indefinite.        |
| Higher education loan fund.....do.....  | Appropriation.....   | 57                              | 200   | -----                                     | New loans in 1967 are limited to \$300,000,000.  |
| Higher education facilities construction.....do.....                                | -----  | 697                             | 192   | -----                                     | Repayments are not available for relending.  |
| Defense educational activities, loan programs.                                      |  |                                 |   |   |  |
| Department of Housing and Urban Development:  |  |                                 |   |   |  |
| Office of the Secretary:  |  |                                 |   |   |  |
| College housing loans.....do.....   | Public debt authorization.....   | 2,242                           | 939   | -----                                     | Total authorization to borrow from Treasury is \$3,175,000,000.  |
| Public facility loans.....do.....   | -----  | 213                             | 383   | -----                                     | Total authorization to borrow from Treasury is \$600,000,000.  |
| Urban renewal loans and planning advances.....do.....                               | -----  | 222                             | 781   | 1,660                                     | Total authorization to borrow from Treasury is \$1,000,000,000.  |
| Rehabilitation loan fund.....do.....  | Appropriation.....   | ( <sup>2</sup> )                | 50  | -----                                     |  |
| Housing for the elderly or handicapped.....do.....                                  | -----  | 147                             | 262   | -----                                     |  |
| Public works planning advances.....do.....  | -----  | 66                              | 33  | -----                                     |  |
| Federal National Mortgage Association: Special assistance functions.....do.....     | Public debt authorization.....   | 811                             | 3,154   | -----                                     | Total lending authority is \$128,000,000.  |
| Participation sales fund.....do.....  | -----  | -----                           | -----   | 2,110                                     | Additional sales of guaranteed participation certifies authorized in 1967 are \$3,230,000,000.   |
| Secondary market operations (trust revolving fund).                                 | Public debt authorization; corporate debt authorization, <sup>3</sup> .....do..... | 3,718                           | 4,833   | -----                                     | Total borrowing authority is 15 times capital and retained earnings, of which not more than \$2,250,000,000 may be borrowed from Treasury.   |
| Management and liquidating functions.....do.....                                    | -----  | 912                             | -----   | -----                                     | Borrowing authority is indefinite; corporate debt authority has not been used in recent years.   |
| Federal Housing Administration: Revolving fund.                                     | .....do.....   | 633                             | 1,049   | 52,091                                    | No overall limit on insurance. Authority to borrow from Treasury and/or the public is indefinite.  |
| Community disposal operations fund.   | -----  | 7                               | 2   | -----                                     | Financed entirely from proceeds of sales.  |
| Public housing programs: Low-rent public housing.                                   | Public debt authorization.....   | 58                              | 1,520   | 5,413                                     | Total authorization to borrow from Treasury is \$1,500,000,000.  |
| Department of the Interior:   |  |                                 |   |   |  |
| Public land management: Revolving fund for loans, Indian Affairs.                   | Appropriation.....   | 24                              | 4   | -----                                     |  |
| Fish and Wildlife and Parks:  |  |                                 |   |   |  |
| Fisheries loan fund.....do.....   | -----  | 6                               | 7   | -----                                     | Total authority to guarantee is \$10,000,000. Authorization to borrow from Treasury is indefinite.   |
| Federal ship mortgage insurance fund, fishing vessels.                              | Public debt authorization.....   | ( <sup>2</sup> )                | ( <sup>2</sup> )                                  | 5   | Repayments are not available for relending.  |
| Water and power development: Loan program—Bureau of Reclamation.                    | Appropriation.....   | 108                             | 20  | -----                                     |  |
| Department of State:  |  |                                 |   |   |  |
| International Organizations and Conferences: Loan to the United Nations.....do..... | -----  | 102                             | -----   | -----                                     | Repayments are not available for relending; no future loans are planned.   |

See footnotes at end of table.

<sup>1</sup> See footnotes at end of table.<sup>2</sup> See footnotes at end of table.<sup>3</sup> See footnotes at end of table.

## Loan and loan guarantee programs of the U.S. Government—Continued

|  | Type of NOA   | Loans outstanding June 30, 1966 | Additional amounts available in 1967 <sup>1</sup> | Loan guarantees outstanding June 30, 1966 | Comments   |
|--|---|---------------------------------|---|---|--|
|  |   | Millions                        | Millions  | Millions                                  |  |
| Department of Transportation:  |   |                                 |   | \$14                                      |  |
| Federal Aviation Agency: Aircraft loan guarantees.                       |   |                                 |   |   | Loan guarantees limited to \$10,000,000 per eligible carrier.  |
| Treasury Department:   |   |                                 |   |   |  |
| Reconstruction Finance Corporation liquidation fund.                     |   | \$5                             |   |   | Repayments are not available for relending; no additional loans can be made.   |
| Loans to the District of Columbia for capital outlay:                    |   |                                 |   |   |  |
| General fund   | Appropriation   | 39                              | \$116   |   | Total lending authority is \$290,000,000, with \$134,000,000 still to be appropriated.   |
| Highway fund   | do  | 43                              | 18  |   | Total lending authority is \$85,000,000 with \$23,000,000 still to be appropriated.  |
| Water fund   | do  | 22                              | 7   |   | Total lending authority is \$35,000,000, with \$3,000,000 still to be appropriated.  |
| Sanitary sewer works   | do  | 13                              | 17  |   | Total lending authority is \$32,000,000, with \$2,000,000 still to be appropriated.  |
| Metropolitan area sanitary sewage works fund.                            | do  | 22                              | 3   |   | Total lending authority is \$25,000,000.   |
| Advances to stadium sinking fund   | Public debt authorization   | 1                               |   | \$20                                      | Authorization to lend to the District of Columbia is indefinite, to meet interest payments on stadium bonds.   |
| Repayable advances to the District of Columbia general fund.             | Appropriation   | 21                              |   |   | Temporary advances are made during periods of low revenue collections. Repayments are not available for relending.   |
| Foreign loans  | do  | 3,725                           |   |   | Repayments are not available for relending.  |
| General Services Administration:   |   |                                 |   |   |  |
| PWA loans (liquidation)  |   | 57                              |   |   | Repayments are not available for relending; no additional loans can be made.   |
| Surplus property credit sales.   |   | 120                             |   |   | Repayments are not available for relending.  |
| Veterans' Administration:  |   |                                 |   |   |  |
| Direct loan revolving fund   | Public debt authorization   | 479                             | 1,176   |   | Total authority to borrow from the Treasury is \$1,935,000,000. Amounts repaid to Treasury may not be reborrowed.  |
| Loan guarantee revolving fund  | Appropriation   | 534                             | 220   | 16,301                                    |  |
| Other independent agencies:  |   |                                 |   |   |  |
| Export-Import Bank of Washington: Export-Import Bank of Washington fund. | Public debt authorization; corporate debt authorization. <sup>7</sup> | 2,227                           | 5,831   | 2,908                                     | Lending limit is \$9,000,000,000. Guarantees up to \$2,000,000,000 are chargeable to the limitation at 25 percent. Authority to borrow from Treasury is \$6,000,000,000, in addition to \$1,000,000,000 of capital stock. Authority to borrow from the public is indefinite. |
| Farm Credit Administration:  |   |                                 |   |   |  |
| Banks for cooperatives (mixed ownership corporation).                    |   | 1,108                           | 52  |   | The Government investment is in the form of capital stock.   |
| Federal intermediate credit banks (mixed ownership corporation).         |   | 3,066                           | 117   |   | Do.  |
| Interstate Commerce Commission: Railroad loan guarantees.                | Appropriation   |                                 |   | 197                                       | Authorization to guarantee has expired.  |
| National Capital Planning Commission: Advances to Maryland.              | do  |                                 | 1   |   | Repayments are not available for relending.  |
| Small Business Administration: Revolving fund.                           | do  | 972                             | 667   | 246                                       | \$2,000,000,000 total lending authority.   |
| Subtotal, funds primary for loans or loan guarantees.                    |   | 34,354                          |   | 82,490                                    |  |

## B. FUNDS IN WHICH LOANS AND LOAN GUARANTEES ARE SECONDARY OR INCIDENTAL

|   |  |       |     |     |  |
|---|--|-------|-----|-----|--|
| Funds Appropriated to the President:  |  |       |     |     |  |
| Foreign investment guarantee fund   | Public debt authorization                |       | (8) | 178 | Total guarantee authority of \$7,825,000,000 and total borrowing authority of \$199,000,000 are also available for other nonloan guarantee programs.                 |
| Expansion of Defense Production   | do                                       | 9     | (8) |     | Total borrowing authority is \$2,100,000,000. Most of this amount has been used for other purposes and thus is not available for new loans.                          |
| Department of Agriculture:  |  |       |     |     |  |
| Commodity Credit Corporation: Commodity Credit Corporation fund.                            | do                                       | 1,376 | (8) | 855 | Loans and guarantees are only 1 method of providing price support. Much of the available funds is used in other ways. Total borrowing authority is \$14,500,000,000. |
| Department of Health, Education, and Welfare:   |  |       |     |     |  |
| Welfare Administration: Assistance to refugees in the United States.                        | Appropriation                            | 9     | (8) |     | Repayments are not available for relending.  |
| Public Health Service:  |  |       |     |     |  |
| Student loans   | do                                       | 36    | (8) |     |  |
| Hospital construction activities  | do                                       | 4     | (8) |     | Do.  |
| Department of Housing and Urban Development:  |  |       |     |     |  |
| Metropolitan development:   |  |       |     |     |  |
| Urban mass transportation fund  | Public debt authorization; appropriation | 5     | (8) |     | Public debt authorization of \$50,000,000 has not been used. Most funds are used for grants.   |
| Liquidating program   | Appropriation                            | 10    | (8) |     |  |
| Department of the Interior:   |  |       |     |     |  |
| Public land management:   |  |       |     |     |  |
| Administration of territories   | do                                       | 6     | (8) |     |  |
| Alaska public works   | do                                       | 6     | (8) |     | Repayments are not available for relending.  |
| Office of Mineral Exploration   | do                                       | 2     | (8) |     |  |
| Department of State: Repatriation loans   | do                                       | 3     |     |     | Do.  |
| Veterans' Administration:   |  |       |     |     |  |
| Veterans special term life insurance fund   | do                                       | 7     | (8) |     | Policy loans.  |
| Service-disabled veterans insurance fund  | do                                       | 5     | (8) |     | Do.  |
| Insurance and indemnities   |  | 1     | (8) |     |  |
| National service life insurance fund (trust revolving fund)                                 | Appropriation                            | 598   | (8) |     | Do.  |
| U.S. Government life insurance fund (trust revolving fund)                                  | do                                       | 84    | (8) |     | Do.  |
| Federal Deposit Insurance Corporation: Investment in Federal Deposit Insurance Corporation. | Public debt authorization                |       | (8) |     | Total standby authority to borrow from Treasury of \$3,000,000,000 has not been used.  |
| Federal Home Loan Bank Board:   |  |       |     |     | Standby authority to borrow from the Treasury of \$750,000,000 has not been used.  |
| Federal Savings and Loan Insurance Corporation fund.  | do                                       | 144   | (8) |     |  |

See footnotes at end of table.

Loan and loan guarantee programs of the U.S. Government—Continued

|   | Type of NOA               | Loans outstanding June 30, 1966 | Additional amounts available in 1967 <sup>1</sup> | Loan guarantees outstanding June 30, 1966 | Comments   |
|---|---------------------------|---------------------------------|---|---|--|
| Investment in Federal Home Loan Bank  | Public debt authorization | <i>Millions</i>                 | <i>Millions</i>                                   | <i>Millions</i>                           | \$1,000,000,000 standby authorization to borrow from Treasury has not been used. |
| Subtotal, funds in which loans and loan guarantees are secondary or incidental. |                           | 2,305                           | (8)   | 1,033                                     |  |
| Grand total   |                           | 36,659                          |   | 83,523                                    |  |

<sup>1</sup> Repayments of loans are also available for relending unless noted in "comments" column.

<sup>2</sup> Less than \$500,000.

<sup>3</sup> Secondary market operations has \$2,180,000,000 outstanding in borrowing from the public. It is not guaranteed and not included in the debt subject to limitation.

<sup>4</sup> Management and liquidating functions has no outstanding borrowing from the public. If it did, it would not be guaranteed nor included in the debt subject to limitation.

<sup>5</sup> FHA debentures totaling \$441,000,000 held by the public are guaranteed and are included in the debt subject to limitation.

<sup>6</sup> District of Columbia Armory Board stadium bonds totaling \$20,000,000 held by the public are guaranteed and included in the debt subject to limitation.

<sup>7</sup> Authority to borrow from the public has not been used. Any such borrowing would not be guaranteed and would not be included in the debt subject to limitation.

<sup>8</sup> Of the amounts available in 1967, if any, most are not for loans or guarantees.

## JUSTICE IN THE COURTS

Mr. DIRKSEN. Mr. President, on occasion I have placed in the RECORD a number of articles on the subject of courts, police power, and law enforcement, written by Mr. Howard James. A fourth article written by him is entitled "Prosecutors, Police, and Power."

Because of the paramount importance to every Senator of the administration of justice, 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:

### PROSECUTORS, POLICE, AND POWER—CRISIS IN THE COURTS—IV (By Howard James)

Suppose:

The nation's airlines turned their jets over to young men who, as college students, had studied flying a semester or two, could pass an exam on aerodynamics, but had little or no actual flight experience.

Each young pilot was allowed to select or reject his passengers arbitrarily. Could choose his own flight times and routes. Used an often-conflicting rule book to chart the way. Consulted the tower only when he wanted to land. Dumped some passengers off en route, and carried others too far.

Pilot pay was so poor most found it necessary to hold down a second job and waited for the day when they were skilled enough to quit the airline and strike out on their own.

That ground crews—those with nuts-and-bolts responsibility for keeping things running smoothly—were also often underskilled, underpaid, and overworked.

And that after passengers were unloaded, accommodations were usually horrible, service nearly nil and there was little sure way of returning them safely home.

#### CLOSE PARALLEL

Absurd?

Not when it becomes clear that in the face of a soaring crime rate the American system of criminal justice closely parallels this.

The pilot is the prosecutor—fresh out of college. The ground crew, the police. The man supervising from the tower, the judge.

Men and women who are accused by police, the passengers. Many are dumped off at fourth-rate jails or third-rate penal institutions that are underfinanced and poorly equipped to help lawbreakers return to a useful place in society.

This reporter has been touring the nation's courts for months. He has learned that the role of the trial judge is crucial. Yet the man on the bench has meaningful contact with

only part of those who become entangled in the state system of criminal justice.

#### POLICE MAKE JUDGMENTS

In practice both police and prosecutor function as judge and jury at the start of every case. Then the court must approve or disapprove of their actions by finding a man guilty or not guilty—if the case reaches court.

The traffic officer who stops you for speeding makes a "judicial decision" when he gives you a ticket. He may let the next man off with a warning. By shooting a fleeing burglar, the detective may hand out a capital penalty for a crime that might otherwise have netted probation, or at worst, 5 to 10 years in prison.

When the youngster next door is brought home in a squad car and your child is held in jail for the same offense (an estimated half million youths were jailed last year), the policeman involved is in a sense acting as a judge. For without holding a hearing—beyond his listening to or ignoring your child's protest—that officer has "sentenced" your youngster to one or more nights in jail.

It is common practice for a prosecutor to try a few men for assault with intent to kill, drunken driving, or murder. Then, for the sake of expedience or for other reasons, he reduces charges for others (who have broken the same law) to simple assault, reckless driving, or manslaughter. Still others are released by the prosecutor, who may be convinced of their guilt but feels he lacks evidence to convict.

#### PROSECUTOR'S DECISION CRUCIAL

As the President's Commission on Law Enforcement and Administration of Justice has pointed out, the prosecutor "decides whether to press a case or drop it. He determines the specific charges against the defendant. When the charge is reduced, as it is in as many as two-thirds of all cases in some cities, the prosecutor is usually the official who reduces it." And "he is particularly able to influence police operations."

The report also asserts: "Law-enforcement policy is made by policemen. For policemen cannot and do not arrest all the offenders they encounter. It is doubtful they arrest most of them. A criminal code, in practice, is not a set of specific instructions to policemen but a more or less rough map of the territory in which policemen work. . . . Every policeman, however complete or sketchy his education, is an interpreter of the law."

While policemen make the arrests, it is the prosecutor who holds the controls in his hands and guides the ship. Because his decisions touch more lives, many lawyers assert that he is more important than the judge.

#### ROUTE WIDELY DEFENDED

Yet thousands of prosecutors are men fresh out of law school who are learning their

craft at state expense. Some have studied trial procedures for one semester at best. Because of recent innovations a few have spent time in court while still law students. Others have practiced law a few months or years and take the prosecutor's job—while their practice builds—and to gain experience.

Because so many of the nation's prominent trial lawyers have learned their trade via this route, it is widely defended—not so much for the service it renders to society as for the value of the experience to a beginning lawyer.

"Most prosecutors are young men with little trial experience because few experienced lawyers want the job," says Robert E. West, president of the Vermont State's Attorneys Association.

"At least two in our state were elected before they passed the bar exam. The pay is so low most have a civil practice on the side, so the public isn't always properly represented. Often being prosecutor comes second."

"I was astounded to find that, except in the large cities, nearly every prosecutor in the United States is part time."

The office of district attorney is often a springboard for higher office. For example, Thomas E. Dewey, former Governor of New York and onetime Republican presidential candidate, gained his reputation as a prosecutor. Earl Warren, too, was a prosecutor before he became Governor of California and later Chief Justice of the United States. Other prosecutors have had varying degrees of subsequent political success.

#### COURT CONTROL POSSIBLE

Given the right circumstances the supposedly sacrosanct system of justice can come under the control of one determined man. So I learned in a conversation that ended in the early morning hours of Feb. 7 in the expensive Oklahoma City home of Curtis P. Harris, Oklahoma County District Attorney.

Until a few years ago Mr. Harris was a condemnation lawyer earning between \$50,000 and \$150,000 a year. He decided to take the \$15,500 post as prosecutor when his daughter's home—"She lives right back of us here"—was twice burglarized.

The first time, while his daughter was away from home and the grandchildren were staying with Mr. and Mrs. Harris, "somebody cleaned it out." But it was the second incident that convinced Mr. Harris to take action—action that has had a subtle but meaningful impact on the lives of all who live in Oklahoma County.

He tells it this way:

#### MANY RELEASED ON BOND

"About 2 o'clock one afternoon my daughter, who was pregnant at the time, heard a noise at one of the screens. Then she heard

a window going up and saw a man coming in with another right behind."

She frightened the men away and was unharmed. But Mr. Harris, stewing about the two events, decided to "investigate" what the police were doing. He went down to police headquarters.

"The police told me, 'We catch 'em, but they're not being prosecuted very often,'" he says. "And they showed me how one man had been released on 41 different bail bonds."

As soon as he could, he ran for the prosecutor's office and was elected.

Determined to stamp out crime by taking a hard line, he has urged citizens to pack guns and shoot to kill if someone attempts to rob or molest them.

"This is war!" he says emphatically.

While thousands praise what he is doing, other Oklahomans assert he is fighting crime by creating a police state, with Curtis Harris sitting on top of the heap calling the shots.

Mr. Harris contends:

Few if any criminals can be rehabilitated, so the best solution is to lock them up and throw away the key.

Police do not arrest "innocent" people, although some are found not guilty in courtrooms. The difference between guilt and innocence, he asserts, is the inability to win a conviction through lack of evidence or because a lost witness cannot be found.

#### FELLOW LAWYERS CRITICIZED

Mr. Harris has harsh words for his fellow lawyers.

"The legal profession can cut crime by 50 percent overnight simply by telling the truth" about their clients, he says.

When a nationally known attorney came to town and told the bar "how he uses chicanery" to free defendants, the lawyers "stood up and applauded."

"I can only ask what kind of bar we've got when lawyers give this kind of thing a standing ovation," he says.

Mr. Harris does not oppose leaking of information to the press that would be inadmissible as evidence in court. For example, he says he is not bothered when prospective jurors read about a defendant's prior criminal record—although it cannot be mentioned during a trial.

"A man's criminal record is the truth isn't it?" he argues. "To say publicity prejudices jurors is saying that jurors lie when they tell the court that what they have read or heard will not influence them."

#### JURIES "CHECKED UP" ON

Yet when a jury refuses to convict a man, Mr. Harris says he "checks up" on members of the jury to find out why they voted as they did.

Mr. Harris also tells of jailing 110 men from "Friday to Monday" in an attempt to "solve the killing of a little liquor store owner." While none of the men jailed had anything to do with the crime, he says, it helped the police find the guilty parties. As further justification, he adds:

"On that weekend we had only one little coke machine break-in."

A measure of his control: Last year when certain judges failed to measure up to his standards, he took his case to the voters—"naming names" at luncheons, club meetings, and other gatherings.

"I got out and campaigned to beat 'em, and they were beaten," he says. "Now I don't have a judge down there who won't say I'm right."

Some say he has less power than is generally believed. But power is vested by the voters.

"I was just reelected to a second term, and I beat my opponent 8 to 1," he says.

#### MISDEMEANOR FINES SKYROCKET

His crackdown includes misdemeanors as well as more serious crimes. In his first year

misdemeanor fines collected jumped from \$3,000 or \$4,000 a year to \$65,000. Drunken drivers "used to pay \$10 and get 10 days," but now they are fined \$300 to \$500 and six months to a year in jail, he says.

Some old cases, "six or seven years old," have been brought to trial.

"We try as many cases in a month as the prosecutor used to try in a year," Mr. Harris asserts. "In my first year in office we cut the over-all crime rate 24 percent while it was going up across the country. Last year we cut it another 3 or 4 percent."

There is little question but that Mr. Harris is conviction-minded or that his methods are effective. Many Oklahomans say his approach is right. Others contend that a prosecutor with so much political power and with a police force to back him up could—in the guise of crime fighter—do great harm to a system of justice that depends on balance.

Some judges and lawyers interviewed agreed that such practices as those used by Mr. Harris could lay the foundation for a police state.

Convictions are only one side of the coin, moreover. Screening of cases before they get to the trial state is vital to justice, too.

The President's commission points out that the law makes prosecutors and judges responsible for meting out rigorous treatment for dangerous offenders or for offering remedial opportunities to offenders who seem likely to benefit.

"... The law gives wide latitude to police and prosecutors in making arrests and in bringing charges, judges in imposing penalties. . . ."

"Almost half of all arrests are on charges of drunkenness, disorderly conduct, vagrancy, gambling, and minor sexual violations.

"Such behavior is generally considered too serious to be ignored, but its inclusion in the criminal justice system raises questions deserving examination. . . . The investigation and prosecution of such cases ties up police and clogs courts at the expense of their capacity to deal with more threatening crimes. . . ."

"In some cities the enforcement of these laws has been unhappily associated with police, prosecutor, and court venality and corruption, which in turn have led to a general decline in respect for law. . . ."

In Pittsburgh I saw a man jailed by a non-lawyer judge on charges of rape. No prosecutor or defense lawyer was present. The arrest was made on a middle-aged woman's signature.

"I understand the fellow didn't pay her the 10 bucks she asked for," a police sergeant told the judge later. "What do you want to do?"

"Well, maybe he'll pay off next time he fools with a prostitute," the judge said, laughing. "The warrant is signed, and there's not much we can do about it now."

In a Houston criminal hearing, an auto owner and used-car dealer wrangled for nearly an hour over a complicated deal that might have involved fraud. Finally the judge, whose docket was jammed, threw the cases out, explaining it was "a civil action" and "should never have been filed in this court."

This is an all-too-familiar complaint. I heard it in courts in almost every city I visited, even when prosecutors plausibly insisted they were doing a "good job of screening." One prominent district attorney who said this, was refuted later by an assistant who had to handle the DA's cases at the lowest level. The assistant indicated that his boss had higher political plans and didn't want to offend the public by throwing out cases and getting the reputation for being soft on criminals.

#### OTHER WEAKNESSES FOUND

After sitting in courtrooms and talking to judges and lawyers across the country, I also found:

That in thousands of lower courts (and

this is where 90 percent of all defendants appear) a policeman or judge acts as prosecutor, though neither has legal training. Policemen too often are trying to justify the arrest instead of seeing that justice is done.

That politically ambitious prosecutors are too often "conviction happy," as one West Coast judge put it. This can result in the "little guy" being pressured into pleading guilty to a charge that probably would be reduced if he knew enough to demand a trial. In some cities where justice is dispensed assembly-line fashion, 95 percent of those convicted plead guilty without ever going to trial.

(This is not to say that lawbreakers shouldn't admit their guilt and accept their penalty. Rather it is a commentary on inequality. The complaint most often heard is that the "little guy" who is a first offender goes to jail or pays a fine while the professional criminal with the right lawyer and enough money wins.)

In dozens of courtrooms the prosecutor has never seen the case before a folder is thrust into his hands for a preliminary hearing or for trial by a lower court magistrate. Too often no consideration has been given to the validity of the charge or evidence. Even in more serious cases the prosecutor has a limited amount of time to prepare his case, unless it is a spectacular crime that will make Page 1 in the newspapers.

#### EXCELLENCE EXISTS, TOO

Generalizations, of course, bring up exceptions. Just as there are many good judges in the United States, so there are also competent prosecutors and excellent policemen. As is usually the case, a state or community simply gets what it asks for.

Several years of watching the Michigan State Police in action gave me an insight into the kind of job a carefully trained force of first-class men can do.

On the other hand, experience with several police departments and sheriffs' offices has indicated a drastic need for upgrading those departments.

The police problem has been much discussed in recent months. Thousands of men with little training, limited education, and often from the lower economic levels of society make decisions daily that would tax experienced judges.

In Carlsbad, N.M., I met J. Lee Cathey, an assistant district attorney. He keeps weekly check on who is in jail, and makes sure they are moved through the courts as swiftly as possible. Everyone charged with a felony (a serious crime that can bring a prison term of one year or more) must have a lawyer at preliminary hearings.

And no charges are made against a man without Mr. Cathey's specific approval, after carefully reviewing the case.

#### DOMESTIC CASES A PROBLEM

In courts across the nation I heard complaints that a badly bruised wife will file a criminal action against her husband, have him arrested, and then come in a few days later begging to have charges dropped.

When Mr. Cathey is confronted with such a case, he tries to reason with the woman and, where it is advisable, keep such a complaint out of the court system—or at least give the woman time to cool down and make her decision at a calmer moment.

Unfortunately the best prosecutors usually leave office as soon as they can for private practice. Men in every section of the country complained that pay is poor—often \$5,000 to \$7,000 a year, or less, in a field that can yield \$25,000, \$30,000, or more for a competent lawyer.

It should be noted from my interviews with lawyers and judges that, as in other professions, many men who attend law school—perhaps too many—do so because the profession can be profitable, not primarily out of

a "love of justice" or because they have a burning "social worker's" philosophy. This may explain why more top lawyers don't take low-paying jobs as prosecutors and judges.

#### LOW PAY POINTED UP

Nor is the problem limited to lower courts: Robert C. Finley, Chief Justice of the Supreme Court of Washington State, told me that even if the governor of his state walked into the office of a leading attorney to tap him for a seat on the Supreme Court, he would probably hear a long list of excuses as to why the man could not accept.

Low pay is a problem in the cities, too. Philadelphia's colorful prosecutor Arlen Specter, now a candidate for mayor, told me the pay for his staff is "abominable."

Philadelphia starts a district attorney at \$6,954, which means that only men fresh out of law school will apply. Even experienced men get only about \$15,000—certainly less than men of equal skill might get in their own law firm or as a good trial lawyer in a city of comparable size.

Mr. Specter says that while he was authorized to have 51 men, he had only 49. He said 76 were needed.

"Our men average in excess of 60 hours a week, and none are working less than 48," he asserts.

Little will be said in this report about defense lawyers, as earlier and subsequent articles deal with the subject. But it should be repeated that on the criminal side, there is a critical shortage of honest and skilled lawyers—even while the volume of court business grows.

#### BAILIFF TELLS OF LOAFING

What of the other personnel who work in the court structure?

The bailiff is the uniformed man who sits in almost every courtroom—criminal and civil—to keep order. Usually he is under control of the sheriff, rather than the judge, and may well be too close to retirement to track down criminals or chase speeders.

His presence in criminal courtrooms is useful. But in civil courts many assert that he is little more than the man who keeps the coffee hot for the judge, runs a few errands, and in more polite courts, opens the swinging gate for witnesses.

Says one former big-city bailiff:

"I spent my days sleeping on the couch in the judges' chambers. If he wanted me to run an errand the clerk would buzz and I came out carrying a law book so that it looked like I had been working.

"My main job was to tell everyone in the courtroom to stand when the judge came in each morning and again after the noon recess. I also took juries to lunch at a local restaurant. Bailiffs make a nice profit on this. We got a free steak dinner. And the restaurant, to encourage us to bring juries in, served us all the free martinis we could drink in coffee cups. The meals usually would cost only half what we had been given, so we kept the rest."

#### NEED OFTEN QUESTIONABLE

In Los Angeles, where pay is above average (\$500 to \$700 a month) and the caliber of men as high as any around the country, I watched one Los Angeles Superior Court bailiff fuss with his stamp collection for hours during a jury trial. He would, with considerable rustling and crackling, remove stamps from one glassine envelope, study them, and then transfer them to another glassine envelope. Several jurors seemed distracted by the noise, and I found it hard to hear witnesses with soft voices.

This reporter found that these men may serve to bolster a judge's ego—especially when the judge's pay is low. As a practical matter, the bailiff's duties could be easily handled by the clerk of the court, who is always present.

Court clerks and court reporters (stenographers) are necessary, and have varying

degrees of skill. Some judges complain that deputy clerks are political hacks appointed by the elected chief clerk of the court. Judges too often have little or no say in the selection or firing of these deputies. In some cities clerks lose records and create other unnecessary delays.

It is not uncommon to hear a client asking his lawyer in the corridor outside a courtroom, "Why aren't we going to court today?" The lawyer then explains that some clerk or other court employee has fouled up the records and they will have to come back later.

Or the lawyer may be frantically calling witnesses on the phone because his client's case has come up a day early or because subpoenas were not properly issued or served.

Court critics, including lawyers and judges, say too many judges let clerks or bailiffs control their courtrooms. And as often as not, when corruption is found in the court, a clerk or bailiff has a hand in it. This is especially true in traffic court.

#### COURT PAYOFFS CHARGED

Nearly every large city with a strong, watchdog newspaper, has unearthed scandals in courts in recent years. One Indianapolis judge told me of several instances of court personnel involved in illegal court practices. Chicago's traffic court has often been hit with ticket-fixing scandals.

But court jobs are usually political. Too often the "fixers" are shifted to another job rather than fired.

Some Chicago lawyers assert it is still possible to get your case moved up the civil docket by paying off certain clerks. Others say payoffs may be necessary to get court records from some clerks.

Not much attention is focused on clerks and other court workers in the professional legal journals. Little research on court personnel has been done. When there is research, more often than not it is ignored.

A Midwestern judge last week gave me a typical answer on this point: "I have so many things to think about, I simply haven't given court personnel a thought."

The few cities with full-time court administrators have been able to make some headway in unsnarling nonjudicial problems. But progress is slow, and most court administrators lack the power to make sweeping improvements. Judges balk. County or state officials may block progress by refusing to appropriate funds to make the improvements needed.

#### SHORTHAND QUALITY OFTEN TOPS

The idea of hiring men with administrative skills to expedite mundane court chores in a businesslike manner is so new that even the few courts that do have administrators are still feeling their way by trial and error.

As a group, the most competent court personnel, including judges, are the court reporters—at least in the larger cities. The reason: Judges worry about higher courts' reversing their decisions and want to make sure the record is accurate. So do lawyers who may appeal. Thus those who are charged with keeping an accurate record of proceedings must be competent. And unlike the job of judge, prosecutor, policeman or corrections officer, the court reporter's performance can be objectively measured and evaluated.

Julian J. Covel, of Jamaica, N.Y., president of the National Shorthand Reporters Association, says there are "approximately 11,000 shorthand reporters in the United States . . . the vast majority court reporters," though others take depositions or work in legislatures and other similar bodies.

"Earnings begin at about \$8,500 to \$10,000 and can reach \$20,000 or more," he says.

Yet only 10 states—California, Colorado, Florida, Illinois, Iowa, Kansas, New Jersey, New York, Oklahoma, and Utah—have legislation that assures courts of having reporters that measure up to Mr. Covel's standards:

"Able to record accurately a minimum of 200 words per minute, have high intelligence,

a fairly extensive vocabulary, a good knowledge of the English language, and good hearing."

Like a brilliant judge or outstanding lawyer, a skilled reporter is a pleasure to watch. This writer sat in on a complex medical-malpractice trial in San Francisco's Superior Court. A doctor rattled on for two hours in machine-gun fashion, firing off volleys of high-powered medical terms, and the reporter took it all down with ease—while the jury looked dismayed, clearly not comprehending.

But what do you do in rural areas, where few people have the necessary shorthand skills?

#### SMALL TOWNS OFTEN PREFERRED

Frank R. Kenison, the Chief Justice of the New Hampshire Supreme Court, and Robert B. Williamson, Chief Justice of the Maine Supreme Judicial Court, told me that the "good life" of the small towns often entices competent court reporters to the New England states.

In states like Indiana and South Carolina, this reporter saw proceedings recorded electronically, at first blush the best possible way to make an accurate record.

But Mr. Covel, who has well-founded pride in his profession, argues:

"Attempts to record court proceedings electronically have failed to achieve the desired result in all impartial tests made, since tape recorders cannot distinguish between similar sounds, but pick up all the noises in the courtroom. This frequently results in an undecipherable jumble. Voices overlap. A truck rumbles past. A chair scrapes the floor. A juror clears his throat."

Yet as I visited courts across the country, I found that this very inability to filter out "unwanted" sounds can be an advantage.

For instance, when a judge loses his temper or commits some other breach of courtroom decorum, the court reporter simply stopped taking shorthand, picking up again when procedures returned to normal. It is clear that a judge who gets an appeal in a higher court may never know what really went on in the lower court even though the appeal may be based on mistakes made by the lower-court judge.

#### GUARDS SOMETIMES BRUTAL

Even when all other court problems are resolved most thoughtful judges are deeply worried over what to do with those found guilty. (This will be more extensively discussed in a subsequent report.) For the state system of justice—if it really is to be just—must be able to care for (and hopefully rehabilitate) prisoners. I found that as a nation Americans fail sadly in this area.

During a tour of a Georgia prison for young men I watched a guard kick a young man. Less than a third of those incarcerated were getting any meaningful training or help, according to statistics supplied to me by officials.

At the same time, pay for correction officers is being improved. New buildings are under construction. It is hoped that within a year or two conditions will improve.

In Greenville, S.C., a generally enlightened town, the jail I toured is so old and overcrowded that prisoners sleep on the cement floor without blankets—including youngsters in their teens who spend their days listening to hardened criminals brag about their exploits.

Yet I have also talked to judges who have no concept of the horrible conditions in their state's correctional institutions.

Other judges who have visited jails and prisons know how bad things are and make wide use of probation.

Yet records show that hundreds of probation officers have little or no professional training. Some of the better ones I met were former police officers who learned the ropes on the street. Enlightened states and cities

require college degrees in social work or related fields.

#### BARBER GIVEN PROBATION JOB

In one Texas town a barber served as a deputy probation officer until last fall—appointed by the judges. He resigned and moved away when one of the men he was supervising complained that this barber was trying to force him to commit immoral acts.

Experienced probation officers admitted to me that when male officers have women probationers under their supervision, the more attractive girls may be forced to let the officers "visit" them from time to time.

Nor is this limited to probation officers:

One Indianapolis judge told me that some girls who appear before him in court say they are sometimes forced to submit to policemen—or be arrested.

Some divorce-court judges complain about their employees pressuring pretty divorcees.

While such practices are not general, they are widespread enough to warrant mention.

Changes will come only through citizen action.

Former United States Attorney General Herbert Brownell, and president of the American Judicature Society, said in an interview that "all of the great administrative improvements in New York in recent years came through laymen efforts. The citizens forced judges and lawyers to make changes."

I found too many lawyers and judges who have a vested interest in retaining the present system, lack the courage to fight their professional brothers, or are so steeped in tradition they cannot see the need for changes.

"It has to be laymen," explains Mr. Brownell. "They're the people who are hurt by the malfunctions of the court."

In the past few years a few women's clubs have taken on court watching as community-service projects. Most are centered in the lower courts.

#### WOMEN'S CLUBS PIONEER

Pioneering work has been done in New England by the New England Conference of State Federation of Women's Clubs, headed by Mrs. Gerald E. Northrop, of Castleton, Vt.

But she says the work has only begun, and that some courts are throwing up barriers.

Mrs. Margaret Moore of the Indianapolis News blazed the trail for the rest of the nation when in 1962 a retired schoolteacher died after being knocked down by a purse snatcher. Letters poured in to the paper, and her editor suggested she do something.

From a group of 30 women called to a luncheon, the Indianapolis Anti-Crime Crusade was formed. Part of the program includes court watching.

Now members of the organization sit in court every day and make reports—although they, too, had to battle resistance from some members of the bench and bar. Reports have been made on more than 70,000 cases. Mrs. Moore says. By confronting judges and other involved in the system of justice with their findings, reforms have been made.

But in most American cities the nuts-and-bolts machinery of the courts is largely ignored by public and press. Public interest too often focuses on the rich, the beautiful, or the prominent who are caught up in sordid crimes or divorce actions. Too little attention is paid to everyday procedures.

This public apathy toward what is going on has contributed to the court problems discussed in this series.

truth and in fact a very distinguished career in the State Department, addressed the Harvard Club of Washington, D.C., at the annual dinner on April 27, 1967. The subject of his speech was "Thoughts on Our International Position."

Mr. President, the address is very thought provoking and I think that it deserves wide circulation. I ask unanimous consent that the address by Robert Murphy be printed in the RECORD.

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

THOUGHTS ON OUR INTERNATIONAL POSITION  
(Address by Robert Murphy, Harvard Club of Washington, D.C., annual dinner, Apr. 27, 1967)

When your chairman, and your president, Ned Kavanagh and John Grindle, in a care-free moment invited me to speak this evening, as I understand it, the decision, after eighty-five years, to invite the ladies, Radcliffe and non-Radcliffe, had not been taken. I suspect that had it been taken, they would have searched high and low for a very special speaker instead of contenting themselves with a casual. And in that event I could have attended this precedent shattering occasion and actually enjoyed all of it including this part of the evening.

I have long cherished admiration for the distinguished membership of this club. Years ago you let me stray into your midst and say a few words. For me that was pure flattery.

I am especially happy to be here with my dear friends Ambassador Takeuchi and his charming and talented lady. I doubt that any ambassadorial couple have endeared themselves to the American community more successfully than they. It was even so in Japan when I served there, now so many years ago. I like to believe that they have entered into the American mentality to an extraordinary degree. They symbolize so naturally the solid rapprochement between our peoples—a precious dividend of the recent unpleasantness. I want publicly to wish them every possible success and happiness in their future activities.

When I asked Mr. Kavanagh whether I could talk about one or two features of our international situation, he said he regarded the suggestion as blatant provocation. If I insisted it would have to be at my own risk. The management would take no responsibility. Mr. Kavanagh is both wise and prudent. At any rate it would be safest to take the Senate route—he said that is, stick to foreign relations, on the ground that age would rule me out of the House version, affairs.

With the variety and intensity of world pressures, it is difficult indeed both for our Government and for individual Americans to maintain a consistent position on many fast-moving issues. We are not like the lady who Sir Alec Douglas Home remembered the other day as appearing in a British court. The judge said to her, "You have just told me that you are fifty years old. But I notice from the record before me that you appeared in this court ten years ago, and then gave your age as exactly the same. How is that?" "Certainly, your honor," said the lady, "I'm not one of those people who says one thing today and another one tomorrow!"

Yet, maintenance of a position in the conduct of our foreign affairs is one of the greatest problems of American leadership. I know from personal experience in dealing with representatives of several countries that there was an assumption on their part that if the pressure were put on long enough and hard enough, the U.S. position would alter. In this open society of ours conflict of opin-

ion in the ebb and flow of public debate on every major issue is a daily experience. Most of us are convinced that this method is not only the essence of democracy, but that it avoids many an error and pitfall, leading usually to wise compromise and measured judgment. I share that view. Of course, we know that there is also a risk in it because of the present curious state of world affairs. If these conflicts and debates were held just among ourselves and represented only American thought and interest or even friendly outside interest, that would be healthy. The chilling factor of course, is the presence of hostile elements, those who do not wish us well. There is no blinking the fact of their existence. The airwaves and the pages of publications around the world teem with attack and subversive criticism. Our open society easily lends itself to subtle effort from abroad to stimulate group action and manifestations in our own country designed to sway our people and our Government from positions which are taken to protect our national interest. These influences proceed from the conviction that if they stubbornly and tenaciously push the American side hard enough, and long enough, inevitably we yield. They are usually able to find minority groups and individuals who are swayed through emotional appeal or group interest to pull their chestnuts out of the fire.

We perhaps would have no complaint if this worked both ways and we could promote our national interests by employing similar methods in bloc countries. There we are largely barred by closed societies living under dictatorships. We have little means to counter by influencing the public opinion in those areas controlled and isolated as the people are by a ruthless power structure.

A classic current example is the case of Vietnam. Totalitarian leadership in the sweep of organizations controlled, directed or influenced on a worldwide basis are mobilized to use every channel to weaken the determination of our government to pursue to a successful conclusion a policy on which it is embarked. U.S. representatives traveling abroad are subjected to the identical type of verbal garbage and disorder whether in Florence, Berlin or London. This certainly suggests a central organization. The technique is the same, whether here or abroad. Thus in this country both subtle and open effort is made to persuade our students, our faculty members, some of the clergy, our business community and labor leaders to weaken our government's stand and to defeat our aims. There is reason to suspect an organized effort to weaken and divide American domestic opinion and to promote a revolutionary force within the United States by employing minority groups, some of whom are unconscious of what it is all about. North Vietnamese and Vietcong hopes are encouraged by American minority and foreign forces opposing the present policy of our government. Hanoi wrongly draws an analogy between the defeatism in 1954 of the weakened French colonial power after Dien Bien Phu, and the United States stand against aggression and for the independence of the Vietnamese people. Our opponents hope that the wise crack may be true that the test of statesmanship is the acceptance of the inevitable.

Perhaps we have not concentrated adequately in our public discussion on Vietnam on the question of what should be done about the Hanoi and Vietcong leadership—that is, the handful of men exercising absolute power who are responsible for the ruthless campaign of terror which in turn is the reason for American presence in Vietnam. Why are we there? In essence because this dangerous group of leaders are inflamed with an ambition to dominate all of Southeast Asia, an ambition shared with Peking. American forces are there at the instance of Vietnamese who are determined

#### "THOUGHTS ON OUR INTERNATIONAL POSITION"—ADDRESS BY ROBERT MURPHY

Mr. DIRKSEN. Mr. President, the distinguished Robert Murphy, who had in

to be independent, to resist domination, and their stand harmonizes with the national security interests of the United States in Eastern Asia. Long range American security in the Pacific is directly involved.

It is in our best interest to see the hostile Hanoi and Vietcong leadership, dependent as it is on Mainland China and the Soviet Union, defeated. That leadership is the key to terrorism and guerrilla warfare.

Just a word about negotiations. Senator Percy has just made a rather impulsive statement that our Government should make a more intensive effort to negotiate with Hanoi. I take the contrary view. We have shown too great eagerness to negotiate. We have talked peace and have wanted peace so avidly that our adversaries believe our public opinion will force our Government to make every concession, to fold up and quit. The reactions of the other side are not necessarily like our own. In our eagerness years ago to negotiate with the Russians who were coy and played hard to catch, we often considered it something of a diplomatic victory merely to get them to come to a conference. We learned by a process of expensive concession that negotiation by the very definition of the word requires a mutual desire to compromise. It is obvious that Hanoi, still inflamed with the myth of victory, is not yet conditioned to do so. It is idle at present to think in terms of negotiation with this group of ambitious and cold-blooded tyrants. Like Hitler during the last year of World War II, Hanoi tenaciously refuses all compromise or negotiation. We all remember the plot of German patriots to destroy Hitler which failed in July, 1944, when the bomb Von Stauffenberg carried into Hitler's headquarters exploded but failed by a hair breadth to destroy Hitler. We know too that if it had succeeded, negotiations would have led to an armistice by September or October, 1944, and the allied world and the Germans would have been spared millions of useless casualties and enormous destruction of property.

Sooner or later the truth of the present situation will dawn on the Vietnamese people, perhaps a lightning glimpse of the obvious, and they will take measures to shelve Ho Chi Minh, and his key associates such as Pham Van Dongh, General Giap and Le Duan, who seem to be the hard core of the terrorists. As Ernie Bevin, one time British Foreign Secretary, said in his inimitable style, it would open a Pandora's box and let out the Trojan horses. Ho Chi Minh at his age and with his record is clearly frozen in a position of non-compromise; it is a waste of time to offer him reasonable terms for negotiation. He is the victim of the same manic mystique and belief in absolute victory which dominated Hitler in 1944.

It is curious to remember that France played a role in both instances. Hitler's sensational easy victory over France in 1940 finds an analogy in Ho Chi Minh and General Giap's victory over the French at Dien Bien Phu. Ho Chi Minh knows that after Dien Bien Phu the French quit because of discouragement in Paris. They believe Washington will react similarly. They try to forget that the United States is not a weak colonial power seeking to maintain a colonial position. They will learn and I believe they are learning that American designs are not colonial, and that there is a vast difference between a weak colonial power and the United States which is completely uninterested in possessing a square inch of Vietnamese territory.

So I would hope that greater effort will be made by Asiatics to ferret out and deprive from power the hard core Hanoi and Vietcong leadership elements who really are responsible for the prolongation of the terrorism and fighting in Vietnam. It is heartbreaking to see thousands of fine young men and women on both sides uselessly slaughtered because of the paranoid ambitions of a handful of Vietnamese terrorist leaders.

I haven't mentioned the United Nations. Someone said the other day that to criticize the United Nations is like raising the question of sex in the Vicar's living room.

I have also deliberately avoided the word "communism." Of course I am aware of the party apparatus in Asia. When I was ambassador in Tokyo I witnessed its operations at close hand. Its operations in Vietnam are visible for all to see. That being said, I also see both in Vietnam and mainland China a great deal of old-fashioned power politics and plain expansionism. Just as Hitler used the Nazi movement as a cloak for his brand of geopolitics, we now witness North Vietnamese and Chinese expansionism. On the other hand we can find a reasonable satisfaction in the Sino-Soviet split which restrains, at least temporarily, Peking from aggressive adventures in South Asia. That situation facilitates a settlement of the Vietnamese military action and the foundation of a solid and independent Vietnamese political structure.

In Europe recently I heard considerable discussion of what might be termed the current "in" word "detente." A number of European leaders, not least among them General de Gaulle, seem to bask in a period of pleasant euphoria. As does General de Gaulle, some of them assert a rather disdainful attitude towards what the French President has termed a detestable and ludicrous war in Vietnam, together with a questioning attitude that the United States is losing interest in Europe because of its involvement in Asia. They say that the risk of war with the Soviet Union has become so remote that NATO is really unnecessary. The word detente is seductive. I find in the De Gaulle view of Vietnam something of the psychology of the jilted mistress. It is unbearable I am sure in the General's mind to contemplate that there might be an American success in Vietnam where France failed so miserably. It reminds me again of World War II. I was stationed in French North Africa on the day, June 22, 1941, when Nazi Germany attacked the Soviet Union. It was the view then of some Frenchmen that since Germany in 1940, in one month defeated France with its great military tradition, Germany would defeat Russia just as quickly. In fact a French Admiral in Algiers bet me two to one that would happen; that Russia would be defeated by Germany in thirty days. It is always trying to observe somebody else succeed where one has failed. But it is sad to see the French leader go to the emotional extremes of proceeding to Cambodia to make a speech belittling the United States or rushing into an ill-advised French recognition of Red China at least partially to demonstrate independence from U.S. policy. So far the only dividend from Red China seems to have been the humiliation suffered by French diplomats in Peking at the hands of zealous Red Guards.

Whatever De Gaulle and a few European leaders may believe about the current necessity of NATO, many others believe that American policy supporting the alliance is in the best interest of Western security. Detente is an attractive state. Who could be against it? Like the words "peaceful coexistence" it has a seductive ring, much better than "we shall bury you." But what does it mean? None of use here in this room, I venture to say, is in the confidence of the members of the politburos either in Moscow or Peking. Our government does not have access to their secret plans and ambitions, nor does it have complete knowledge of their military structure and striking power. For that matter we don't even have an intimate knowledge of Cuba's plans and equipment and Cuba is only ninety miles from our shores. Some time ago we paid a price for innocence in high places in Washington incident to the Bay of Pigs fiasco.

The other day in discussing atomic weapons I was reminded of a reference attributed to Sam Goldwyn. In his inimitable style, referring to the atomic bomb Goldwyn allegedly said—"Why that's dynamite."

We hear comfortable words now incident to the non-proliferation treaty that perhaps we could relax and just let the Russians catch up or at least reduce the disparity in our favor. We do know that the Soviet Union since World War II has constructed a gigantic military apparatus; it has in being an enormous land army, an impressive air force in addition to an immense arsenal of ballistic missiles, and I suspect is ahead of us in the field of anti-ballistic missiles. It has become a modern sea power with hundreds of submarines including Polaris type nuclear submarines. In any consideration of American Soviet relationship, the military power of the Soviet Union should be stressed because that is the platform from which its present diplomatic maneuvering is launched and sustained. We are so prone to repeat those sedative words that the United States is the richest and most powerful country in the world. Having said that, the intimation is that we can coast, and because of a surplus margin of security, we should make concessions and even let the Russians catch up on the theory that if there is an even balance of power that would provide a safeguard against all out nuclear conflict.

The recitation of a few sober realities of the current position does not mean that it is all black. I am an optimist. There are favorable factors. There are good trends both inside the Soviet Union and in Eastern Europe. I count on Soviet youth, on the second generation, to make the breakthrough. This will take time. In the present as long as the political system from which Svetlana Stalina has escaped because she could not enjoy freedom of expression, as long as that power structure with its secrecy, its powerful leadership backed by a huge arsenal and military establishment, a context which provides opportunity for an ambitious crusader to embark on adventures—just so long are we obliged to be wary. I am fearful only of our own illusions. I emphasize a need not for stale cold-war philosophy but for an appreciation of elementary security.

I prefer to consider our world situation in terms of power politics rather than ideology. It is misleading to regard the war in Vietnam merely as a fight against communism in the ideological sense. If it were only an instance of a peaceful local move to adopt a Communist form of administration, we would not have troops in Vietnam today. Our troops are not there because we want to be a policeman of the world. I regard communism as a smoke screen for plain, old-fashioned power politics, expansionism in a word, and communism cloaks it and fortifies it as an idealistic crusade.

So today in the United States and Europe some people regard the Soviet military threat as diminished and any reference to it as outdated cold war anachronisms. Their reasons relate to ideas of Soviet intentions rather than knowledgeable estimates of actual Soviet military power. These people point to Chinese defiance of Moscow leadership and say that the Communist bloc is no longer monolithic. They hopefully regard the increased autonomy of some East European States and foreign Communist parties as possibilities for settlements with the Soviet Union. They are less willing to admit that the success of the Atlantic Alliance has forced this evolution of Soviet policy which as far as I can see is a tactical resort to "peaceful coexistence" in Soviet strategy.

We are embarked on a policy of promoting East-West trade; of building bridges. Quite apart from the lure of profits, there is

an assumption that establishment of trading relationships will promote or guarantee peace between the Soviet Union and this country. I have no doubt that we should trade with the East but illusions are created—illusions both regarding the importance of the amount of trade and profits, but more especially that this development will guarantee the peace. It should be remembered that in no area were trading relations closer than in Europe, among Germany, the United Kingdom and France. Yet this did not prevent both World Wars, nor did similar close trade relations between Japan and China keep the peace in Asia. So I feel we should trade, but on a caveat emptor basis without illusions, of course anyone who has negotiated with the Soviet Union needs no gratuitous advice. They are probably the world's toughest traders.

In closing, Mr. Chairman, as I see it, peaceful coexistence means a period of all-out Soviet diplomatic effort to achieve a more favorable balance of power in the most decisive area—Europe. The revival of Western Europe's economic and political structure which fed a natural desire for a role in international affairs independent of the United States, has provided Soviet diplomacy with wonderful possibilities for political maneuver. The war in Vietnam provided an additional handle. Soviet diplomacy skillfully attacked the most susceptible link, France. Able Soviet diplomats have found in the chauvinism, the pride and ambition of General De Gaulle, the perfect instrument. Their objective remains the disruption of NATO and the encompassing of Germany. The old slogan of Molotov still prevails—as goes Germany so goes Europe. Blandishments are the order of the day—whether a visit to the Vatican or persistent contact with European leadership.

The Soviet Union remains an adversary, not an ally. But we should not think of Russia merely as a military threat. The political and diplomatic problems at this stage must be given more attention. Present Soviet policies now are disruptive of the degree of cooperation with our European allies which is necessary to deal with current problems. Our objective must be an eventual framework for a European settlement which will include the reunification of Germany, the establishment of European security guarantees, and the independence and strengthening of the European economy. If these are achieved in the decades ahead, perhaps, then will the Soviet Union find such a settlement in its own best interest.

I suppose it is not always the wise thing to do to so fully enjoy hospitality as I have done this evening before attempting a speech. You remember the story of the young clergyman who was scheduled to preach a sermon before his bishops. He was understandably nervous and induced the verger to give him a good nip of scotch. He went up and preached his best sermon and when he came out he said to the verger that perhaps it was the best anyone had ever preached. Yes, said the verger, but may I make a suggestion or two against a future occasion. There were ten commandments, not twelve. There were twelve Apostles, not ten, and David slew Goliath with a pebble, not by a bloody great rock.

I am grateful to you for your hospitality.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). The clerk will call the roll.

The legislative clerk called the roll.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### TOO MUCH HASTE IN RACE TO MOON

Mr. YOUNG of Ohio. Mr. President, as a member of the Aeronautical and Space Sciences Committee of the Senate I attended all the hearings and listened attentively to the testimony regarding the terrible tragedy that snuffed out the lives of three of our greatest astronauts, Virgil I. Grissom, Edward H. White, and Roger B. Chaffee. Chairman CLINTON ANDERSON, of this committee, deserves great credit for conducting a thorough investigation in depth. Many witnesses testified and were questioned by various committee members.

My personal conclusion is that these tragic deaths were unnecessary. The testimony convinced me that North American Aviation, the prime contractor, and its officials failed to exercise ordinary care. It is my personal conclusion that they were guilty of negligence. They left undone some things they should have done. There was evidence of sloppy work and thoughtlessness for the safety of the astronauts. Apparently, to me, it seemed there was too much haste, and too little installing of proper safeguards. It is also my personal conclusion that there was some inattention and carelessness on the part of officials of the National Aeronautics and Space Administration. In that regard, may I say, however, that I hold James E. Webb, Administrator of the National Aeronautics and Space Administration, in high admiration. He is an outstanding administrator. Without a doubt he is as overworked as any official in the legislative or executive branch of our Government. His activities and responsibilities are far reaching. Obviously, many of the details and ramifications of our space agency operations could not at all times come within his grasp or be under his observation. It must also be conceded that the astronauts heroically and with full knowledge of the risks accepted exceedingly hazardous and dangerous duties. However, it is my personal conviction that they would be alive today except for the negligence, carelessness, and inattention of officials of North American, the prime contractor with the principal responsibility, and of NASA officials and employees.

Corrective action must be taken so that such a tragedy will be unlikely to occur again. The fact is that very drastic corrective steps have already been taken—such as completely changing the escape hatch in the space vehicle: the new hatch has been designed to open in 3 seconds, the old one required 1½ minutes; enclosing wiring heretofore loosely placed within the capsule is now encased in metal, sealing flammable material covering wires to avoid likelihood of a short circuit and sudden flash fires, and other changes to assure more safety for the astronauts. They have been made at an estimated expenditure of more than \$75 million. These measures should have been taken before and not as a result of an inexcusable tragedy that caused the loss of priceless lives of three young heroic men.

It appears to me that in our race seeking to accomplish a manned lunar land-

ing ahead of the Soviet Union, and in our effort to achieve this within this decade, all of us must share some responsibility for this tragedy and the loss of these fine young lives. On the other side of the world, the tragic death in outer space of the Russian cosmonaut Vladimir Komarov following a great achievement on his part must also cause Russian officials responsible for the administration of the Soviet space program to reflect on the wisdom of changing the program and perhaps postponing the time when they hope to land cosmonauts on the moon and deescalating the present so-called race to the moon.

I propose that we seek a conference with the leaders of the Soviet Union to determine whether it is not possible, feasible, and sensible that our two great nations jointly explore outer space, in cooperation instead of competition, for purposes of peace. Such a joint enterprise should not be unthinkable. For the past several years the exploration of the vast Antarctic region has been proceeding as a joint undertaking of the scientists of the Soviet Union and the scientists of the United States working together in close cooperation and accomplishing remarkable objectives for the peaceful discovery and eventual development of that vast Antarctic area. This has been a joint operation accomplished successfully and harmoniously by the diplomats and scientists of the Soviet Union and the United States.

Let us proceed to inquire together seeking to effect a treaty with officials of the Soviet Union for the joint exploration of outer space for peaceful purposes, including efforts for a joint lunar landing, sharing the cost on a 50-50 basis. The tremendous expense would be shared equally by our two great nations. Also, if we were no longer engaged in a race with the Soviet Union for space achievements, the likelihood of tragedies resulting from too much haste and carelessness—such as both nations have recently witnessed—would be greatly diminished.

This would save the taxpayers of our country at least \$1 billion next year and billions of dollars in future years. Even more important, it would be a great advance toward permanent peace in the world.

#### GOOD WORK BY SENATOR WILLIAM PROXMIRE

Mr. YOUNG of Ohio. Mr. President, the Subcommittee on Economy and Government of the Joint Economic Committee performed a great service for the Nation last week by widening its investigation of Defense Department inventory management to include a close look at the Department's application of the Truth-in-Negotiating Act.

On April 20, I spoke out in the Senate, denouncing the fact that officials of the Defense Department have flagrantly violated or ignored the intent of this important legislation. The testimony presented at the hearings by Comptroller General Staats and by Assistant Secretary of Defense Ignatius gave further credence to the suspicion that this law is not being enforced by Defense Depart-

ment officials, resulting in huge overcharges to the Government.

The chairman of the subcommittee, the distinguished senior Senator from Wisconsin [Mr. PROXMIRE], who is a truly great U.S. Senator, deserves the thanks of every American taxpayer for spotlighting this intolerable situation.

Unfortunately, the Defense Department, which spends more than \$125 million a day on military procurement, has repudiated its own obligations in failing to enforce the Truth-in-Negotiating Act. The Secretary of Defense should put an end to this neglect immediately.

The purpose of this law, which was put on the books in 1962, was to require contractors doing business with the Defense Department to disclose fully the information on which they based their estimated costs in negotiated contracts, which make up the vast majority of Defense contracts.

Spot checking for violations of the act by the General Accounting Office resulted in savings to the taxpayers of some \$72 million over the past 10 years. A series of articles last month in the Plain Dealer of Cleveland, Ohio, by Sanford Watzman of the Plain Dealer Washington bureau raised this situation from the obscure GAO reports, where it has been buried, to public attention. The hearings last week turned even greater attention on this lamentable situation.

The Proxmire subcommittee's investigation into the Defense Department's procurement practices won the deserved praise of the Plain Dealer in an editorial entitled "Good Work by Proxmire Group," which appeared in the May 11, 1967, edition, and I commend this editorial to the attention of our colleagues. I ask unanimous consent that it be printed in the RECORD.

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

#### GOOD WORK BY PROXMIRE GROUP

By widening its investigation of Defense Department inventory management to include review of the department's application of the Truth in Negotiating Act, Sen. William Proxmire's subcommittee on economy in government has dug into a vein where there is promise of greater yield to the taxpayer.

That yield would be in the form of future savings in the operation of a tremendously costly but necessary defense establishment.

Probing by the General Accounting Office (GAO) and by Plain Dealer writer Sanford Watzman established that Defense Department failure to enforce the Truth in Negotiating Act has resulted in considerable overcharging by defense contractors.

These findings, given prominence in The Plain Dealer, won the Proxmire committee's attention and gave it a bigger job to do in its role as watchdog over public spending.

In pursuing its task in hearings this week, the committee substantiated what GAO and The Plain Dealer said. The story now spread on the committee's records is not a very pretty one.

Testimony from GAO's head man, Comptroller General Elmer B. Staats, was to the effect that Defense Department failure to require contractors to furnish current, complete and accurate information on cost estimates is costing taxpayers far more than the \$13-million-a-year excess found in GAO spot checks.

Testimony from the Defense Department's man in charge of procurement, Assistant Secretary Paul R. Ignatius, brought a somewhat lame admission that improvements are needed to bring about full enforcement of the four-year-old Truth in Negotiating Act.

As Staats indicated, the Defense Department is well armed with a powerful weapon and plenty of personnel to combat overcharging. As Ignatius indicated, that weapon and the department's trove of 3,600 auditors are not being put to their most profitable use.

The need for tight enforcement of the Truth in Negotiating Act by an agency of government which spends more than \$125 million a day now has been confirmed thoroughly.

It is up to the Defense Department to insist on compliance by its contractors.

And it is up to Sen. Proxmire's committee to continue its excellent service to the taxpayer by keeping the department's contract practices under close scrutiny.

#### TRIBUTE TO TWO KENTUCKIANS

Mr. BAKER. Mr. President, I rise on this occasion to pay tribute in the Senate to the Senator from Kentucky [Mr. COOPER], and to Henry Clay, a bust of whom was recently dedicated at the Pan American Union.

An article published in the Chattanooga Times of March 31, 1967, written by Nina A. Steers, entitled "Bust of Henry Clay Dedicated at Pan American Union," points out the relationship of the distinguished Kentuckian, Henry Clay, to the elaboration and development of the inter-American relationship and friendly cooperation which dates back to the early years of this Republic. Henry Clay, as Speaker of the House of Representatives, enunciated the community of interest between North and South America. He pointed out the necessity for mutual freedom of the people in this hemisphere, both north and south.

The distinguished Senator from Kentucky [Mr. COOPER], as a native Kentuckian, was called upon to participate in the dedication of the bust of Henry Clay.

Mr. President, I ask unanimous consent to have the article to which I have referred printed in the RECORD.

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

#### BUST OF HENRY CLAY DEDICATED AT PAN AMERICAN UNION

(By Nina A. Steers)

WASHINGTON.—Kentucky and all of South America were officially honored Thursday at the Pan American Union (PAU) when Sen. John Sherman Cooper, R-Ky., dedicated a bust of another great Kentuckian, Henry Clay.

However, the inspiration behind the occasion came from a man working out of Chattanooga, although the accomplishment of installing a memorial to the first North American to recognize the importance of Latin America's struggle for independence in the second and third decades of the 19th century belongs to PAU's director of culture, Dr. Rafael Squirru.

But even Squirru, who raised the money outside of the federal budget from the Esso Petroleum Corp. and commissioned Cuban sculptor Juan Jose Sicre to do the bust, credits John N. Popham, managing editor of The Chattanooga Times, with the necessary support and idealism. He said, "Through conversations with Popham, dating back to

1963, I was made to realize the full importance of Clay in hemispheric relations."

And this realization took its concrete form in the bronze bust of Clay, banked in red and white carnations, that was dedicated in the House of the Americas on Thursday marking the 75th anniversary of the inter-American system.

Dr. Jose A. Mora, secretary general of the Organization of American States (OAS), launched the ceremonies by remarking on the appropriateness of unveiling Clay, who as secretary of state insisted that the United States be represented at the first inter-American congress in Panama, this year when the charter of the OAS and the alliance for Progress have been updated for the future in last month's meeting at Buenos Aires.

Mora said, "Friendship implies sentiment, which is an innate and enduring characteristic of the Latin American peoples. I trust this tribute we pay to Henry Clay may serve as a reminder to us all of the value of friendship."

By way of an introduction, the Panamanian ambassador, Eduardo Ritter Aistan, chairman of the council of OAS, concluded his speech by saying that Cooper had come to close the ceremony with "the golden clasp" of friendship.

Cooper is the former U.S. ambassador to India and a member of the Senate Foreign Relations Committee as well as a leading Republican vote-getter.

The senior senator from Kentucky began by pointing out that although Clay never achieved the highest office in the land, there was hardly an issue of his times that he did not influence in his other various roles.

Cooper described Clay as a "nationalist" who devised the "American system" for the internal development of his own country. But it was Clay's "close identity with the people and his passion for freedom" that made him see the emerging Latin American republics.

Quoting from Clay's speech, as speaker of the U.S. House of Representatives in March 1818, Cooper said that the Kentucky statesman found the natural wonders "sublime" south of the North American border. But "more interesting and sublime" to Clay was "the glorious spectacle of 18 millions of people, struggling to burst their chains and to be free."

Clay had said, "I am no propagandist. I would not seek to force upon other nations our principles and our liberty, if they do not want them."

"I would not disturb the repose even of a detestable despotism."

"But if an abused and oppressed people will their freedom; if they seek to establish it; if, in truth, they have established it; we have a right as a sovereign power, to notice the fact, and to act as circumstances and our interest require."

Cooper concluded by saying that Clay had "correctly and with sensitivity" seen that perhaps the emerging Latin American governments would not be like that of the United States. But that once the principle of freedom was established the choice ought to be their own.

Cooper pointed out that there were many similar threats to the hemisphere today as there were at the beginning of the last century. He said, "We should remember and hold dear Clay's vision of American association and solidarity."

#### UNITED STATES SHOULD NOT EMPLOY THOSE WHO REFUSE TO SERVE THEIR COUNTRY

Mr. STENNIS. Mr. President, the Child Development Group of Mississippi operates a Headstart program under a \$4.8 million Federal grant and has been the subject of intensive investigation by

the Office of Economic Opportunity, the Senate Appropriations Committee, and other agencies.

Last week an employee of the Child Development Group refused to take the oath to enter the Armed Forces stating as one of the reasons "his strong feeling against the war in Vietnam."

The action of the Office of Economic Opportunity in first announcing that they intended to suspend this employee, and then later stating they did not suspend him, is a repetition of the Office of Economic Opportunity yielding to pressures from civil rights and anti-Vietnam protesters.

The CDGM employee who refused to take the oath is a well-known civil rights worker, identified as such in the press, who has worked in the community organization section and the payroll section of CDGM in an area covering several counties.

There have been other incidents in which CDGM employees or former employees have carried their protests against the war in Vietnam to the extent of violating the law. Last year, four CDGM employees participated in a sit-in in the U.S. Capitol Building in protest of the Vietnam war, and two of them were arrested and placed in jail.

The right of responsible protest against Government policy, including the war in Vietnam, is fully recognized. However, the right of protest is not at issue here. The right of free speech is not included. The issue is whether the U.S. Government, with Federal tax funds, will provide employment for individuals who refuse to answer the call of their country.

The least action that should be taken against this employee is immediately to suspend him.

He based his refusal to take the oath on alleged discrimination but he destroyed that as grounds for avoiding suspension when he further stated, as reported in the press, that he would have refused the oath anyway because, "I have a strong feeling against the war in Vietnam."

We have reached a deplorable situation when one branch of the Federal Government passes laws requiring our young men to go into military service and to risk their lives in combat while another branch of the Federal Government supports, financially and otherwise, those who refuse to serve.

We are in a very serious war. It is getting worse, and will not be easy to terminate in our favor.

Our men are called upon for more and more sacrifice, and our people are going to be called upon for more sacrifice.

We have strong laws making it a felony for anyone to encourage an evasion of the selective service law or to refuse military service. If this man is an honest, conscientious objector and comes within their exceptions, that is one thing, but otherwise everyone is expected to obey the law. I think there are sufficient laws on the books now to prosecute fully those who are encouraging refusal to answer the draft.

But, if there is not enough law, then we should pass such laws as are necessary. I hereby call upon the Justice De-

partment and other agencies involved to make recommendations as to the content of these laws. While we have men dying in combat halfway around the world, it is inconceivable to me that we should support with Federal tax money those who deliberately refuse military service on the grounds that they disagree with the war in Vietnam.

Mr. President, I understand that the Department of Justice is taking steps with reference to this apparent violation. However, my point is not that at all. My point is continuing this man in an educational project rather than suspending him.

#### ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

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

#### HIGH COURT DISSENT SHOWS HOSTILITY TO POLICE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted to proceed for 15 minutes.

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

Mr. BYRD of West Virginia. Recently there came to my attention an editorial which appeared in the Huntington, W. Va., Advertiser of April 3, 1967, entitled "High Court Dissent Shows Hostility to Police Force." The editorial dealt somewhat caustically with the four-member minority dissent in the recent U.S. Supreme Court decision in the case of McCray against the State of Illinois handed down on March 20, 1967.

This case involved an appeal from a conviction for the unlawful possession of narcotics and was based not on the question of the guilt of the defendant, but on whether the street arrest and discovery of heroin, based upon information from an informant who had pointed out the defendant to arresting officers, had violated the defendant's constitutional rights because at the time of such arrest and incidental search, the officers did not have a warrant, and, particularly, because at a hearing prior to trial to suppress the heroin as evidence, the trial court ruled that the officers, on the facts of this case, need not disclose the identity of the informant.

A five-member majority of the Supreme Court rejected the appeal on the ground that there was no doubt, under the circumstances developed in the case, that the arresting officers had probable cause for the arrest and search. Following well-established evidentiary rules of many States, it also held that as the issue was not one of the guilt or innocence of the accused, but a question of probable

cause for the arrest and search, tested by evidence in open court where the officers were subject to cross-examination, and as the trial judge was satisfied that the officers relied in good faith upon credible information supplied by a reliable informant, for historical reasons, the name of the informant need not be disclosed.

The four-man minority dissent held otherwise.

The editorial characterized certain statements in the minority opinion as a "gratuitous piece of sarcastic judicial prejudice aimed at law enforcement officers," and, in substance, labeled the minority view as a typical attitude of the liberal bloc of the Court which has consistently discredited law enforcement officers and encouraged crime by coddling criminals. It called upon the Congress to enact new legislation or a constitutional amendment which would override decisions that set up unprecedented constitutional rights which release vicious criminals and handicap police and trial courts in curbing crime. It took the position that not much could be done about the Justices who were making such decisions, but stated that if the Congress did not face up to the problem and take action, the public could vote them out of office.

Frankly, I am sympathetic with the emotions underlying this editorial, and with the widespread frustrations of a law-abiding public faced with a sharply mounting crime rate while the press daily carries articles of professional criminals escaping the consequences of their crimes because their constitutional rights had, in some fashion, been impinged upon. I am most sympathetic with the victims of these crimes and with the police who must cope with today's situation. The toll which this mounting crime wave is levying in human suffering and financial loss, I am sure, is of great concern to us all. We are all vitally interested in the success of the elaborate efforts being undertaken to stem this avalanche of rising lawlessness—but, at the same time, we must give consideration to the mounting costs in providing the resources to support such efforts. While all responsible citizens recognize the vital necessity of protecting the rights of the individual, including those accused in criminal actions, I share the growing apprehension that certain of the sweeping precedents being handed down by the courts seem to be directly at odds with the trend of the times and with all of the effort and costs that are being put into more effective law enforcement.

Regardless of the depth of our emotional concerns, however, the hard facts are that it is extremely difficult, if not impossible, to legislate against constitutional interpretations rendered by the Court and even more difficult and time-consuming to amend the Constitution. There should be a better way.

In examining the decision in McCray against Illinois and the companion and background cases, I was motivated not only by the reasons I have enumerated, but by a desire to better understand why, in 1967, with all of the case law our Federal judicial system has established, the Supreme Court could divide 5 to 4 on

such a relatively simple set of facts. It also frequently happens that today's minority opinion is tomorrow's law.

Again, there are but two issues involved in the McCray case, neither of which deals with the trial of the criminal charge of possession of narcotics. One is the issue of whether the police officers had "probable cause" under the fourth amendment of the Constitution in making the arrest, and the other is whether the trial court erred in refusing to order disclosure of the informant's identity.

The Supreme Court majority opinion, in holding that "there can be no doubt, upon the basis of the circumstances related—by the arresting officers—that there was probable cause to sustain the arrest and incidental search in the case," went into the specific underlying circumstances of the arrest as developed through the evidence of the arresting officers and the accused at the hearing to suppress the evidence of possession of heroin. The officers' testimony, which basically did not differ from that of McCray as to the time and place of the arrest, in substance was that the officers had a conversation with an informant early on the morning of January 16, 1964; that the informant told them McCray "was selling narcotics and had narcotics on his possession, and that he could be found in the vicinity of a certain street corner at this particular time"; that they proceeded to the vicinity indicated; that the informant pointed McCray out and then departed on foot; and that the officers observed McCray walking with a woman, then separating and meeting briefly with another man, and then proceeding alone until finally, after seeing the police car, he hurriedly walked between two buildings, at which time—7 a.m.—the officers arrested him and found heroin in a cigarette case McCray was carrying; that they had known the informant over a substantial period of time; that the informant had supplied the officers with information about narcotics activities between 15 and 25 times; and that the information had resulted in numerous convictions. One officer, on cross examination on the issue of the informant's reliability, gave the names of persons who had previously been convicted as a result of information supplied by the informant.

The majority opinion cited the Supreme Court case of *Draper against United States*, which remains controlling case law on the question of "probable cause" in making arrests without a warrant. It then clearly distinguished the instant case, where the officers testified in detail in open court as to the underlying circumstances on which they based their conclusions as to the credibility and reliability of the informant, from the Court's 1964 case of *Beck against Ohio*, where the facts in support of "probable cause" were vague and tenuous, and held that "upon the basis of the circumstances, along with the officers' personal observations of McCray, the lower court was fully justified in holding that at the time the officers made the arrest, the facts and circumstances within their knowledge and of which they had reasonably trustworthy information were sufficient to warrant a prudent man in be-

lieving that McCray had committed or was committing an offense."

On the second question of whether the trial court erred in failing to order the disclosure of the informant's identity, the majority view held that in permitting the officers to withhold the informant's identity, the court was following well settled Illinois law, which was consistent with the law of many other States; namely, that when the issue is not guilt or innocence but, as in the instant case, the question of probable cause for an arrest or search, police officers need not invariably disclose an informant's identity if the trial judge is convinced by the evidence submitted in open court and subject to cross examination, that the officers did rely in good faith upon credible information supplied by a reliable informant. It cited a number of cases, as well as "Wigmore on Evidence," in support of the fact that this is a well established testimonial privilege long familiar to the law of evidence and quoted the reasoning, as set forth in a number of cases, as to why this should be so.

Of particular note, the opinion distinguished the case of *Roviaro against United States*, which involved the informant's privilege issue not at a preliminary hearing to determine "probable cause" for an arrest or search, as in the instant case, but at the trial itself, where the issue was the fundamental one of innocence or guilt, and where the informer had been an active participant in the crime. However, even in the *Roviaro* case, the Court held that there should be no fixed rule with respect to disclosure of an informant's identity, but that it should depend upon the particular facts of each case.

The minority opinion took almost exactly the opposite position and, in effect, held that the police, instead of making the arrest as they did, should have gone before a magistrate, made a showing of probable cause under oath based upon their informant's tipoff, and obtained a warrant before attempting to make the arrest; that otherwise the fourth amendment was not satisfied. Further, the minority opinion cited the *Roviaro* case in support of this position, without distinguishing the completely different set of circumstances in that case from those of McCray and in spite of the fact that the *Roviaro* case held that each case should stand on its own merits.

In substance, then, the minority view would hold that police officers are precluded from making a valid street arrest even though they are convinced, on the basis of information which they consider reliable plus their own observations of the circumstances, that a crime is being committed. It seems to go even further and hold that a trial court, upon a hearing on the facts and the taking of testimony in open court under cross examination, cannot subsequently find that the officers did have "probable cause" for making an arrest—at least not unless the identity of the informant is disclosed. The fact that it was found upon arrest that McCray was committing a crime apparently was given no weight whatsoever.

The minority opinion concedes that

the police can make an arrest without a warrant if they see a crime being committed or if they see someone running from the scene of a crime, and that "there are other instances of probable cause when the police can make an arrest" without a warrant, but, again, no attempt is made to describe what those "other instances" are or to distinguish the facts in this case from "such other instances."

On the question of whether the lower court erred in not requiring the officers to divulge the identity of their informant, the minority opinion, again in complete disagreement with the majority view, stated that

Only through the informer's testimony can anyone other than the arresting officers determine "the persuasiveness of the facts relied on to show probable cause" . . . Without that disclosure, neither we nor the lower courts can ever know whether there was "probable cause" for the arrest.

But, the opinion went even further and stated:

There is no way to determine the reliability of Old Reliable, the informer, unless he is produced at the trial and cross examined. Unless he is produced, the Fourth Amendment is entrusted to the tender mercies of the police.

It was further stated:

Except in rare and emergency cases, it requires magistrates to make the findings of "probable cause."

There is every indication, from the language of the minority opinion, that the next step would be to divulge the identity of the informer and require his presence, even though a warrant had been obtained prior to the arrest and after a showing of "probable cause," under oath, before a magistrate.

I have dwelt upon the two completely divergent viewpoints expressed by the majority and minority opinions in the McCray case to point out the confusion which such opinions bring about in lower courts and the law enforcement agencies, and the great difficulty Congress would have in attempting to legislate in this field.

It seems to me, by any objective standards, that the minority opinion, in attempting to lay down a broad general rule of law from the facts in this case and without distinguishing these facts from the facts of other related cases, is being doctrinaire in the extreme. This minority view appears to go out of the way to tie the hands of the police in making considered judgments in connection with their daily task of deterring crime, and the language of the opinion certainly gives the impression that the police are not to be trusted even under oath and cross examination in open court. This opinion, in attempting to wipe out an important and longstanding rule of law with a few large strokes of the brush, seems not only impractical but erroneous in its conclusions.

It seems to me that the minority of the Court, in their zeal to protect the constitutional rights of the individual, have carried their theories beyond all reasonable bounds and, in so doing, have overlooked the fundamental rights of the general public and failed to balance the

equities between the great mass of law-abiding citizens and the criminal. The minority opinion seemingly fails to recognize the realities that in the traffic of narcotics there would be few arrests, and fewer convictions, if informants were not employed, and that there would be dead informants or no informants at all if there was a rule that their identity had to be disclosed every time an arrest was made. It further seems to overlook the fact that the use of narcotics is one of the great causes of violent crime and that the law-abiding public also have individual rights to be secure in their persons and their possessions.

It is unthinkable, of course, that justices who release a criminal because they feel his constitutional rights have been violated are in league with crime or are the champions of the criminal, or are motivated by other than a sincere belief in the position they have taken—although to some, this may seem to be the case.

In this dilemma, I have three suggestions:

First. I would like to see our present judges and justices weigh more carefully the equities between the rights of criminal violators and the rights of society in interpreting the law and the broad guidelines of our Constitution laid down nearly two centuries ago. It would seem that this could be done without doing injustice to anyone's constitutional rights.

Second. It is suggested that additional procedures be devised for the selection of judges and justices which will assure that appointments are made on the basis not only of high ability and good reputation, but on proven past experience which has demonstrated outstanding objectivity and well-balanced commonsense. Probably there should be a requirement in connection with appointments of appellate judges that appointees have served with distinction as trial court judges or made outstanding reputations as objective arbitrators in equivalent fields of activity.

Third. Finally, in assisting in judicial appointments and assuring the existence of sound and well-balanced courts, the Senate should be more conscientious in carrying out its responsibility of "advise and consent" in approving nominees for judicial appointments.

I ask unanimous consent that the editorial to which I referred earlier be printed in the RECORD at this point.

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

#### HIGH COURT DISSENT SHOWS HOSTILITY TO POLICE FORCE

How the liberal bloc of the United States Supreme Court discredits law enforcement officers and encourages crime by coddling criminals was glaringly illustrated in a dope case the other day.

The case involved the search by two Chicago policemen of a man named McCray and the discovery of heroin in a package of cigarettes that he was carrying.

The search was made on the basis of a tip received from an informer. The defendant contended that he had been searched without a warrant in violation of his constitutional rights.

A demand was made that at least the identity of the informer be disclosed.

A five-member majority of the Supreme Court, including Justices Black, Harlan, White, Stewart and Clark, rejected the appeal on the ground that the informer had proved his reliability and that his statement gave officers probable cause for the arrest and search.

But the significant aspect of the story was the dissenting opinion written by Justice Douglas and concurred in by Warren, Brennan and Fortas.

The attitude of this coterie of liberals was made deplorably clear by this paragraph: "There is no way to determine the reliability of Old Reliable, the informer, unless he is produced at the trial and cross-examined. Unless he is produced, the Fourth Amendment is entrusted to the tender mercies of the police."

This gratuitous piece of sarcastic judicial prejudice aimed at law enforcement officers is typical of the attitude of the four members who joined in the dissent and have joined in setting up unprecedented constitutional rights for releasing vicious confessed criminals and for handicapping police and trial courts in curbing crime.

It is typical of the attitude that resulted in the forced release of the New York man who had admitted murdering his wife and five children.

Unless the court's unprecedented decisions are overridden by legislation or a constitutional amendment, the attitude will also result in the freedom of thousands of criminals from whom police will be unable to obtain confessions because of impossible judicial restrictions on questioning.

This judicial slur upon the integrity of policemen who daily risk their lives for the safety of society not only encourages criminals but tends to undermine the very basis of law and order upon which a free government rests.

With such ideas too often predominating in the highest court of the land, it is no wonder that criminals have no respect for the law, that the streets of Washington have become jungles and that a presidential Crime Commission is seeking means of controlling the mounting wave of violence.

The average citizen can't help asking whose side these so-called liberal justices are on, the criminals' or the law enforcement officers.

There is not much the public can do about the justices, but it can at least demand that members of Congress face up to the problem with legislation or a constitutional amendment—or prepare for a trip to the political bone yard.

#### PRESIDENT STRENGTHENS CONSUMER COMMITTEE

Mr. PROXMIRE. Mr. President, on May 1 the President issued a new Executive order which substantially strengthens the President's Committee on Consumer Interests. The order would designate eight departmental secretaries and the heads of a number of Federal agencies to serve on the committee; whereas, under the previous order members were officials of Assistant Secretary or equivalent rank.

In commenting on the order, the President said:

This upgrading will substantially increase the effectiveness of the Committee, and thus insure that the consumer viewpoint will be heard more clearly than ever before in the councils of the Federal Government.

Mr. President, I also quote from the preamble of the Executive order because I believe it expresses very succinctly the essential philosophy of the Proxmire truth in lending bill which I introduced last January:

The success of our competitive economic system depends on the furtherance of the consumer interest. And it is our free marketplace, working for the benefit of the individual, that has given to the American consumer the highest standard of living the world has ever known.

The consumer has four very basic rights in that marketplace—the right to be informed about the products he buys; the right to choose between several varieties of those products; the right to be protected from unsafe products; and the right to be heard in the highest councils of government.

Mr. President, I ask unanimous consent to have the full text of the Executive order printed in the RECORD together with a White House press release concerning the order.

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

#### THE WHITE HOUSE

President Johnson today issued an Executive Order elevating the President's Committee on Consumer Interests to the Cabinet level and continuing the Consumer Advisory Council.

Miss Betty Furness, the new Special Assistant to the President for Consumer Affairs, who was sworn in today, is the Committee Chairman.

Serving on the Committee will be eight Departmental Secretaries and the heads of a number of Federal agencies. Under the original Executive Order which established the President's Committee in 1964, members were Federal officials of Assistant Secretary or equivalent rank.

"This upgrading," the President said, "will substantially increase the effectiveness of the Committee, and thus insure that the consumer viewpoint will be heard more clearly than ever before in the councils of the Federal Government."

Members of the Committee are: the Secretary of Labor, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Health, Education, and Welfare, the Secretary of Commerce, the Secretary of Housing and Urban Development, the Attorney General, the Postmaster General, the Chairman of the Federal Trade Commission, the Director of the Office of Economic Opportunity, the Administrator of Veterans' Affairs, and the Chairman of the Council of Economic Advisers.

The Order also continues the Consumer Advisory Council as a group of not more than 12 individuals from outside the Federal Government who shall be appointed by the President. Length of membership on the Council has been extended to two years initially, with subsequent members serving staggered terms. The role of the Council remains to "advise both the President and the Committee on matters relating to the consumer interest."

The Council members will be appointed shortly.

#### EXECUTIVE ORDER AMENDING EXECUTIVE ORDER NO. 11136, RELATING TO THE PRESIDENT'S COMMITTEE ON CONSUMER INTERESTS AND THE CONSUMER ADVISORY COUNCIL

By virtue of the authority vested in me as President of the United States, Executive Order 11136 of January 3, 1964, is hereby amended to read as follows:

"The consumer's interest is the American interest, for we are all consumers, in filling the needs of our daily lives, we are direct purchasers of two thirds of our total national production.

"The success of our competitive economic system depends on the furtherance of the consumer interest. And it is our free marketplace, working for the benefit of the individual, that has given to the American

consumer the highest standard of living the world has ever known.

"The consumer has four very basic rights in that marketplace—the right to be informed about the products he buys; the right to choose between several varieties of those products; the right to be protected from unsafe products; and the right to be heard in the highest councils of government.

"It is our job to assure the preservation of those rights. To do so, we must have the cooperation of business and industry, as well as of the consumer. They are all integral, interacting, indispensable elements of our economic system. They must have mutual trust, mutual respect, and a mutual dedication to a sound and healthy America.

"Now, therefore, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

**PART I. PRESIDENT'S COMMITTEE ON CONSUMER INTERESTS**

**"SEC. 101. Establishment of the Committee.** (a) There is hereby established the President's Committee on Consumer Interests (hereinafter referred to as the 'Committee').

(b) The Committee shall be composed of the Special Assistant to the President for Consumer Affairs; the Chairman of the Council of Economic Advisers; the Director of the Office of Economic Opportunity; the Attorney General; the Postmaster General; the Secretary of the Interior; the Secretary of Agriculture; the Secretary of Commerce; the Secretary of Labor; the Secretary of Health, Education, and Welfare; the Secretary of Housing and Urban Development; the Chairman of the Federal Trade Commission; the Administrator of Veterans' Affairs; and such other Government officials as the President may designate.

(c) The Chairman of the Committee shall be the Special Assistant to the President for Consumer Affairs. The Chairman shall direct and supervise any staff employed by or detailed to the Committee.

(d) When matters are to be considered by the Committee which affect the interests of Federal agencies the heads of which are not members of the Committee, the Chairman of the Committee shall invite such agency heads to participate in the deliberations of the Committee.

**"SEC. 102. Functions of the Committee.** (a) The Committee shall study the plans and programs of Federal agencies affecting consumer interests. The Committee shall make recommendations to the President on questions of policy relating to consumer affairs; may conduct studies of matters related to consumer interests; and shall encourage and assist Federal agencies to accomplish effective coordination of plans and programs affecting consumers.

(b) In carrying out the provisions of subsection (a) of this section, the Committee shall, as far as may be practicable, advise Federal agencies with respect to the effect of their respective plans and programs on consumer matters, and may suggest to such agencies procedures which the Committee believes will better protect consumer interests. Such plans and programs may include, but shall not be limited to, those relating to (1) the scope of Federal action in consumer matters, and (2) cooperation with the States and their local subdivisions and with private organizations and individuals in areas of consumer interest.

**"SEC. 103. Assistance and cooperation.** (a) The Federal agencies headed by the officers composing the Committee shall, as may be necessary for effectuating the purposes of this order, furnish assistance to the Committee in accordance with Section 214 of the Act of May 3, 1945 (59 Stat. 134; 31 U.S.C. 691).

(b) Upon request of the Chairman of the Committee, each Federal agency shall, to the

extent consistent with law, furnish information, data, and reports needed by the Committee to accomplish the purposes of this order.

(c) All Federal officials, in carrying out their statutory responsibilities and programs, shall be mindful of the objectives of this order, and shall take such measures, consistent with their authorities and available funds, as will assist in effectuating the consumer programs with which they are concerned.

(d) The Department of Labor shall provide administrative services for the Committee on a reimbursable basis.

**"SEC. 104. Construction.** Nothing in this order shall be construed as subjecting any function vested by law in, or assigned pursuant to law to, any Federal agency or the head thereof to the authority of any other agency or officer or as abrogating or restricting any such function in any manner.

**"PART II. CONSUMER ADVISORY COUNCIL**

**"SEC. 201. Establishment of Council.** There is hereby established the Consumer Advisory Council (hereinafter referred to as the 'Council') which shall be composed of not more than 12 members appointed by the President. The President shall designate the Chairman of the Council from among its members. Initial appointments to membership on the Council shall be for two-year terms. Successors shall be appointed for terms of one or two years, as specified by the President, and all appointments thereafter shall be for two-year terms. Any person chosen to fill a vacancy shall be appointed for the unexpired term of the member whom he succeeds.

**"SEC. 202. Duties and responsibilities.** (a) The Council shall advise the President and the Committee on matters relating to the consumer interest.

(b) The Council shall advise and assist the Committee in evaluating the progress made in carrying out the functions of the Committee and recommend to the Committee, as necessary, action to accelerate such progress.

(c) The Chairman of the Council, through the Chairman of the Committee, may request information relating to the functions of the Committee as set forth in Section 102(a) above, and the Council, on its own motion, may initiate consideration of items which relate to carrying out those functions.

(d) The Chairman of the Committee shall be responsible for assuring that the meetings and other activities of the Council are carried out in accordance with the relevant provisions of Executive Order No. 11007 of February 26, 1962.

**"SEC. 203. Expenses.** Expenses of the Council shall be met from funds available to the Committee. Members of the Council shall, for each day a member is engaged in meetings or is, with the approval of the Chairman of the Committee, engaged in other work in pursuance of this order, receive compensation at a rate determined by the Chairman of the Committee, and travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 3109; 5 U.S.C. 5703)."

**HEW ENDORSES TRUTH IN LENDING**

Mr. PROXMIRE. Mr. President, the Department of Health, Education, and Welfare in a recent report to the Banking and Currency Committee has given splendid endorsement to the truth-in-lending bill. The Department believes the bill would be particularly helpful in protecting the poor, who are least able to afford the high cost of credit yet who are most likely to be victimized by hidden

credit charges. As the responsible agency for credit unions, the Department also feels the bill would impose no burden upon Federal credit unions or their officials.

Mr. President, I ask unanimous consent that the report of the Department of Health, Education, and Welfare be inserted in the RECORD.

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

DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE,  
April 27, 1967.

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

DEAR MR. CHAIRMAN: This letter is in response to your request of January 26, 1967, for a report on S. 5, a bill "To assist in the promotion of economic stabilization by requiring the disclosure of finance charges in connection with extension of credit."

The bill would provide that creditors must furnish to borrowers prior to the consummation of the transaction, a clear statement in writing setting forth, to the extent applicable and ascertainable and in accordance with rules and regulations prescribed by the Board of Governors of the Federal Reserve System, the details of the transaction including the total amount to be financed, and the finance charge expressed in dollars and cents and as an annual percentage rate. In the case of revolving or open end credit, the creditor would be required to furnish to each person to whom credit is extended, prior to agreeing to extend credit under such a plan, a clear statement in writing setting forth the details of the transaction including the periodic rate of finance charge expressed as an annual percentage rate. At the end of each period for which a finance charge is imposed, such creditors would have to furnish the persons to whom they have extended credit a clear statement in writing setting forth additional details, which would include the annual percentage rate used to compute the finance charge for the period. The proposed bill thus differs in some respects from previous legislative proposals on this subject, principally in allowing for greater flexibility in the computation of the annual percentage rate.

We believe enactment of the present bill would be of significant benefit to the consumer.

As President Johnson stated to Congress in his February 16, 1967, message on consumer protection:

"Consumer credit has become an essential feature of the American way of life."

"\* \* \* \* \* The consumer has the right to know the cost of this key item in his budget just as much as the price of any other commodity he buys."

"In many instances today, consumers do not know the cost of credit. Charges are often stated in confusing or misleading terms. They are complicated by 'add-ons' and discounts and unfamiliar gimmicks."

"As a matter of fair play to the consumer, the cost of credit should be disclosed fully, simply, and clearly."

"\* \* \* \* \* I recommend the Truth-in-Lending Act of 1967 to assure that, when the consumer shops for credit, he will be presented with a price tag that will tell him the percentage rate per year that is being charged on his borrowing."

S. 5 would provide for disclosure of finance and other charges so that borrowers could make informed decisions concerning their prospective loan commitments or purchases. This legislation would be particularly helpful among the poor, who are least able to

bear the cost of high credit yet who are most likely to be its victim. The unemployed, the underemployed, the elderly, the disabled, and the sick—in fact all of our Nation's needy, would find this legislation of particular importance.

In regard to the Department's Federal Credit Union Program, the requirements in the bill for disclosure of finance charges as an annual percentage rate, and disclosure of the terms applicable in the event of advanced or delayed payments would impose no burden upon Federal credit unions or their officials. Historically, the Federal Credit Union Act has limited charges to a rate not exceeding 1 percent per month on the unpaid balance, including all charges incident to making the loan. It would be a simple matter for Federal credit unions to state an annual percentage rate as well.

In fact, under the terms of the recent Department of Defense Directive on Personal Commercial Affairs, such disclosure is now required for all credit unions occupying space on military installations in the United States. We are not aware that the imposition of this requirement has created any hardships for the Federal credit unions involved.

We therefore endorse the provisions of this bill relating to installment-type loans. We have no comment to offer on the other administrative and procedural aspects of the legislation. We strongly urge enactment of legislation which will assure, in the words of President Johnson, "Full and accurate disclosure to the borrower; and simple and routine calculations for the lender."

We are advised by the Bureau of the Budget that there is no objection to the submission of this report and enactment of legislation along the lines of S. 5 would be in accord with the program of the President.

Sincerely,

WILBUR J. COHEN,  
Under Secretary.

#### THREE COMPELLING REASONS FOR UNITED STATES TO RATIFY HUMAN RIGHTS CONVENTIONS— LXXII

Mr. PROXMIRE. Mr. President, for over 4 months, during every session of the 90th Congress, I have pleaded for Senate ratification of the Human Rights Conventions on Forced Labor, Genocide, Political Rights of Women, and Slavery.

I have attempted to answer the objections of critics of Senate ratification of these conventions.

I have attempted to indicate the adverse international reaction to the Senate's failure to ratify these conventions.

I have attempted to convey to the Senate the fact that a large number of concerned Americans care deeply about the Senate's failure to ratify these conventions.

Today, I wish to summarize what, to me, are the three most compelling arguments for Senate ratification of the human rights conventions:

First. These conventions exercise a real influence on the statutes and constitutions of the nations which do ratify these conventions. This influence is especially strong, and in many instances determining, upon the newly independent nations which frequently employ the conventions as models for their own national law.

Official U.S. recognition of the provisions of these conventions will give new impetus to the influence of these conventions in new nations—60 of them since 1943.

Second. U.S. ratification will give us the opportunity and authority to call to task any nations which have already ratified the conventions and are presently violating any of the conventions' provisions. In addition our ratification will enable us to labor more fruitfully for the universal implementation of human rights.

Third. Only through Senate ratification will the United States be able to influence the future deliberation and adoption of international human rights legislation. Already unfriendly nations have not hesitated to disparage the statements of U.S. spokesmen in the human rights councils through emphasizing this Nation's failure to ratify any of the human rights conventions. If we are to be heard in future human rights debates, we must be willing to pay the price of admission which is ratification of the Human Rights Conventions on Forced Labor, Genocide, Political Rights of Women, and Slavery.

I noticed on Sunday that our Ambassador to the United Nations, Mr. Goldberg, testified that in the years he has served in the United Nations he has become more and more convinced that the only way to prevent war is by doing our best to try to create just societies.

I submit this is the best action that the Senate can take to create this type of just society—to ratify the human rights conventions that are before us.

#### CUBAN MENACE MUST BE MET

Mr. SMATHERS. Mr. President, it is bitterly ironic that virtually on the eve of the anniversary of Cuban independence, we are witnessing documented evidence that Cuba has become the launching point again for campaigns of terror and subversion that can no longer be explained away or ignored.

The attempts to damage the Government of Venezuela have increased to such a degree that it is time we in the United States took cognizance of the real size of the Cuban threat to hemispheric security.

The bold attempt to land a guerrilla force in Venezuela last week climaxes years of effort to topple the lawful Government and to spread chaos and anarchy throughout a land which is one of the most successful free nations of the hemisphere.

The Venezuelan authorities obtained positive proof of overt Cuban action by identifying four of the guerrilla force as Cuban nationals, and of these, two were Cuban Army personnel.

Pro-Cuban terrorists also are deemed responsible for the death of the brother of Venezuelan Foreign Minister Ignacio Iribarren Borges, slain in a torture death as barbaric as any history records.

Not only did Cuba export the agents who fomented this deed, but also, they brazenly boasted about it when—in a May Day speech from Havana—Maj. Juan Almeida congratulated the Venezuelan guerrilla leaders on their activities. Major Almeida spurred guerrillas in Guatemala and Colombia to redouble their efforts, as well.

Mr. President, when Venezuela has to

repel guerrilla forces, when murder and assassination become regular occurrences, the time has arrived for all the nations of the hemisphere to act under their treaty obligations and, as brothers, seek an effective means of dealing with Cuba.

In my view, President Raul Leon, of Venezuela, has been faced with the gravest of challenges.

I believe that the United States should promptly declare its readiness and willingness to cooperate with Venezuela.

The United States, I believe, should be prepared to join with Venezuela in asking the Organization of American States to declare its moral indictment of the Havana regime for training agents and exporting them on missions of terror.

Further, I believe the United States should support a request to the OAS to apply economic sanctions against any nation outside the hemisphere which continues to trade with Cuba—and that includes some of our traditional European allies.

I believe that we in the United States should make clear our willingness to cooperate with Venezuela and should so inform Pedro Paris Montesinos, Venezuela's Ambassador to the OAS.

The fact that Cuba is the launch pad for bold and brazen subversive activity is particularly galling on the eve of the 65th anniversary of Cuban independence.

The Republic of Cuba, formed on May 20, 1902, carried with it the promise of fulfilling the dreams of Jose Marti. Though the progress of democracy was often unsteady in Cuba, all hope of achieving a free society was ended in 1959 with the advent of Fidel Castro.

Since then, however, Castro has not been merely content with laying a heavy hand on the backs of his own people. He has not been content to lay waste a once-productive land and to drive thousands from their homes. He has instead converted Cuba into a clearinghouse of communism, a satellite and tool of foreign ideologies.

Thus, we have lived to see a Cuban missile crisis of such gravity that it required the late President John F. Kennedy to summon all of his tremendous qualities of leadership to meet and to successfully challenge.

Since that crisis of October 1962 we have had the Tri-Continental Conference of 1966 which openly established in Havana a new instrumentality for Communist intervention and aggression.

Just 3 years ago—on May 20, 1964—I spoke in the Senate about Cuban independence; and even then, Venezuela was locked in the grip of such persistent terrorism and aggression that it considered going to the OAS.

In fact, over my years in the Senate I have talked on more than 200 occasions about Latin America—on many of these occasions about Cuba itself.

While 20/20 vision is common to those who practice hindsight, it seems clear to me that we have made mistakes with regard to the threat of a Communist Cuba. There was, of course, the Bay of Pigs fiasco—which we all regret. There has been an unwillingness to recognize a Cuban Government-in-exile, which I advocated in a Senate speech on March

15, 1963. There has been a reluctance to take stronger steps to curb free world trade with Cuba.

As a result, Cuba continues to be the hemispheric base for launching wars of liberation by whatever means possible.

Let me remind my colleagues in the Senate that in view of today's events in Venezuela, we ought to look back to 1964—when the mysterious Che Guevara told a Peruvian reporter:

My advice to Venezuelans is this; arm yourselves and shoot through the head every imperialist that you can find who is 15 years of age or older.

That was said 3 years ago—and illustrates once again that Cuba cleaves to the same course it pursued 3 years ago, or 6 years, or 9 years ago.

Venezuela has borne the brunt of this sustained attack for too long, it seems to me, without assistance from its neighbors in the OAS.

It is time that Castroite Cuba is brought to the dock and indicted for its crimes. It is time that meaningful sanctions are applied to close off free world trade from Cuban ports.

If we nations who form the OAS unite now on these goals, I have no doubt that Communist Cuba—the festering sore in our hemisphere—will dry up and perish.

#### TRIBUTE TO SENATOR BROOKE

Mr. TOWER. Mr. President, this afternoon there appeared in the Washington Evening Star a fine editorial on a great Member of this body, the junior Senator from Massachusetts [Mr. BROOKE].

I have always admired Ed BROOKE since the time when I first knew him back in the days when he was the attorney general of Massachusetts. He has proven himself to be a competent, able, and thoughtful man.

I wish to read an excerpt from the editorial to which I have referred:

He approaches the major issues of the day, not with any preordained ideological bias, but with clear, uncommitted and independent judgment.

All of which marks him as an unusual man in official Washington and makes him an asset to the Senate of the United States in these times of foreign problems and domestic pressures.

The editorial further states:

And we are convinced that the vast majority of Americans, Negro and white, will recognize that BROOKE's way is the way out of the tensions and pressures that peril this nation.

For BROOKE is not a pleader for a special cause. He is not a civil rights leader or a leader of the Negro race.

He is a leader.

Mr. President, I concur with that editorial conclusion that the junior Senator from Massachusetts is a leader and is eminently competent for any office of public trust he should ever seek, even beyond the Halls of Congress.

Mr. President, I ask unanimous consent to have the editorial printed in the RECORD.

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

#### BROOKE ON KING

Senator Edward M. Brooke has once again demonstrated that the confidence of the Massachusetts voters has not been misplaced. He is a man with the ability and the willingness to think things through before taking a position. He approaches the major issues of the day, not with any preordained ideological bias, but with clear, uncommitted and independent judgment.

All of which marks him as an unusual man in official Washington and makes him an asset to the Senate of the United States in these times of foreign problems and domestic pressures.

Last week, Brooke was asked to comment on Martin Luther King's anti-Vietnam war stand, his attempt to characterize the conflict as a Negro war and his advice to youths to refuse to serve if drafted.

The answer was direct and unequivocal. King is making a tragic mistake, Brooke said, in trying to bind together a personal anti-war sentiment and the unquestionably just cause of Negro rights. The only result, he said, will be damage to the civil rights cause.

"This is a time for sane, calm deliberation," Brooke said. "Inciting of violence is not going to bring about civil rights for the American Negro. It will not be won by violence."

Such statements will no doubt earn for Brooke a variety of unpleasant epithets from those who preach violence, applications of power and polarization of the races, all in the name of civil rights. But somehow we think Brooke will survive it. And we are convinced that the vast majority of Americans, Negro and white, will recognize that Brooke's way is the way out of the tensions and pressures that peril this nation.

For Brooke is not a pleader for a special cause. He is not a civil rights leader or a leader of the Negro race.

He is a leader.

#### PRESENTATION OF MERITORIOUS SERVICE AWARD TO DR. LEONARD COVELLO

Mr. KENNEDY of New York. Mr. President, on December 14, 1966, Dr. Leonard Covello received the Meritorious Award of the State Department of the State of New York. Dr. Covello, former principal of the Benjamin Franklin School, in East Harlem, New York City, was a pioneer in assuring that the school would be, for later generations of Negro and Puerto Rican immigrants to the city, as important as it had been for earlier generations of Americans from Ireland, Italy, and other nations of Europe.

Dr. Covello's remarks on receiving the Meritorious Award will be interesting to all those concerned with the education and future of our children and with the crisis of the urban areas. I ask unanimous consent that his remarks be printed in the RECORD.

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

#### REMARKS OF DR. LEONARD COVELLO

(Remarks on accepting the Meritorious Service Medal of the Department of State of the State of New York—Presentation of the Meritorious Service Award by Hon. John P. Lomenzo, secretary of state, State of New York, at the Benjamin Franklin High School, East Harlem, New York City, December 14, 1966)

#### INTRODUCTORY NOTE BY FRANK M. CORDASCO, PROFESSOR OF EDUCATION, MONTCLAIR STATE COLLEGE

The statement which follows does two things: it allows a distinguished educator to

point up some of the highlights of his twenty-two years at the Benjamin Franklin High School in East Harlem—years which have become one of the truly great chapters in the history of the achievement of the American public school.

It also gives a clear picture of the basic philosophy which animates the Community Centered School, and which impinges so strongly on the contemporary educational challenge in the ghettos of our American cities.

The Department of State of the State of New York is to be commended not only for the conferment of its award to Dr. Leonard Covello, but congratulated on its perceptive awareness of the great service that our schools and their leaders have made to the achievement of American social ideals.

Judge Lomenzo, I want to express my deep appreciation to you as Secretary of the Department of State of the State of New York, for having conferred on me, this very high honor.

May I accept this award not only as a tribute to myself, but as a tribute to my colleagues and co-workers—teachers, parents, East Harlem Societies and Organizations, and my former students whose cooperative efforts made possible whatever was achieved.

I want to express my appreciation to those who have spoken here tonight and to the organizations which they represent and which have sponsored this community event—the East Harlem Civic Association and its President, Ugo Perez; the Instituto de Puerto Rico and its President, Luis Quero Chiesa; the East Harlem Council for Community Planning and its Chairman, Carl Flemister, and the Migration Division of the Commonwealth of Puerto Rico and its National Director, Joseph Monserat, Franklin '39.

I also want to thank all those who are honoring me with their presence here tonight.

Special thanks are due to Miss Rita Collins, Assistant Secretary of State for the State of New York, and to Luis Quintero feature writer and columnist for *El Diario*, for their help in planning this program.

You can well understand how gratifying it is for me to be receiving this award in the school and in the community which has meant and means so much to me.

Benjamin Franklin High School in East Harlem was organized in June 1934, during the Great Depression—a disaster which shook the nation to its very foundations. It was a period of fears and doubts and questions about every aspect of our American way of life. Searching questions were raised as to the role of the public school in our American communities. It was in 1932 that Professor George Counts of Teachers College, Columbia University, wrote his challenging book: *Dare the School Build a New Social Order*.

There was a need for a high school for boys in the East Harlem community. The high school came into being through the united, persistent and untiring efforts of the people of the East Harlem community and concerned people outside the community.

At that time, De Witt Clinton High School located in the North Bronx had a register of 11,000 boys, 6,000 were in the main building and 5,000 were in five annexes. Two of the annexes (old elementary schools) on the East Side of Manhattan were made available for the new school and 1,800 boys were transferred to constitute the student body of the Benjamin Franklin High School.

There were two educational experiences that gave direction to the educational program of the Benjamin Franklin High School. One was the East Harlem Boys' Club Study 1928-1934; the other was the program of the Department of Italian at the De Witt Clinton High School from 1921-1934.

In 1927 the Boys' Club of New York established the Jefferson Park Boys Club in a new building on 111th Street near 2nd Avenue, to provide a program to counteract the high

juvenile delinquency in East Harlem. In 1928, by a grant made available through the Department of Sociology of the School of Education, New York University, a study was undertaken to determine the effects of the Jefferson Park Boys Club of New York on the youth of the East Harlem community, and on the community itself.

Professor Frederic Thrasher, a nationally known sociologist and author of *The Gang—A Study of 1313 Gangs in Chicago*, came from the University of Chicago to New York to direct this study.

At the time this study was undertaken, I was Chairman of the Department of Italian at the De Witt Clinton High School, located at 59th Street and 10th Avenue, and Lecturer in the School of Education at New York University. Due to the fact that one-third of the 1,000 students in the Italian Department were living in East Harlem, Dr. Thrasher asked the cooperation of our Department in this Study. So that the Italian Department staff, the teachers-in-training, and some of the Italian students living in East Harlem all became involved in this Study in various capacities. In our participation in this study, in the numerous discussions, conferences and seminars at New York University and in the East Harlem community, the question constantly arose as to what should be the role of the school in relation to the many serious problems facing the East Harlem community—a community in which almost 80% of its 200,000 people were of foreign stock: an immigrant community, confronted with the ever occurring problem of the second-generation-foreign-born children and children of foreign-born parents.

The Boys Club Study made two very important contributions: *One*, it stimulated the East Harlem community to campaign for a high school for its boys who had to travel long distances to get an education; and *two*, it gave us a thorough and extensive sociological study of every aspect of community life in East Harlem.

The Italian Department at the De Witt Clinton High School began with one class in 1920 and by 1928, had a register of 1,000 students with a full four year course, and two 4th year classes. Cooperating with the Italian Teachers Association, parity for the Italian language was established in 1922 after a ten year campaign. For during that period school authorities felt that having Italian students study the Italian language would segregate them from other students and retard their "Americanization"—an old and often repeated story—an idea with which we very definitely took issue.

The Italian Department was not only concerned with the study of the Italian language and the appreciation of the culture of Italy, but also, through its club activities, sponsored many Italian programs in the Italo-American communities of the city. It put on performances of Italian plays, music and folk dances in settlement houses, churches, schools and Italian Society centers. At these performances the students assumed the important role of speaking to the parents, urging them to keep their children in school to achieve at least a high school diploma, and stressing the importance of having their children study the Italian language. Some of these students were trained to teach English to Italian immigrants and to help them obtain their American citizenship papers in centers in East Harlem and on the lower East Side of the city.

The alumni and senior students of the Department established *Help Classes* for the younger students who were having a difficult time maintaining themselves in High School. Home visiting was also carried on by older students and teachers.

In 1929 the Department of Italian created the first Italian Parent Teachers Association at De Witt Clinton even before the high

school itself had a Parent Teachers Association.

A Department and Club magazine *Il Foro* was launched and students were given the opportunity to carry on this very valuable activity.

The purpose of all these varied activities was to stimulate the young Italo-American student not only to *aspire* and to *achieve* for his own personal advancement, but also to give him an opportunity to *serve*.

In the course of these activities, we all gained a great deal of insight into the problems that Italo-Americans were facing in our city—in the "Little Italies" of that period. So that when Benjamin Franklin High School was organized, there was already the conviction that for this school to carry out an effective educational program, it had to involve itself in the life of the community. So we attempted to create a Community-Oriented—a Community-Centered School.

Through the creation of a Community Advisory Council of the Benjamin Franklin High School which included in its membership business and professional groups, religious groups, educational organizations, civic associations, foreign language societies and press, prominent community citizens, social agencies, municipal departments and students of the high school, the school took the initiative and became involved in problems affecting the community: housing, health, citizenship, parent education, racial problems, juvenile aid, etc. In this way the school reached out into the community in an attempt to make the people realize that education must have a broad social basis and should not confine its program only to the academic aspects of education.

Of course, we were interested and concerned about the academic values of the high school program. The basic knowledges and skills that students derive from the various disciplines were and are tremendously important. Reading at least at grade level was and is very important; but we were also concerned with the social aspects of education—with widening the scope and function of our high school program. We wanted community involvement and participation. We wanted to ally ourselves with the wholesome forces in our community to bring about better and more wholesome community living. We felt that academic subjects should not be an end in themselves but should be utilized to achieve these broader social purposes. And student involvement was one of the very important objectives in all our plans.

It was possible through the personnel assigned by the Works Progress Administration (W.P.A.) and our own school and community resources for the school to function on an all-year round basis with a day school, afternoon and evening educational and recreational programs, and a summer school. The W.P.A. workers assigned to the school did an extraordinary job, particularly in the Remedial Reading Programs of the English and Social Studies Departments of the high school. At one period of the All-Year Round educational program, the W.P.A. assigned ninety-six (96) workers to carry on our many and varied activities.

One of the very active Committees of the Community Advisory Council was the *Housing Committee*. This School Community Committee worked consistently over a three year period, in the campaign to establish the East River Houses on the East River Drive—the first low income Housing Project in East Harlem. It also campaigned for the new Benjamin Franklin High School also on the East River Drive—or "The East Riviera" as we called it, using as our campaign slogan "A New School in a New Community." And we just missed out on a badly needed hospital! After much solicitous and continued effort, the High School Division of the New York City Board of Education granted the school

an extra position for a Community-School Coordinator—an unprecedented concession, and probably the first of its kind in the city. However, we failed in achieving an equally important position—a Director of Intercultural Education functioning city-wide in the High School Division.

In order to work more closely and more intimately with the community, we rented five store-fronts on 108th Street close to the main building of the high school. These store-fronts were used for a *Friends and Neighbors Club* for general meeting purposes, an *Hispanic-American Educational Bureau*, an *Italo-American Educational Bureau*, a *Community Library* and an *Alumni Club Center*.

We conducted a Sanitation Drive to make our streets cleaner and more wholesome. We created a *Playlot*—the forerunner of the present *Vest Pocket Parks*. We published the *East Harlem News*—jointly sponsored by the school and the community. For we wanted to create a *Voice* for the East Harlem community—a *Voice* which was non-existent in these days and which was badly needed—and for which there is an even more urgent need today.

Before the Second World War, there was a very substantial Puerto Rican community in East Harlem—"El Barrio"—the pioneer and largest Puerto Rican community in New York City. To help meet the educational and social needs of our Puerto Rican people, the Community Advisory Council of the school sponsored an Hispanic-Educational Bureau using one of the school's store-fronts to carry out its program jointly with the Italo-American Educational Bureau which occupied an adjoining store-front. With the ending of the Second World War, programs for our Puerto Rican students and people were increased and expanded. A Puerto Rican Parent Teachers Association was organized, planning its own programs and using Spanish at their meetings and social events. A students' Boringuen Club gave the Puerto Rican students of the school an opportunity to sponsor programs in the school and in the community, and to acquire understanding and appreciation of the culture of their people.

In 1948-1949 a series of Press Conferences—eighteen in all—were sponsored by the school and the Puerto Rican leaders. Directors of public agencies in New York City and New York State in the fields of education, welfare, social work, law enforcement, civil service, labor etc. were invited to discuss the programs of their agencies with Puerto Rican leaders and representatives of the Hispanic press. Journalists of the caliber of Luisa Quintero, Babby Quintero, Teofilo Maldonado and Arnaldo Meyners conveyed the necessary information derived from these conferences to the Puerto Rican community. The students of the Boringuen Club were hosts and participated in these conferences.

Six Annual Latin-American Festivals organized by Babby Quintero and Luisa Quintero, and directed by Babby Quintero, were held at the school in the auditorium filled to capacity. These festivals not only provided four to five hours of colorful entertainment but drew the Puerto Rican family into the school.

It may be of interest to note here that in 1951 the first substantial study of the *"Puerto Rican Child in the New York City's Public Schools"* involving seventy-five (75) Elementary and Junior High Schools, sponsored by the Mayor's Advisory Committee on Puerto Rican Affairs, was made through the resources of the Benjamin Franklin High School.

I have tried to point up very briefly and inadequately some of the highlights of our experience in our attempt to create a Community School—a Community-Centered School—a school that would serve its community. It was the school that took the initiative. It was the school reaching out into

the community, seeking and stressing and urging cooperative action.

Today in East Harlem we have a reverse situation. It is the community taking the initiative. It is the community seeking involvement in one of its newly built schools at 127th Street and Madison Avenue. This past year in the new Intermediate School 201 in East Harlem, the local community—parents, local leaders, lay and professional people concerned and troubled by the lack of progress of their children in our East Harlem Community schools, have been seeking to create an effective and continuing relationship between the school and the local community. The basic feature of their proposal is the creation of a School-Community Committee as an integral part of the school to function both in the school and in the community. The functions and responsibilities that this School Community Committee would assume have generated a controversy that has involved the Mayor of the City, the Board of Education, the United Federation of Teachers, the United Parents Association, the Public Education Association and the supervisory staff of the schools. The issues involved have by no means been resolved—just an uneasy truce. The local press has given ample, if not completely satisfactory coverage, to this controversy.

To me, the proposal made by this local School-Community Committee represents one of the most significant educational events that has occurred in my long career as a teacher in the public schools of our city. For at long last, it is the community which is taking the initiative—it is the community now seeking involvement in the education of its children. For decades our schools have been living in a continual state of crisis which can only be eliminated by bold, imaginative and even extreme measures. For decades our New York City schools have suffered consistently and grievously with inadequate budgets, over-sized classes, heavy teaching schedules, shortage of essential materials and working conditions that have made it difficult and at times impossible to do a good teaching job. As teachers we have deplored the lack of general public support, lack of parent cooperation for strengthening public education and creating *quality* education for all our children. For the best interests of the child are served when a concerned body of local people is intimately involved with the school program, and therein strengthens immeasurably the total educational experience of the child.

The proposals of a School Community Committee for I. S. 201 extreme as they may appear, afford an unusual opportunity to help create the kind of schools that we have envisioned. Let us not reject and condemn utterly this community effort. Let us continue to "reason together" to find the solution. The basic idea of community involvement in the school in the education of the child is sound. For what may appear unconventional, extreme or even impossible today, can become the reality of tomorrow. Let's go forward for a better tomorrow.

#### ENDORSEMENT BY VIRGIN ISLANDERS OF PROPOSED STUDY OF U.S. INSULAR AREAS

Mr. FONG. Mr. President, I am pleased to report that hearty endorsement of Senate Concurrent Resolution 24 has been voiced by two sources in the Virgin Islands. Senate Concurrent Resolution 24 is a resolution I introduced on April 27 proposing the establishment of a bipartisan congressional committee to study the relationship with the United States, present and future, of overseas insular areas under U.S. administration. The main purpose of the proposed study

would be to devise ways by which the United States can extend more self-government to the island areas without impairing our national defense and interests. The joint committee would be composed of six members each from the Senate and the House.

John D. Merwin, Governor of the Virgin Islands from 1958 to 1961, a former member of the Virgin Islands Legislature, and now in the private practice of law there, has written to me to applaud the proposal.

The Congress—

He stated—

has a most important responsibility to the citizens of these territories to bring the present incongruities in line with present-day realities.

Under a caption titled "A Significant Proposal," the Daily News of the Virgin Islands printed an editorial on May 4 in support of my resolution.

I ask unanimous consent to have Mr. Merwin's letter to me and the editorial in the Daily News printed in the RECORD at this point.

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

VIRGIN ISLANDS, U.S.A.,  
May 11, 1967.

Hon. HIRAM FONG,  
U.S. Senator,  
Washington, D.C.

MY DEAR SENATOR FONG: As a former governor of this territory and one who has a strong and continuing interest in the Virgin Islands and their people I applaud your suggestion that an extensive and comprehensive investigation of the relationship of all the territories to the Federal Government should be conducted prior to the enactment of any further legislation affecting them.

Right here in these islands there are a number of matters which begin to border on the absurd with the passage of the years and as drastic changes in the political and economic life on the area occur within the framework of laws that are completely out-of-date.

The Congress has a most important responsibility to the citizens of these territories to bring the present incongruities in line with present-day realities.

Cordially yours,

JOHN D. MERWIN.

[From the Daily News, May 4, 1967]

#### A SIGNIFICANT PROPOSAL

Senator Hiram Fong, Republican solon from the Hawaiian islands, has proposed a careful study of the Federal administration of U.S. overseas territories. He recommends that a joint bipartisan committee of the Congress, six members from each house, delve into the political status suitable to each territory, the question of alternatives to statehood, and the continuation of the traditional ways of life of island dependencies.

The senator, from a state which was a territory until 1959, said that such a committee could devise ways of bringing more self government to island territories "without impairing or imperiling the authority of the Federal government to carry out essential responsibilities."

Such a problem was noted recently when the Bureau of the budget introduced into Senate Interior committee an amendment to the elective governor bill which would permit the President of the United States to remove a governor and would also permit him to veto island-passed legislation.

Committee members did not feel that such a measure was necessary and rejected it. The administration obviously feels that such a proviso is important or it would not have been seriously set forth.

The committee of 12 would, in Sen. Fong's opinion, resolve differences of opinion between the administration and the nation's law-makers.

We believe that such a first-hand study would be infinitely superior to the one-sided, white-washed material on the Virgin Islands purveyed by the assistant director of territories of the Interior department. We would assume that the study would be a serious one by men who are sincere in their desires to see a solution to territorial problems and a fruition of territorial aspirations toward autonomy.

Perhaps such a study would quell forever the endless problems of the United Nations committee on self-government in their witchhunt for vestiges of colonialism. It would certainly give the people of the Virgin Islands a new confidence in the congressmen and the assurance that we are not a mere pawn of Interior and the present ruling clique here.

#### MICKEY MANTLE HITS THE 500TH

Mr. WILLIAMS of New Jersey. Mr. President, on Sunday afternoon, May 14, Mickey Mantle of the New York Yankees reached another milestone in an already illustrious baseball career, despite its punctuation with injuries. When Mickey hit his 500th home run Sunday, he joined a club which had previously limited its membership to just six men.

In two excellent newspaper articles, one appearing in the Washington Post and the other in the New York Times, we see the physical achievements of this great athlete as well as the humorous side of his life. I should like to add my congratulations to the many he has already received and ask unanimous consent that these two articles be printed in the RECORD.

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

[From the New York Times, May 14, 1967]  
HUMOROUS SIDE OF MANTLE—YANKEE STAR IS  
OFTEN THE BUTT OF OWN JOKE

(By Leonard Koppett)

As the spotlight continues to blaze unrelentingly on Mickey Mantle, for the 17th year of his 35-year-old life, one facet of his nature remains generally unappreciated by the public.

Among the superstars of his era—Joe DiMaggio, Ted Williams, Stan Musial, Willie Mays, Sandy Koufax, Warren Spahn, and Bob Feller—Mickey has been the least distant from his teammates, the most enjoyed by them, and in this sense, the most humble.

To single Mantle out in this way is not to disparage the others, nor to minimize the respect other players felt for them. DiMaggio, by his nature, was silent and aloof; Williams was moody, extremely charming at times, difficult at others; Feller and Spahn, and to a degree Koufax, were self-absorbed men, properly open and giving to their teammates but also the most genial of men, also somewhat reserved; Musial had his quiet side and in his later years was more a benign presence in the clubhouse than "one of the boys."

Even Mays, everybody's pet and the butt of everyone's jokes as a youngster, became more self contained as he matured, always friendly and eventually a leader, in his own way an elder statesman.

But with Mickey, even at this stage of his

eminence, a sort of boyish, unassuming warmth pervades his relations with other players, on his own and other teams.

Three of the elements in Mantle's manner are humor, a sincere and obvious desire that others do well, and a modesty that borders on inferiority complex.

No one enjoys sharing a joke more than Mantle, and whatever funny stories are currently circulating, Mickey can always be found in the center, telling or hearing them. More striking, however, is his own sharp sense of spontaneous humor, the laugh provoking remark or insight that brightens up a club, bench or trip.

Through all his humor, which is "country" rather than "slick," there runs a self-deprecating element that underlines his common humanity. Nine years ago, when the Yankees had fallen behind in the World Series, three games to one, to the Milwaukee Braves, it was Mantle who showed up in the clubhouse with a trick arrow, one of those that can be strapped to the head so that it seems to go in one ear and out the other.

"We are in tough shape, boys," Mantle announced, making one of his cross-eyed, tongue-sticking-out faces, and a lot of tension suddenly vanished. That's not the reason the Yankees won the next three games in the series, but it didn't hurt.

Only last week, Mantle walked around with his first baseman's mitt strapped to his shoulder.

"I'm strictly leather now," he declared. "A glove man. The way I'm hitting, I can't afford to lose that glove."

#### BUTT OF HIS OWN JOKES

This was a man trying for his 500th home run, supposedly overcome with tension. Most of the superstars play down their achievements when going good, but few kid themselves so pointedly when going bad.

And then Mantle turned to Bill Robinson, the highly touted rookie, who is hitting .119.

"You better do that to your glove, too, the way you're going," Mantle advised with a grin. In context, it wasn't a needle, but an inclusion: The message was, we're all human—and fallible—together, and let's get some fun out of it.

So, when a new young man comes to the Yankees, it is Mantle who goes out of his way to make the first contact easy. Most people (not only players) who meet him are awe-struck by his identity; with a 19-year-old teammate, Mantle is likely to introduce himself first, and then talk baseball or tell a joke with an air of instant equality.

On the bench, during a game, few players cheer and urge a team on more wholeheartedly than Mickey. When a player hits a home run or some other important hit, Mickey is one of the first hand-pumpers.

More quietly, in the day to day life of the team, the degree to which Mantle is pulling for everybody, offering the little advice if asked, really sympathizing with trouble, can't be missed.

His leadership qualities, therefore, are much more than mere example. That he has played as well as he has, as crippled as he has been, is something other players never cease marveling at. But to his own teammates, he is also, at times, a direct inspiration, or a goad, or a comfort.

All this rarely shows outside the privacy of club life. To interviewers, Mantle is usually reticent; perhaps polite, perhaps not, but almost always distant and impatient. To the autograph-hounding public, Mantle tries to act responsibly but could never be called friendly. In more formal public appearances, he is surprisingly warm, but within himself uncomfortable.

But among ballplayers—he's with his own. He's one of them, completely, heart and soul, and totally indifferent to rank—theirs or his.

So if anyone thinks Mantle never suc-

ceeded in fully projecting the Idol image, the reason is simple: He's too human.

[From the Washington Post, May 14, 1967]  
MANTLE'S 500TH HOMER WILL WRAP UP CAREER—STATIONARY FIELDING INDICATES END IS NEAR

(By John Hall)

CHICAGO, May 13—Portrait of Mickey Mantle, 1967. It was the seventh inning of the Yankees' series opener with the Angels. Leading off, Jay Johnstone hit a sharp but routine bouncer toward first base.

The New York first sacker easily gloved the ball about four feet from the bag. Then, he just stood there. Instead of making the easy play himself, he waited patiently and a little red-faced while Hal Reniff ran over from the pitcher's mound to take his throw for the putout.

Mantle fans (and who isn't?) quickly looked the other way. Even though there is still much excitement in his bat, there is also a terrible sadness that goes with watching Mantle in action these days. It is not Mantle's choice, of course, to operate that way.

He has been ordered to perform like a statue in the field, to save what is left of those aching legs. Mantle could play a position lying on his back, and it would be a tonic to the rest of the Yankees merely to have him in the lineup. Mantle is still magic, not only at the box office but on the field where it counts.

As often as it has happened over the years, Mantle has never been at his best when surrounded by newspapermen. The scene seldom varies. He comes out of the dugout before the game and there is a wild charge at No. 7.

If he can, he will escape by dashing to the outfield. If trapped, he is always courteous in answering questions. "Yes" . . . "No" . . . "Maybe" . . . "Thank you." It comes off cold and distant.

But this clearly is not the man. When relaxed with his own, he is warm, generous, humorous, expert with the needle and as human as they come. He has never taken himself very seriously.

His personality, one rarely seen in public, inspires a fanatical loyalty from his teammates. And never has a ball player been so idolized and respected by rivals throughout the game.

Len Gabrielson, the former Giant, was asked the other day to compare Mantle's power with that of Willie Mays. "Willie hits them as far as anybody, but I don't think he hits the tape as often as Mantle," he said.

Then, Gabrielson paused. "What Mickey could have been with two good legs," he sighed in awe. "He would have been the greatest, the absolute greatest of them all."

Whitey Ford said it in the spring: "I'm as big a sports fan as anybody. You need somebody like him—a Chamberlain in basketball, Hull in hockey, a Koufax—I get as big a kick out of Mickey as anyone."

Nobody, not even the guys whose pitches he has belted over the fence, wants to see him go. But they all know it's coming. Tape him together, wind him up, bring him in from center field, tell him not to move—it can't go on much longer.

Anytime he takes the field, it could be the last trip. That is one of the reasons why everybody has been pulling so hard for him to stroke home run No. 500 recently.

It is only one of a bundle of milestones for Mantle, but there is something extra special about this one. It's the way to go.

In the current Sport Magazine, Mantle lists his own top thrills during his 16 summers in pinstripes. They tell a little more about the man.

Sept. 17, 1950. An 18-year-old shortstop, he is called up late in the season and is thunderstruck over his first meeting with Joe DiMaggio.

April 17, 1953. Chuck Stobbs is on the mound for Washington in old Griffith Sta-

dium. Batting righthanded, he drives the ball over the left-center bleachers and out of the stadium. The crowd is stunned at the sight. Red Patterson, then the Yankee publicist, leaves the park, locates the landing spot and measures the distance. It's the birth of the tape. Official flight—565 feet.

Oct. 4, 1953. Lefthanded, he collects his first World Series grand slam against the Dodgers in Brooklyn.

June 21, 1955. Righthanded, he homers over the monuments in Yankee Stadium, 486 feet into the bleachers in straightaway center. Nobody, but nobody, does this.

Oct. 3, 1956. Don Larsen's perfect game in the World Series over the Dodgers, 2-0. Overlooked, the Yankees got their first run on a Mantle homer, and the no-hitter is saved when he races into left center to backhand a sinking liner off the bat of Gil Hodges.

May 22, 1963. Lefthanded again, he explodes a rising drive that strikes inches from the top of the Yankee Stadium roof in right field. Another inch, says science, and the ball has got to travel more than 600 feet.

Aug. 4, 1963. A broken foot has kept him out of 61 games. A crowd of 38,000 gives him a spontaneous, standing ovation as he returns limping to the plate as a pinch hitter. He rips a game-tying homer against Baltimore.

Sept. 17, 1964. His 2000th major-league hit, a dinky single. Embarrassed, he hits his 450th home run in next at bat.

Oct. 10, 1964. World Series homer No. 16, moving him past Babe Ruth.

The moment awaits. His 500th homer. That and the few more games he needs to break Lou Gehrig's mark of 2164 games as a Yankee will just about wrap it up.

Well, Mickey, it's been fun. You may not realize it, but those strange animals that run at you and trap you and ask all those same stupid questions love you as much as anybody, probably more.

You may have been aloof, baby, but you've never been dull. And it's not even close. Without trying, you're the most electric person I've seen run onto an athletic field. I hope we all get to see a little more.

#### NEED FOR STATE AND LOCAL INCOME TAX CREDIT DEMONSTRATED

Mr. PEARSON. Mr. President, an editorial in today's Washington Post effectively points out some of the hazards incumbent in Federal-State tax-sharing programs, particularly the separation of the responsibilities involved in the power to tax and the power to spend.

As a cosponsor of a tax-sharing plan, I disagree with the editorial's implicit judgment that because of this potential danger a tax-sharing program should not be enacted. Despite this disadvantage, tax sharing has other advantages such as revenue equalization which commends its adoption. However, I am in full agreement that the Federal Government should adopt a policy which would encourage individual States to enact modern, effective tax laws.

I believe that a tax credit on individual Federal tax payments for State and local income taxes would do a great deal to accomplish this. Therefore, last week I introduced a tax credit bill, S. 1743, which would provide a 50-percent credit for State and local income taxes. The adoption of such a measure would not, in my judgment, eliminate the need for a tax-sharing program, but I believe that it would do a great deal to encourage States and local governments to take

greater initiative and responsibility in dealing with their particular problems and needs in the way that they themselves are best able to determine.

Mr. President, I ask unanimous consent that the Washington Post editorial of May 16, 1967, be printed in the RECORD at this point.

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

#### RETREAT FROM TAX SHARING

The echoes that are coming out of Lansing provide a strange commentary on the debate in Washington on tax-sharing. Governor Romney is struggling against great odds to induce the Michigan Legislature to pass an income tax. All the political leaders seem to agree that some additional taxation is essential to meet the state's obligations. Yet both the House and Senate have voted down the Governor's tax reform program, and the question of whether they can be induced to enact an income tax of any sort is still wide open.

While Michigan Congressmen are pleading for a share of the Federal income tax, the state legislators are balking at the idea of an income tax of their own. They would rather let Congress take the rap. It is this evasion of state responsibilities even more than an expanding Federal bureaucracy that is dangerously undermining state government.

Sponsors of numerous tax-sharing bills before Congress excuse their circuitous approach to critical state problems by saying that the Federal Government has dried up tax resources. But this is demonstrable nonsense. All of the more progressive states have income taxes, and the direct collection of this revenue by the states is not more painful than the national income tax. As a matter of fact, the local income taxes are less painful, because they can be deducted from income in calculating the Federal tax.

The only kind of tax-sharing that is compatible with our Federal system is a national incentive to the states to put their own revenue laws in order. Michigan, for example, instead of pleading for return of 5 per cent of the income tax its citizens pay to the Federal Treasury, as some of the tax-sharing bills provide, could more appropriately collect through its own machinery a state surtax equal to 5 per cent of the Federal tax. We would like to see Congress give Michigan, and all the other states, an incentive to do this. But Congress ought not to usurp their revenue-raising function.

Fortunately, some of the tax-sharing plans would reward the states for facing up to their own revenue problems. Representative Laird's bill would grant a 40 per cent tax credit to Federal taxpayers for all state and local taxes paid. This seems to us a constructive approach so far as it goes. A still larger credit against Federal taxes might be allowed for state and local income taxes paid as an incentive to the enactment of modern tax laws within the states. There are many ways of helping the states, but the basic aim should be to get sound tax laws on their own books instead of funneling revenue for local purposes through Washington.

#### WILLIAM H. SEWARD, BORN MAY 16, 1801

Mr. BARTLETT. Mr. President, one century ago the United States purchased Alaska from Russia.

The name of William H. Seward is necessarily connected with any observance of this 100th anniversary, but all too often any reference to him is restricted to the leadership he provided in gaining approval of the purchase.

Today, the 166th anniversary of his birth in Orange County, N.Y., on the Senate floor where he served with distinction, would be the proper time and place to briefly review another portion of Seward's public career.

Like every person involved in political life, Seward found himself unable to appear at all times the picture of perfection, but as a Senator, however, he did manage consistently to proceed with sufficient adherence to principle and firmness of purpose to earn the confidence of his political allies and the grudging respect of his opponents.

The political era in which Seward lived embraced the decline of one political party and the rise of another. In 1801, the year of Seward's birth, the Democratic Party achieved control of the Federal Government for the first time, under the leadership of Thomas Jefferson. The Democratic Party was the party of reform, the party of the workingman, the champion of proposals to expand the suffrage and oppose the power of business monopoly. For the next 60 years the Democrats were constantly in power, except for the brief ascendancy of the Whig Presidents Harrison and Taylor—both of whom died in office—and the men who replaced them: Tyler and Fillmore.

In those 60 years the Democratic Party underwent some serious changes, as did also the political situation in the United States. By the time Seward was ready to enter the political field, the Democratic Party was badly split on the question of slavery. It was to surrender national leadership to the Republican Party in 1861, and the Republicans, in turn, were to hold control, with only three brief interruptions, for the next 72 years.

For much of Seward's life, slavery was the most important political issue confronting the American people, save only those periods in which the Nation faced war or threat of war with a foreign power. The inability of the Democratic Party to solve its split on slavery also made it increasingly difficult for the party to attract the great social reformers of the day. As one of those reformers, Seward joined forces with the opposition Whig Party, in company with such other reformers as Abraham Lincoln, Thaddeus Stevens, and Millard Fillmore.

In 1824, as a young lawyer interested in entering politics, Seward made the acquaintance of Thurlow Weed, a political leader of considerable influence in up-state New York. In 1830 Weed persuaded Seward to run for the State Senate. He was elected, but failed to be reelected. Seward contemplated retirement from politics, but in 1837 the Whigs captured control of the State legislature, and Seward was persuaded to seek the gubernatorial nomination in 1838. He subsequently was nominated, elected, and 2 years later reelected.

As Governor, Seward revealed the natural ardor and optimism of his temperament, his strong humanitarian sympathies, and also his impulsiveness and tendency to challenge longstanding tradition. On the slavery question, Seward took advanced ground during his term

of office. In one instance he refused to surrender three sailors, who instigated the flight of a fugitive slave from Virginia to New York, when extradition was demanded by the State of Virginia. The act endeared the Governor to the rapidly growing antislavery element in New York State.

By 1848 antislavery sentiment had become so strong in New York that it was possible for the Whigs to put forward Seward as their candidate for U.S. Senator. Many Democrats, as well as all the Whig members of the legislature, voted for him.

When Seward entered the Senate, the slavery question was of special national concern because of the disposition of the territories recently acquired as a result of American victory in the Mexican War. The slave interests, which had sponsored the war, wanted all the new territory opened to slavery. The antislavery extensionists, of whom Seward was one, wanted slavery barred from all the territory. Of particular concern was the status of California, the people of which already had drafted a free-State constitution. Through the power of proslavery votes, the Senate was able to block California statehood for months.

When the Whig leader, Henry Clay, proposed a compromise solution, permitting, among several things, the entrance to the Union of a free California in exchange for passage of a stringent fugitive slave law, Seward spoke in opposition to the plan. On March 11, 1850, he declared that there was no reason to jumble together a group of disassociated questions in a single measure as Clay wanted to do. He also insisted that the proposed fugitive slave law would be impossible to enforce in the North. He wanted to abolish, not only the slave trade, as proposed by Clay, but also slavery in the District of Columbia. He was in favor of barring slavery from all the territory acquired from Mexico. He warned that slavery should be abolished throughout the Union "by gradual voluntary effort and with compensation" to the slaveowners, in the knowledge that failure to so act would result eventually in civil war and immediate emancipation without compensation.

While thus boldly expressing his views, he disavowed any desire to act by unconstitutional or unlawful means. It was in a speech of March 11, 1850, that Seward declared, to the shock of many listeners, that there was "a higher law than Constitution," meaning merely that the spirit of Christian teaching was opposed to human slavery, whether or not it was outlawed by the Constitution. For this remark he was denounced as a man of revolutionary intent, hopeful of destroying the structure of Federal guarantees.

Outside the question of slavery, Senator Seward championed the cause of the Irish-Americans to the great irritation of the young Know Nothing faction in New York and played a leading role in the national welcome given in 1851 to the Hungarian rebel leader, Kossuth, the foe of Russian intervention in Hungary.

One of the two lone Whig victories on the national level was that of Zachary

Taylor in the 1848 presidential election. Taylor was a war hero and a southern nationalist opposed to the southern secession movement. In 1852 Senator Seward threw his support to the presidential aspirations of Gen. Winfield Scott, of Kentucky, also a war hero and a southern nationalist. Scott was nominated by the Whigs, but badly beaten in the national election. It was believed by many that Seward had been an albatross around the neck of General Scott.

The year 1854 saw the rise of two important new political parties: the Republicans and the Know Nothings. Seward needed the support of both to secure his reelection to the Senate in 1855. He therefore committed the State Whig Party to a strong antislavery stand, thereby picking up the Republicans and some anti-slavery Know Nothings. And by shrewd maneuvering he won a major share of the Know Nothing votes.

The questions posed by open civil war on the plains of Bleeding Kansas, in 1854, could not be answered by the Whig organization which was, in consequence of its terrible defeat in 1852, in the process of disintegration. In the Senate debate on the Kansas-Nebraska bill, Seward had shown greater caution and less forthright courage than in the discussions of 1850. However, he found no difficulty in getting the New York Republicans and Whigs to merge in one organization in the fall of 1855, and from that point forward his own Senate speeches dropped the flavor of mild Whiggery in favor of angry and impetuous Republicanism.

From 1855 to 1860 Senator Seward embodied the growing antislavery sentiment in the North as much as any man. In the struggle over Kansas, he advocated its admission as a free State under the controversial Topeka constitution.

At the Republican National Convention of 1856, Seward was the best known candidate for the party's presidential nomination. He was also, however, the most outspoken candidate, and therefore the most controversial. In a surprise action, the convention passed him by in favor of Gen. John Charles Fremont, the renowned explorer.

Returning to the Senate floor, Seward renewed his part in the struggle over slavery. In common with other Republicans, he denounced the Dred Scott Decision as the product of a conspiracy. On October 25, 1858, at Rochester, N.Y., he made the famous speech in which he declared that the slavery struggle was an "irrepressible conflict between opposing and enduring forces."

For this and other ringing phrases warning the country of the approach of the Civil War, Seward was pronounced by many the author of that war when at last it came in April 1861. Meanwhile, at the 1860 Republican Convention, he once again had high hopes for the presidential nomination, and once again, branded a radical, he tasted defeat, this time at the hands of Abraham Lincoln.

A good loser, Senator Seward campaigned hard for Lincoln in 1860 as he had for Fremont in 1856.

In the secession crisis during the spring of 1861, Seward once again rose to the

occasion, working in behalf of both anti-slavery principle and intersectional compromise. He was one of the Senate committee of 13 constituted to consider means of composing the situation. His speech of January 12, 1861, made following the secession of several Southern States, was generally adjudged a masterpiece. Clearly avowing his loyalty to the Union, he nonetheless appealed to the South in conciliatory terms, advocating a constitutional convention to settle outstanding difficulties. His efforts in this regard were swept away by war. Nonetheless, his record as a Senator won for him the office of Secretary of State, tendered by Lincoln. In this capacity, he also was to shine as a man of remarkable talents.

It was in this office that he took the lead in efforts to purchase the Territory of Alaska, an accomplishment which I believe, if I can be excused a bit of parochial pride, ranks as his most important contribution to the Nation he served so well for so long.

#### A HAPPIER SUMMER FOR THE CHILDREN OF POVERTY

Mr. YARBOROUGH. Mr. President, the Senate has received from the President of the United States an urgent request for a \$74 million supplemental appropriation for the Office of Economic Opportunity.

The President requests this appropriation to support programs that will gainfully employ and train well over a million of our Nation's most deprived adolescents and young adults this summer.

Because I am deeply aware of the urgency of the need, Mr. President, I subscribe to the urgency of the President's request. I urge that my distinguished colleagues give it thorough, but rapid and favorable consideration.

But I hope the Senators will pardon a moment of reflection on my part. I hope they will realize that it is intended to underscore rather than detract from the explosive need that prompts this timely request from President Johnson.

I should like to reflect briefly on the history and development of the American summer.

In the days before we really considered the poor in our deliberations—and those days, as we all know, are all too recent—summer was, in a sense, a forgotten period of time. It was a nice, relaxed period for young and old. The tools of learning were put aside. The tools of career training were laid down. It was a time of basking at beaches and cavorting at resorts.

But now, with all too great anguish, we have come to realize that a major element of American society cannot afford this kind of vacation. And I submit that we cannot afford a vacation from our responsibility to the needs of our fellow Americans—not only the frustrated, overheated slum dwellers but those from near and far who will suffer their frustrations along with them.

Summer is no longer a time to waste.

Summer is a time when the backward child can get extra help.

Summer is a time when the delinquent

or potentially delinquent teenager can start getting the training, skills, and counseling that will make him a force against delinquency in future summers—and winters.

Summer is the time when the young adult can be steered toward an immediately productive job—perhaps through community betterment work, perhaps through community college and education.

Nationally speaking, "the good old summertime" is a tragically outmoded phrase. But with a new direction, with the conviction that time and talents should not lie fallow but should be put to work and developed, a good new summertime can come to be.

The President's request is the essential first step toward that goal. It is essential that both Houses of Congress not delay in taking this first step.

#### THE BIG DOD BUILDUP

Mr. TOWER. Mr. President, the authoritative and professional Journal of the Armed Forces has printed in its May 4 edition an enlightening article tracing the massive personnel growth of the civilian forces in the Department of Defense during the tenure of Secretary McNamara.

It should be noted that when Mr. McNamara took office some 1,500 men and women were under the direct control of the Secretary. Today, just 6 years later Mr. McNamara personally commands a work force of 67,000 civilians.

I know all Senators are concerned about continuing growth of Federal bureaucracies, and I also know many Senators are concerned about undue substitution of civilian suggestions for professional military judgment in the Pentagon. I, for one, believe that while always preserving the American concept of ultimate civilian control, we also must give very great weight, particularly in time of conflict, to the views of trained military men. Certainly, we must not blanket and stifle military views under ever-thickening layers of civilian bureaucracy.

I commend this article to the attention of the Senate, and 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:

#### ESCALATION OF THE YELLOW PAGES—THE BIG DEPARTMENT OF DEFENSE BUILDUP

(By Louis Stockstill)

What started out 20 years ago as a small office to "coordinate" the activities of the Army, Navy and Air Force, has emerged on the eve of manhood with hardly a recognizable feature of its infancy.

The once small-boned, diminutive creature has muscled-up, fleshed-out, and grown into a towering endomorph. Characteristically, most of the growth took place during the teen years—the years since Secretary of Defense Robert S. McNamara became housemother.

When he took office in 1961, the present Secretary of Defense inherited from the Eisenhower Administration an organization whose civilian work force—those under the direct control of the SecDef—totalled about 1500 men and women.

The changes that have since taken place in the DoD civilian payroll are staggering. Today—after an unprecedented six years in office and numerous organizational changes which have added hefty layers to the Pentagon's manpower biceps—Secretary McNamara personally commands a work force of 67,000 "headquarters" civilians.

The outer skin consists of 150 ranking aides who earn \$25,000 to \$30,000 per year.

Next comes a layer of muscle composed of 300 civilian employees whose pay is \$20,000 to \$24,280, and more than one thousand others whose average salary is about \$19,000.

Descending layers of tissue are held together by some 24,000 employees who are in pay brackets with a top-salary range of \$10,000 to \$17,000. For this group, alone, salaries total \$252 million.

The 67,000 men and women who now crowd Secretary McNamara's payroll (an increase of 5,000 in the past year) constitute only DoD civilians. Not taken into accounts are the thousands of military personnel assigned to DoD offices. Nor does the number embrace the million civilians or the three-million uniformed personnel directly under the Army, Navy, Air Force and Marine Corps.

The DoD civilians have bloomed with the speed of a spring crop of dandelions.

Shortly after Secretary McNamara first took office, he complained (February 1961) that there were too many Pentagon "executives" reporting directly to him and the Deputy Secretary of Defense. He said 15 Presidential appointees fell into this category, and the situation was "impossible."

The only major way it has since changed, however, is that the number of top civilians has proliferated.

At the time of Secretary McNamara's 1961 statement, the DoD Secretariat included—in addition to the SecDef and Deputy SecDef—the following officials: Director of Defense Research & Engineering (\$22,000); seven Assistant Secretaries of Defense (\$20,000); the DoD General Counsel (\$20,000) and an Assistant to the SecDef (\$20,000). In addition, there were 13 DoD civilians earning \$19,000 each.

Today, the top jobs still exist, but the wages have been upgraded and large numbers of other high-salaried executives have been added.

Current data shows that the Secretariat now includes Secretary McNamara (\$35,000), Deputy SecDef Cyrus Vance (\$30,000), the Director of Defense R&E (\$28,500), seven Assistant Secretaries of Defense (\$27,000 each), the DoD General Counsel (\$27,000), the "principal" Deputy Director of DR&E (\$27,000), and 11 assistants who earn \$26,000.

Those in the \$26,000 bracket include the Assistant to the SecDef (Legislative Affairs), the Special Assistant to the SecDef, the Chairman of the Military Liaison Committee to the AEC, the Deputy Assistant SecDef (Comptroller), the Deputy General Counsel, the Director of the Advanced Research Projects Agency, and five more Deputy Directors of DR&E.

In addition, today there are 128 other top DoD aides who earn \$25,800-\$25,890 per year.

This group includes 25 Deputy Assistant Secretaries of Defense (one of whom has just been added), five Deputy DoD Comptrollers, four Assistant DoD General Counsel, Special Assistants and Assistants to the SecDef and Deputy SecDef, and dozens of others who hold titles as directors, deputy directors, assistant directors, assistant deputy directors, deputy assistant directors, assistants for . . . chiefs of . . . assistant chiefs and special assistants.

(The Defense Department civilian manpower budget also covers funds to pay a "staff assistant" for President Johnson—\$22,085—and an "aide" for Vice President Humphrey—\$22,755.)

The next biggest DoD civilian-employee group includes almost 300 in the \$20,000 to

\$24,280 bracket, plus more than 1,000 others whose pay is not specified on an individual basis (in data which has been furnished to Congress), but whose average salary is about \$19,000. A spot-check of 340 of the jobs in the latter group disclosed an average salary of \$19,573.

For 23 "digital computer systems administrators," alone, the average salary is \$19,661.30. For three "historians," it is \$19,775.67. But this is not the end of the list.

The largest group of Defense Department civilian workers who come under Secretary McNamara's direct control—some 24,500—fall into pay grades GS-9, 10, 11, 12 and 13. Of these, more than 11,000 are in pay brackets where the top-salaries range from \$12,000 to \$16,905.

Growth of the GS-9 to GS-13 group has been spectacular. Although much of it can be attributed to initial transfers of personnel from the individual Services to the new Defense Agencies created under Secretary McNamara, this offers only a partial explanation. In the past two years, alone, there has been an increase of more than 8,600 DoD employees in the GS-9 to GS-13 group—from 23,806 in fiscal '66, to 32,414 budgeted for the new fiscal year which starts 1 July.

When Secretary McNamara took office, there were less than 150 such positions in DoD.

In providing Congress with a breakdown of the DoD civilian employees, the Administration, purposely or otherwise, has concealed the specific DoD activity to which they are assigned, except where job-title (Deputy Director DR&E, for example) is self-explanatory.

The salaries for the entire group of DoD civilians—including Secretary McNamara, himself—are budgeted, incongruously, under the Department's appropriations account for "Operations and Maintenance, Defense Agencies." This makes them somewhat difficult to digest, since several six-course meals are spread on the banquet table at once. And it will suggest to some that the practice may have been designed more to confuse than clarify.

Isolated examples from long lists of civilian employees in pay grades GS-14 and GS-15, alone, show that DoD has 271 auditors earning \$4.7-million annually; 69 digital computer systems administrators earning \$1.2-million; 23 digital computer systems analysts earning \$390,000; 30 systems analysts earning over \$500,000; 56 management analysts earning \$960,000; 64 program analysts earning \$1.3-million, and 15 management evaluation officers earning about \$290,000. There's no evidence to indicate how many of these employees are assigned to the Office of the Secretary of Defense, how many to the Defense Supply Agency, Defense Intelligence Agency, Defense Communications Agency, or other DoD activity.

And, the isolated examples barely scratch the surface. At levels of employment below GS-14, there is no break-down even by title. The DoD civilian employees in the latter groups are simply lumped into numerical designations. If listed, separately, they would take up as much space as the entire telephone book for a good-sized city. Those in GS-9 through GS-13 pay grades, for example, number more than 24,000. Their combined pay exceeds a quarter of a billion dollars.

As previously indicated, growth of the DoD civilian manpower force can be attributed in part to the establishment of central agencies to direct such functions as supply, intelligence and communications. Many of the employees of these agencies were transferred from Army, Navy and Air Force payrolls to the DoD payroll. But the agencies have continued to grow.

The average number of civilian employees in DoD in fiscal '66 was 53,206. In the fiscal

'68 budget, the Department has estimated an average total of 68,193—an increase of about 15,000. Funds requested for the DoD civilian payroll in FY '68 add up to almost \$600-million.

Much of the DoD civilian manpower buildup has taken place within the Office of the Secretary of Defense.

In the fiscal '61 Defense budget, submitted to Congress just before Secretary McNamara took office, \$20-million was sought for "direction and coordination of defense activities (total obligations)."

At the time, there were in OSD, 11 Deputy Assistant Secretaries of Defense and two Deputy Directors of Defense R&E. Today, Secretary McNamara has seven Deputy Directors of Defense R&E, one Deputy General Counsel and 32 Deputy Assistant Secretaries of Defense. (Five of the posts are held by military officers).

Also at the time of the FY '61 budget presentation, OSD had 46 Public-Law-313 civilian employees, including eight in ARPA. Today, the Department has 81 of the special "positions established by the Secretary of Defense." About half of the group earn more than \$25,000 per year.

A comparison of the listings in the Pentagon telephone directory illustrate to some extent what has been happening. In February 1961, the Defense Department section of the book's yellow pages (where mostly executive-types are listed) took up three and one-half pages. The same section in the "Spring 1967" issue of the directory covers ten and one-half pages.

The increase in the DoD civilian payroll over the six years of Secretary McNamara's tenure has been prodigious, both in overall numbers and in the number caliber of top-salaried workers. And, regardless of where the employees came from—whether by transfer from the individual Services or by creation of new jobs—the big work force dramatically underscores the extent to which the Secretary of Defense has brought the direction of Armed Forces activities under his centralized control.

A Capitol Hill source who has been uneasily eyeing Mr. McNamara's big build-up, recently commented: "It's true, he has accomplished a lot—but he didn't do it without assistance."

Nor, as the DoD manpower data attests, without assistants.

#### THE NEW SAFETY MOOD OF CONGRESS

Mr. MAGNUSON. Mr. President, Saturday's Washington Post contained another excellent article by Columnist Morton Mintz. It summarizes some of the indicators of the growing congressional concern with safety legislation. In emphasizing the importance of preventing accidents as well as properly treating them, Mr. Mintz quotes from testimony delivered by Dr. Abraham Bergman, of Seattle, at the recently concluded Commerce Committee hearings on amendments to the Flammable Fabrics Act. He also cites the Automobile Safety Act of 1966 and the bills calling for creation of a National Product Safety Commission and more adequate labeling of cigarettes as evidence of the new safety mood in Congress. These are matters with which the Commerce Committee has been particularly concerned.

Mr. Mintz has long been a conscientious and dedicated spokesman for the consumer cause, and his columns have been particularly effective in keeping attention focused on consumer problems.

This one is exceptionally fine. 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:

[From the Washington Post, May 13, 1967]

PREVENTION: IT SAVES MORE LIVES THAN TREATMENT

Vast numbers of injuries and deaths are obviously preventable. Yet our emphasis has been overwhelmingly on treatment—on building more hospitals, on training more doctors, on picking up the pieces, on giving more charity to the victims.

Prevention has gotten a good deal of lip service. But telling a drunk to drive safely is usually useless exercise; so is telling a 2½-year-old in a flammable nightgown to stay away from a space heater in a slum bedroom.

But lately the concept of prevention—a conservative, obvious and tested doctrine if ever there was one—has been undergoing a minor renaissance.

One indicator came recently when a pediatrician gave Congressmen a message opposite from the all-too-familiar one of doctors who cannot say the word "politician" without expressing disdain.

Physicians "save precious few lives—we are more in the health maintenance business," Dr. Abraham B. Bergman of Seattle said. "You Senators are in a position to save far more lives than physicians."

Dr. Bergman testified before the Senate Commerce Committee in behalf of amendments that would toughen the Flammable Fabrics Act.

Prevention "is the only answer," he said. In the last 30 years, Dr. Bergman continued, the medical profession has been able to improve the survival rate among burn victims but little. Treatment is terribly costly. And death, he said, "may be more merciful."

Most serious burns of children occur because their clothing catches afire. "Half-hearted safety slogans" do not save them, Dr. Bergman said. The great need, the pediatrician said, is to get "at the source of the injury"—the clothing—through legislation.

Another proponent of prevention is Dr. Lester Breslow, California's State Health Director, who said recently that in terms of making a "significant impact" on public health, he would have "little hesitation" in choosing a ban on the sale of cigarettes in preference to doubling the number of physicians in California tomorrow—if those were the only choices.

Here are some other indicators of a new attitude:

With a unanimous bipartisan vote, the Senate Commerce Committee approved a joint resolution for a National Commission on Product Safety. Its mission would be to investigate—with subpoena power—what could be done to decrease the annual toll of several hundred thousand accidents in and around households. In the last decade, according to a study made for the Committee by Consumer Reports, the publication has reported on 376 products which presented unacceptable hazards.

For 17 years, assorted Federal democracies talked—but did nothing to protect uranium miners from radioactivity and the fatal lung cancer that accompanies it. The other day, Labor Secretary W. Willard Wirtz, unable to bear the situation any longer, openly took some of the blame upon himself and set a standard for uranium exposure. This will help the miners; treatment after they are diseased does not.

The 1966 auto safety law was an act of prevention. It was aimed at more than 50,000 deaths and 4 million reportable injuries a year. One thing it will result in is safer interiors to protect occupants of a car hit by

the drunk who didn't see the "Drive Safely" sign.

Finally, Defense Secretary Robert S. McNamara's emphasis on benefit/cost ratios has refreshed our thinking about disease, along with preventable injury and fatality.

Thus the Public Health Service has calculated, for example, that in the five years starting July 1 we could prevent fatal uterine cervix cancer in 34,000 women at a cost to the Government of \$3500 each. But the direct costs of medical treatment plus the indirect costs of lost earnings would be nine times greater.

Similarly, the PHS estimated, a particular program of promoting auto safety—through increased use of devices such as safety belts and shoulder harnesses—would save \$1200 for every dollar spent.

We are seeing what some regard as a waking up in public health, a kind of rationality explosion. How extensive it will become remains to be seen.

#### VISION CRUSADE FOUNDATION

Mr. WILLIAMS of New Jersey. Mr. President, in conjunction with my continuing advocacy of preventive care for disease, I would like to bring to the attention of those here present, a letter which I received from one of my constituents concerning the fine work of a relatively new and very successful organization, the Vision Crusade Foundation. The idea for this foundation and the hard work which has made it a reality was achieved through the voluntary efforts of optometric societies and Lions Clubs in northern New Jersey. The purpose of the organization is to provide persons with free visual screenings in order to detect visual dysfunction or disease which could impair the individual's work, driving ability, or color perception. A shocking number of people were found to have previously undetected visual problems, some of whom had such limitations as to be dangerous on our highways. Vision is, without a doubt, our most strategic sense and so necessary for the most routine functions.

I would like to applaud the optometrists and the members of the Lions Clubs who have provided this valuable service. They have contributed the funds to operate the eyemobile unit; the doctors have contributed their time, their talents, and their professional skill; the Lions have contributed their administrative ability to run the unit. They have contributed all of this to make the foundation the success which it is with no compensation other than the satisfaction they receive from giving of themselves to the community at large. The only thanks they desire is to see their work continued and expanded.

Mr. President, I ask unanimous consent to have reprinted in the RECORD the letter I received from the president of Vision Crusade Foundation.

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

VISION CRUSADE FOUNDATION,  
Hasbrouck Heights, N.J., March 31, 1967.

DEAR SENATOR WILLIAMS: The health and well-being of the residents of New Jersey is of concern to many Councils, Agencies, Commissions, Associations and Foundations. As a legislator you are almost daily asked to participate in discussions leading to health

care legislation. Because of your interest in this subject I believe you may be interested in a relatively new and successful foundation which has been formed. This organization is the Vision Crusade Foundation.

Some two years ago, the germ of an idea was introduced. The idea of the foundation soon embraced by hundreds of optometrists from the Bergen-Passaic and Hudson County Optometric Societies and seventy-seven Lions Clubs comprising Lions International District 16A, was to design, build and operate an eyemobile. Approximately a year ago the dream became a reality.

The primary function of the unit (photograph enclosed) is to give every person in the area the opportunity to undergo a free visual screening. This screening is not to be construed as a complete examination; however, at the completion of the analysis it is possible to ascertain a number of things, such as (1) does the individual have adequate vision to function at his job efficiently, to operate an automobile, etc.; (2) does the individual distinguish colors adequately to safely operate color-coded machinery; (3) does the individual have vision which will allow him to function adequately in close-work situations; (4) is the individual suffering from a yet undetected disease such as Glaucoma, Cataracts, or does he have other identifiable pathology or dysfunction of the body.

The unit under the direction of the Vision Crusade Foundation has many functions. Primarily, it is dedicated to detecting those correctable vision deficiencies which, if left uncorrected, will render a person incapable of performing many necessary routine functions. Secondly, our efforts are directed to the prevention of blindness by early detection of those pathological disturbances which can be cured or arrested. As a result of a thorough screening we have been able to delineate the visual handicapped and recommend the necessary rehabilitatory measures they should follow.

In our first nine months of operation, in excess of 10,000 residents of the three counties served by the VCF eyemobile have participated in the free screening offered to them. Thousands were turned away due to lack of time and facilities. Accurate statistics have been kept and I believe they are significant in that forty-two percent (42%) of those screened were found to possess visual problems of which they were not aware. Nearly two percent (2%) were suffering from a yet undetected disease condition. Of the licensed drivers screened a shocking twenty-eight percent (28%) were found to have visual deficiencies of sufficient magnitude as to seriously limit their performance on the highway, making them unfit and indeed dangerous to operate an automobile.

In an endeavor to provide the highest quality and to insure adequate screening techniques and evaluation of the findings VCF has never permitted anyone but licensed optometrists to staff the eyemobile. Nearly 150 doctors have contributed their time, talent and professional acumen to Vision Crusade Foundation. Their only compensation is the satisfaction of knowing that the general public is receiving the very best care available at any price.

By supplying clerical help the local Lions Clubs have provided untold hours of free time to the Foundation thus insuring its efficient operation.

Not only have the Lions and the optometrists given of their time, talent and skills but the operating funds have been donated by these same people to insure that the Vision Crusade Foundation can continue offering this vital service without pay.

A critical analysis of the work done at the end of the first year indicated that (1) the services performed by Vision Crusade Foundation were in great demand and vitally needed; (2) that our facility could only serve

a small segment of the existing population; (3) that there is a need for additional units to operate throughout the State.

Based on points two and three it is my hope that you will call attention to the work the Vision Crusade Foundation has done in your newsletter or in whatever way you deem appropriate. I am not looking for praise or glory for the Lions, the optometrists or the Foundation; rather, your efforts might serve as a guide and encouragement to other groups or organizations to emulate the example set by the Vision Crusade Foundation thus providing and spreading preventative vision care throughout the State of New Jersey. Anything you may choose to do will be appreciated.

Yours truly,

SANFORD E. KAPS, O.D.,  
President.

#### AIR SAFETY PROBE NEEDED

Mr. BREWSTER. Mr. President, in recent months there has been an ever-growing controversy over air safety. Most of this criticism has originated among those groups deeply involved in the air safety business—airline pilots and air traffic controllers. In general, their comments have been critical of the policies and activities of the Federal Aviation Administration.

Meanwhile, the airlines, ever mindful of the fact that some potential customers may become afraid to fly because of doubts regarding air safety, have tried to remain out of the sometimes bitter and heated public controversy.

As a member of the Subcommittee on Aviation, I have taken the time to study the conflicting statements regarding air safety. I have attempted to evaluate the charges and countercharges from my position as an unbiased observer, a policymaker, and a representative of the public interest.

On Sunday, May 14, the New York Times published a front page story by Evert Clark which does much to put the air safety controversy in perspective.

The article makes several important points:

First. America's air safety record to date has been most impressive.

Second. Air traffic in the United States is growing at a faster rate than was previously expected.

Third. The control of today's traffic is an immensely complex operation requiring expensive and highly sophisticated equipment.

Fourth. More young people must be recruited and trained in the fields of air traffic control and equipment maintenance.

Fifth. Air traffic congestion is caused not only by overcrowded facilities, but by airline scheduling policies which result in "bunching up" flights at certain times of the day.

Sixth. A major controversy exists over the safety aspects of existing noise abatement procedures.

Seventh. Bad weather seriously increases the burden on pilots, air traffic controllers, and airports.

Eighth. The advantages of fast, convenient travel by air are reduced as air traffic congestion increases.

Ninth. Little agreement exists on what must be done to insure improved air safety in the coming months and years,

while there is unanimous agreement that more can be done.

Mr. President, I ask unanimous consent that this perceptive article be printed in the RECORD. As frequent air travelers, Members of Congress have a special interest in seeing that air safety is more than "a pure-luck system."

I believe a careful congressional study is needed in order to distinguish the myths from the facts. The former should be destroyed while the latter should serve as a basis for action.

Congress, the CAB, the FAA, the airlines, pilots, traffic controllers, and the American public—not just the flying public—have a vested interest in determining the question: What can be done to eliminate the luck and perfect the system?

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

#### PILOT'S EYE STILL A PRIME FACTOR AS DRIVE FOR AIR SAFETY WIDENS

(By Evert Clark)

WASHINGTON, May 13.—A Trans World Airlines plane and a business jet collide over Ohio and 26 persons die.

A woman in a Chicago suburb complains that her parakeet is trying to commit suicide in its cage because of jet noise.

An airline pilot following the Potomac River to spare Washingtonians a few decibels says noise detours endanger his passengers.

Severe weather and the rush hour tie up New York air terminals, and flights begin to back up all across the country.

A jet pilot, scanning the skies over Newark for light planes from nearby fields, likens it to flying through a flock of geese.

An Eastern Air Lines crew, departing from New York, miscalculates the height of an inbound Pan American Jet because of an optical illusion. The Eastern plane makes an evasive maneuver from which it cannot recover and crashes into the Atlantic Ocean off Jones Beach, killing all 84 aboard.

Aircraft—small, medium and large, civil and military—make 200,000 flights a day in the United States. More than 99 per cent take off, fly and land safely. But by 1971, there will be 320,000 flights a day, and by 1975 there will be 400,000.

These are the problems of air traffic control. They are not critical now, but they have been in the recent past. And the explosive growth of civil aviation is forcing the experts to give them new attention.

Concern over air traffic control began 63 years ago, at the birth of powered flight, according to Gen. William F. McKee, the Federal Aviation Administrator.

#### A COMPLEX WORLD

"When the first plane went up, you didn't have a problem," he said recently. "As soon as you got the second airplane up, that was the beginning of the air traffic control problem."

Air traffic control is now a remarkably complex world of electronics and human skills in which the pilot's eye is still the prime tool for avoiding a collision.

It is a controversial field, bound up in politics, economics, the laws of physics—and such human frailties as a pilot's stubbornness, a controller's carelessness or a computer's confusion.

It cannot be discussed without discussing crowded airports, higher taxes, annoying delays—and a respectable safety record that is the envy of the world, but that could be better because it is not perfect.

#### COLLISIONS ARE RARE

Collisions are rare. There were 25 last year. None involved airliners, and most were

at uncontrolled fields. Representative Harvey O. Staggers, Democrat of West Virginia, who is chairman of the House Commerce Committee, said last month after investigating recent accidents that they were widely dissimilar in terms of geographic location, weather, time of day and type of aircraft. Mr. Staggers voiced the frustration of looking for a simple answer:

"It is appalling that there is no single problem nor single solution to the need for achievement of the highest degree of air safety."

Help is on the way in the form of improved technology, more men, and even air traffic control satellites. But to keep the safety record intact, much less improve it, more delays and restrictions are in prospect.

Meanwhile, the National Association of Government Employees, an aggressive union hoping to recruit more air traffic controllers, has charged recently that the nation's airways already are so undermanned and underequipped that flight is "at public peril."

#### NEW MEASURES SOUGHT

The aviation agency, which operates the airways, does not agree, nor do the statistics. But a series of interviews and visits to airport towers and control centers leaves no doubt that all concerned feel it is time to take new measure of the problem.

"Past experience concerning how fast we're getting into trouble is no indication of how fast we're getting into trouble now," Oscar Baake, the director of the aviation agency's heavily populated Eastern Region, said.

He did not mean trouble in the sense of imminent mid-air collisions, but in the sense that the traffic has suddenly begun to grow faster than the system for controlling it—a potentially dangerous situation.

Men on the ground began to help men in the air in 1919, when the International Commission for Air Navigation wrote rules advising each pilot to "give way to another to avoid collision."

#### RADIO TOWER IN 1930

In the late 1920's, flagmen at a few airports signaled pilots when it was safe to take off or land. By 1930, a radio-equipped control tower had been installed at Cleveland.

Robert C. Schwank, now assistant chief of the world's busiest tower at O'Hare International Airport in Chicago, refers to the 1930's as the "Hi, Lindy!" days.

"They used to give the late baseball scores to the incoming Capital and Eastern crews, and the crews recited poetry: 'Over the shoreline, feeling fine, what's the time?'

"We don't have much room for that now. It's a big business. The red scarf bit and the open cockpit are gone."

#### 305 FEDERAL TOWERS

O'Hare is one of 305 Federal towers that together handled 44,952,806 take-offs and landings last year. There are 9,368 other airports, helicopter pads and control towers. The agency also operates 28 control centers along the flight routes. At the end of 1966, it employed 17,725 controllers, maintenance men and supervisors—more than double the 8,036 of 10 years ago. Six hundred new men have been requested for fiscal 1968.

On a clear spring morning recently, a reporter stood with Mr. Schwank in the O'Hare Tower and watched a young controller direct three takeoffs and one landing in 19 seconds. The mixture of light planes and airliners used three runways.

"In the next few minutes we'll have 16 or 17 departures, all westbound and all competing airlines," Mr. Schwank said. "If you're first or second in line, you're going to make Los Angeles on time, but if you're 17th in line, you're going to have to wait. We have to put an envelope of air between each two planes."

Approaching O'Hare that morning the pilot of a jet flight from Washington, D.C.,

had announced to his passengers: "Well, ladies and gentlemen, we're not going to stop up here completely, but we are slowing down quite a bit due to traffic. As usual, there are a lot of airplanes trying to get into the same place at the same time."

"Neither the passengers in the 17th plane to Los Angeles nor those on the incoming flight realized that the jams resulted from the way the airlines competitively "bunch up" the flights on the hour or half hour."

Mr. Baake, noting that Kennedy International Airport has 14 flights scheduled at 10 A.M. and 14 at 9 P.M., called this "basically wrong, since it is physically impossible for more than one aircraft to depart on the same runway at the same time."

By directing two steady flows of huge airliners to takeoffs and landings on parallel runways, set a mile apart, O'Hare can partially offset the "bunching," or as Mr. Schwank put it:

"We can bring two streams of metal into the shop at once." Eventually there will be three pairs of parallel runways—six streams of metal. This cannot be done at Kennedy, however, chiefly because of noise restrictions.

#### CLEAR APPROACH AT O'HARE

O'Hare is unusual in that geography, foresight and luck have left it with relatively clear approaches. Planes often can fly directly to a landing or directly out on takeoff. Rather than twist, turn and circle as the vastly more cramped New York air space requires.

Once a month, O'Hare's tower handles more than 2,000 flights in a day. Last Jan. 3, 105,000 passengers used the field and the average is 80,000 a day—about what Grand Rapids, Mich., handles in a year.

But O'Hare is now limited at busy hours, not by traffic control but by gatepositions at the terminal. Arriving aircraft sometimes must park briefly in an area that controllers have nicknamed "the penalty box."

Thus the airport itself can become the bottleneck. The experts speak of "airport strangulation," and a Federal task force is seeking solutions to it.

#### TEN MAIN AIRPORTS

"It may be the very thing that keeps the explosive growth from happening," David D. Thomas, deputy administrator of the F.A.A. and a former controller, said.

"The Richmonds, the Nashvilles, the Charlottes can take it. But one-half of our air travelers originate at 10 of our largest airports."

This is a problem that reaches far beyond the 10 per cent of American adults who fly regularly. Mr. Baake has warned that New York City, which has lost people and industries as the nation's population shifted westward, will increasingly realize how "inextricably interrelated" its economy is with aviation unless congestion there is relieved.

A control tower is designed by the aviation agency as a facility for the "safe, orderly and expeditious flow of air traffic." Controllers take their duties in that order. When it is necessary for safety, they simply slow down the planes.

#### HANDLES THE BUSIEST

"There is no pressure on me to shave the safety margin," James Boyle, head of the control center at Ronkonkoma, N.Y., said. The center handles the busiest airways in the world, in the Boston-New York corridor.

"The airlines are talking dollars and cents when they urge an end to delays," Mr. Boyle said. "But don't get any ideas that we compromise with safety—we don't."

"I have no compunction about keeping a guy on the ground. My problem begins at the airport. If I've got no place to put them, then they stay up there or they stay on the ground."

Yet the public, including the owners of

95,000 private business and pleasure planes, have the right to expect not only safety but "orderly and expeditious handling." Most, however, would like to see only the other man's flight subject to control.

#### IDEAL WEATHER LIMITED

Only 10 per cent of the 200,000 flights a day are made under air traffic control in ideal weather. But all high-altitude flights—cruising military, airline and business jets—are controlled. And when the visibility is low, "it is 100 per cent," Mr. Thomas said.

After 278 people died in mid-air crashes in two years in the late 1950's, 40 to 45 Congressional committees investigated air traffic control. The number of controllers has since been doubled. Millions of dollars have been poured into electronic aids and more into research, and more control has been instituted. Military, and civil aircraft control were merged when the Federal Aviation Agency was formed.

"Yet during that period of great expansion of the system, there was no comparable increase in total air activity," Mr. Baake said.

This plateau in the aviation growth curve gave legislators and administrators second thoughts. The pressure to expand decreased. About this time, budgetary restrictions resulting from the Vietnam war began. Aviation agency officials insist that these restrictions have not compromised safety, but that more expansion is now due.

"We have tightened our belts more than we would have to have remained comfortable," Mr. Baake said.

#### MORE WORK AND CARE

The safety record has been maintained in two ways, he said: "You slow down the entire system," and "you're asking the individual within the system to do more." This means more work and more care from pilots and controllers.

"From a standpoint of reliability on a second-to-second basis, few occupations are as demanding as that of the air traffic controller," according to Dr. P. V. Siegel, the Federal air surgeon.

He has written that psychological testing shows the controller to "possess a higher intelligence, greater self-discipline and self-control, a tough realism, greater conscientiousness and less anxious insecurity" than the general population.

"There are very few other jobs with so much guardianship," Dr. H. W. Withers, chief of the aviation agency's aeromedical services division, said.

#### GREATER RECOGNITION SOUGHT

The union controllers have demanded more recognition of this in negotiations. The agency agrees with them on some points. But Mr. Schwank believes most of the 87 men in his tower are "young and healthy," and adds: "There are strains and stresses in selling cars or working in a steel mill or working for The New York Times. You can get an ulcer, too." Nevertheless, he agrees that controlling is a new field, and "we don't yet know what it does to a human being."

The average age of a controller is 35 years. Most now are recruited "off the street" since there aren't enough service-trained men. The attrition rate is high for the first two years, but despite the tensions, it is very low after that. Mr. Schwank says the "make-it age" for a controller is from 23 to 32 because "if he's 33 or more, he can't make it with the eyes."

#### A PURE-LUCK SYSTEM

Controllers now want the option of full retirement after 20 years. Some say they feel they are "over the hill" soon after 40. The agency officially favors the 20-year option, but many older ex-controllers do not.

"I lean toward them on this," Mr. Boyle said. "My only question is whether they can afford it."

"It would be the best thing for the agency."

Mr. Thomas said, "but I'm not sure I'm personally for it. I don't think it is necessarily good for people. It comes just as you get kids in college. It can be a traumatic experience."

Last week the aviation agency ordered liberalization of some work, pay and time-off regulations. It also authorized immediate recruiting and accelerated training of new controllers. The union took credit for these actions, saying it had achieved a "fantastic victory."

One controller charged that air traffic control now is "a pure-luck system." But, like other controllers who came to a Washington press conference last March, he came by air and he came from Boston, through the toughest air corridor of all.

In dozens of interviews, no controller expert denied that luck is involved but they differed on its importance.

Joseph Maggiulli, a 34-year-old controller at the New York center said:

"You multiply what we do by the month, by the year—there has to be a lot of luck, the same as driving your car, except more so. Anybody who tells you different is a liar."

#### MONEY SOUGHT FOR RUNWAYS

Mr. Schwank, who began controlling air traffic 25 years ago, said: "We're not trying to throw the luck out the window, but we're trying not to depend on it even a little bit. We're not trying to depend on it at all."

What can be done to eliminate the luck and perfect the system?

"It's like beautifying America," Mr. Thomas said. "There is no single dramatic thing you can do." Given a choice he would put more money into runways, immediately.

General McKee, the agency's chief, said he would like to see, in this order: A collision avoidance device on every plane; the so-called alpha-numerics (for alphabet and numbers) radar system installed and working; adequate airports, and finally, "to have us fly every day and never have an accident—but I don't ever foresee that happening."

#### STUDY OF TRAFFIC NEEDS

The Radio Technical Commission for Aeronautics, an association of Government and industry aeronautical groups, has just issued a long-range study of air traffic needs. Essentially, it calls for more of everything—education, men, money, technology, and concrete.

The alpha-numerics system for the first time will make radar's magic eye three-dimensional. Without it, a radarscope does not record altitude and a pilot and controller must swap information by radio. But planes not under radio and radar control now and in the future, will remain faint, annoying and potentially dangerous blips on the radar screen.

Alpha-numerics also still has many electronic bugs and, like most automation, it has temporarily increased the manual workload, though it promises greater safety and productivity later.

By 1977, the highly automated National Air Traffic System—Stage B—will be in operation. Its computers will predict "conflicts"—any entry of one plane into another's block of airspace.

Collision avoidance systems also should have been perfected by then and may be cheap enough for even the Sunday pilots.

#### ALMOST ALL TO BE JETS

But by then, landings and takeoffs at federally-controlled towers are expected to more than triple, and controlled or Instrument Flight Rule flights are to climb from 5.2 million to 12.4 million a year.

Twenty-nine hundred of the 3,500 airliners will be jets—including 86 supersonic transports—and the private and business plane fleet will reach 180,000, with 8,000 of them jets.

These agency forecasts assume the system can absorb this growth.

"All our predictions say in little fine print, 'provided there are no restraints,'" Mr. Thomas said.

Lawsuits follow most accidents, especially collisions, and pilots, airlines, manufacturers and controllers can be the targets.

COULD MORE BE DONE?

"What we always get sued on is not whether we followed the book, but whether we possibly could have done more," Mr. Thomas said. It is this question that is rising to the surface again as it did 10 years ago.

"Nearly everyone who doesn't own one—Congressmen, editors and so on—say, 'Get the little planes out of way,'" Mr. Thomas said.

But the Volkswagen has as much right to the turnpike as the bus or truck, as 95,000 small plane owners, many of them large corporations, vocally point out.

To Mr. Thomas, the air traffic control future looks as if it will have "more delays, more regulation—but not necessarily more direct control," more automation and a higher degree of safety.

In the meantime, it may be of some small consolation to air travelers that the rush hours and the most crowded areas are the least dangerous.

Conflicts, near-misses and accidents seem to occur most when pilots and controllers are relaxed—not when the heavy traffic "and the adrenalin are flowing," Mr. Thomas said.

**FEDERAL APPELLATE JURIST LAUDS BILL TO PROVIDE CONGRESS WITH OFFICIAL ADVOCATE**

**Mr. HARTKE.** Mr. President, on March 23 of this year, I introduced a bill (S. 1384) to provide the Congress with its own official advocate, a Congressional Counsel General. The basic concept, as expressed in several speeches I addressed to the subject, is to insure the Congress is able to speak in a unified, timely, and authoritative voice on issues that vitally concern the rights of both the Congress and the people we represent.

Since introduction, the response to the bill has indeed been gratifying. Endorsements have come from private citizens, lawyers, U.S. attorneys, Federal and State bar associations, academic leaders, and from Federal appellate jurists. This response from the judiciary is particularly gratifying as cases the Congress appears in must ultimately be decided by the courts. Endorsement by a judge who must deal with issues raised by this bill indicates a desire on the part of the judiciary to welcome into its courts all evidence and points of view that are germane.

**Mr. President,** the Honorable John R. Brown, soon to be chief justice of the U.S. Court of Appeals, Fifth Judicial Circuit, has written me a very interesting letter. His honor points out the needless fragmentation of the Federal sovereignty when the intent of Congress is presented by several different Federal agencies, all of which have a different interpretation. He further states that in this time of relentless and rapid change it is necessary to change oneself in order to remain up to date and, most important of all, remain effective. I believe that the Congressional Counsel General would be of help to the Congress in its duties of making the laws and seeing to it that they

are executed in consonance with the intent of Congress.

Mr. President, I ask unanimous consent that Judge Brown's incisive letter be inserted in the RECORD. I further wish at this time to extend to him my congratulations on his impending succession to the chief judgeship.

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

U.S. COURT OF APPEALS,  
April 18, 1967.

HON. VANCE HARTKE,  
U.S. Senate,  
Washington, D.C.

MY DEAR SENATOR HARTKE: I was complimented when you sent me your letter of April 5 with its extract from the Congressional Record and your splendid presentation of this very interesting proposal.

We have plenty of business in the busy Fifth Circuit, but we don't have nearly as much of your kind of business as does our Sister Court in the District of Columbia Circuit. Still, I can certainly see that in this evermore complicated world the need for special legal assistance to the Legislative Branch. The fact is things are changing so much the traditional time-honored notions simply don't fit any more. Were your proposal enacted, there would undoubtedly be the usual shake-down cruise, complications, conflicts, and clashes. But I would think they would work out. I would think one thing to be guarded against is putting the Courts in a position where more than absolutely necessary they may be required to choose between the voice of the Legislative Attorney General and that of the Executive Attorney General. Of course we have to do this now, but only rarely when, say, the Interstate Commerce Commission has one view, the Attorney General's Antitrust Division has another, the Secretary of Agriculture has still another, and the Supreme Court has to decide it on its own.

I shall follow this with interest.

As I succeed to Chief Judge and its attendant administrative duties in July 1967, I shall be in Washington from time to time. I shall make it a point to see you.

Sincerely yours,  
JOHN R. BROWN.

**THE SOCIETY OF THE SECRET EAR**

**Mr. LONG** of Missouri. Mr. President, this week, the Senate Subcommittee on Administrative Practice and Procedure resumes hearings on S. 928, the proposed Right of Privacy Act of 1967.

One of our witnesses will be Mr. Jack G. Day, an attorney in Cleveland, Ohio, and president of the Association of Defense Lawyers in Criminal Cases. At a recent National Civil Liberties Clearing House Conference, Mr. Day spoke on the subject of wiretapping and eavesdropping. His remarks, entitled "Some Reflections on the Society of the Secret Ear," deserve the attention of my colleagues and I ask unanimous consent to insert, at this point in the RECORD, the remarks of Mr. Day.

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

**SOME REFLECTIONS ON THE SOCIETY OF THE SECRET EAR**

(By Jack G. Day)

"Eaves-Droppers, or such as listen under walls or windows or the eaves of a house, to hearken after discourse, and thereupon to frame slanderous and mischievous tales,

are a common nuisance and presentable at the court-leet: or are indictable at the sessions, and punishable by fine and finding sureties for their good behavior." 4 Blackstone's *Commentaries* 168.

"The limitations of human hearing . . . diminish its potentiality for harm. Electronic aids add a whole new dimension to eavesdropping. They make it more penetrating, more indiscriminate, more truly obnoxious to a free society. Electronic surveillance, in fact, makes the police omniscient; and police omniscience is one of the most effective tools of tyranny." [Brennan, J., dissenting in *Lopez v. U.S.*, 373 U. S. 427, 466 (1963)]

**DEFINITION OF EAVESDROPPING**

In approaching this question, the broadest definition of eavesdropping is adapted to include all manner of undisclosed government interventions into the privacy of persons utilizing technical equipment whether it be telephone wiretapping, dial recorders, electronic bugging devices, recording equipment, sonic techniques, parabolic microphones, or any other device or technique allowing surreptitious intrusions.

**COMMON CHARACTERISTICS OF ELECTRONIC SURVEILLANCE**

Whether the technique of intervention is a telephone wiretap, a tiny microphone in a room (planted or on the person of an emissary), a spike in a wall, a detectaphone against a wall, sonic flooding, an extension phone, or directional parabolic microphone, there is a common element—the secret invasion of privacy.

In addition, the invasion, almost invariably, involves a general intrusion, as contrasted with the limited excursions permitted by the Fourth Amendment.

**NO DICHOTOMY BETWEEN INDIVIDUAL AND PUBLIC RIGHT**

Parts of the lay public especially—but not alone—debate the propriety of electronic eavesdropping in terms of the rights of the accused and the rights of the public to protection against criminals as though there were a sharp dichotomy of interest. In a society founded on the primacy of the individual there is no warrant for a presumed separation between individual rights and those of the "Public"—a nebulous entity more easily named than defined.

**CRIMINAL DEFENDANTS ARE INDIVIDUALS ONLY CHARGED WITH CRIME**

The "public", whatever it is, is not monolithic on any public issue. At best there are several publics of fluid membership and in every event made up of aggregations of individuals. Not all the "public" recognize a separation of interests between the individual defendant and society. Such "publics" know criminal charges are assessed against individuals. And any individual might find himself charged under the complex laws of this complex society. For them it helps perspective to remember that you, personally, could be in the dock.

And it will not do to solace a charged person with the assurance that his basic constitutional rights are being diminished or sacrificed to the interests of society. In this connection it helps to keep matters straight if it is constantly recalled that we are discussing the rights of persons accused of crime. The distinction between accusation and guilt is a meaningful one. Hopefully, the distance between accusation and conviction is and will remain a long way.

**PRIVACY: A SIZABLE HUNK OF LIBERTY**

With these propositions for a backdrop the point of view of this paper may best be summarized in an observation by the late Justice Jerome Frank of the Second Circuit concurring in *On Lee vs. United States*:<sup>1</sup>

<sup>1</sup> 193 F. 2d 306, 315-316 (2 Cir. 1951).

"A man can still control a small part of his environment, his house; he can retreat hence from outsiders, secure in the knowledge that they cannot get at him without disobeying the Constitution. That is still a sizeable hunk of liberty—worth protecting from encroachment. A sane, decent, civilized society must provide some such oasis, some shelter from public scrutiny, some insulated enclosure, some enclave, some inviolate place which is a man's castle." (Emphasis added)

One need only add that the "home" does not exhaust the list of legitimately private places.

Such attitudes reflect a spiritual concord with Justice Brandeis' dictum that the right to be let alone is ". . . the most comprehensive of rights and the right most valued by civilized men".<sup>2</sup>

#### THE PUBLIC APATHY

If it can be assumed that most of us will accept the advantages of privacy for ourselves, why do we encounter such waves of apathy over the proposed "legislation" of eavesdropping and over the illegal surveillance that constantly goes on? One gets the impression when a former Attorney General of the United States and the Director of the FBI have a public exchange over who authorized eavesdropping the public shows more interest in the personal controversy than in the fact of the privacy invasion.

#### APATHY—ILLNESS OR FEAR OR HELPLESSNESS

Apathy toward known conditions that ought to alarm suggests either illness or a repressive fear or a sense of helplessness. Are there such conditions present now to explain the relative blandness of public reaction to existing and proposed privacy invasions?

Indeed, there are. For nearly forty years this nation has lived in the shadow of war—perhaps the most pervasive activity of man to distinguish him from the apes to the apes' advantage. War necessarily is anxiety inducing and creates a willingness to stomach government action in ways and in areas otherwise unendurable. Modern war is tied to ideological conflict and it is not happenstance one of the exceptions to the right of pristine privacy most persistently advanced is for matters relating to the national security, especially subversion. I pass the fact that subversion is difficult of definition and that the effort to define is frequently by political and moral idiots.

#### THE PARALYSIS OF HELPLESSNESS

Another explanation of the general apathy to contractions of liberty rests in what Paul Goodman, in a perceptive essay in the New York Review of Books (11/3/66), has called "The Psychology of Being Powerless". That is, the "psychology . . . that history is out of control". The condition creates a chronic climate of emergency with a neurotic, delusional reaction from authorities. And, I suggest, from the members of the public as well. Thus, national security, the increase in juvenile delinquency, and the rising crime wave are used to justify all sorts of falls from constitutional grace. As the crises deepen the justification widens and the falls are longer.

The ordinary citizen—sensitive enough to his privacy, other things being equal—is overwhelmed by justifications which make other things seem not equal. Being distant from the decisional centers and unable to sift out truth from half truth and fancy—more likely than not—he stops trying. Naturally, the privacy invaders are encouraged.

<sup>2</sup> Brandeis, J., dissenting in *Olmstead v. United States*, 277 U.S. 438 (1928).

<sup>3</sup> See *The Eavesdroppers*, Dash, Knowlton and Schwartz, Rutgers University Press, 1959; *The Intruders*, Senator Edward V. Long, Frederick A. Praeger, Publishers, 1967, for the extend and ingenuity of eavesdropping techniques.

#### THE BALANCE OF VALUES

These things account, at least in part, for apathy. However, there are still those who find the strength to balance anxiety, fear, and the chance for effective action with constitutional rights and still achieve a reading favoring the latter.

For them the literal reading of the Fourth Amendment posits certain inflexible conditions not protracted by crisis. The Amendment flatly states the ". . . right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures."

Furthermore ". . . no Warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."<sup>4</sup>

#### EAVESDROPPING A SEARCH

If eavesdropping can be equated with a search of places for things, the portions of the Fourth Amendment which control the search of places and seizure of things are obviously relevant. And a search and seizure even with a warrant must have four components. These are:

- (1) Reasonableness.
- (2) Issuance for probable cause established on oath or affirmation.
- (3) A particular description of the place to be searched.
- (4) A particular description of the thing or things to be seized.

#### IS A LEGAL ELECTRONIC SEARCH POSSIBLE?

It is readily apparent that any effort to develop a legal warrant for eavesdropping, assuming the Fourth Amendment is applicable, will encounter some constitutional difficulties with requirements (3) and (4) and perhaps (1) on the ground that *generality is proscribed*. In any event, there is a tenable argument that an electronic search is incompatible with "reasonableness" because of its intrinsic secrecy and its inability to be particular.

#### THE OLMLSTEAD CASE

Of course, all the problems of eavesdropping may be without constitutional consequence if *Olmstead v. U.S.* 277 U.S. 438 (1928) represents the current thinking of the Supreme Court, and if—a very big if—the *Olmstead* principle will be extended by the Court beyond its facts to include eavesdropping tactics other than telephone wiretapping. *Olmstead*, over classic dissents, simply avoided the Fourth Amendment by the flat declaration that in the use of taps "There was no searching. There was no seizing."

#### SECTION 605

Congress attempts to regulate wiretapping in Section 605 of the Federal Communications Act. If it was intended to nullify *Olmstead*, the section is so worded that the dimension of the intent is most ambiguous and the success even with Federal agents has been indifferent. Cf. Hoover, *A Comment on the Article*, "Loyalty Among Government Employees", 58 Yale L.J. 401, 405 (1949). And this despite the fact that the Supreme Court said in *Nardone v. United States*, 302 U.S. 379, 380, 383-385 (1937) that the Section 605 prohibition "No person . . . shall intercept and divulge . . . such intercepted communication . . ." included Federal officers. And evidence acquired by them in violation of Section 605 was inadmissible.<sup>5</sup>

<sup>4</sup> It is plain that words as well as tangibles are within the protection of the Amendment. See *Wong Sun v. United States*, 371 U.S. 471 (1963); *Silberman v. United States*, 365 U.S. 505 (1961).

<sup>5</sup> A defendant may not complain of the use of intercepted communications (to which he was not a party) to induce testimony by others. *Goldstein v. United States*, 316 U.S. 114, 122 (1942).

The actions of state officers have been less responsive to section 605 restraint. See *Schwartz v. Texas*, 344 U.S. 199 (1952); *Pugach v. Dolinger*, 365 U.S. 458 (1961).

#### RECENT EAVESDROPPING ISSUES IN THE SUPREME COURT

The briefest of sketches of the subsequent history of eavesdropping in the Supreme Court of the United States demonstrates the judicial uneasiness with the problem.

The Court has found, following *Olmstead*, no Fourth Amendment violation in official placement of a detectaphone against an office wall to pick up conversation in an adjoining office, *Goldman v. United States*, 316 U.S. 129 (1942); no invasion of Fourth Amendment rights in admitting conversation received by a Federal agent on a radio tuned to a transmitter concealed on the person of an informer who went onto the defendant's premises and engaged him in conversation, *On Lee v. United States*, 343 U.S. 747 (1952); and no constitutional impediment to the use of conversion heard surreptitiously on an extension phone with the consent of the subscriber, *Rathburn v. United States*, 355 U.S. 107 (1957). On the other hand, the Fourth Amendment is violated when the police drive a spike through an adjoining wall, hit a heating duct and turn a whole house into a giant microphone. The Court decried deciding basic constitutional issues by reference to real property trespass concepts. Nevertheless, the physical invasion seemed to be a major point of reference. *Silberman v. United States*, 365 U.S. 505 (1961).<sup>6</sup>

A very slight physical invasion will do. *Clinton v. Virginia*, 204 Va. 275, 130 S.E. 2d 437, 442 (1963) ("a thumb tack to hold the small device in place") rev'd per curiam in 377 U.S. 158 (1964). Later, utilizing the Sixth Amendment's right to counsel guarantee, the Court held evidence acquired in much the same fashion as in *On Lee* subject to a motion to suppress. Right to counsel considerations were relevant because at the time of the broadcast the defendant was under indictment, *Massiah v. United States*, 377 U.S. 201 (1964). See also *Coplton v. United States*, 191 F. 2d 749, 757-759 (D. of Col. Cir. 1951).

In *Lopez v. United States*, 373 U.S. 427 (1963), the evidence of a face-to-face conversation between the defendant and a federal agent and preserved by the agent on a tape recorder was held admissible to corroborate the agent. There were strong dissents, especially by Justice Brennan who raised such questions as whether the tape was not itself third party evidence. As such, it is impermissible because of the impossibility of confrontation and cross-examination. Very recently, the majority of the Court permitted itself a curious inferential sophistry by dwelling with obvious satisfaction on advance judicial approval of a taped face-to-face conversation, *Osborn v. United States*, 385 U.S. 323 (1967).<sup>7</sup> Intervention by an independent magistrate between the police and any subject of electronic surveillance is, of course,

<sup>6</sup> The invasion of a public telephone booth is within the physical intrusion principle, see *United States v. Madison*, 32 L.W. 2243 (D.C. Ct. Gen. Sess. 11/18/63).

<sup>7</sup> The majority opinion specifically said that these circumstances do not render the recording surreptitious, p. 372. And the Court seems to embrace a new procedural standard when it states the issue at p. 329:

"The issue here . . . is . . . the permissibility of using such a device [recorder] under the most precise and discriminate circumstances which fully met the "requirement of particularity" which the dissenting opinion in *Lopez* found necessary."

(bracketed material added)

Maybe so, but not the particularity which the Fourth Amendment requires.

better present than not, but a magistrate's participation does not solve the problem of interpositions necessarily indiscriminate. Nor does it reach the confrontation and cross-examination issues which even face-to-face recordings may generate under the Sixth Amendment. Nor can the general search problem be resolved by suppression of all but the germane yield from the eavesdropping. Cf. *Osborn v. United States*, *id.* 330. Such a solution does not satisfy the policy reasons for protecting privacy.

Should electronic scanning be deemed responsive to the Fourth Amendment then *Mapp v. Ohio*, 367 U.S. 643 (1961), extends the response to state action. And Federal standards will determine minimal constitutional requirements. *Ker v. California*, 374 U.S. 23 (1963).

This abbreviated review of the ultimate appellate court's work in this area leaves for consideration other fundamental problems of proof—problems which have their most dramatic incidence at the trial stage.

#### THE APOTHEOSIS OF SCIENCE—A NEW GOD IN THIS CENTURY

Faith is not the business of religion alone and for more than a hundred years a gradual apotheosis of science has been going on. It is as much the God of this century as reason was of the Eighteenth.

The difficulties posed for a fair trial by the deification of science lie in the bogus, but pervasive, reputation of scientific investigation for absolute verity. Myths die hard. But it is simply not true that the instruments and procedures of science never yield an error. And science can be perverted. The coupling of theological certainty with a capability for manipulation poses terrible danger. It is widely contended that tape and film will not lie. True enough—but liars run, splice, erase, and stage or manufacture situations on both tape and film. Undiscovered or undisclosed tape or film "processed" or "handled" for the purposes of making a trial point raise virtually insuperable problems for the side which must rebut the scientific evidence. For example, the tape corroboration of one side's human witness renders a solo human rebuttal a testimonial farce. It is apparent then that if tape or film is to be used at all in a court room, the minimal conditions for such use are the development of techniques to insure probity.

The literal situations in which tape can be used, and manipulated, for evidential purposes, takes several forms<sup>8</sup> and each generates a train of constitutional issues.

#### A MULTIPARTY OF FACTUAL SITUATIONS

The fact patterns which will characterize evidential problems generated by technologic eavesdropping include these:

(1) Face to face confrontation between the defendant and a revealed government representative who records the conversation.

(2) The same situation as (1) except that the defendant is indicted at the time.

(3) Face to face confrontation between the defendant and an unrevealed government representative who is either surreptitiously recording or broadcasting the conversation to another agent who is:

- (a) Recording verbatim;
- (b) Selectively recording;
- (c) Simply listening.

(4) The same situation described in (3) except that the defendant is indicted at the time.

(5) Surreptitious intervention unknown to both parties to a conversation:

- (a) by telephone tapping;
- (b) by laser beam, sonic flooding telephone or other device not involving actual physical invasion in the usual sense characteristic of trespass.

(6) Surreptitious intervention unknown to both parties to a conversation but involving a physical invasion in the usual trespass sense i.e. by going on or "into" the premises to fix the device for the surveillance.

(7) Taking any of the actions implicit in (5) or (6) and

- (a) Recording verbatim;
- (b) Selectively recording;
- (c) Simply listening.

(8) Surreptitious intervention as to one party to a conversation with the permission of the other:

- (a) by recording a telephone conversation;
- (b) by tapping a telephone line;
- (c) by listening on an extension phone.

In determining the admissibility of the product of surveillance under the circumstances listed (these do not necessarily exhaust the possibilities), assuming a protected place,<sup>9</sup> the Fourth Amendment has application in some situations,<sup>10</sup> arguably the Fifth is controlling,<sup>11</sup> and the Sixth has blocked admissibility under certain conditions.<sup>12</sup>

It is unlikely that the majority of the court as presently constituted, with its sensitivity to physical invasion, will react any differently than it did in *Silverman* or *Clinton*, when the physical invasion involves a planted transmitter, sonic flooding a laser beam or vibrations transmitted into sound waves through a wall. However, the court may shift its emphasis to the "unreasonable" and/or "general" quality of the search in such physical invasion cases. This would avoid even the echo of the technical trespass concept in *Silverman* and at the same time would not strain the theory to encompass new technological developments.

Under any conditions the use of recordings or tapes of surreptitious interventions must

<sup>8</sup> Cf. *Lanza v. New York*, 370 U.S. 139, 145-147 (1962) where conversations between brothers in a public jail were intercepted but the constitutional issue based on a "protected place" was not tendered because the conviction rested on a refusal to answer at least two questions unrelated to the interceptions. See also *United States v. Kahn*, 34 L.W. 2488 (DC SD NY 2/21/66) in which the use of a product of an electronic surveillance of a prisoner-attorney conference was permitted at the lawyer's trial. The prisoner had consented to the eavesdropping. The attorney was not under indictment at the time. Cf. *Smayda v. United States*, 34 L.W. 2214 (9 Cir. 10/11/65) where photographic evidence procured by boring holes in the ceiling above toilet stalls was admitted. In *People v. Rial*, 34 L.W. 2422 (NY S. Ct. App. Div. 1/20/66) a planted tape recorder in defendant's hospital room yielded material used to refresh recollection of prosecution witnesses. Defendant's conviction vitiated. Hospital a protected place.

<sup>9</sup> E.g. situated (6) above, *Silverman v. United States*, *supra*; *Clinton v. Virginia*, 204 Va. 275, 130 S. E. 2d 437 (1963) reversed per curiam in 377 U.S. 158 (1958) (the "invasion" involved a thumb tack holding a microphone to the wall). Cf. the fact situation in *Irvine v. California*, 347 U.S. 128 (1954) where microphones were strung into a private home through holes bored in the roof.

<sup>10</sup> See Black, J. concurring in *Mapp v. Ohio*, *supra*.

<sup>11</sup> E.g. situation (4) above. See *Massiah v. United States*, *supra*; *Coplon v. United States*, 191 F.2d 749, 757 (D.C. Cir. 1951). Brennan, J. dissenting in *Lopez v. United States*, *supra*, at 450 and *United States v. Coplon*, 185 F.2d 629, 637-638 (2 Cir. 1950); cf. *On Lee v. United States*, *supra* but see the discussion of confrontation by Warren, C.J. dissenting in *Lopez v. United States*, *id.*, 443-446.

stand the test of cross-examination and confrontation on the details of acquisition in order to test authenticity. The awesome "exactness" of science cannot be allowed a linkage with chicanery to irrevocably damn the accused. On the other hand an honest recording may provide sterling corroborating evidence for either side or clearance for the defendant.<sup>13</sup>

It must be remembered that the usefulness of a recording to safeguard a defendant can be nullified by erasures, non-disclosure of the recording's existence or by deliberate blurring. There is always the additional possibility of erasure and splice. This can be accomplished with fair ease by re-recording on a new record or tape with electric omissions. Detection of a professional acoustical splice is virtually impossible.<sup>14</sup> Obviously, the persons who generally know most about such recorded material's acquisition are prosecution witnesses.

#### FORECAST—"FLOOD CONDITIONS"

If constitutional development does not impede secret surveillance, privacy will have little defense from police excesses. Judicial control and subject matter *inclusions* will make little difference. History bulges with evidence that the police will not exercise self-restraint. The hostile reaction of so many judges to the expansion of exclusionary rules for the purpose of controlling illegal police action does not bode well for judicial restraint upon law enforcement officials unless there is direction from the Supreme Court of the United States. Subject matter *exclusions* are apt to be so broad that the rule against invasion will be widely ineffective. Only the most optimistic will have confidence that the expansive content of exceptions for national security, prostitution, gambling, or narcotics will restrict very much. Moreover, the general nature of an invasion of electronic or sonic encroachment will inevitably involve a search for evidence. This will introduce further difficulties. An evidential search is constitutionally forbidden and "probable cause", already an amorphous concept, acquires a new and formless dimension when the search it presumes to justify is not for specific things or persons in specific places.

#### THE FUNDAMENTAL ISSUE

After canvassing the possible factual situations which electronic surveillance may involve and the consequent legal difficulties, there remains a compelling sense that these problems are superficial manifestations of an underlying and fundamental policy struggle.

The most crucial issues in the eavesdropping controversy seldom reach an explicit stage. For the contestants, frequently, are themselves unaware of the full implications of their respective positions. The problem is not candor but *insight*. Hardly anyone who wants to "unshackle" the police would concede a desire to amend the Constitution to authorize unreasonable or general searches and seizures or admit approval of extended electronic excursions into privacy. The civil libertarians are just as confident that they are behind law and order in the highest sense and not coddlers of burglars.

In the final analysis the resolution of the privacy issue depends upon whether per-

<sup>12</sup> For example, would not a face to face inculpatory conversation under entrapment conditions nail down the entrapment defense for a defendant? However, as Justice Brennan pointed out in his dissent in *Lopez*, *supra*: "... Far from providing unimpeachable evidence, the devices lend themselves to diabolical fakery."

<sup>13</sup> See the report of Samuel Dash's experiments, *The Eavesdroppers*, *supra*, p. 368. Where the recording is accompanied by a human audition, the police have a choice between versions.

<sup>8</sup> From here on tape will be discussed without reference to film. Nonetheless, it is apparent that although there are immense differences in the two media (some of which may make film verity easier to substantiate) there is also enough in common to make obvious the point that many sources of abuse in one inhere in the other also.

sonal freedom from official indignity is more valuable than organized government's interest in combating crime.<sup>15</sup> In fine, is a policeman in the bedroom preferable to a bookmaker in the neighborhood? The only affirmative answer to this question I have ever had came from a policeman's wife.

#### WEATHER MODIFICATION

Mr. MAGNUSON. Mr. President, the Federal Council for Science and Technology recently issued a report on the national atmospheric science program for fiscal year 1968. This report was prepared by the Interdepartmental Committee for Atmospheric Sciences. Donald Hornig is Chairman of the Federal Council, and J. Herbert Hollomon, Acting Under Secretary of Commerce, is Chairman of the Interdepartmental Committee. The preface to the report contains this statement:

Recent progress in weather modification has been the subject of intensive study by specially qualified groups and of legislation passed by the Senate last year. A special summary of the Federal support of weather modification is contained herein.

The Committee on Commerce authorized the legislation which the report mentions and which the Senate passed.

In the House, Chairman HARLEY O. STAGGERS, of the Committee on Interstate and Foreign Commerce, has taken the leadership in this effort by introducing a strong weather modification bill, H.R. 9212. I am hopeful that this year, legislation will be passed by both Houses of Congress.

Not everyone will have an opportunity to see the Federal Council's special section on weather modification; accordingly, I ask unanimous consent that it be printed in the RECORD.

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

#### WEATHER MODIFICATION

(Excerpt from ICAS Report No. 11, January 1967)

It is interesting to note today that the identification of and concern for Federal support of weather modification activities actually preceded similar identification and concern for atmospheric sciences research as a whole. In 1958 Public Law 85-510, which directed the National Science Foundation to initiate and support a program in the field of weather modification, also directed the Foundation to consult with agencies of Government interested in, or affected by, experimental research in the field of weather control. An Interdepartmental Committee on Weather Modification was established by the Science Foundation to provide the needed consultation.

By the middle of 1959 several factors, including recognition that weather modification is closely integrated with and largely dependent upon research in all the atmospheric sciences, led to the reconstitution of this committee as the Interdepartmental Committee for Atmospheric Sciences (ICAS) under the Federal Council for Science and Technology. This formalized the interagency coordination in this area as within the Ex-

<sup>15</sup> See pp. 201-203, *The Challenge of Crime in a Free Society*, a report by the President's Commission on Law Enforcement and Administration of Justice, United States Government Printing Office, Washington, D.C. (1947).

ecutive Office of the President and under the cognizance of his Special Assistant for Science and Technology as Chairman of the Federal Council. Weather modification activities were coordinated as part of the research program in the atmospheric sciences and given special visibility by the National Science Foundation through an annual Interagency Conference on Weather Modification.

In 1963, however, weather modification research was identified as a special category within the atmospheric sciences program. At about the same time the NSF's Fourth Annual Report on Weather Modification gave wide distribution to a comprehensive study performed by the RAND Corporation entitled, *A Rationale for Weather Control Research*. Among recommendations for increasing some specific areas of basic research, was one which called for at least one complete field experiment to test the efficacy of seeding orographic clouds.

The following year the Bureau of Reclamation, which in 1962 had initiated studies regarding the possibilities of orographic seeding, had its proposed program for FY 1965 increased by one million dollars by the Congress to conduct "weather modification research on orographic and convective weather systems." After considerable study ICAS recommended that a major investigation of the physical processes of orographic precipitation should be undertaken and asked the Weather Bureau and the NSF Advisory Panel on Weather Modification to make special studies and develop recommendations. The National Academy of Sciences established a special panel of scientists to examine all aspects of weather modification and the National Science Foundation established a special Commission on Weather Modification to recommend Federal courses of action.

It has been a year since the publication of the National Academy of Sciences-National Research Council Publication No. 1350, *Weather and Climate Modifications—Problems and Prospects* and the directly related report of the Special Commission on Weather Modification of the National Science Foundation, *Weather and Climate Modification*, NSF No. 66-3. Both reports represented extensive study by eminently qualified scientists and nationally recognized business and educational leaders.

Both reports recognized (1) the current capabilities in cold fog and cloud dispersal and in increasing precipitation approximately 10% under certain atmospheric conditions; (2) the current favorable prospects in lightning modification and hail suppression; (3) the current potential for productive research through numerical simulation of atmospheric circulation and processes, and changes therein; (4) the need for several large scale field experiments extending over 5 to 10 years to evaluate the effectiveness of seeding; (5) the need for intensification of research in the area of inadvertent modification; and (6) the need for the enlargement of civil research aircraft facilities to meet the needs of this intensified research activity. Both reports recommended immediate expansion of the basic supporting research in the atmospheric sciences. The Special Commission Report further recommended that responsibility for the development and test of weather modification techniques be assigned to a single agency.

Some reflection of the early acceptance of the conclusions reached in these two studies was seen in the modest rise in the Federal budget support of weather modification activities from about \$7.1 million in FY 1966 to \$9.1 million in FY 1967. Further extension of this support is planned for FY 1968—\$13.8 million.

The direction and magnitude of the planned FY 1968 program described herein has been determined not only by the needs of the Agencies concerned to carry out their

assigned missions, but also by the studies, analyses and recommendations of ICAS. These latter consisted of an analysis and evaluation of the Academy and Foundation reports by a Select Panel of ICAS, a review of the current and future plans of the agencies by the same Select Panel, and a further analysis by Dr. Homer E. Newell, NASA's Associate Administrator for Space Sciences and Applications, of these agency plans leading to the formulation of a National Weather Modification Program. The program that emerges proposes to accelerate progress in three significant areas: precipitation modification, hail suppression and inadvertent modification, each of tremendous national economic importance, and each giving promise of early returns on immediate investment of intensified research and experimentation.

The program also proposes a start in the direction of assigning major responsibilities in weather modification consistent with the Weather Modification Act of 1966 as passed by the Senate in October 1966.

In precipitation modification the Department of the Interior plans to expand its existing experimental field activities and conduct preliminary ecological, legal, economic and social studies. The development of special instrumentation including radar in the Department of the Interior's program will continue to be closely coordinated with complementing efforts in ESSA's Institutes for Environmental Research, the National Center for Atmospheric Research, and the Department of Defense. The Department of the Interior will continue to rely on ESSA for assistance with analyses and forecasts of storm types and the performance of special meteorological studies. ESSA will proceed with the development of and initial activities at an experimental site in the eastern United States. It is understood that continuing activities will be conducted jointly with the Department of the Interior.

In hail suppression both NSF and ESSA plan to commit considerable effort to implement their portions of a National Hail Suppression Plan being developed at ICAS request. National Science Foundation will support the development of specially oriented university research groups. ESSA will develop specialized instrumentation and analytical techniques. A formal coordinating mechanism will be established.

In inadvertent modification ESSA plans to expand its capability to monitor atmospheric CO<sub>2</sub> with the establishment of new stations at Boulder, Colorado, along the west coast of South America and in Antarctica. The activities at Mauna Loa Observatory including those concerned with large scale atmospheric diffusion will be expanded. Technique and equipment development will be supported jointly by ESSA and NSF. Both agencies will support increased efforts in the development of mathematical models of the circulation of the atmosphere.

In other areas the FY 1968 program continues existing efforts. The Department of Agriculture Project Skyfire will continue its increasingly successful efforts to identify and modify fire-starting lightning strokes, with support by NSF. ESSA and the Army will continue their coordinated efforts to evaluate the effects of chaff in convective cloud electrical fields. ESSA and the Navy will continue their joint Project Stormfury aimed at redistributing energy in hurricanes by cloud seeding.

In the area of fog and cloud dissipation a national plan for warm fog research is in the process of being developed at the request of ICAS by the Air Force for NSF and ICAS consideration. Meanwhile the Air Force and Navy are continuing experiments attempting to develop specific techniques. In the area of cold fog dissipation the successful techniques are being examined by the FAA, at the request of ICAS to develop a national

plan indicating the Federal Government's role in this area and the need for further research.

It is important to note that weather modification research activities as identified by ICAS consist of—

a. Research involving intentional modification of any natural atmospheric process, motion, structure, or composition.

b. Research which does not directly involve intentional modification but is carried on with the *primary intent* to apply its results to category a. above.

Because of the primary intent aspects of the category b. definition, a portion of other research in such areas as physical and dynamic meteorology, and climatology will in fact contribute directly to the success of weather modification activities, but will not be identified. This is particularly true in the case of the basic meteorological research supported by NSF, NCAR, ESSA, Agriculture, the Department of Defense and AEC. Still other more general programs such as the meteorological instrumentation development programs of ESSA, NSF, and the Department of Defense, and the meteorological satellite programs of NASA and ESSA may well make significant, even vital contributions.

*Allocation of Federal funding*  
(In thousands of dollars)

|                  | Fiscal year 1966 | Fiscal year 1967 | Fiscal year 1968 |
|------------------|------------------|------------------|------------------|
| Agriculture..... | 140              | 140              | 180              |
| ESSA.....        | 650              | 920              | 3,860            |
| Interior.....    | 2,980            | 3,750            | 5,000            |
| NSF.....         | 2,000            | 3,000            | 3,500            |
| DOD.....         | 1,270            | 1,200            | 1,200            |
| NASA.....        | 70               | 70               | 70               |
| Total.....       | 7,110            | 9,808            | 13,810           |

**AGENCY PROGRAMS**

*Department of Agriculture*

**Lightning Modification (FY 68—\$180)**—Project Skyfire will continue at approximately the same level of effort as in FY 67. Network of 30 forest fire lookout stations in Oregon, Washington, Idaho, Montana and Wyoming. Radar Surveillance by USWB and Forest Service stations near Missoula, Montana. Ground based generators and 4 A/C will seed storms. Analysis of seeded and unseeded clouds will be made in cooperation with Meteorology Research, Inc. of Altadena, California. Some expansion is planned in the analysis techniques relating types of discharge to storms. Prior year's funding assistance from NSF (approximately \$70,000) will assist. Limited planning for expanding experimental areas will be continued.

*Environmental Science Services Administration*

|  | Fiscal year 1968 |
|--|------------------|
| Precipitation modification: 1968                   |                  |
| Great Lakes project.....                           | \$250            |
| Eastern precipitation project.....                 | 664              |
| Subtotal.....                                      | 914              |
| Hurricane and local severe storm modification..... | 950              |
| Hall and lightning suppression.....                | 650              |
| Inadvertent modification.....                      | 696              |
| Research flight facility.....                      | 650              |
| Total.....   | 3,860            |

**Precipitation Modification.**—The Great Lakes Project will be continued to determine the feasibility of redistributing snowfall relative to the shorelines. Cornell Aeronautical Laboratories will perform needed physical analyses and development of computer models, and cooperate with Penn State University in seeding experiments. State University of New York will conduct snow particle studies, measurement rates, wind vector analyses, and aerosol content studies.

The Eastern Precipitation Project will be a scientifically controlled test of the effectiveness of ground based seeding to determine the feasibility of augmenting or redistributing precipitation at an experimental site in the eastern United States. An aircraft seeding test may follow. It is planned that the project will be conducted jointly with the Department of the Interior. Project design, to include assessment of downwind effects, will be completed during FY 1967.

**Hurricane and Local Severe Storm Modification.**—Project Stormfury aimed at redistributing energy in hurricanes by cloud seeding will be continued and expanded as a joint ESSA-U.S. Navy effort. Seeding of tropical cumulus will also be resumed and expanded jointly with the Naval Research Laboratory to explore the natural development of the ice phase in these clouds. The development of mathematical models of hurricanes and local severe convective storms will also be intensified.

**Hail and Lightning Suppression.**—Strong support will be given to the developing National Hail Suppression Plan with major ESSA emphasis on clarification of modification concepts and the development of analysis methods. Efforts will include hailstone collection and analysis with mobile laboratory, intensive aerial probing of hail producing cells, and the development of specialized instrumentation such as radiometers and radar. The joint effort with the Army to develop and test the effectiveness of the chaff technique will be continued.

**Inadvertent Modification.**—Emphasis will continue on the monitoring of atmospheric CO<sub>2</sub>, including the establishment of new stations at Boulder, along the west coast of South America and in Antarctica. Technique and equipment development will be jointly supported by ESSA and the NSF. Other projects will involve resumption of ozone soundings, measurement of changes in surface albedo and studies of the effect of pollution on the concentration of freezing nuclei.

A major effort will be made to increase the facilities and expand the program at the Mauna Loa Observatory aimed at studying large scale atmospheric diffusion and the role of the subtropics as a sink. Planned activities will include programs in chemical analysis, atmospheric electricity and radiation measurements supported by improved automatic data processing and mathematical modelling.

**Research Flight Facility.**—One light twin research aircraft will be procured to support all areas of weather modification. The present B-57 will be modified to improve operating range, and instrumentation in it and in the two DC-6's will be improved.

*Department of the Interior*

|                                      | Fiscal year 1968 |
|--------------------------------------|------------------|
| Experimental field activities.....   | \$3,735          |
| Research studies.....                | 525              |
| Planning and program definition..... | 60               |
| General program support.....         | 680              |
| Total.....                           | 5,000            |

*Precipitation modification (\$5,000).*

**Experimental Field Activities**

Western South Dakota—develop beneficial weather modification procedures and techniques for the Northern Great Plains, cloud physics studies, computer modelling, climatology and instrumentation development.

Wyoming—seeding experiments with cap clouds for determining seedability criteria and evaluation.

Nevada—in cooperation with MRI's Flagstaff project development data acquisition and real time display systems, instrument development, cloud physics experiments to determine particle growth, dry ice seeding to obtain "standard value" for evaluation of these materials.

Utah Wasatch—methods to produce, detect, measure, and evaluate precipitation modification, development of telemetry instrumentation.

Colorado Park Range—studies of natural nuclei diffusion and precipitation characteristics, instrument development particularly with power spectrum.

Flagstaff—cloud seeding experiments determining plume characteristics and measurement, seeding, material testing, real time data collection and display development, buoyancy effect studies.

Southern California Sierra—development of weather modification techniques for Southern Sierra region of California, joint seeding coordination and evaluation with commercial operators and other research groups.

Washington Cascades—develop procedures and techniques to shift precipitation across the Cascade Range from areas of excess to areas of deficit.

New Mexico—develop techniques to augment precipitation in Upper Rio Grande Basin.

Montana—field investigation of downwind effects of artificial nucleation over orographic barriers.

Northwest Oregon—preliminary planning studies.

Oklahoma—preliminary planning studies.

**Research Studies**

Evaluation of seeding effectiveness using stream flow data.

Evaluation of results of Swiss hail suppression experiments.

Laboratory studies of the effect on silver iodide smoke of passage through a warm cloud.

Test of a cloud seeding evaluation method based on an experimental design proposed by Dr. G. P. Wadsworth of MIT.

Analysis of data from commercial projects to determine possible downwind effects of seeding projects.

Ecological, Legal, and Economic and Social studies to be performed by in-house groups including the new Office of Ecology.

Analysis and forecasts of storm types and associated meteorological studies.

Development of seeding materials and techniques, studies of condensation nuclei, and testing of seeding devices in Kern County.

**Planning and Program Definition**—leading to development of suitable experimental areas, concerning water availability and associated general considerations.

**General Program Support**

Snow course readings, instrumentation development (snow pillows).

Stream flow measurement, instrumentation development.

General instrument development and radar modification.

General program management.

**Program Assistance and Coordination Activities**

NCAR is actively assisting in the development and modification of radar equipment.

Continual consultation is maintained with ESSA's Institutes of Environmental Research to insure that instrument developments of each organization are mutually supporting. The technical libraries of ESSA in Boulder and Interior in Denver have been opened to both organizations. It has been agreed that Interior emphasis will be on the practical aspects of precipitation modification; ESSA's on the broad aspects of all facets of weather modification.

*National Science Foundation*

|  | Fiscal year 1968 |
|--|------------------|
| Fog and cloud modification.....        | \$300            |
| Precipitation modification.....        | 1,400            |
| Hail suppression.....                  | 700              |
| Lightning modification.....            | 200              |
| Severe storm modification.....         | 300              |
| General circulation.....               | 300              |
| Socioeconomic and related studies..... | 300              |
| Total.....                             | 3,500            |

Complementing this program support, given mostly to university groups, NCAR is performing much directly supporting basic research in such areas as mathematical modelling, cloud physics and assistance to university groups.

*Fog and Cloud Modification.*—The national plan for warm fog research being prepared by the Air Force cannot be funded or become operational before FY 1969. FY 68 funding will initiate development of the research tools needed to implement the field project and to perform the detailed planning and field site preparation.

*Precipitation Modification.*—Existing university and commercial groups will be supported in the testing of laboratory results in the field, including the development of new observational techniques and the replacement of obsolete and worn surplus WW II equipment with modern equipment of high accuracy and reliability.

*Hail Suppression.*—Several new research groups will be developed and supported through existing university and commercial groups to provide a broader base of talent for field experimentation.

*Lightning Modification.*—Existing university groups with talent in this area will be supported in detailed studies of thunderstorm structure as it relates directly to lightning formation.

*Severe Storm Modification.*—Continuing support of competent university groups to refine and enlarge the mathematical models of the natural phenomena involved, generally on mesoscale.

*General Circulation.*—Increase support of competent university groups in the development and refinement of mathematical models of the circulation of the atmosphere. Emphasis will be on improving understanding of problems such as inadvertent weather modification on a regional scale resulting from the growth of urban areas; i.e. the incorporation of air pollution and urban heat factors in the general circulation models.

*Socio-Economic and Related Studies.*—Several study groups supported in FY 1967 will be continued in order to develop social, economic, legal and biological models which will then be tested by field surveys and experiments to determine the prediction capability.

#### Department of Defense

Fiscal year 1968

|                            |       |
|----------------------------|-------|
| Fog and cloud modification | \$900 |
| Severe storms              | 200   |
| Lightning suppression      | 100   |
| Total                      | 1,200 |

*Fog and Cloud Modification.*—The Air Force plans the development of a new drop size (5-100u) device, the improvement of instrumentation for condensation nuclei measurements and the development of a warm fog experimentation site. The Army plans to continue field experiments testing liquid propane and CO<sub>2</sub>, capability for cold fog and cloud dissipation including the development of operational systems and associated instrumentation. The Navy plans considerable instrumentation development including measurements of humidity and vertical velocities in clouds, and the development of computer models of cumulus convection and for engineering weather modification experiments. Development of a network for warm fog experimentation is proceeding in a cooperative effort with the Forest Service. Both the Army and the Navy are preparing analyses of the susceptibility of specific areas world wide to weather modification operations.

*Severe Storm Modification.*—The Navy plans to continue its joint effort with ESSA in Stormfury including the development of improved seeding agents and dispensers.

*Lightning Suppression.*—The Army plans to continue its experiments to develop and test the capability of chaff to prevent the

development of high electrical fields in and around convective clouds. This will continue to be a joint effort with ESSA.

#### National aeronautics and space administration

*Fog and Cloud Modification (FY68-\$70).*—The work of the Cornell Aeronautical Laboratory will be continued consisting of laboratory investigation of warm fog dispersal by electrification principles, evaluating the concept for preventing radiation fog and correlation of daily nuclei measurements with prior year's data.

#### EXTRADITION OF FRANZ PAUL STANGL

Mr. KENNEDY of New York. Mr. President, the Supreme Court of Brazil is currently considering requests by Austria, West Germany, and Poland for the extradition of Franz Paul Stangl, who commanded the Nazi death camps at Treblinka and Sobibor in Poland during World War II.

I would respectfully urge that one of the extradition requests be granted. Documents before the Brazilian court indicate Stangl's involvement in the slaughter of hundreds of thousands of Jews, Poles, and other Eastern European people at Treblinka and Sobibor. He should, therefore, be extradited and tried so that justice may be done. Poland, where the death camps were located, would appear to be the most logical place for the trial to take place.

The United Nations General Assembly recommended in a unanimous resolution in 1946 that its members arrest remaining war criminals and "cause them to be sent back to the countries in which their abominable deeds were done, in order that they may be judged and punished."

That resolution is most instructive here, and I hope that the Brazilian Government, which has traditionally been extremely protective of the rights of minority groups, will take appropriate action in this case.

Mr. President, there has recently been published in this country a book called "Treblinka," by the French journalist, Jean-François Steiner. The book graphically describes the horrors of Treblinka, meticulously collecting the facts into a chilling volume. Last Sunday's New York Times carried a review of the book by Saul Maloff, in which the role of Stangl is mentioned. I ask unanimous consent that it be inserted in the RECORD at the close of my remarks.

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

#### THE TECHNICS OF SLAUGHTER

"Treblinka." By Jean-François Steiner. Preface by Simone de Beauvoir. Translated by Helen Weaver from the French, "Treblinka," 415 pp. New York: Simon & Schuster. \$5.95.

(By Saul Maloff)

Genocide, like everything else, can be conducted well or badly; like any artistic problem, it is a matter of craft and technique. The failure to understand this leads to no end of confusion and unnecessary grief. The technicians of the Final Solution—the really good ones, that is—understood this instinctively. They were no ordinary bureaucrats.

Of course the applied or mechanical arts

had to be served. In the first place, there were certain mathematical problems—of a low order, true, but still problems to be solved. Take a fairly routine brainbuster, for example. Sometimes, especially when there was a shortage of available trains—as during the Stalingrad campaign—there were more "heads" bound for the gas chambers than there were cattle cars to transport them in. At Treblinka, anyway, the cars, which were programmed to carry 100 heads in normal periods of "production," were compelled, at times of intense pressure, to increase "output" to carry as many as 150. Now, say 20 cars were available. Well, 150 Jews times 20 cars equals 3,000 heads destined for 13 gas chambers with 200 places each.

Although you have spotted the snag by now, let us continue. Thirteen gas chambers with 200 places each equals 2,600 places. Four hundred in excess! These and other inventory problems were worked out in due course, by men who were pragmatists to their fingertips.

It is wrong to suppose that the blueprint for the holocaust was perfect in every detail in advance of the occasion. Not everything could be anticipated, not even by the Nazis, given the perversity of people, especially of Jews.

Take another problem. The death camps, as we know, were intended, like some mordant Dada joke, to be self-devouring, self-liquidating—to disappear from the earth, once their mission had been accomplished. Or rather to be returned to the earth—plowed up and smoothed over and restored green and flowering and unviolated to their original state of nature, so that no one would be left to bear witness and no one would ever be the wiser. Treblinka, having exterminated the Jews of Warsaw and any others fed into its maw, would itself be exterminated.

There had been a small mishap, to be sure: the uprising of the Warsaw Ghetto—unruly, disorderly and unexpected—had upset the timetable somewhat; but the technicians made appropriate adjustments in their plans and proceeded as usual. Treblinka, having begun modestly, expanded its facilities; and having decimated its quotas, imported inventory from the far corners of Europe—making room, even, for gypsies who happened to be passing by.

By the summer of 1943, one short year after it came into existence, Treblinka's 50 acres were a necropolis for 800,000 Jews—nothing compared to the grandeur of Auschwitz; but, in its own class, exemplary. Höss, the Commandant of Auschwitz, was contemptuous of Treblinka; but that may be discounted as a virtuoso's hubris. Himmler himself came on a tour of inspection, nodded approvingly, is said to have smiled even, the highest praise from a man who smiled seldom; and ordered it—once its mission was accomplished—to terminate. Treblinka, like a gorgeous butterfly, would, at the brilliant zenith of its brief glory, perish.

Now back to the problem. Earlier on, the means of extermination had been primitive: before the chemists hit upon the perfect gas (by the rudimentary standards of the time, it need hardly be said), the Nazis and their Ukrainian underlings used perfectly ordinary methods: bullets, the whip and club, the gallows, starvation, imperfect gases—things anyone might have thought of. The bodies had been laid away, like untidily stacked cords of wood, in ditches. The terminal problem was a tough one—a real mettle-tester: the extinction of every last trace of 800,000 corpses (the figure was in a way larger, if you consider that many were dismembered), along with the camp itself.

Cremation, obviously, you might say: but try as they might, and did, the technicians, who were, after all, only men like you and me, couldn't find the right combination. Gasoline was expensive and scarce; timber

was in short supply; Jewish flesh, like the flesh of Bonzes, burns terribly slowly; and time was of the essence. The camp commandant, the genius of Treblinka, who had created it almost singlehandedly out of next to nothing, knew, briefly, the taste of despair. Franz Paul Stangl lives in Brazil now (whence four nations are seeking to extradite him), a simple, unassuming, obscure mechanic at the Volkswagen factory there (a family man with a wife and two children); but once things were different. His was a name to be reckoned with.

He had a reputation to protect and enhance; and now, just as he stood on the threshold of his immortality under the smiling aspect of Himmler, Stangl, an SS officer who had ascended from the ranks by virtue of his gifts as a production engineer and traffic manager, found that all his know-how availed nothing against the slow burning of Jewish flesh. Shamefacedly, he had to call upon Berlin to send him their best burning-man.

It turned out there was nothing to it. Some flesh burns better than some other fresh—old flesh better than young, female better than male, with children somewhere in between; it was that simple. Old ladies burned best. Accordingly, the technicians stacked them right this time, and burned them fast. "Output" picked up wonderfully.

It is impossible to go on this way, making phases and clauses out of unutterable obscenities. Jean-François Steiner, as he must, builds his narrative history of the rise and fall of Treblinka out of such materials, painfully piecing together the thousand fragments gleaned from the camp's oral traditions and the testimony of two-score survivors, the prudential Germans having destroyed all the records they had so assiduously kept. And Steiner, who was a child when his father and many members of his family were deported from France to the death camps, omits nothing, as if to omit the "smallest" detail would be to betray the solemn duty reposed with him by the dead.

Inconclusiveness is made thereby an inescapable moral obligation, as it is also the obligation of the comprehensive historian, the archivist; but whether it is consistent with the art of narrative is quite another matter. Possibly, critical categories are simply not relevant in dealing with the holocaust, are beggared and made to seem frivolous by the overpowering magnitude of the event. As with a sacred test, everything must be included; it is a holy obligation; each nail in the coffin must be recorded, and there must be no end to it. The count must go on, the roll taken, the deeds recorded long after everyone has stopped listening—as indeed everyone has; long past the time when some semblance of response was still possible. Then it must begin again, for there can be no release.

But Steiner's book is not only a mournful catalogue of the dead; it is not even essentially that; it poses problems of another order. "Treblinka" is a tale, not of defeat, but of triumph; not of extermination but of vindication and transcendence—at least in intention: an answer to the sabra's unbearable, furious and unforgiving question to their elders: How could it have happened? How could the Jews of Europe have gone to their slaughter like six million lambs, with hardly a shot fired, a Nazi throat ripped, a skull shattered? In his attempt to account for this unfathomable mystery, Steiner, apparently feeling, and rightly so, that mere history will not serve, repays to the modes of narrative—a kind of fictionalized history; and in choosing this method, he must submit to other criteria. By those, he fails; he makes indifferent fiction of history's starker event. History and art diminish rather than intensify each other.

If we can bring ourselves to regard the holocaust as material for art, if we can for one moment permit ourselves to indulge that monstrous prospect, however much we think it a desecration, then we must allow that Treblinka provided truly incomparable opportunities for high art. Concurrent with the extermination, a mood of revolt was developing in a handful of men, though never more than a relative few of the camp's "permanent" population of a thousand, those selected for their strength and willingness (eagerness, in some instances) to administer the will of their masters.

"Kurt Franz" (the Stangl "character"—only the names have been changed) was no simple killer. He was a physician of souls, even an artist *manqué*. (In fact he had once studied music—with a Jew, of course—in the hope of becoming a professional.) His manifest objective was to create a new breed of men—"perfect slaves" who upon their own initiative undertake to carry out the master plan of their universal death. Stangl wanted "good" slaves.

About the Judenrat—the privileged Jews who lived rather well on small favors—we already know as much as we can bear. The others, most of them, yielded to Franz's strategies of "moral disarmament," about which we have been instructed by such works as Bruno Bettelheim's "The Informed Heart": the ingenious processes of attrition, corrosion, corruption, dehumanization by which men were made wholly malleable, ready to do anything so long as it was not done to them, or not all at once, or not immediately. To achieve his end, Franz knew he had to induce what amounted to mass psychosis—the impossible belief in the face of clear and overwhelming evidence to the contrary that there was some hope that if one would only comply perfectly, he would remain the last man alive.

All this took art in both the figurative and the exact sense—creative imagination. Like any other artist, Franz took infinite pains. He wanted not only good slaves but happy ones. To create the impression that Treblinka was a place, not just a gas chamber, in fact a congenial spa set in attractive countryside, he could not allow the trains to deadend amidst the weeds, as they did.

He had a delightful station painted, complete with trompe l'oeil doors and windows, in gay and pleasant colors, along with charming directional signs and a wooden clock remarkable for its verisimilitude, which read an eternal 3 o'clock. For the supreme touch, he laid in real flower beds; the whole scene resembled, Steiner reports, "a pretty station in a little provincial town."

To complete the ghastly theatrical spectacle, Treblinka was transformed into a model medieval fortified town. Genocide had become, in its consummation as art, sheer *kitsch*—bad art of the Teutonic variety: sentimental, pretty, lachrymose, cloying, nostalgic, *gemütlich*—a stage setting for Viennese opera.

Predictably, "Treblinka" exacerbated Jewish feeling upon its publication in France, in a way reminiscent of the shocked outrage over Hannah Arendt's "Eichmann." Steiner had dared to say that not all Jews were Macabees and Bar Kochbas; that some cravenly betrayed their people; that the heroism of the Warsaw Ghetto was in scarce supply elsewhere; that the fatalistic or God-intoxicated *shtetl* Jews who were systematically brutalized and unmanned by the Nazis' demonic science were hardly capable of acts of splendor and gallantry.

For Steiner, that some Jews could revolt at all is the true miracle. But his French denouncers didn't wait to finish the book before writing their vituperative press releases and Steiner may expect more of the same here. The intolerable point is this. There is no way of "understanding" Treblinka and Steiner's attempts at an account

acceptable to reason are no more adequate (though they are more admirable) than those of the official apologists.

Perhaps it is beside the point to fault Steiner's awesome book for failing to bring the dead back to imagined life on the printed page, or making great drama of their extinction. When there was nothing left to hope for, the Jews revolted, killed some Nazis and Ukrainian Fascists, and fled to the forest. Of the 600 who escaped, only 40 were still alive when the Red Army arrived a year later. The others had been destroyed, one by one, by Polish peasants, partisans of the Armia Krajowa, Ukrainian Fascist bands, deserters from the Wehrmacht, the Gestapo and special units of the German Army. The survivors are still alive to bear witness to Treblinka.

Perhaps that is the final meaning of the holocaust—to bear witness. Perhaps some events in human history can never be transformed into art. Perhaps they must remain permanently unassimilable, absolutely and ultimately resistant to the imagination—the occasion, solely, for endless, numb repetition, a permanent memorial for a perpetual day of awe. We are meant to exult in the revolt. We cannot. There is no catharsis, nor can there ever be. The final pathos and tragic irony of Steiner's terrible chronicle is not of his making. Instead of leading us back to the wisdom of the Jews—a beautiful, foolish faith in the divine fires in man and in the Messianic hope of deliverance—Treblinka, and all the literature of the holocaust, leads us back to the wisdom of the Gentiles, to a radical pessimism about human nature itself.

#### A NATIONAL FARM DAY

Mr. YOUNG of North Dakota. Mr. President, in the "Farmers Forum Section" of the Fargo Forum for Friday, May 12, published at Fargo, N. Dak., appears an article entitled "Why Not Set Up a National Farm Day?"

We have very appropriately established Labor Day in recognition of the great contributions labor has made and makes to our economy and society. Farmers are an equally important segment of our national economy. They produce the food and fiber that is the key to sustaining life. They work longer hours than any other major segment of our economy and for less income.

Farmers are so efficient that though their numbers have declined more than 50 percent in the last 20 years, the production of field crops has been doubled or tripled. This same efficiency is reflected in the production of almost every other agricultural commodity.

It is a widely acknowledged fact that the American consumer pays less for better food than any other consumer in the world. In fact, in 1966 it only required 8 hours of work a week to purchase the food requirements of the average American family. This is far less than in any other country of the world.

Farming is a business that involves more risk than any other major industry. A hailstorm can destroy a farmer's crop in a matter of minutes. His crop can be totally destroyed by plant diseases such as rust in wheat. Insects have plagued farmers from the beginning of time. A crop can also be lost completely through drought or many other natural hazards.

The accomplishments and contributions of American agriculture are many. The excellent article on this, written by

the farm editor of the Fargo Forum, Mr. Alf Olsen, presents a very powerful argument for the establishment of a "National Farm Day" which would recognize our country's farmers as labor is recognized by Labor Day.

Mr. President, I think so highly of Mr. Olsen's suggestion that I am seriously considering introducing a bill which would establish such a day. I ask unanimous consent that this article written by Mr. Alf Olsen be included in the RECORD as a part of my remarks.

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

**WHY NOT SET UP NATIONAL FARM DAY?**

(By Alf T. Olsen)

**Why not a "Farm Day"?**

I realize that it's a little late. But with everyone and everything else in the United States having a special day or week, isn't it about that time that the nation's farmer was recognized with a day of his own?

We have Labor Day, Law Day, Mother's Day, Father's Day, Memorial Day, Thanksgiving Day, Ground Hog Day, Columbus Day, Flag Day, Arbor Day, etc. The list is almost endless, and when you add the special weeks it is endless.

This could well be used as the best argument against another special day—there are too many of them already. But actually there are relatively few special days that mean much to the general population today.

Setting aside one day each year as Farm Day could focus the attention of the entire nation on one of the most important segments of the nation's economy—agriculture.

Without agriculture and its capacity to produce food in abundance—and of high quality—the United States would not today be considered a world leader.

It is ridiculous to assume that we as Americans would be able to maintain this position of world leadership without the farmer. Millions throughout the world owe their lives to American agricultural know-how.

The fact that the average American is better fed, better clothed, and better housed, is almost directly attributable to agriculture.

Yet, when a voice is raised on the farmer's behalf there are cries of protest . . . from housewives who say that food prices are too high . . . from businessmen who say that farmers get too much from the federal government . . . from city dwellers looking enviously at country living.

Some of these criticisms are no doubt justified—but not at the expense of the farmer. Often as not they can be laid on the doorstep of the ambitious politician or government bureaucrat, seeking to perpetuate himself in office or job.

To recite recent statistics on the decline of farm income and the increase of farm production costs is almost a useless task these days. Again and again, farm-state newspapers, farm magazines, farm organizations, etc., have pointed to the inequities in today's farm income when compared to the rest of the economy.

Why do farmers stay on the land?

Why does the sun rise in the East?

Perhaps farming is destined to make its exit as a way of life in the United States. Recent trends certainly indicate that this is a distinct possibility.

However, the history of collective farms—government operated—in the Communist countries of the world, should warn us that this type of mammoth-scale farming is not the best. Communist governments have retrenched in their collective-farming efforts and are permitting the individual farmer to have his own piece of land . . . to work for himself, not the benevolent central govern-

ment, or the large corporate operator. In many instances, without this individual production, a shortage of certain foods would develop in the Communist countries.

Recognition of the farmer's contribution to our well-being is long overdue.

There have been sporadic attempts to recognize the importance of our natural resources by civic and private groups, and by private agencies. None of these have gone very far.

What's needed is one day in the year—much like Labor Day—when the nation pauses to recognize the importance of the farmer to our continued existence. Some may suggest Thanksgiving Day as already recognizing much of what has been said here. It just doesn't fit the bill.

There should be national legislation establishing Farm Day as a legal holiday throughout the land.

It could be in the spring when our agricultural abundance first emerges . . . it could be in mid-summer when the farmer's handiwork is profusely demonstrated . . . or it could be in fall as the harvest machinery begins to roll across the land.

It really doesn't make too much difference when Farm Day is. What's important is that farmers should be recognized—and perhaps in that way some of the truth about farmers will become a fact and not fiction from some urbanite's guesses on how the farmer is faring.

Why not a Farm Day?

**AMERICAN BUSINESS THROUGH ITS BUSINESSMEN'S PEACE CORPS HELPS OUR FRIENDS ABROAD**

Mr. HARTKE. Mr. President, in the May 1967 issue of the *Kiwanis* magazine, appears an article explaining the philosophy, operations and projects of the International Executive Service Corps, or IESC, as it is known.

In this era of continual denigration of Americans abroad as being grasping and self-serving, I should like to take this opportunity to indicate that the "Real American" is definitely not an "Ugly American." Here is clear evidence of dedication, service and harmonious association with friends abroad on the part of volunteers in the IESC. These top-flight executives are demonstrating that America is willing to share its know-how with developing nations and has evidenced substantial success in all areas of business management, whatever the product or service.

Mr. Frank Pace, president of IESC, is quoted in the article as saying:

It is highly gratifying to discover how many successful American businessmen will freely give of their effort and experience to help strengthen free enterprise in the developing nations.

Mr. President, I am proud to have helped start this program and to view its present successes. I have seen tangible evidence abroad of this sharing of American business techniques and technology. This program is an unqualified success, as is most everything to which American business puts its hand. It is a success because of sound planning and implementation by dedicated professionals in their respective fields. I urge close reading of this article by all, but especially by my colleagues, as this is an example of the kind of success that could be enjoyed by all our aid programs.

Instance after instance of success is outlined in this article, and I ask unan-

imous consent that this well-deserved recognition of the "Real American" be printed in the RECORD.

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

**RETIRED CONSULTANTS ABROAD—RETIRED U.S. EXECUTIVES ARE DOING CHALLENGING AND USEFUL WORK FOR THEIR COUNTRY AS CONSULTANTS TO BUSINESSES ABROAD**

(By Duane Valentry)

Carl Anderson and his wife, Edith, were finally taking that trip they had promised themselves. Carl had shortly before retired after forty years as an executive with the A & P Food Stores, and the couple were on a plane bound for Maracaibo, Venezuela.

This was no pleasure trip, however. Carl was now a consultant in the food industry, and had agreed to go to Maracaibo as an International Executive Service Corps volunteer to help out a supermarket chain that was having difficulties. While Anderson makes \$250 a day as a consultant, in Venezuela he would work for no salary, and the company he was advising would pay only his expenses.

At Caracas Carl stopped off to get the thinking of a group of men he knew well—suppliers. "Simply by talking to them and exchanging ideas," says Carl, now back home, "showing that we had an interest in their problems too, we were able to get a better deal for the grocery chain."

Today scores of Carl Andersons are acting as volunteers for IESC as short-term consultants for privately owned business concerns in newly developing nations. To fill these jobs, IESC draws upon retired American business executives with general or specialized management experience or mid-career executives who want to broaden their experience. A private, nonprofit organization directed and managed by businessmen, IESC has been formed to help improve the performance of these foreign businesses.

"Essentially in the fields of general management, production, marketing and financial control," says a brochure, "IESC makes available on request experienced executives for limited periods of time, usually three to six months, to advise the management of enterprises seeking assistance, and to help implement the recommendations made. IESC deals directly with individual businesses, and not through the governments of the United States and the host country."

At the moment projects are active or under consideration in Latin America, the Middle East, Africa, and South and East Asia. The organization has no plans to send men to the more advanced countries of Europe and other places where business has attained a reasonable degree of sophistication.

This "gray flannel peace corps" was suggested by several people, including Senator Vance Hartke of Indiana. In 1963, in a keynote address at the thirteenth International Management Congress, David Rockefeller, president of The Chase Manhattan Bank, proposed a similar idea. "It is my suggestion," he said, "that private companies in the industrialized nations—in addition to pursuing their own investment opportunities abroad—volunteer to send members of their management to work in the developing areas."

By June 1964 the IESC had been formed and was being hailed by President Johnson as an "inspiring example of sane and sensible, responsible and constructive cooperation between government and private enterprise." By March 1 of this year, nearly five hundred commercial and industrial firms in thirty-eight countries had initiated requests; 165 projects had been completed; eighty-eight were active; in fifty-eight others executives had been assigned; and 170 new projects had been accepted. Despite its youth, IESC is a success.

Funds from the Agency for International

Development (AID) have financed the venture in part, meeting some two-thirds of the costs. IESC itself raised several hundred thousand dollars from private business and industry.

IESC's full-time president is Frank Pace, Jr., a former president of General Dynamics and Secretary of the Army under President Truman. He heads a staff made up of both salaried officers and volunteers, most of them retired corporate executives who give their time to help recruit others like themselves for overseas assignments. "It is highly gratifying," says Pace, "to discover how many successful American businessmen will freely give of their effort and experience to help strengthen free enterprise in the developing nations."

Companies needing help can write to IESC headquarters at 545 Madison Avenue in New York or to their nearest IESC director. Directors are located in Mexico, Panama, El Salvador, Brazil, Chile, Colombia, Peru, Turkey, Greece, Iran, Lebanon, Thailand, Singapore, Malaysia, the Philippines, Nationalist China (Taiwan), and South Korea.

The service is not a giveaway. Firms accepting assistance must pay a fee commensurate with their ability to pay, and must also provide round-trip air fare for the volunteer and his wife. Firms receive help for about \$1000 to \$1500 a month, well below the normal fee charged by a commercial consultant in the US.

With names of nearly three thousand volunteers on file, IESC often finds that it has just the right man for a particular job, fully screened and ready to go. A processing system keeps the organization up to date on the new applications that come in daily.

"At the same time we are rapidly stepping up our search operations, which are designed to locate specific men for specific projects," says a staff member. "So far we have encountered no requests for executives we have been unable to fill. The quality of the men we have sent abroad is attested by the excellent letters of commendation from the client companies themselves. Finding the man for the job is sort of like playing detective—you do a lot of investigating. You pore over the files. You call everybody who might be able to help. You've got to do a lot of digging, but you finally come up with just the right man for the right job."

A request for assistance is usually followed by a visit from an IESC representative, who evaluates the project, draws up an agreement as to the type of assistance required, and prepares a letter of understanding covering such matters as the duration of the project, fee to be paid, support to be given the volunteer, and termination arrangements.

"IESC provides service only where the necessary assistance cannot be obtained locally, either because of its cost or because it is not available," says another staff member. "Experience has shown that a three-to-four-month assignment is usually adequate, with a later follow-up assignment in some cases. The function of the IESC executive is only to help an enterprise, not to run it."

For most assignments, volunteers need not know a foreign language, because the managers of high-level overseas firms speak English. Nevertheless, many have found that it helps to study the language on their own before starting out, since even a smattering of the firm's national language will be appreciated by workers and aid in establishing rapport.

"A factor that could be discovered only through experience," says Pace, "is the desire on the part of American businessmen, particularly after they have retired, to do something for their country and the free enterprise system. There seems not the slightest doubt that such businessmen will

be available in large numbers for service overseas in this program."

Carl Anderson was the first IESC volunteer sent out to aid the food industry of another country. Though he was 61 when he heard of IESC, it didn't take him long to agree to go to Venezuela for two months.

"I finally said yes," he recalls now. "One looks at himself and wonders if he can help. He wants to help his country, other countries, other people."

Before leaving on his assignment, Carl was completely briefed on the project, the company, the country, and the part he was expected to play. Though his forte was purchasing, after forty years in the food business he felt he knew all phases of it. Stopping off to meet suppliers gave him the "in" needed to start off. Then he proceeded to Maracaibo to meet with officials of the company he was to serve.

"When you come in, you're suspect at first," he says. "But I just told them, 'I'm here to help you twenty-four hours a day, seven days a week.' Soon they were friendly and cooperative."

The job was no cinch. Carl soon saw, however, where the trouble lay. "Anyone experienced in business could tell where they could do better," he says. "They were very receptive to suggestions—and I always made it clear that my ideas were suggestions, not orders. After a few days they wanted to act right away, and I had to tell them to slow down a little and think over the recommendations."

Carl reviewed buying, sales, advertising, warehousing, transportation, accounting, and company records. He visited other chain stores and independents and checked their prices, suggested a company training program and a policy of promotion from within the ranks, and pointed out how the company could reduce inventory. Reorganization would have to be carried out slowly, he emphasized; time was necessary in making these changes. He also had the company subscribe to *Supermarket News*, which would suggest marketing, merchandising, and promotion ideas. Finally, Carl proposed tighter security measures to protect against the recurrence of an early robbery by a band of guerrillas.

During this time Carl's wife acted as his secretary, handling paper work and typing the 25-page report he left company officials.

IESC volunteers don't always have as easy a time of it as Carl did. "I don't believe one of the men who has gone out has had a completely clear idea of what he faced," says Frank Pace. "Adding to the difficulty is the fact that it's not easy for foreign businessmen to discuss their problems in terms their American counterparts can understand."

For example, Pace tells the story of Otto Berwind, who discovered that the Panama retail firm he was sent to advise had no credit system. During his time in Panama he had no office or secretary at his disposal, and had to live in a modest hotel. Yet he changed the management structure of the company, one of the town's leading businesses, established a credit system, and led a competing company to ask for IESC aid. He had such a good time doing it that he is now on his third IESC assignment.

Arthur K. Fox, 68 years old, found that the chief problem of the company he undertook to advise, one of Panama's largest retailers, lay in fragmentation of effort. The corporation's seven divisions were headed by the seven children of the family that owned it. Some of the divisions were not doing well, and without cooperation between them the poor ones remained poor. The corporation was going in seven different directions, and so was the family. Tact, objectivity, and business know-how acquired over decades enabled Fox to untangle the knot to everyone's satisfaction and benefit. Fox was even elected an honorary member of the family!

For most of the volunteers the excitement,

adventure, and other satisfactions more than outweigh the problems. Robert E. O'Brian, in his 70's when assigned to Nicaragua, took his grandchildren along "to learn Spanish." The one-time meat packing entrepreneur, college president, and Iowa secretary of state assisted a slaughterhouse in simplifying its accounting procedures, improving its sales organization, and modernizing its buying techniques.

A 64-year-old former New England leather goods executive, Emil J. Schneider, was sent by IESC to a tannery in Tabriz in northwest Iran to advise it on modern production methods, help it lower costs, and suggest ways of expanding its market. Not only did Emil revitalize the tannery, but he and his wife had the time of their lives in Iran, a place they might never have seen but for this experience.

Henry L. Kronstadt took his shoes off when he arrived at work each day, to protect the fine wood floors of the villa that housed the Bangkok advertising company with which he worked. His office wasn't modern, but it had a "spirit house" and a statue of Buddha, and his secretary greeted him with fresh flowers every day. He and his wife and daughter enjoyed classical Thai dances and ate in Thai style while living in a fine rented house in a tropical setting, complete with swimming pool and coconut trees.

Joseph L. Rasmund, former president of Burroughs Business Machines, Limited, in Toronto, put in a three-month stint with the Industrial Mining and Development Bank of Iran, providing guidance in its evaluation of loan applicants. He then stayed on in the Middle East to serve as IESC's country director, first in Iran, then in Lebanon.

In his successful effort to help Television of Iran, Richard L. Spears, formerly with RKO General, Incorporated, set up an entirely new programming schedule and boosted revenue 60 per cent during his stay, while dropping operating costs from 2 to 3 per cent.

Perhaps the most important fact about the IESC volunteer for the average businessman abroad is that he is there just to serve, and has no material motive for giving of his time. Hence he presents an image of the American businessman vastly different from the stereotype of the grasping, self-seeking American they had come to accept.

Writes an IESC client in Sao Paulo, Brazil, about the work done for his firm by volunteer Harold F. Stebbins, retired vice-president of the Ely Walker clothing firm: "I have no doubt that the type of service offered to us by IESC would be of great value to many firms, probably the majority of companies in this country, and I am sure that once your organization becomes better known you will receive many requests for assistance."

IESC has many such letters on file, enthusiastic and filled with expressions of praise and gratitude. IESC has had warm expressions of approval on completed projects from almost every client; only rarely do personality conflicts or past mismanagement present insoluble problems.

Thus prospects for IESC seem very favorable. Frank Pace anticipates that his organization will soon be able to handle four hundred to five hundred projects a year, but he emphasizes that IESC is not playing the numbers game. "The executive volunteers we have sent abroad have set very high standards of managerial competence and personal dedication," he says, "and we do not intend to dilute these standards."

For the volunteers themselves, satisfaction is the big factor. Says Arthur Fox: "What I got out of this was the satisfaction of knowing that I am not a has-been. I am nearly 68, and I find there are places where I am a lot more useful than I ever was before. There is a tremendous satisfaction in making suggestions and having them accepted. It's better than getting a hole-in-one."

Harold Stebbins summed up the feelings of many after returning from his Brazil as-

sigment to become director for Latin America on IESC's New York staff: "The rag business was very good to me. Now I have a chance to give something back. I don't want to be a flag-waver, but we are also showing that Uncle Sam can do something beside pump money into other countries."

**WEST VIRGINIA HIGH SCHOOL STUDENTS RECEIVE SIGNIFICANT AWARDS AT SAN FRANCISCO'S INTERNATIONAL SCIENCE FAIR—MORGANTOWN STUDENTS ARE STARS**

Mr. RANDOLPH. Mr. President, the city of Morgantown is the home of West Virginia University on the campus of which was held that institution's 98th commencement last Sunday. The university was to award 2,350 degrees to graduates at the commencement and for the occasion the city was being visited by many alumni and many parents and relatives and friends of the graduating class.

The Sunday Morgantown Dominion-Post that May 14 morning featured not only the events of commencement weekend but, also, the award-winning exploits of eight West Virginia high school students—the three stars from Morgantown High School—at the International Science Fair in San Francisco.

The newspaper account of the award-winning performances of the young West Virginians in the International Science Fair created real excitement and an obvious feeling of pride on the part of visitors from throughout the State as well as on the part of students and residents of Morgantown.

According to the Dominion-Post, there were eight West Virginia entries represented at the San Francisco event—one of the largest of the delegations from the 50 States, and by far the largest delegation on a per capita basis.

The brightest lights, according to the news account, were Morgantown High School students Dorcas JoAnne Harley, 15; her brother, John, 17; and Sharon Bloor, 17. Between them, they earned five awards—two firsts, a special merit award, a fourth, and an honorable mention. So far as could be learned through a news wire service checkup, no other high school in the world won that many awards.

In addition to the three-star participants in the science fair from Morgantown, Lawrence E. Eiselstein, of Huntington, won two awards for his metallurgical exhibit. Four other West Virginians won the honor of entering the fair, and all of them received awards.

Mr. President, the Morgantown Dominion-Post was justified, it seems to me, in leading its news article with these paragraphs:

West Virginia's image, that controversial, nebulous something-or-other has taken a horrible beating over the years, despite efforts of some of the best minds and the most astute politicians in the state.

It took a group of high school kids to give that image one of its biggest shots in the arm in years.

They did it Friday night and yesterday at the wind-up of the International Science Fair in San Francisco, outshining youngsters from all 50 states and several foreign countries

Reporting especially on the activities and awards of the Morgantown Harley sister and brother team and that of Sharon Bloor, the Dominion-Post concluded with the following eight paragraphs which I ask unanimous consent to have printed in the RECORD.

There being no objection, the portions of the news item were ordered printed in the RECORD, as follows:

Big winner for Morgantown and West Virginia was Miss Harley, a 15-year-old whiz kid who wound up as one of the top students of the 425 entries. She was awarded first place in zoology, the largest single category represented, for her display titled "Identification of 55 Naturally-Occurring Equine Blood Factors."

She also won first place in the American Veterinarians' Association competition. She will receive, in addition to scholarships, a trip to Dallas, Texas and the AVA convention.

Miss Harley received her top award from Glen Seaborg, chairman of the Atomic Energy Commission. Her picture, along with that of Paul B. Re, 17, of Sandia, N.M. High School, and Mr. Seaborg, was carried coast-to-coast on United Press International's unified picture service.

Her brother, John 17, and his exhibit on "Spectroscopic Analysis," won a fourth in physics and honorable mention in the Optical Society of America competition.

Sharon Bloor, 17, the third Morgantown representative, won the merit award for her exhibit on "Photomicrographs of Chromosomes from Blood of Patients with Marfan's Syndrome."

The Morgantown youngsters will leave San Francisco this morning and will fly to Pittsburgh, where they will be met this afternoon by their proud parents, Dr. and Mrs. John B. Harley of Chestnut Ridge Road and Dr. and Mrs. Byron M. Bloor of South Hills.

The Harley youngsters aren't through yet. Both plan to spend most of the week boning up for some more special scholarship exams they plan to take.

Anyone want to bet that they won't win?

**THE ELECTRIC POWER INDUSTRY—EMERGING RESPONSIBILITIES**

Mr. MAGNUSON. Mr. President, Chairman Lee White, of the Federal Power Commission, addressed the American Power Conference in Chicago on April 25, 1967. The title of his speech was "The Electric Power Industry—Emerging Responsibilities." This provocative speech succinctly sums up the great problems and opportunities of the electric power industry, an industry that is vital to the growth, comfort, and safety of the Nation. Many of the things mentioned by Chairman White have also been of concern and study in the Committee on Commerce. I ask unanimous consent that the address be printed in the RECORD.

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

**THE ELECTRIC POWER INDUSTRY—EMERGING RESPONSIBILITIES**

(An address by Lee C. White, Chairman, Federal Power Commission)

I am pleased to have this opportunity to address the American Power Conference, an organization which represents such a broad cross section of persons in, or closely associated with, the electric power industry. Many of you here today are involved in the actual management or operation of power systems; others I know are from the aca-

demic or research communities; and a few, like myself, represent regulatory agencies. What has brought us together here is our mutual interest in efforts of the electric power industry to continue to meet its responsibilities.

The recent years have marked the beginning of a new era in electric power. Technology has made vast breakthroughs in the arts of generation, transmission and distribution which have enabled the industry to meet the expanding demand for electric power at progressively lower costs. But as the November 1965 Northeast power failure indicated, low-cost power is not enough—the nation has grown so dependent upon electricity that even infrequent interruptions can no longer be tolerated. Finally, the increasing emphasis on aesthetics and pollution control underscores the public's growing awareness of the environmental impact of the electric power industry. Today I would like to focus on some of the emerging responsibilities of the electric power industry which these trends suggest.

**RELIABILITY OF SERVICE**

The most immediate of all the challenges facing the industry is that of assuring a reliable power supply. The Northeast power failure and the subsequent studies which have been conducted of the interconnected systems throughout the nation revealed deficiencies in coordinated planning, in equipment and in operating procedures. Particularly, the studies have underscored the important role which strong intersystem interconnections and coordinated planning play in preventing massive cascading type power failure.

There are some 3600 separately owned electric utilities in this country—the bulk of which are electrically linked to their neighbors by interconnections. These interconnections can help to stabilize system performance, and thereby improve the quality and reliability of service. They also open the way to economies through joint undertakings. Interconnection, backed up by sound coordination, is the only basis on which 3600 separate utilities can operate efficiently in terms of current technology and mounting demands for power.

Coordination of interconnected systems involves increasing responsibilities for the management of each electric utility. Clearly no single system can take independent action without affecting its neighbors; nor can utilities of an area or a region effectively plan without coordinating with those in neighboring areas and regions. Utility managements are aware of the improved economy and service reliability which coordinated intersystem planning, construction, and operation make possible and they are beginning to recognize the need for regional and inter-regional coordinated planning and operation. The Northeast Power Coordinating Council, the East Central Area Reliability Coordination Agreement, and the Western Systems Coordinating Council represent forward steps in the direction of creating organizations of the type that can meet this need.

But encouraging as the progress has been, its pace must be quickened if the industry is to continue to meet its responsibilities. Some existing interconnections do not do much more than maintain synchronous operation and many tie lines have insufficient reserve capacity for suddenly imposed extra loads. Some of the coordinating groups are too limited in purpose to serve adequately as effective instruments of coordination and others overlap in purpose, membership, and geographical areas served. In addition, all too often small systems are denied the opportunity to coordinate their planning and operation on an equitable basis. This is not to suggest that these problems are insurmountable, but rather to indicate the hurdles which I believe must be overcome if the industry is going to realize the full benefits

of economy and reliability which technology has made possible.

During the 17 months since the Northeast power failure, the Commission has been cooperating closely with the industry in an intensive analysis of system reliability. These studies have reviewed not only the situation in the area affected by the Northeast power failure, but also considered the problem of reliability in its broadest context. Our final report, which will be issued in the near future, will analyze the actions being taken by the industry to deal with the problem, and will suggest in some detail the further steps which the Commission believes need to be taken.

#### POLLUTION CONTROL

In addition to providing reliable service, the electric power industry must accept its share of the responsibility for pollution abatement and control. Today, electric power generation is among the major causes of air contamination. It is responsible for a significant percentage of the atmospheric pollutants in the United States, particularly in our larger cities, and in many areas is the largest single source of sulfur dioxide contamination. The increasing use of nuclear power as an alternative to the use of fossil fuels will help alleviate this problem, but with the projected growth in electric power demand it is reasonably clear that fossil fuel generation will also continue to increase substantially between now and the end of the century.

Therefore, the electric utility industry must take a more active role in reducing air contamination. Mine-mouth plants located away from urban centers do not represent a complete or permanent solution to this problem. The industry must also attempt to find and utilize more appropriate fuel sources and to improve technology so that atmospheric pollutants are kept to the minimum level which we are capable of achieving. I do not mean to suggest that considerable progress is not being made in these areas, but I do believe that greater emphasis and research investment is called for in view of the magnitude of the problems.

There are encouraging signs that practical electric powered vehicles are being developed; recently one of the leading electrical equipment manufacturers announced the commencement of production of one such vehicle on a relatively large scale. Certainly these electric vehicles will help alleviate the acute automotive air pollution problems now confronting our large metropolitan areas. The potential market has great promise for limited range electric vehicles, and it offers another opportunity for this industry to make a contribution to the battle against dirty air.

The pollution of our rivers and streams by electric power plants is also a significant problem. Three principal contributory causes of this pollution are: (1) direct deoxygenation of water by hydro and steam plants; (2) excessive discharge temperatures of condensing water from thermal electric plants; and (3) water release schedules of hydro plants out of phase with downstream flow requirements. Technology has been developed to alleviate the water pollution which these operations cause, but the problem is to find ways of accomplishing this within reasonable cost limits. This is a task that demands an early solution.

The electric power industry is one of the nation's largest water users, making use of about one-third of the nation's daily water use. It is estimated that by 1980 it will be running about 100 million acre-feet of water through thermal power plants annually, and consuming about a million acre feet. It may find itself competing for the use of this water with other vital industries, and its ability to control pollution of the water and its willingness to do so could weigh heavily in determining whether it will be given

the right to obtain needed supplies of water.

#### AESTHETIC CONSIDERATIONS

There has been a growing awareness that the government and industry must assume greater responsibility in maintaining and improving the aesthetics of our landscape as our population and economy continue to grow. The power industry has already taken some steps in this direction with its efforts to underground new residential distribution systems. As a result, the cost of underground distribution has fallen in the last few years to the point where it is now only about 1½ times the cost of overhead distribution facilities. It may be expected that the installation of underground facilities in new residential developments will accelerate and that costs will further decline, but there remains the larger problem of converting existing overhead distribution in older areas where conversion costs are substantially higher than for new installations. This problem cannot be bypassed forever, and the utilities should plan for an orderly conversion over a reasonable period of time.

An even more challenging facet of the effort to eliminate unattractive facilities, and one in which comparatively little progress has been made, is that of underground transmission. In 1966, there were only 1,600 miles of underground high-voltage transmission (69 kv and above) in the country. Here it is evident that new technologies will be required before large blocks of power can be transmitted long distances underground. The April 166 report of the Commission's Advisory Committee on Underground Transmission puts the cost of 138 kv underground lines in suburban areas at about nine times that of overhead lines and for 345 kv at 16 times as much. Factors causing these higher costs include expensive trenching, more costly materials, more man-hours of labor, and the need for line compensation and complex cable terminations.

The technical and economic challenges presented by underground transmission are great, but so are its potential benefits. As the suburbs continue to expand into rural areas where the relative ease of obtaining rights-of-way has resulted in the proliferation of overhead transmission lines, public pressure to place them underground will increase. Hopefully, this will create greater incentives on the part of both the manufacturers and the utilities to attack the problems involved. In any event, however, the industry must be prepared to respond to these legitimate demands.

There are other aspects to aesthetic improvement besides undergrounding of lines. The utilities are already attempting to camouflage or otherwise improve the appearance of various types of above-ground facilities. It is often difficult to recognize a structure housing a substation in a residential area from the surrounding residences, and substations in rural areas are often screened with natural vegetation or blended into the landscape. Also the architecture of power plants is becoming a more important part of their design. Certainly, these efforts to enhance the appearance of facilities make good sense.

#### RECREATION

The electric industry also has the opportunity, as well as the responsibility, to make a significant contribution to the social well-being of the nation by the broadest possible development of recreational facilities at hydroelectric projects. The average American has more leisure time today than ever before. This increase in leisure time makes it essential that the recreational facilities and programs available to the public be developed so as to provide the greatest benefits for the largest number of people.

As a result of Commission rulemaking actions in the past several years, FPC licensees are now required to assume primary respon-

sibility for developing comprehensive plans and programs for utilizing project properties for outdoor recreation. In 1963 the Commission amended its regulations to require that a plan for public recreation use of lands and waters must be filed as a part of any application for a license for a hydroelectric project. This new program was designed to assure that the general public will enjoy the vast recreational potential of the lakes formed by dams built under FPC licenses. By fully utilizing project lands and adjacent project lands for recreational purposes, including facilities to supply local needs for such activities as camping, picnicking, bathing, boating and fishing, and the necessary associated trails, roads and sanitary facilities, the electric industry can increase the resources available for leisure use.

#### RESEARCH AND DEVELOPMENT

The electric industry must meet its emerging responsibilities with respect to service reliability, abatement of air and water pollution, recreation and aesthetics while at the same time continuing its long-time efforts to supply electric power at declining unit costs. This will require the industry to take full advantage of available technological developments through utilization of larger, more efficient generating units and higher voltage transmission networks. It will require greater coordination of planning and operation among systems and regions to obtain the advantages of reduced reserve requirements, as well as diversities in loads and in maintenance requirements. Finally, and perhaps most important, it will require a heavier investment in research and development to find new, more efficient ways of producing and distributing power and to improve methods of system operation and control.

In 1965, the electric power companies in America spent only about \$45 million for research—less than half of the \$105 million spent by the electrical equipment manufacturers, less than 10 percent of the \$536 million spent by the Atomic Energy Commission for reactor development, and less than one-half of one percent of the total expenditures by American industry for research and development in that year, even though in terms of investment the industry is the largest in the nation. For years the electric power industry has depended largely upon the manufacturers and the Federal Government for the principal contributions to technological development. Only recently has it begun to show an awareness of its own responsibility for the support of research designed to supply reliable power in greater abundance and at declining costs. A full marshalling of the industry's resources and talent is necessary to establish a program of research and development on the scale required by the complexity and urgency of the problems.

#### MORE QUALIFIED PERSONNEL

Up to this point, I have talked mainly about the industry's responsibilities with respect to its physical resources. But effectiveness of the electric power industry depends not only on the performance and reliability of its physical resources, but also upon the availability of human resources of a high quality. The reservoir of expertise in design, operation, planning, administration and research in the field of electric power supply is a national resource of great value. Well-trained, efficient and imaginative talent in increasing numbers is a critical requirement if the industry is to keep pace with the needs of the future.

I have gained the impression in recent months that the industry is experiencing considerable difficulty in attracting top quality graduates of universities and technical schools. In addition, it appears that the majority of colleges and universities which have technical curricula are not now offering programs in power system engineering. Although

there are undoubtedly a number of reasons for this situation, two seem to me to be especially significant: (1) the failure of the industry to make clear the extremely challenging problems which lie ahead and the high degree of sophistication necessary to deal adequately with those problems, and (2) the failure of the industry to create and support research programs either through private organizations or through university sponsored research.

As demands for power double and redouble, talent of the highest caliber will be required to assure a reliable bulk power supply and to find new and better methods and equipment. The brain drain cannot continue much longer without adversely affecting the entire industry's performance. I am hopeful that the industry, together with the academic community, can find a solution to this most vexing problem. To the extent that the FPC can be of assistance in this critical area, I can pledge our full cooperation and interest.

#### CONCLUSIONS

I believe that the industry has demonstrated a desire to meet its responsibilities, and that it has or can develop the technology to cope with the new emerging responsibilities in a way which will meet the needs of the public—and at the same time providing reliable service at low rates. The Federal Power Commission will certainly continue to cooperate with the industry in identifying and meeting the challenges and responsibilities of the coming decades. To this end, the Commission recently completed a National Power Survey in cooperation with all segments of the power industry, which projected the power needs of the nation through 1980 and provided a broad outline for the comprehensive interconnection and coordination of power systems across the entire nation. We have also created six regional advisory committees to assist in the updating of the Survey. However, the primary responsibility for meeting the emerging challenges of meeting the electric power requirements of the nation rests squarely with the managements of the suppliers of electric power and electrical equipment. I have every reason to believe that they will continue to accept this responsibility and exercise it in the public interest.

#### EXECUTIVE SESSION—NOMINATION IN AGENCY FOR INTERNATIONAL DEVELOPMENT

The ACTING PRESIDENT pro tempore. The hour of 1 o'clock having arrived, under the unanimous-consent agreement previously entered, the Senate will now go into executive session to consider the nomination of Rutherford M. Poats, of Virginia, to be Deputy Administrator, Agency for International Development.

The assistant legislative clerk read the nomination of Rutherford M. Poats, of Virginia, to be Deputy Administrator, Agency for International Development.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURDICK in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The confirmation of Rutherford M. Poats, of

Virginia, to be Deputy Administrator, Agency for International Development.

Mr. MANSFIELD. Mr. President, I do not know Mr. Poats personally. To the best of my knowledge, I have never seen him. But when his confirmation came to a vote before the Committee on Foreign Relations, it was reported unanimously by all those in attendance. As I recall, there was a quorum of 10 or 11 members present at that time. Thus, on that basis, the result was procedurally correct.

Since that time, some questions have been raised about Mr. Poats and, therefore, at this time, I should like to read, if I may, portions of letters from several persons who have indicated an interest in Mr. Poats' appointment.

One of these letters is from Representative JOHN E. MOSS, chairman of the Foreign Operations and Government Information Subcommittee of the Committee on Government Operations of the House. In his last paragraph, addressed to the chairman of the Foreign Relations Committee, the Senator from Arkansas [Mr. FULBRIGHT], he states:

In short, Senator, it is my view that the problems of Vietnam are the product of many men's mistakes and not only those of Mr. Poats. They are, I believe, the results of years of ineptness on the part of the U.S. in various aspects of the conduct of its affairs. They are the product of repeated inability on the part of the Government of Vietnam and also the result of many, many years of French failures. In spite of all this, I do not feel the situation is hopeless. In recent months considerable progress has been made by AID which has been reflected in our report and for which Mr. Poats should share in the credit. In my dealings with him—and our contacts have been repeated and close—he has conducted himself admirably. His capacity for detailed knowledge of programs in which he is involved has been impressive and he has been a fighter for improvements in all our dealings. He has labored hard and long and in my judgment is one of our more able and dedicated officials. To blame Mr. Poats for the very difficult problems in Vietnam is to do him an injustice.

It is my opinion that Mr. Poats should be favorably considered for the position of Deputy Administrator of AID.

Sincerely,

JOHN E. MOSS,  
Chairman.

Then, I am in receipt of a letter from the vice president of the Ford Foundation, Mr. David E. Bell. He writes as follows:

DEAR SENATOR MANSFIELD: It is my understanding that the nomination of Rutherford Poats as Deputy Administrator of the Agency for International Development will soon be considered by the Senate. I write this letter for two purposes.

First, I should like to record my endorsement of Mr. Poats' nomination in the strongest possible terms. I was closely and continuously associated with Mr. Poats during the entire period I was with AID, from December 1962 through July 1966, and I consider him a tough-minded, thoroughly able public official, of great intelligence and the highest integrity. Mr. Poats joined the government service from a successful career as a newspaperman; he has risen steadily in the government on merit. I consider him exceptionally well qualified for the position to which he has been nominated, and wholeheartedly recommend his confirmation.

Second, I note that in connection with Mr. Poats' nomination there has been some discussion of the effectiveness and efficiency

with which the AID program in Vietnam has been conducted. Certainly the AID program in Vietnam is a legitimate subject for Congressional concern, and those of us who have been directly connected with it are more aware than anyone else of its shortcomings. But I trust the record will be absolutely clear on the question of responsibility. As Administrator of AID, from December 21, 1962 until July 31, 1966, I was the officer responsible to the Secretary of State and to the President for AID's Vietnam program. I took that responsibility seriously: I visited Vietnam several times; I endeavored to keep myself fully and accurately informed on the situation in Vietnam at all times; so far as I am aware, no major decision affecting personnel, policies, or any other aspect of AID's Vietnam program was made without my express concurrence—and this specifically includes all major decisions affecting the complex policies and regulations that controlled the Commodity Import Program. In consequence, any criticism that anyone wishes to make of the conduct of AID's Vietnam program during that period must be directed to me, and not to Mr. Poats or any of the other subordinate officers who assisted me in carrying out my responsibility.

Please feel free to place this letter in the Congressional Record, or make any other use of it that would in your judgment help to keep the record straight.

Sincerely yours,

DAVID E. BELL.

Mr. President, I also have a letter from Mr. Eugene R. Black, well known to many Senators. Mr. Black's letter reads as follows:

DEAR SENATOR MANSFIELD: I understand that the pending nomination of Rutherford M. Poats to be Deputy Administrator of AID will reach the floor of the Senate shortly. If you have occasion to speak on the matter, I would appreciate your associating me with the many others familiar with Mr. Poats' work who strongly support his nomination.

I have worked with him for the past two years in my capacity as Advisor to the President on Southeast Asian regional development. I have found him to be a man of creative intellect, sound judgment and a strong sense of responsibility. We are fortunate to have men such as Rutherford Poats willing to dedicate their talents and energy to the public service.

Sincerely yours,

EUGENE R. BLACK.

Mr. President, I ask unanimous consent to have these letters in full printed in the RECORD. I also ask that a letter I received from Representative RIEGLE, of Michigan, be printed in the RECORD at this point.

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

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, D.C., April 12, 1967.  
Hon. J. W. FULBRIGHT,  
Chairman, Foreign Relations Committee,  
New Senate Office Building, Washington,  
D.C.

DEAR SENATOR FULBRIGHT: As you know, Mr. Rutherford Poats appeared before your Committee on April 10, 1967, for consideration of his nomination as Deputy Administrator of the Agency for International Development. At that hearing, Senator Birch E. Bayh appeared and made a statement regarding Mr. Poats' qualifications in which he quoted extensively from a report issued by the Committee on Government Operations, Subcommittee on Foreign Operations and Government Information, of which I am Chairman. In a letter to your Committee dated February 27, 1967 I expressed my views on Mr. Poats' qualifications and would like

to again emphasize them. I would like also to place in perspective the Vietnam situation as was noted by the Subcommittee in its on-the-spot investigation in Vietnam and the hearings which were held subsequently in Washington in July and August of last year.

At the outset, I would like to say that my Subcommittee has never felt that the war itself was justification for a lack of sound management practices. Nevertheless the war is a fact of life out there—one which obviously affects the conduct of United States affairs. Also, while our report makes significant criticisms of AID, it is my opinion that blame cannot be attributed solely to Mr. Poats. If blame must be ascribed, it should be shared both up and down the line in AID, in Washington and in Vietnam, by both officials currently in the Agency and by others who no longer carry the burden. It is my opinion, also, that the difficulties described are attributable not only to failures on the part of AID, but also to the Department of Defense, the State Department, the Treasury Department, as well as that very effective agency of the Congress itself, the General Accounting Office.

I wish to also point out that while the problem of Vietnam has existed for some time, no committee of the Congress, until the issuance of the report by my Subcommittee, had undertaken an in-depth, comprehensive review of the Vietnam problem culminating in a report of such detailed considerations as our report of October 12, 1966. I believe this to be a criticism which the Congress must also bear because of its neglect in this matter which I need not point out is of such great consequence to our country's interests.

Lastly, and significantly, we have noted that the Government of Vietnam itself is at fault in no small way. Its failure and unwillingness to adequately cooperate with us over the years, through a succession of governments, has resulted in circumstances in the conduct of U.S. activities in that country so perplexing as to challenge the capacities of many of the greatest minds our country can muster. As we all know, the dilemma continues.

In short, Senator, it is my view that the problems of Vietnam are the product of many men's mistakes and not only those of Mr. Poats. They are, I believe, the results of years of ineptness on the part of the U.S. in various aspects of the conduct of its affairs. They are the product of repeated inability on the part of the Government of Vietnam and also the result of many, many years of French failures. In spite of all this, I do not feel the situation is hopeless. In recent months considerable progress has been made by AID which has been reflected in our report and for which Mr. Poats should share in the credit. In my dealings with him—and our contacts have been repeated and close—he has conducted himself admirably. His capacity for detailed knowledge of programs in which he is involved has been impressive and he has been a fighter for improvements in all our dealings. He has labored hard and long and in my judgment is one of our more able and dedicated officials. To blame Mr. Poats for the very difficult problems in Vietnam is to do him an injustice.

It is my opinion that Mr. Poats should be favorably considered for the position of Deputy Administrator of AID.

Sincerely,

JOHN E. MOSS,  
Chairman.

THE FORD FOUNDATION,  
New York, N.Y., April 26, 1967.

Senator MIKE MANSFIELD  
U.S. Senate  
Washington, D.C.

DEAR SENATOR MANSFIELD: It is my understanding that the nomination of Rutherford Poats as Deputy Administrator of the Agency

for International Development will soon be considered by the Senate. I write this letter for two purposes.

First, I should like to record my endorsement of Mr. Poats' nomination in the strongest possible terms. I was closely and continuously associated with Mr. Poats during the entire period I was with AID, from December 1962 through July 1966, and I consider him a tough-minded, thoroughly able public official, of great intelligence and the highest integrity. Mr. Poats joined the government service from a successful career as a newspaperman; he has risen steadily in the government on merit. I consider him exceptionally well qualified for the position to which he has been nominated, and wholeheartedly recommend his confirmation.

Second, I note that in connection with Mr. Poats' nomination there has been some discussion of the effectiveness and efficiency with which the AID program in Vietnam has been conducted. Certainly the AID program in Vietnam is a legitimate subject for Congressional concern, and those of us who have been directly connected with it are more aware than anyone else of its shortcomings. But I trust the record will be absolutely clear on the question of responsibility. As Administrator of AID, from December 21, 1962 until July 31, 1966, I was the officer responsible to the Secretary of State and to the President for AID's Vietnam program. I took that responsibility seriously: I visited Vietnam several times; I endeavored to keep myself fully and accurately informed on the situation in Vietnam at all times; so far as I am aware, no major decision affecting personnel, policies, or any other aspect of AID's Vietnam program was made without my express concurrence—and this specifically includes all major decisions affecting the complex policies and regulations that controlled the Commodity Import Program. In consequence, any criticism that anyone wishes to make of the conduct of AID's Vietnam program during that period must be directed to me, and not to Mr. Poats or any of the other subordinate officers who assisted me in carrying out my responsibility.

Please feel free to place this letter in the Congressional Record, or make any other use of it that would in your judgment help to keep the record straight.

Sincerely yours,

DAVID E. BELL.

—  
NEW YORK, N.Y., April 26, 1967.  
Hon. MIKE MANSFIELD,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR MANSFIELD: I understand that the pending nomination of Rutherford M. Poats to be Deputy Administrator of AID will reach the floor of the Senate shortly. If you have occasion to speak on the matter, I would appreciate your associating me with the many others familiar with Mr. Poats' work who strongly support his nomination.

I have worked with him for the past two years in my capacity as Advisor to the President on Southeast Asian regional development. I have found him to be a man of creative intellect, sound judgment and a strong sense of responsibility. We are fortunate to have men such as Rutherford Poats willing to dedicate their talents and energy to the public service.

Sincerely yours,

EUGENE R. BLACK.

—  
CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, D.C., May 16, 1967.  
Hon. MICHAEL MANSFIELD,  
Majority Leader, U.S. Senate, Washington,  
D.C.

DEAR SENATOR MANSFIELD: I am concerned to learn that the Senate has suddenly decided to act today on the long-delayed nomi-

nation of Rutherford Poats as Deputy Director of AID.

I would assume that you are aware that the Foreign Operations Subcommittee of the House Appropriations Committee is to resume its questioning of Mr. Poats today on the foreign aid program in Vietnam after a two-week delay. As one subcommittee member, I have compiled, in preparation for Mr. Poats' appearance, a substantial number of specific questions that will require Mr. Poats and AID to, once and for all, set the record straight on the issue of severe criticism and alleged mismanagement of the Vietnam AID program.

The line of questioning I am planning to pursue with Mr. Poats is based on the following documents, some of which raise many questions about the soundness of the management of the AID program in Vietnam:

1. Program and Project Data—East Asia/Vietnam—FY 1968
2. Moss Report—Investigation of U.S. Economic and Military Assistance Program—October 12, 1966
3. AID Proposed FY 1968 Program—Summary presentation
4. Columbia Broadcasting System T.V. Interview—shown 7/23/66 on Walter Cronkite
5. Wiedler Report—November 1966—Port of Saigon
6. Herder Report—December 1965—Management Survey Team
7. GAO Report—Management of AID Commodity Programs—April 27, 1967
8. GAO Report—Survey of Internal Audits Inspections—August 18, 1966
9. Letter—J. H. Edwards, Deputy Director AID Mission Saigon—11/9/65
10. Testimony—William P. Bundy, Asst. Secretary of State—4/26/67
11. Spreyer-Anderson Report—Galvanized Steel—April 1966
12. Testimony—William S. Gaud, Director AID—April 24, 1967.
13. Testimony—Rutherford M. Poats, Assistant Administrator, Bureau for Far East—April 27, 1967.
14. News Analysis—Jame J. Kilpatrick—Evening Star—Poats Promotion—April 27, 1967.
15. Eytan Report—Changes in CIP Regulations—March 14, 1967.
16. Pharmaceutical Report—Admission Vietnam—September 20, 1966.
17. Testimony—Rutherford M. Poats—Vietnam Program Annex—4/26/67.
18. News Analysis—The Role of AID, Helen Bentley—February 27, 1967.

It is my expectation that Mr. Poats' testimony will establish—for the record—the exact circumstances surrounding the controversial AID program in Vietnam and will bring all the relevant facts to light.

Certainly many people will have reason to wonder as to the motives behind the sudden decision to bring the Poats nomination to the Senate floor, just before a House Subcommittee is scheduled to comprehensively examine the U.S. foreign aid program in Vietnam.

Based on an intensive examination of the data on the Vietnam AID program and the alleged questions about its mismanagement, I personally feel it is in the public interest to hear Mr. Poats' side of the story.

After the House Foreign Operations Subcommittee completes its questioning we will all have more factual evidence on which to judge objectively, Mr. Poats' fitness to serve in the important capacity of Deputy Director of AID.

Sincerely,

DONALD W. RIEGLE, JR.

Mr. BAYH. Mr. President, I am about to embark upon a task which is, without question, the most unpleasant one in my 13 years of legislative experience—five in which I have had distinguished privilege and honor to serve in this body,

and eight in which the people of my home district in Indiana chose me to serve in the Indiana State Legislature.

Most of my colleagues are aware by now, I think, that I am opposed to the confirmation of Mr. Rutherford Poats as Deputy Administrator of the Agency for International Development.

The task which I pursue this afternoon is made difficult for several reasons. First, because of the very nature of the debate in which we are now involved, and in which we have been involved for the past several weeks—indeed, for several months.

One of the rewarding aspects of serving in the Senate, or serving in a legislative body, is the fact that honest men can have honest differences of opinion that do not in any way affect the personalities involved.

It is frequently the case that two Members of this body can argue heatedly for the best part of an afternoon, differing over the issues in question, and still share the friendships which we have the opportunity to develop here.

The question today is not what is right or wrong about a given issue. Regrettably, it is one that must deal with the qualifications of the prospective nominee. It has been necessary for me to speak about the qualifications of a person—a most distasteful task for me to undertake. It is made more difficult by the fact that many whose judgment I respect, strenuously disagree with me. At the top of this list is my warm friend, the distinguished majority leader. It is never easy to disagree with him. Seldom do I have occasion to do so.

It is equally difficult to disagree with some of my colleagues, such as the distinguished Presiding Officer [Mr. BYRD of Virginia], and the junior Senator from Virginia [Mr. SPONG], as well as others, who have expressed their strong personal support for this man. Opposing a nominee who now resides in their State is extremely difficult. Nevertheless, some time ago I determined that there is no honorable alternative except to oppose this nomination, feeling as I do. I intend to follow through with this difficult task.

In February of 1966, I started raising questions about the administration of our AID program to the strife-torn nation of South Vietnam. For a time, very frankly, little was written, and probably a great deal less was heard, about some of the concern which was expressed. Slowly but surely, there has developed a general awareness of the fact that we have problems in the administration of AID in South Vietnam, problems that need to be dealt with.

I for one want to compliment the President of the United States for recognizing that it is entirely possible for us to win a military victory in South Vietnam and yet lose the economic and political struggle which is the foundation for any lasting peace in South Vietnam. The steps he has recently taken indicate, in my judgment, the full awareness on the part of the White House that top level management and ability to get the job done must be brought to bear on the administration of the pacification program

and the disbursement of AID funds in South Vietnam.

We are talking now about a program which this fiscal year will amount to about \$720 million. There is an increasing awareness of and growing concern over the fact that there has been mismanagement in the handling of large sums of money.

No doubt anyone who opposes a Presidential nomination will be subjected to a tremendous amount of criticism. Frankly, I was a bit naive in underestimating the criticism which would be directed at me. I suppose this is to be understood in the Senate, but there have been some well-meaning members of the press who have, in all good conscience, taken me to task. I do not question their right to do this. The unfortunate aspect of this whole matter is that they have not been able to capture in print my real feelings, my true motives, on this subject; and thus, unfortunately, have attributed to me purposes which I would not dare attribute to any of my colleagues; that is, that I am serving vested interests; that I am a political opportunist; that I am vindictive and spiteful and foolish; and, indeed, in one recent editorial, that I was worse than foolish.

Mr. President, I stand ready to endure these attacks, now, tomorrow, and in the months to come if necessary, if only my colleagues in this body will consider the real reasons for my opposition to Mr. Poats. It is my firm belief that once these reasons are considered and Members of this body have an opportunity to understand all the facts, they will regard these reasons as compelling and the Senate will refuse to consent to this nomination, which is the consequence of poor and misleading advice to the President of the United States.

I should like, for those who are here or who will read the RECORD, to recount the disclosures which have led me to the very distasteful task in which I am presently engaged.

First, since November of 1963, the nominee, Mr. Poats, has been in direct charge of the AID program for the Far East. For some months before that time, Mr. Poats was second in command of the Far East AID program. In these positions he was cited, in a recent issue of Fortune magazine, as one of this Nation's 12 top policymakers administering the total U.S. effort in Vietnam.

It seems obvious to me Mr. Poats is not a mere puppet, dangling at the end of somebody's string. He is, and has been, the primary adviser to the AID Administrator and the President on AID programs in Vietnam.

Indeed, Mr. Bell, as a very able administrator, pointed out that he was ultimately responsible for what happened in the Vietnam AID program during his tenure of office. This is true, but it seems to me we can more realistically focus the finger of attention on Mr. Poats and Mr. Gaud, who had primary responsibility for directing the AID program in Vietnam.

Mr. Poats is the man who helped formulate AID policy for Vietnam; and, more significantly, he is the man who has been expected to implement AID pro-

grams there with maximum efficiency in order to best achieve our goals.

While this body may not be unanimous in its views on our presence in Vietnam, I believe we can agree that our goal in giving millions of dollars of economic aid to that Nation is to help win a lasting peace.

As I mentioned a moment ago, the way in which economic aid will be handled in the future will, in my judgment, have a direct bearing on how quickly we can solve the problems facing Vietnam.

I should like the Senate to review with me very quickly the record of the program over which the nominee had direct charge. How has this program assisted the long-range effort to help solve the problem of Vietnam? Let us look at the record Mr. Poats has compiled. On the basis of this information the Senate is being asked to elevate him to second in command of AID, where he would have jurisdiction over \$3 billion a year.

Occasionally we are asked to advise and consent to the nomination of a man who lacks previous Government experience. This is not the case with Mr. Poats. His record of accomplishment or lack thereof is available for over 5 years as an administrator.

My first direct encounter with Mr. Poats was in February of 1966. It involved, as some columnists have pointed out, the procurement policies in Vietnam concerning galvanized sheet steel.

Galvanized steel is used in the pacification program for building huts and schoolhouses.

I have been accused by some members of the press of rushing into this matter because my State has a significant amount of steel production.

If it is a sin for a Member of the U.S. Senate to be concerned about Government policies which adversely affect a significant element of his constituency, then, Mr. President, I stand accused. But let me say that the reason for my concern then and the reason for my concern now goes far beyond the particular steel interests which we are proud to have, Mr. President, throughout the State of Indiana.

In February of 1966, after a series of letters and telephone calls to AID's Far East Bureau here in Washington—letters and telephone calls which, I hasten to add, never were adequately answered—I believed that the only way we could get action was to treat it like the squeaky wheel. I had tried to prevent stirring up controversy through recommendations by telephone, personal visits, and by letter, but these efforts obtained no results; and, remembering the adage about the squeaky wheel getting the grease, I did finally publicly charge that AID policy on steel procurement for South Vietnam was resulting in millions of American dollars being wasted on kickbacks in the purchase of Japanese-made, Korean-galvanized steel of extremely poor quality.

I contended that this Nation could save approximately \$15 million annually by purchasing American-made steel and thus averting the system of kickbacks and collusion that was infesting Asian steel interests at the American taxpayer's

expense. One thing that we uncovered was that steel, originally made in Japan as black plate, was shipped to the galvanizing mills in Korea, and then to Saigon, where it was purchased with our foreign-aid dollars. This resulted in a charge of about \$96 per ton above what the same steel would bring anywhere else in the world. Additional money was being squandered because the steel was of inferior quality. It was inadequately galvanized and about twice as thin as the normal standard for comparable products in this country. The result was that instead of lasting 10 to 12 years, as a good, substantial product should, it was lasting only 8 to 12 months. That, of course, resulted in additional loss to the taxpayers.

Both privately in my office, and publicly through the newspapers and in testimony before Senate committees, Mr. Poats denied each and every one of my allegations.

On March 14, 1966, while testifying before a Senate appropriations subcommittee chaired by the distinguished senior Senator from Rhode Island [Mr. PASTORE] Mr. Poats claimed that the American Iron & Steel Institute was "content" with the procedure of buying Japanese-made steel. He denied that the price of steel sheet sold to AID was inflated. He contended that my allegations on the cost of the steel "was one instance of a distress offer, a dumping transaction. It was not made. It was just an offer." He continued: "That is a rather flimsy basis for price comparison."

Mr. President, I do not think there is any need to go back over a debate which the Senate has heard on three different occasions; but anyone who was present at the time or who has read the RECORD will recall that a direct message from the American Iron & Steel Institute—printed in the RECORD for anyone who wants to read it—shows that the American Iron & Steel Institute vigorously objected to the Poats' steelbuying policy, and stated its opposition clearly before Mr. Poats misrepresented its position. That message sets the record straight, in stating that the institute objected very much to the misrepresentation by Mr. Poats of its position.

But, more important, on April 20, 1966, the Comptroller General of the United States sent a report to me after investigating AID files at my request.

I should tell the Senate frankly how this came about. I was convinced that my information was correct, but Mr. Poats continued to deny its accuracy. Finally, we asked the Comptroller General and the General Accounting Office to see if they could determine whether this information was true or not.

This investigation of AID's records revealed, among other things—and this is all a matter of record—that the price of steel sheets sold by Korean companies to AID rose from \$179 a metric ton in 1963 to \$270 a metric ton in 1964 and declined to \$259.50 a metric ton in 1965. The report continued:

Our review of (AID) records has not as yet disclosed information indicating that the Agency questioned the sharp price increase when it occurred in 1964.

The report continued further by saying:

The price of Japanese black plate (which was purchased by Korean companies, galvanized, and sold to AID in Vietnam) actually decreased in 1964—at the very time the price being charged AID went up.

The report, most of which remains shrouded in secrecy, points out that the Korean companies were making a handsome profit when they were selling steel sheet for \$179 a ton; and, as one might expect, an even handsomer profit when they increased the price to \$270. The report further pointed out that part of the increase was due to kickbacks paid to importers in Vietnam; and the report went on to substantiate the charge that the steel was of inferior quality.

In addition, we had other documentary evidence verifying the facts at the very time Mr. Poats was denying to me and to the Senate committee the existence of these atrocious practices. This report was prepared by a French firm which had been hired to investigate the matter. It showed the situation was even much worse than the junior Senator from Indiana had alleged.

In September, 1966, Congress passed into law an amendment to the foreign aid bill which corrected these glaring problems—all of which had been repeatedly denied by Mr. Poats.

Mr. President, to those of my fellow Senators who are now present, let me state that I have been extremely sensitive—perhaps I have not been justified—about some of the criticism in the newspapers, which have alleged that my opposition to Mr. Poats is the result of a personal feud, of bad blood, and is a spiteful use of senatorial privilege.

I have been here 5 years. I shall let my fellow Senators judge whether that attitude would be characteristic of me. As a participant in all types of sports, I have experienced many personal defeats. As a boxer I have been knocked down a number of times, but was always able to get up and shake hands with my opponents.

The Senate on three occasions—and on one of them the vote was 64 to 14—has supported my contention that the AID steel program should be changed. That is past history.

I do not want to resurrect it. I mention the statement here today merely to indicate my firsthand experience in dealing with the nominee.

Mr. ERVIN. Mr. President, will the Senator yield so that I can give him a little consolation?

Mr. BAYH. Mr. President, I am glad to yield to the Senator from North Carolina.

Mr. ERVIN. Mr. President, the Bible says:

Woe unto you when all men shall speak well of you.

So the fact that the Senator from Indiana has been criticized would indicate that perhaps he is entitled to the blessing implicit in those words of the Scripture. I say that for his consolation.

Mr. BAYH. I thank my colleague, the Senator from North Carolina. We serve on the Judiciary Committee together

and the Senator knows the great respect I have for him, not only as a person but also for his ability.

I wish I had had the wisdom to seek his counsel about a week ago because I needed an uplift at that time, and I need it now. I appreciate it very much.

My reference to the steel procurement policy was made only because it enables the Senate to gain a better perspective of the nominee's qualifications.

It was my contention that we ought to have an American product, or at least a product that was not inferior, wherever it came from, and one that was not subject to the kickback system which exists in South Vietnam. In opposition, Mr. Poats claimed that American companies could not compete with Asian steel producers. Later events proved that his judgment was erroneous.

To illustrate his underestimation of the American steel industry, let me point out that the first lot of steel sold under the amendment adopted as a result of my disclosure was a consignment of 20,000 tons purchased from the Wheeling Steel Corp., in West Virginia. This highly superior product was purchased for \$300,000 less than had been paid a year earlier for the paper-thin, Asian-made product.

For the first time American tax dollars did not have to be spent to provide kickbacks for shady manufacturers and importers.

A quick calculation of the amount of steel that was purchased last year by AID for this purpose shows that we would have saved \$10 million had the particular measure which had been passed by the Senate, and later by the House, been in effect. It is estimated that it will save us in excess of \$5 million this year.

Mr. Poats did not make the decision to avoid the kickbacks and buy a better product more cheaply. The decision was made for him by the Congress of the United States.

Mr. Poats did make a statement, however, as soon as I had raised these questions—a statement that I noted was attributed to him as of the 29th day of April—that all purchases of Japanese-made, Korean-galvanized steel sheet were halted pending an investigation.

He made a similar statement to the Comptroller General about the same time.

The truth is that more than \$2 million has been spent on these inferior, overpriced products from the time I had raised the question until the present.

If anyone doubts that, I suggest that he look at the files in the Government Accounting Office or the AID postaudit procedures. Ask the Comptroller General for proof of the fact that \$2 million was spent on the inferior, overpriced products even after the issue had been raised in the Senate.

But this is only the beginning. This is what opened my eyes to the probability that, if Mr. Poats' credibility and management ability could be seriously questioned pertaining to the purchase of a single commodity, and that if a saving of \$5 million a year could be realized by a simple change in policy, this gross absence of managerial skill

would characterize the whole commodity import program.

In May 1966 the Moss committee, headed by Representative JOHN MOSS, of California, went to Vietnam. A member of that committee was Representative ROBERT GRIFFIN, who is now the distinguished junior Senator from Michigan. The Moss committee examined the problem of AID management in Southeast Asia.

Upon its return, the committee held extensive hearings, most of them behind closed doors. But much new information resulted from the hearings, and in November 1966, the committee published what appears to be some shocking findings. Their report is entitled "An investigation of the U.S. Economic and Military Assistance Programs in Vietnam, 42d Report by the Committee on Government Operations."

The committee reported that no audit had been conducted by AID since 1961—this despite repeated warnings dating back at least to July 1964 when the General Accounting Office warned of kickbacks and diversion of imports, and despite the fact that this year, alone, the United States is spending \$720 million for economic assistance to Vietnam.

The committee reported that—

Since the GAO study was completed, other studies have been made by officials of AID and the Treasury Department and the same deficiencies have been identified repeatedly. As a result sweeping changes have been recommended on numerous occasions. It was not until the subcommittee initiated its investigation, however, that AID took aggressive action to implement such changes.

I wish to read one paragraph from the Moss report, because in my judgment it is difficult to see how the distinguished chairman of this committee, Representative Moss, could have indicated his support, which was appropriately entered into the RECORD by the distinguished majority leader, absolving Mr. Poats of responsibility in any way and recommending he be promoted, when the report contains this damning accusation:

These consumer goods, comprising about 70 percent of the nonmilitary aid provided to Vietnam, were being pumped into the country at the time of the subcommittee's investigation (a) without any determination as to whether the quantities imported were excessive and could be properly and efficiently absorbed into the Vietnamese economy, (b) without any determination as to whether certain types and grades of commodities were luxurious under current conditions in Vietnam, (c) without any determination as to the quantity of stocks on hand and in the supply pipelines, (d) without any determination as to whether the commodities programmed were likely to be hoarded, diverted, or used for purposes incompatible with U.S. objectives, and (e) without verification and adequate surveillance of the use made of commodities previously delivered under the CIP. These deficiencies in addition to the unrealistic rate of exchange and lack of effective monetary and fiscal controls encouraged speculation, windfall profits and corruption, fed inflation, and deprived the United States of maximum benefit from its assistance programs.

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

Mr. BAYH. I yield.

Mr. CHURCH. I am sorry to interrupt

the Senator's thought at this moment. It had been my intention to support this nomination, and I had so indicated, some months ago, to officials of the AID agency. For that reason, I feel obliged to make a public explanation of my present position.

I deplore the highly derogatory attacks that have appeared recently in the press against the distinguished Senator from Indiana in the personal position he has taken. Not only has he raised questions of substance, but he has been most conscientious in the misgivings he has expressed.

I believe that the insulting description of the Senator's motives, the demeaning attacks upon him which we have seen recently in the press, have been of a character I cannot possibly justify. They are totally unwarranted. Because of my high personal regard for the Senator from Indiana, and because of my sense of outrage at the way he has been abused, I shall vote with him, should a recommitment motion be offered; and I want him to know the reason why I have changed my position.

Mr. BAYH. I am extremely grateful to my friend, the Senator from Idaho. I appreciate his support, as a member of the Committee on Foreign Relations and as a man who has studied the whole problem of AID, whether in Vietnam or elsewhere. I appreciate his comments.

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

Mr. BAYH. I am glad to yield.

Mr. MANSFIELD. Mr. President, I had not intended to say anything until the distinguished Senator from Indiana had completed his speech; but I want him to know that so far as I am concerned, and I am sure so far as the entire Senate is concerned, there is nothing but affection, respect, and admiration for the fight which the Senator has been carrying on, regardless of how each of us may vote on this nomination.

I am sorry to note that the Senator has been the subject of slander and vilification, because I can state that the Senator has been most cooperative in the course of Senate consideration of the Poats nomination.

He has asked for very little delay. The delay in large part has been caused because of the calendar and matters to which the Senate had to attend, which were of greater importance than a nomination.

I would hope that the Senator would be aware of the high esteem in which he is held in this body, by Members on both sides of the aisle. I also hope he is aware of the fact that so far as any Senator is concerned, the Senator from Indiana is carrying out his rights and his responsibilities as he sees fit, in accord with the rules and procedures of this body, and that is all one can expect of any Senator. The fact that we are in disagreement on this matter is immaterial, of no consequence. Speaking as the majority leader, I wish to express my great admiration, my deep respect, and my affection for my distinguished colleague.

Mr. BAYH. I thank my friend, the Senator from Montana, for his extremely gracious statement, which, although ap-

preciated, was certainly not necessary. He has been very forthright with me. We have differing opinions on this matter.

I appreciate the fact that the distinguished majority leader has mentioned that I have not been insisting on delay.

Indeed, I have been ready to vote on this issue for some time, and will, very frankly, be glad when the occasion presents itself, so that this issue can be disposed of properly.

I have read the Moss committee statement about the conditions that existed. It is inconceivable to me that a man with any management capability whatsoever can let conditions exist in which no effort is made to ascertain whether a product is needed, in which no effort is made to see how it is utilized once it gets into the country, in which no effort is made to see whether it gets into the hands of the enemy, and no effort is made to try to stop some of the spiraling inflation until accusations are made by a congressional committee.

Mr. President, for example, one of real problems in determining whether a man is responsible for failure or not is his place in the chain of command. Indeed, some have said the the burden should fall on the President, the Secretary of State, or the AID Administrator. Others would say: "You cannot blame an administrator in Washington; you should blame the man at the grassroots level." Really, here is where the fallacy occurs. I would agree to this, were it not for exhibit 4 before the Moss committee, which is a letter from Mr. J. H. Edwards, who was then Deputy Director of the U.S. AID mission in Saigon, who wrote a letter to Mr. Poats as far back as November 9, 1965.

The letter is addressed to Mr. Rutherford M. Poats, Bureau for Far East, Agency for International Development. Apparently Mr. Edwards knew Mr. Poats well enough to communicate with him by addressing him by his nickname of "Rud" and not "Rutherford." The letter, which is from a man on the scene, starts out as follows. If he were negligent and did not recognize the shortcomings, then I would say Mr. Poats could be relieved of the responsibility.

DEAR RUD: At least once a week I have written to you a long diatribe on the problems created by the hasty and emotional approach to assistance to Vietnam. Fortunately, so far I have recovered enough self-control to destroy these prior to mailing. Suffice it to say that I don't like, nor approve, what we are doing here.

Then, he finally gets around to the reason for mailing the letter to Mr. Poats:

It is at the same time both unconscious and unconscionable. Let me only make these comments without the lyrics.

Here he makes a 12-point accusation; point by point, of things needed to be done. I invite Senators to look at page 101 in the Moss report for their late evening reading, if there are any doubters here.

After his 12-point accusation, Mr. Edwards proposes 10 suggestions of what should be done. This letter is dated November 9, 1965. The Moss committee was there the middle of the following year

and still had the same complaints to make about the program that had been made by Mr. Edwards of the Saigon mission, so that although apparently Mr. Poats knew about them, no steps had been taken to improve the management.

It is interesting to note that after the letter was ignored Mr. Edwards quit in disgust and returned to private business. A year later, when the Moss committee made the letter public, Mr. Poats was quoted as saying that Mr. Edwards did not have much Government experience; that he was just a businessman. It is also interesting to note that Mr. Edwards' experience with AID began just 4 months after Mr. Poats joined the agency; that Mr. Edwards, after a distinguished career in business, was deputy director of AID's mission in Seoul, Korea, then was deputy director of AID's mission to Djakarta, Indonesia, before becoming deputy director of the AID mission in Saigon.

Just a year ago, I wrote a letter to Mr. David Bell—a man I highly respect and who, at the time, was Administrator of AID. In that letter, I suggested that what we needed in Vietnam were businessmen—people who knew the problems of supply and distribution and who could look into the problems of steel, drugs, cement, fertilizer, or oil and determine whether they were being properly handled or not.

At the time I did not know of Mr. Edwards and his efforts to approach the problem of the Vietnam import program on a businesslike basis. It is clear Mr. Edwards' efforts fell on deaf ears, and the American taxpayers are the worse for it.

Just last week, Mr. President, I disclosed how, because of the absence of everyday management procedures, millions of dollars worth of drugs imported to Vietnam under AID auspices may have been diverted to the Vietcong, the North Vietnamese and even perhaps to the Chinese Communists. In this report there is thorough documentation of almost total mismanagement through an entire group of years and months in Vietnam. Today, let me hasten to add, there are procedures to avoid such shocking and indefensible bungling. Some progress has been made but the question we must ask today is: How did this change come to pass?

I shall tell the Senate. For as many years as we have been importing drugs to Vietnam, there have been no controls of any kind. In May of 1966, when the Moss committee was in Vietnam, the question of the absence of such controls was raised. On May 22, 1966, the Parke-Davis Co., an American pharmaceutical firm, wrote a letter to AID suggesting that, in its opinion, the company was selling entirely too much of a highly potent drug called chloramphenicol for export to Vietnam.

In other words, AID was not policing it, but we had an American drug company which was concerned with what was going on. The company suggested that the size of South Vietnam and other factors would indicate there were imports of about 10 times as much of this drug as the country could use.

In July of 1966, after the Moss committee had hearings and interest had

begun to be generated, Mr. Poats was called before the Moss committee. An investigator was dispatched to look into the drug program. His findings resulted for the first time in the establishment of reasonable controls and checks on the import of drugs to Vietnam. His report also indicated that large quantities of some drugs were being pipelined to the North Vietnamese and Chinese Communists to combat epidemics in those lands, at the unwitting expense of the American taxpayer, and that some importers were realizing profits of up 300 percent on resale of these drugs to the Vietnamese people.

Here again, who is responsible? In testimony before the Senate Judiciary Committee, in July of 1965, Mr. Poats said he was aware that drugs were piling up in Saigon; that there was free access and free sale—yet, it took a year and the prodding of Congress before he sent someone with knowledge of the drug industry to investigate.

Mr. President, I might add that the major culprit in this entire despicable drug situation was a major French drug firm, Roselle, which built a shiny new plant. I am told by drug experts that anyone who would look at it could tell that it was far in excess of the plant capability needed. In my judgment, it is time that we held this French firm responsible. I should add one thing about American industry blowing the whistle on mismanagement in South Vietnam. Perhaps the Administrator in charge of that area was unaware of what was going on. One product being sold was Unicel 100.

It is a product produced by Du Pont to sell and make profits for the taxpayers. Du Pont alerted AID to the fact that normally large quantities of this commodity were going into the country. It is used for the rubber industry as an antiblowing agent. Du Pont said that Vietnam has very little of this industry and there is very little need for it at all. When AID finally got around to investigating it several months later, it found some rather strange things. First, it was discovered that large quantities had been imported, and second, coincidentally, Unicel 100 had the explosive power equal to if not a little bit greater than TNT.

Just a few weeks ago, a committee chaired by the distinguished senior Senator from Arkansas [Mr. McCLELLAN] uncovered a case in which, due to the lack of any management system on the part of AID, a would-be inventor bilked AID and the American taxpayer for \$386,000 for some worthless powder that was sold under the unlikely names of "White Magic" and "Spe-D-Magic" and was supposed to be a product that could make a car battery last for 10 years, or inhibit the formation of rust, or be used as a solder. Where in the world, Mr. President, can you or I purchase a product that can make our car batteries last for 10 years? Yet, no questions were asked until the stuff had been bought and paid for—because there exists no system under Mr. Poats' leadership in which such questions can be asked. I am certain that this committee has many other questions to ask Mr. Poats, however, in

the weeks ahead. One key question is why Mr. Poats took no action against this "inventor" even though his bureau was warned a year ago—by a Florida attorney whose client was asked to finance this deal—that the whole business looked highly suspicious.

In other words, an interested citizen brought this matter to the attention of AID, which did nothing about it.

Another question is why was there no system which could have prevented paying this "inventor" \$10,000 in March of 1967—months after the FBI had reported the fraud to AID? In my judgment, the true picture of the scandalous mismanagement of the Vietnam AID program will not come to light until the senior Senator from Arkansas once again has had the opportunity to demonstrate his tenacity to get to the truth of a situation costing us millions of dollars—and a situation which may well be prolonging the war in Vietnam.

Early this afternoon, I learned from the office of the Senator from Arkansas [Mr. McCLELLAN] that he was in Arkansas. I called him and received permission from him to say to the Senate that he believed it would be wise, under the circumstances, to return Mr. Poats to the Committee on Foreign Relations so that it could make a further study of his qualifications and some of the ramifications concerning mismanagement of the AID program in Vietnam.

Mr. President, I see little to be gained by proceeding at too great a length on this subject. But I have received much information from many people who, I am sure, have the best of motives, concerning some of the things which have been going on in Vietnam. Some of these accusations have proved to have merit. Some have not.

I am not accustomed to making accusations of mismanagement just to get headlines. For that reason, I have not previously made, and do not intend to make, full disclosure at this time until we have had an opportunity to look more closely into the situation.

Presently, we are looking into the situation in which AID appears to be doing business with firms whose clients include Chinese Communists. I am gathering data in which still another firm has been permitted to sell substandard milk to Vietnamese citizens at huge profits; I am looking into a deal in which importers have been able to fix specifications for commodities so that only one seller can meet them—provided he comes across with a sufficient kickback. And all this, I add, under the auspices—unwitting though they may be—of the Agency for International Development and under the management of Mr. Poats.

I am sure that the brief recitation of possible wrong-doing only touches the surface which the distinguished Senator from Arkansas [Mr. McCLELLAN], once he has brought the full weight of his committee to bear on the conduct of this program, will disclose, things it will be hard to believe have been going on.

Mr. President, it seems clear to me that this body has a responsibility and an obligation to exercise its power of consent to appointments; it seems clear to

me that we have the responsibility and the obligation to exercise our role of legislative oversight; it seems clear to me that to act hastily on this nomination in the midst of one disclosure after another would be an irrevocable act that we might later regret bitterly.

All I ask, Mr. President, is that the Senate Committee on Foreign Relations, which ordered this nomination reported before it had the opportunity to consider these recent disclosures, be given a chance to study their implications, and take another look at the kind of management which this nominee has brought to bear on our AID programs in Southeast Asia. I, for one, am willing to accept what one has called the "heavy burden of responsibility" for delaying this appointment, although I have tried to get a vote so that the Senate could express itself. I, for one, am willing to be slandered as an opportunist, spitefully seeking to revenge the innocent individual who has been portrayed as simply carrying out the orders of his superiors. I, for one, stand ready to absorb the malicious abuse of those who believe that the President of the United States, and not Mr. Poats, should be responsible for setting up things like market levels for drug imports to Vietnam, or a cardex system to keep track of those imports, in order that such products should not reach the Chinese Communists.

This is not the responsibility of the President. It is the responsibility of the man charged with administering the program in Vietnam to establish basic management criteria.

I believe, Mr. President, that it is utter nonsense to suggest the President of the United States must spend his time with the detailed minutiae of implementing programs effectively. If he is, then we could dispense with thousands of top-ranking Government officials immediately and let the President do it all himself. And if it is immoral and improper to challenge one such official who may be promoted on the basis of his obvious failures, then we might well dispense with 100 men and women who compose the Senate of the United States. For it is our responsibility to assent to nominations and determine whether they are meritorious.

Mr. HOLLINGS. Mr. President, I am pleased, as one of the Senators from South Carolina, to advise and consent to the nomination of Mr. Rutherford Poats as Deputy Administrator for the Agency for International Development.

Mr. Poats, a native of South Carolina, grew up in a university village at Clemson. His neighbors there recommend him as a man of unquestioned integrity.

The Foreign Relations Committee has looked into the competence and integrity of Mr. Poats and has unanimously endorsed him for this post. The President and the Director of the Agency for International Development, Mr. William S. Gaud, recommend him for the position, and Congressman JOHN E. MOSS, of the House Subcommittee on Foreign Operations and Government Information, which investigated the U.S. economic assistance program in Vietnam, recommends Mr. Poats for this position.

To all of these testimonials, the Senator from Indiana appears and says, and I quote:

I am not here to oppose Mr. Poats because of what he is or because of who he is. I am certain, in fact, that Mr. Poats is among that large cadre of men and women with whom our Nation is blessed . . . men and women who are sincere, dedicated and intelligent public servants. I am here for one reason and one reason only. I am here because I believe that a better qualified man can be found for the job in question.

It is interesting to note that by this statement, the Senator does not fault Mr. Poats' honor or integrity but rather places him as one of a group of "dedicated and intelligent public servants." I have pursued the Senator's objections to determine wherein Mr. Poats was incompetent.

The 12-page statement is an indictment of the foreign aid program in Vietnam as unsuccessful. Assuming this to be true, there are no facts given to show that the unsuccessful policies and programs were exclusively those of Mr. Poats. We know deficiencies exist in the program. In fact, until about a year ago the entire operation in Vietnam, both military and economic, was deficient.

Under the Senator's reasoning we could have approved no one to command in Vietnam because until the tide began to turn a year ago, the operation would have to have been characterized as "unsuccessful." And so it is with all foreign policy. Employing the Senator's logic, this body would never approve of a Secretary of State because there are glaring inadequacies and failures in America's foreign policy. Poor Dean Rusk would never be approved and the airport at Dulles would have been unnamed as well as unused.

Mr. President, Mr. Poats is a man of honor. Obviously the President, the Administrator, and our colleagues on the Foreign Relations Committee consider him a man of competence, and I urge most sincerely that the Senate confirm his appointment.

Mr. METCALF. Mr. President, I would like to add my voice to that of the distinguished junior Senator from Indiana [Mr. BAYH] in questioning the nomination of Rutherford Poats to become Deputy Administrator of the Agency for International Development.

Like the Senator from Indiana, I, too, take seriously the Senate's responsibility to advise and consent to executive appointments. This is no minor appointment; it involves a position in which some of our most sensitive policies regarding Vietnam are formulated.

It is clear that the nominee's record of performance is open to question. In the past few weeks, disclosures of a serious nature have been made which reflect directly upon the nominee's ability to manage and direct a sizable and politically delicate program of foreign aid.

While it may be true that every deficiency in our aid program to Vietnam cannot be traced directly to the nominee, the reflection upon his ability as a manager is inescapable and certainly injects enough doubt in my own mind to oppose his promotion to the No. 2 position in AID.

At stake here, it seems to me, is the

future of the entire foreign aid program—a program that has come under ever-increasing criticism from the people and from Congress in the past few years.

I find it difficult to justify to the people of Montana and the United States the promotion of an individual whose past record is seriously scarred with documented accounts of mismanagement and obvious ignorance of sound business practices.

I find it difficult to justify the promotion of a man whose record as director of a \$700-million-a-year program has resulted in millions of dollars of waste and diversion due to continuing lack of simple controls and audits.

To use Mr. Poats' record as the basis for promotion to a position in which he will oversee the expenditure of \$3 billion a year of tax funds seems a contradiction in terms. Surely, such a promotion can only create deeper and more widespread opposition to foreign aid in general.

At the very least, it seems to me that while we have a foreign aid program, it should be conducted with maximum direction and minimum waste. This, it seems, the nominee has not succeeded in doing as director of our Vietnam aid program, and I see no compelling reason to grant him a significant promotion at this time.

Mr. McGEE. Mr. President, I agree with Senator BAYH's expressed objective—to insist on good management of AID. I am sure the President and the AID Administrator share this objective. That is why they decided late last year to set up a separate bureau of AID for Vietnam, with its own commodity management and surveillance staff and a full-time Assistant Administrator of AID at its head.

The opposition to the Poats nomination to be Deputy Administrator of AID has blocked this vital management improvement for nearly 6 months. He has forced AID to do without a deputy administrator since last October. He has forced Mr. Poats—the man whose management ability he questions—to manage two jobs, Vietnam and the other East Asia aid programs, all that time. Now he proposes to prolong this dangerous understaffing of the senior management of AID even longer, by further deferring Senate action on this 7-month-old nomination twice approved by the Foreign Relations Committee.

I suggest that the Senator's position is not consistent with his declared objective.

Senator BAYH believes that Mr. Poats is not up to the job of being Bill Gaud's deputy. The President and Mr. Gaud disagree. The Senator has had 7 months to present evidence to support his case against Mr. Poats. He presented much of it to the Foreign Relations Committee on April 10. The committee recommended confirmation of the nomination.

Subsequently, he has cited further examples of inadequate audit and commodity management staffs and systems in the Vietnam aid operation. These criticisms refer to the period of the rapid buildup of U.S. military and economic action to save South Vietnam in 1965-66. They refer to Vietcong acquisition of

U.S. economic and military supplies, deplorable but in some degree unavoidable in a war among Vietnamese without lines or fronts, with Vietcong infestation in the lifeblood of the economy of South Vietnam. They refer to profiteering by unscrupulous Vietnamese businessmen and their American or other suppliers in AID's commercial import assistance program, cases which were found by AID's own auditors, investigators and specialists. They cite self-criticisms prepared by or for AID to find problems and their solutions.

There has been waste and loose management in our emergency assistance to Vietnam, economic and military. War is wasteful. The decision to expand the AID program rapidly, despite known weaknesses in the Vietnamese Government's capacity to prevent theft and other abuses and despite known shortages of AID specialists and auditors to police it, was made at the highest levels of the administration. It was the right decision. The cost of failure to provide the aid would have been far greater.

All who have examined the AID operation in Vietnam have complimented the many measures taken since early 1966 to bring the program under control, reduce the opportunities for abuse and give it the best staff that an essentially volunteer, civilian recruiting system can provide in a war zone.

All who are familiar with Mr. Poats' work in other Far Eastern programs are high in his praise. During his tenure as Assistant Administrator for the Far East, the successful program in Taiwan was phased out ahead of schedule; Korea has become a model of self-help performance; Thailand, Laos, and the Philippines have, with AID's help, turned more of their attention to constructive rural development through enhanced local government and other popular institutions; Indonesia has started a come-back from the Sukarno disaster, with AID taking a minority share in a multilateral arrangement for support of Indonesian recovery; in Southeast Asia as a whole, we are taking creative steps, looking beyond the war in Vietnam, to help build regional unity through economic cooperation among countries of different political systems. Mr. Poats has been a leading contributor to these encouraging Far Eastern developments. This is why he has such wide support inside the administration and among such close observers as Eugene Black.

The President considered the matter at length before he resubmitted this nomination in the face of Senator BAYH's announced opposition. The AID Administrator, Bill Gaud, knows the man and the circumstances which produced the problems Senator BAYH has cited. So does Dave Bell, who was Poats' immediate boss for nearly 3 years. Both of them are firm in their continued endorsement. Mr. Bell calls Mr. Poats "exceptionally well qualified" to be the Deputy Administrator of AID and has detailed this view to those who have inquired. Members of the House of Representatives who have closely examined AID programs in the Far East have volunteered their endorsement of Mr. Poats.

It is simply not correct, therefore, to say that the Senate has not had adequate opportunity to judge the merits of this nomination. On the contrary, it has been more closely examined and has won more explicit endorsement than any nomination to a position of this rank in recent memory.

Further postponement of confirmation of this nomination is unwarranted and could serve no useful purpose. It would impose an intolerable burden on the AID Administrator to delay further the staffing of his principal subordinate positions, Deputy Administrator, Assistant Administrator for East Asia, and Assistant Administrator for Vietnam. A vote for further delay is, therefore, tantamount to rejection.

It is time for the Senate to act.

I urge approval of this nomination.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, after conferring with the distinguished Senator from Indiana [Mr. BAYH], and the distinguished minority leader [Mr. DIRKSEN], and with the concurrence of both, I am about to propound a unanimous-consent request.

I ask unanimous consent that the vote on the pending nomination occur at 4 o'clock, and that in the meantime the time be equally divided between the distinguished Senator from Indiana [Mr. BAYH] and the Senator from Montana or whomever they may designate.

Mr. JAVITS. Mr. President, if the Senator will yield, will there be time after that to transact routine business?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. So the vote will take place at 4 o'clock.

The PRESIDING OFFICER. The time is equally divided. Who yields time?

Mr. MANSFIELD. Mr. President, if the Senator from Indiana has concluded for the time being, I yield myself 2 minutes.

Earlier today I requested that several letters be incorporated in the RECORD. One was a letter I received from the Honorable DONALD W. RIEGLE, JR., a Representative from the Seventh District of Michigan.

In the course of the letter received from Representative RIEGLE he stated:

I am concerned to learn that the Senate has suddenly decided to act today on the long-delayed nomination of Rutherford Poats as Deputy Director of AID.

Furthermore, on the second page of Representative RIEGLE's letter—and I would prefer not to bring in anybody in the other body—but I do so most respectfully—I do not have any choice,

since it has been referred to on the ticker tape—he states:

Certainly many people will have reason to wonder as to the motives behind the sudden decision to bring the Poats nomination to the Senate floor, just before a House Subcommittee is scheduled to comprehensively examine the U.S. foreign aid program in Vietnam.

May I say most respectfully that this nomination was before us last year and, at the request of the distinguished Senator from Indiana [Mr. BAYH], it was not brought up during the second session of the 89th Congress. It has been before this body for over a month. It has been cleared on all sides that the nomination be brought up. So I point out we are not acting suddenly, and this is not a sudden decision. I appreciate Congressman RIEGLE's concern and, had I received his letter before it was announced to the Senate on yesterday that we would take up the pending nomination today, I would, of course and as a matter of courtesy, give his request every possible consideration. With this explanation I hope the Congressman will understand and appreciate the position of the leadership in this instance.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. How much time does the Senator want?

Mr. TOWER. Ten seconds.

Mr. MANSFIELD. I yield 2 minutes to the Senator.

Mr. TOWER. Does the consent agreement permit a vote before 4 o'clock if both sides yield back their time?

The PRESIDING OFFICER. No, it provides for the vote at 4 o'clock.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, regardless of the type of motion which the distinguished Senator from Indiana [Mr. BAYH] wants to make, it be valid notwithstanding the prior unanimous consent agreement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

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

Mr. MANSFIELD. I yield.

Mr. BAYH. I have made it clear to the distinguished majority leader that I do not want to prolong this debate. I have indicated that, before the appointed hour, I will make a motion to recommit. If it is defeated, I see no reason to prolong the debate on the final vote for confirmation.

Mr. MANSFIELD. As always, the Senator is most considerate.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is that on the nomination? The motion has not been made, so the yeas and nays could not be requested on the motion.

Mr. MANSFIELD. The nomination is pending.

The PRESIDING OFFICER. Is the request for the yeas and nays on the nomination?

Mr. MANSFIELD. Yes. The yeas and nays on the nomination are requested.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I

yield such time to the Senator from Georgia [Mr. RUSSELL] as he may need.

#### AUTHORIZATION FOR APPROPRIATIONS DURING FISCAL YEAR 1968 FOR CERTAIN PROCUREMENT FOR THE ARMED FORCES

Mr. RUSSELL. Mr. President, as in legislative session I wish to ask for a conference with the House on S. 666.

The PRESIDING OFFICER. Without objection it is so ordered.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to 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, which was, to strike out all after the enacting clause and insert:

#### TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1968 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, as authorized by law, in amounts as follows:

##### AIRCRAFT

For aircraft: For the Army, \$768,700,000; for the Navy and the Marine Corps, \$2,527,100,000; for the Air Force, \$5,770,000,000.

##### MISSILES

For missiles: For the Army, \$769,200,000; for the Navy, \$625,600,000; for the Marine Corps, \$23,100,000; for the Air Force, \$1,343,000,000.

##### NAVAL VESSELS

For naval vessels: For the Navy, \$1,872,900,000, of which amount \$249,600,000 is authorized only for the construction of two nuclear powered guided missile frigates. The contracts for the construction of the two nuclear powered guided-missile frigates shall be entered into as soon as practicable unless the President fully advises the Congress that their construction is not in the national interest.

Notwithstanding any other provision of law, no naval vessel may be constructed in any foreign shipyard with funds authorized to be appropriated by this Act, unless specifically authorized by law.

##### TRACKED COMBAT VEHICLES

For tracked combat vehicles: For the Army, \$424,700,000; for the Marine Corps, \$5,100,000.

#### TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1968 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, \$1,539,000,000;

For the Navy (including the Marine Corps), \$1,910,118,000, of which sum \$46,000,000 shall be used only for antisubmarine warfare programs, giving due regard in all such research programs to benefits which may accrue therefrom to the American Merchant Marine;

For the Air Force, \$3,313,514,000, of which amount \$51,000,000 is authorized only for the development of an advanced manned strategic aircraft;

For the Defense agencies, \$464,000,000.

SEC. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1968 for use as an emergency fund for research, development, test,

and evaluation or procurement or production related thereto, \$125,000,000.

#### TITLE III—GENERAL PROVISIONS

SEC. 301. Subsection (a) of section 401 of Public Law 89-367 approved March 15, 1966 (80 Stat. 37), is hereby amended to read as follows: "Funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support (1) Vietnamese and other free world forces in Vietnam, (2) local forces in Laos and Thailand; and for related costs, during the fiscal year 1968, on such terms and conditions as the Secretary of Defense may determine."

#### TITLE IV

SEC. 401. Section 3034(a) of title 10, United States Code, is amended to read as follows:

"The Chief of Staff shall be appointed by the President, by and with the advice and consent of the Senate, for a period of four years, from the general officers of the Army. He serves during the pleasure of the President. In time of war or national emergency hereafter declared by the Congress he may be reappointed for a term of not more than four years."

SEC. 402. Section 5081(a) of title 10, United States Code, is amended to read as follows:

"There is a Chief of Naval Operations, appointed by the President, by and with the advice and consent of the Senate, to serve at the pleasure of the President, for a term of four years, from officers on the active list in the line of the Navy, eligible to command at sea and not below the grade of rear admiral. In time of war or national emergency hereafter declared by the Congress he may be reappointed for a term of not more than four years."

SEC. 403. Section 8034(a) of title 10, United States Code, is amended to read as follows:

"The Chief of Staff shall be appointed for a period of four years by the President, by and with the advice and consent of the Senate, from the general officers of the Air Force. He serves during the pleasure of the President. In time of war or national emergency hereafter declared by the Congress he may be reappointed for a term of not more than four years."

SEC. 404. Section 5201(a) of title 10, United States Code, is amended to read as follows:

"There is a Commandant of the Marine Corps, appointed by the President, for a term of four years, by and with the advice and consent of the Senate, to serve at the pleasure of the President, from officers on the active list of the Marine Corps, not below the rank of colonel. In time of war or national emergency hereafter declared by the Congress he may be reappointed for a term of not more than four years."

SEC. 405. The foregoing provisions of this amendment shall take effect as of January 1, 1969.

Mr. RUSSELL. Mr. President, I move that the Senate disagree to the amendment of the House to S. 666; that it request a conference with the House of Representatives; and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. RUSSELL, Mr. STENNIS, Mr. SYMINGTON, Mr. JACKSON, Mrs. SMITH, and Mr. THURMOND conferees on the part of the Senate.

#### ORDER FOR ADJOURNMENT UNTIL 11 A. M. TOMORROW

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous con-

sent that when the Senate completes its business tonight, it stand in adjournment until 11 o'clock tomorrow morning.

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

#### RECOGNITION OF SENATOR PEARSON TOMORROW

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that at the conclusion of the prayer, the distinguished Senator from Kansas [Mr. PEARSON] be recognized for 30 minutes tomorrow.

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

#### NOMINATION OF RUTHERFORD M. POATS IN AGENCY FOR INTERNATIONAL DEVELOPMENT

The Senate resumed the consideration of the nomination of Rutherford M. Poats, of Virginia, to be Deputy Administrator, Agency for International Development.

Mr. MANSFIELD. Mr. President, I yield 5 minutes to the Senator from South Carolina [Mr. THURMOND].

Mr. THURMOND. Mr. President, I rise in support of the nomination of Rutherford M. Poats, of Virginia, to be Deputy Administrator, Agency for International Development.

Mr. Poats was born in South Carolina. I have not had the pleasure of knowing him well, but I have looked into his record, and it is good.

I wish to call just a few points to the attention of the Senate.

Mr. Poats' tenure of office in Vietnam was during the time of the most rapid increase in the foreign aid program in South Vietnam. I think it is generally conceded that the staff of AID, to handle this rapid buildup, both in Washington and in South Vietnam, was grossly inadequate to the task in terms of the number of men available.

In my judgment, Mr. Poats cannot be held solely responsible for the difficulties which arose as a result of this set of circumstances.

It might be of interest to the Senate to know that Chairman JOHN E. MOSS, of the Foreign Operations and Government Information Subcommittee of the House Committee on Government Operations, has gone on record in support of Mr. Poats, even though his subcommittee issued a report which was highly critical of the AID operation in South Vietnam.

Congressman MOSS wrote two letters to Chairman FULBRIGHT, of the Senate Foreign Relations Committee, endorsing the nomination, the first on February 27, 1967, and the second on April 12, 1967. The April 12 letter was made available by Congressman MOSS to all Members of the Senate.

I would like to quote an excerpt or two from these letters. In the letter of February 27 to Senator FULBRIGHT, Congressman MOSS stated in the first paragraph:

I personally consider him well qualified for the job.

In the third paragraph he stated:

The Subcommittee's final report was critical of the AID Vietnam program in a number of respects and some people have taken these criticisms as a reflection on the competency of Mr. Poats. This is definitely not the case.

In the last paragraph Congressman Moss stated:

I believe Mr. Poats to be a man of great ability and integrity.

In the next letter, dated April 12, 1967, written by Congressman Moss to Senator FULBRIGHT, he stated, in the second paragraph:

While our report makes significant criticisms of AID, it is my opinion that blame cannot be attributed solely to Mr. Poats. If blame must be ascribed, it should be shared both up and down the line in AID, in Washington and in Vietnam, by both officials currently in the Agency and by others who no longer carry the burden.

And on the second page of his letter, in next to the last paragraph, Congressman Moss stated to Senator FULBRIGHT:

It is my view that the problems of Vietnam are the product of many men's mistakes and not only those of Mr. Poats.

He further states in that paragraph:

In recent months considerable progress has been made by AID which has been reflected in our report and for which Mr. Poats should share in the credit. In my dealings with him—and our contacts have been repeated and close—he has conducted himself admirably. His capacity for detailed knowledge of programs in which he is involved has been impressive and he has been a fighter for improvements in all our dealings.

The PRESIDING OFFICER. The time of the Senator from South Carolina has expired.

Mr. BYRD of West Virginia. Mr. President, I yield 2 additional minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 2 additional minutes.

Mr. THURMOND. I continue to read from that paragraph:

He has labored hard and long and in my judgment is one of our more able and dedicated officials. To blame Mr. Poats for the very difficult problems in Vietnam is to do him an injustice.

As I stated, Congressman Moss' committee investigated this matter, and these are the statements made by Congressman Moss after the conclusion of the investigation.

It appears to me that Mr. Poats is being singled out here as a scapegoat. Certainly his record is not perfect. Certainly there were shortcomings in the program in Vietnam. But we must consider the big buildup going on there, the lack of personnel, and the prevailing circumstances which made it extremely difficult, if not impossible, to cope with all the problems involved.

I think we have to consider other things, too. There were those in positions of authority above him over there who made decisions, as well as here in Washington. I think it would be unfair to Mr. Poats to say, "You and you alone are responsible for what happened in Vietnam."

Mr. Poats has a reputation for being a man of character and integrity. I hope the Senate will see fit to confirm him for

the position to which the President of the United States has appointed him—to be Deputy Administrator of the Agency for International Development.

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

Mr. THURMOND. I am pleased to yield to the Senator from Indiana.

The PRESIDING OFFICER. The time of the Senator from South Carolina has expired.

Mr. BAYH. I yield myself 3 or 4 minutes. As the statements I am about to make are in opposition to the nomination, in all fairness they should come out of my time.

I recall that the Senator from South Carolina is a man who has long fought against waste and mismanagement.

Mr. THURMOND. I thank the distinguished Senator.

Mr. BAYH. I agree with the Senator from South Carolina that it would be wrong to single out Mr. Poats as the only one who has been involved in any way in the discrepancies in our Vietnam AID program. Unfortunately, the Senate does not have the opportunity to pass on the relative merits of anyone other than Mr. Poats. In fact, even now, we do not have the opportunity to investigate fully Mr. Poats' past experience as an administrator. We are asked only to say whether his past performance has been sufficiently good to recommend him for promotion.

This will be a rather long question, and I ask the indulgence of the Senator from South Carolina. Let us assume that the Senator from South Carolina is the owner of a chain of supermarkets, and he is considering the manager of one of the stores for promotion. Let us assume, further, that this manager had made no effort to try to determine what the community needed; that he had made no effort to check the supplies to see whether they were being pilfered; and had made no effort to see whether the person who ran the cash register was involved in any under-the-counter operations. If such operations were going on in this supermarket, would the Senator recommend the manager of that store for promotion to vice president of the chain of supermarkets?

Mr. THURMOND. Mr. President, I think the Senator's question answers itself. I do not think that the Senator can put Mr. Poats in that position here. If I had placed him there and he were indeed guilty of the mismanagement alleged, I would not be supporting his confirmation. Although he was born in my State, he is now a citizen of the great State of Virginia. I am not supporting him just because he was born in South Carolina.

I would presume that the distinguished Senator from Indiana would consider that the head of his party, the President of the United States, used reasonable care and judgment in trying to select the man for this position. Of course, it is the duty of the Senate, if they find that the President has made a mistake, to correct it by refusing to confirm. But as I understand, the chief attack being made upon Mr. Poats is based upon the way he conducted the program in Vietnam.

As I have brought out, the House committee of which Representative Moss is

chairman went into that program very carefully; and Representative Moss concludes, in his letters—

Mr. BAYH. If the Senator will yield, the majority leader has placed that letter in the RECORD, and I agree that the Senator from South Carolina has stated its contents accurately.

But in all fairness to JOHN MOSS, whom I respect, I cannot see how anyone can make an objective assessment of the inadequacies, at the managerial level in Saigon, and in the whole Vietnam AID program, and still come to the conclusion that the man who was charged with the administration of that program has all the excellent qualities which Representative Moss attributes to him.

Mr. THURMOND. Representative Moss states in this letter—that

His capacity for detailed knowledge of programs in which he is involved has been impressive, and he has been a fighter for improvements in all our dealings.

I do not know all the details about the way he handled the program, or all the details about Mr. Poats' personal life. But unless something is brought out here against a man's character or his ability, or showing his inability to perform properly, then it has been my policy to try to support the nominee of the President of the United States, to try to permit him to have the people he wants to run his programs.

If there is anything against the man's character, if there is anything against his ability, or if he has proved inefficient to such an extent that he would not make a good administrator under the program, that is another thing. I assume that the distinguished Senator from Indiana is taking the position that he has proved incompetent in administering the program in Vietnam, and therefore the Senator is opposed to the confirmation.

I have cited the letter of a man who has gone into the matter in more detail than I have; and I have talked with some of the people involved about these programs. They tell me that you cannot put your finger on Mr. Poats over there and, in justice to him, say, "You are the man responsible," because there are others involved in the programs who have a part in them also.

The PRESIDING OFFICER. Does the Senator from Indiana yield further to the Senator from South Carolina?

Mr. BAYH. Mr. President, I should like to state again one observation which the distinguished occupant of the chair [Mr. HOLLINGS] and the distinguished senior colleague did not hear, because they were absent. Let me repeat that this task has been extremely difficult because of the personal feeling both of them seem to display for the nominee.

I was not trying to ridicule and certainly not trying to impugn the motives of the senior Senator from South Carolina by my reference to the chainstore example. What I was saying is that the very accusations I made about that chainstore manager—principally the lack of managerial controls—would be applicable to our assessment of what was needed in Vietnam. There has not been an audit since 1961. There has been no effort to trace these commodities once

they were sold to see whether they ultimately reached the Viet Cong or the Red Chinese.

We have had some indication that hundreds of thousands of dollars worth of these drugs have reached the Red Chinese. All of these conditions have existed in South Vietnam.

Representative Moss says so. The General Accounting Office says so. The Wagner report says so. Mr. Edwards says so in a personal letter to Mr. Poats entitled "Dear Rud."

Yet, despite this total lack of management, we attribute to the man in charge all of the wonderful things contained in the Moss letter—but the Senator from Indiana does not concur in this assessment.

Mr. THURMOND. Mr. President, in reply to the Senator from Indiana, I think that very point in itself shows that those who have been investigating these matters have found deficiencies in the program in Vietnam and have also found that Mr. Poats was not the man who was solely responsible.

Certainly, there could have been some possible improvement in the program. However, the people who have done the investigating say that this man should not be singled out. Representative Moss says that, and others who have looked into the matter say that.

We must remember that Mr. Poats took orders from Washington. He took orders from the Deputy Ambassador at the Embassy there. Mr. Poats was taking orders from a number of people.

It seems to me that it would be very unfair to single him out and say to him: "You cannot now be promoted, although you have worked hard and faithfully. You will be held responsible for the deficiencies in some one program, even though you may not have made the decisions in that program."

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

Mr. BYRD of West Virginia. Mr. President, I yield 2 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 2 minutes.

Mr. McGEE. Mr. President, I add my voice to the plea made by the Senator from South Carolina.

I have known Mr. Poats for a long time. I think I know a little about the AID program in Vietnam.

I first inspected AID, alone, in 1959, when there was not a war going on.

I can testify that even without a war, the headaches, the uncertainty, the complications are incredible in that particular place. I defy anyone to find an omniscient personality that could unravel the multitude of complexities that exist there.

I think, on the other hand, that the impact of the war—with the very rapid explosion of the demands made in Southeast Asia—likewise is a matter of considerable effect on the economy.

What impresses me, I say to my friend, the Senator from South Carolina, and to my friend, the Senator from Indiana, is that I doubt if the President wants to make Vietnam any more difficult. I doubt

that the Director of AID, Mr. Gaud, wants to make the administration of the program any more difficult. Certainly Dave Bell, his predecessor, did not want to do so. Yet, these men who have to take the consequences of the administration of the program stand by the capabilities and the integrity of Mr. Poats.

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

Mr. BYRD of West Virginia. Mr. President, I yield an additional 3 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for an additional 3 minutes.

Mr. McGEE. Mr. President, I think this is really what ought to be the substance of our attempt to pass judgment on this nominee.

I simply want to join my voice to that of the Senator from South Carolina in saying that I believe that this is the time to act and that this is the time to sustain a strong administration.

Heaven knows that we have learned a great deal in the AID program.

We find it increasingly difficult to attract some of the strongest people into the programs. We have strong people engaged in the program now. I think we would place in jeopardy the prospects of continuing its chances if we were to vote adversely on this simple administrative proposal that is backed completely by its administrators who themselves must take the consequences of the appointment.

I think that is good enough for me.

Mr. THURMOND. Mr. President, I cannot imagine the President appointing Mr. Poats when he, the President, had all the information before him and knew he would be the man who would have to bear the brunt of the criticism if the program were not ably administered.

The program is part of this administration. The administration is responsible, and they cannot escape that responsibility.

If Mr. Poats fails to deliver, the criticism will be on President Johnson's neck.

I cannot imagine an Administrator of that program wanting the assistance of a man who is incompetent and unqualified, and about whose integrity there could be any suspicion that might reflect on not only the President, but also the Administrator of the program.

I do not know all of the many details concerning this matter. However, I do know that those who have investigated the matter have said that there have been and are deficiencies in Vietnam. But they do not blame it on Mr. Poats, or certainly not all of it.

The President has said: "I have chosen this man. I want this man to help me administer the program."

It has always been my procedure, as a Senator, unless there were serious grounds for objecting, to attempt to support such a nomination if I could.

I disagree with the President on many matters. However, this is his program, and this is the man he wants.

Nothing has been shown that would reflect against this man's character or ability, and certainly what Mr. Poats has been charged with here cannot be placed solely at his feet.

Mr. BAYH. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 3 minutes.

Mr. BAYH. Mr. President, the Senator from Wyoming was also absent when I made the statement—it has been made twice and I will now make it a third time, and perhaps another time or two—that one of the aspects that has been extremely difficult is that there are those whose judgment I respect—and the Senator from Wyoming is apparently one of those who has known Mr. Poats in a personal way—who feel that he is a fine individual.

I must say that it would be a lot simpler for me and a lot less frustrating if I had had a similar experience. The only experience I have had has been to see the man administer the program and try to explain away, in my office, in committees, and in front of the press the inequities that deal with the program.

We are in a rather unique situation here. The Washington Post stated the other day that the mess in Vietnam is the President's responsibility. Dave Bell says it is his responsibility.

Representative Moss blames it on the French. We are ready to blame everybody but the men charged with the administration of the program.

For heaven's sake, let us be a little realistic.

The Senator from South Carolina stated that this is the President's nomination. That fact has not been absent from the mind of the junior Senator from Indiana. Surely, it is the President's nomination.

I am a great admirer of Lyndon Johnson. I have the greatest sympathy in the world for what he is faced with in Vietnam.

But I think we understand that we are not completely isolated from the way these decisions are made. How does the President decide whom he is going to choose as the No. 2 man in AID? I do not think he even knew Rutherford Poats when the nomination came up. I would be willing to wager that he did not. But what did he do? He called in the chief man in AID, Mr. Gaud. He probably said, "Bill, whom do you recommend to come up to fill the spot that has become vacant because you have moved up?"

Bill Gaud happens to think that the sun rises and sets on Rud Poats, so he suggested to the President that Poats was the man.

I think the President has been the recipient of some extremely bad advice. I have told Mr. Gaud this. I throw this thought out to the Senator from Wyoming, although, reasonable man that he is—I have talked with him and understand his viewpoint—he probably feels justified in believing that he is right, that I am wrong, and that Mr. Poats is a capable administrator. But one of my main concerns was to act openly. I first called Mr. Gaud and said I intended to try to have the Poats nomination held up. I did not try to do it behind the scenes. I told Mr. Gaud before I said anything to the majority leader or spoke of it on the floor of the Senate.

I said:

Those of us who feel there is an important place in the world for foreign aid had better recognize some hard realities, some hard facts of life.

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

Mr. BAYH. I yield myself 2 minutes.

One of those hard facts of life is the very obvious one that in my constituency, as I imagine it is also in the constituency of the Senator from Wyoming, foreign aid is not the most popular thing going. It is extremely unpopular. Let those who want to be realistic try to champion something that is not popular. How in the world can we explain to our constituents that the only man capable of filling the No. 2 post is a man who is responsible for all the mismanagement in the AID program? He was responsible for the program; now it is proposed to promote him to the No. 2 post.

Mr. BYRD of West Virginia. Mr. President, I yield 5 minutes to the Senator from Wyoming.

Mr. McGEE. I say to my colleague, the Senator from Indiana, that while we split on this issue, we do so in mutual respect for each other's judgment.

I would contend with my constituency, in which the foreign-aid program is no more popular than it is in his, in Indiana, for the very point that he makes that I would consider that I had placed the program in jeopardy if we were to knock out of service in this program a man of Mr. Poats' long experience in this area.

We have had a tendency to talk quite extensively about Vietnam, about the details in Vietnam. If I may submit the thought, the issue in this instance really is not Vietnam; it is a much bigger issue than that. The issue is Mr. Poats' role in AID and, out of that role, the confidence that he has inspired among those who have to take the rap for what he does or fails to do. This is the key thing.

I know Bill Gaud very well, and Bill Gaud is not about to erode or undermine his chances to try to do a good job by coddling somebody, or by trying to bring in someone who has a completely incapable record.

I believe that, given the system with which we must operate, where we in the Senate cannot possibly canvass the market in America to try to locate the most capable people, we must leave that job to the man at the top. In this case it is the director of the mission.

In my judgment, barring some things that are not known yet—about which none of us can know—I would say that we are really rather substantially bound, short of some other great capability, to sustain the proposal to bring Mr. Poats into the agency in his role.

When I say that the issue really is much bigger than Vietnam, I believe that we must bear in mind that during his tenure as the Assistant Administrator for the Far East, many of the substantive reforms that the Committee on Foreign Relations, the Committee on Appropriations, and other groups in the Senate were instrumental in bringing about were carried out.

When we take a look at the ultimate

phasing-out of the rather successful programs in Taiwan, the advancement of the program in the Philippines, the performance of the program in Thailand and in other parts of Southeast Asia, we find some of the better credentials, on the whole, that can be associated with the AID program. Surely, as we may blame a man for something that goes wrong, we can also credit him with some of the things that go right. He happened to be the boss man then. Maybe somebody else did it, but I believe we should play the game by the same rules. By that token, I submit that Poats' performance in Southeast Asia as the Assistant Administrator for the Far East has indeed been an outstanding one. That alone should give us pause to take hasty action or harsh action because of some of the unpleasant things that have transpired in South Vietnam.

As I mentioned at the opening of my comments a few minutes ago, even in 1959, when there was no so-called war in Vietnam, the tasks that faced any Administrator of AID in any phase of the program were overwhelming.

As a result of what has transpired since then, we have learned many things. But, given the sudden infusion of manpower, supplies, equipment, and money of all sorts, and the distortions that war always produces, it is amazing that things have gone as well as they have.

With all these thoughts in mind, I respectfully take issue with my colleague, the Senator from Indiana, and express the hope that this body will see fit to end the delays that have plagued the administration of the overall AID program. I believe they should get moving with this matter, and that we should not penalize the program in this way.

If, at any time, some incriminating criminal kind of negligence should be turned up which makes it within the responsibilities of this body to call into question a Presidential appointment, that would be the time for this body to act. Meanwhile, it is important that we get on with the desperately important business at hand—the problem of adequately staffing the administrative end of the AID program, which has enough difficulty without our dragging it down with matters such as this.

For that reason, Mr. President, I hope that the Senate will see fit to go along with Mr. Poats, and with the request of the President and the director of the program.

Mr. BAYH. Mr. President, I yield myself 2 additional minutes.

As I said, I have the greatest respect for my friend, the Senator from Wyoming. I trust that he is familiar with the actual day-to-day operations of the Southeast Asia AID area. I trust that he knows that in all the countries to which he referred, the mission director was given almost total latitude, with very little management. But it was in Vietnam that Mr. Poats maintained almost singular control from his office in Washington.

This is another area in which I may be unduly sensitive, but I have been sensitive about some accusations made by some well-intentioned friends of the

press that what I am really trying to accomplish, I am defeating by delay. The fact is that we have created a new office and raised it to an area level, and Mr. Bullitt has already been confirmed by the Senate. His sole responsibility is not Southeast Asia, but Vietnam. So if the people at AID want to get a job done, they have the man to do it with right now, without Mr. Poats.

I cannot agree with my friend, the Senator from Wyoming, that we must find something criminal against a man before we vote against his qualifications. I am not saying that there is anything criminal about Mr. Poats. In fact, I have heard that he has been a splendid newsman, and I am sure he is qualified in that area. All I am saying is that the record shows that he has done a very poor job in the area of managing Vietnam. I do not believe we are a court, so far as criminal activities are concerned. We are attempting to judge a man's ability, and the only way we can judge it is to look at the job he has done.

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

Mr. BAYH. I yield myself 1 additional minute.

I should like the Senator from Wyoming, after this matter has been concluded—because I do not believe he will have time to do it now—to look on my desk, where there is a General Accounting Office report—not to the junior Senator from Indiana. It is a report submitted by the Comptroller General in 1964 under the auspices of the General Accounting Office—Mr. Poats was there then—and it points out no audits.

All incidents of mismanagement that are alluded to and specified in the Moss report were brought out in 1964 by the General Accounting Office. There is another account on my desk by Mr. Hertler, with similar accusations in 1964. Earlier in 1966, before the Moss report, we have the Widener report, which specifically looked into port facilities, and concluded that particular activity was marked by mismanagement. In addition, there is the report on failures in the drug import program and the GAO steel report showing that kickbacks were more common than I said. All of these matters are not my accusations. They are supported by people who are supposed to know their business.

Mr. McGEE. Mr. President, will the Senator yield 1 minute to me?

Mr. BYRD of West Virginia. Mr. President, I yield 1 minute to the Senator from Wyoming.

Mr. McGEE. Mr. President, I wish to have this discussion close on a note of reaffirmation of my respect for my friend, the Senator from Indiana. I would be the last person to charge him with delaying this matter at all. He has been very forthright and straightforward; there have been no sneak attacks; and he has been open and aboveboard. I commend the Senator for that.

The area where we differ, probably, is where one fixes the blame for not being some kind of omniscient, all-seeing soul in Vietnam. Without intending to be sacrilegious, I would suggest that someone close to the Lord himself would have

difficulty. We should have a considerably more charitable view of any efforts of any of our people who are trying to come to grips with the problem.

At the same time we have to view the larger picture, and the larger picture shows that those who have to take the consequences want this man and they are willing to depend upon this man in the administration in the larger sphere of this program.

Mr. President, in my judgment, we must consider all of these matters in approving Mr. Poats today, and I believe the record calls for his approval in this administrative role.

I thank my friend, the Senator from Indiana, for his dialog on this particular question.

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

Mr. BYRD of West Virginia. Mr. President, I yield 2 minutes to the Senator from Texas.

Mr. TOWER. Mr. President, I wish to make known my support of the nomination of Mr. Rutherford M. Poats to be Deputy Administrator of the Agency for International Development.

Mr. Poats had to deal with extremely difficult problems, some of which the agency has had no precedent for handling. I do not think he should be blamed for some of the grievous problems we have had in connection with some of our AID administration in Southeast Asia.

As we know, the President submitted the name of Mr. Poats last year for the post of Deputy Administrator of AID—the second highest position in an agency with over 12,000 employees. Since this is an extremely important position, and one which has been vacant for over 6 months now, the matter is acquiring a sense of acute urgency. The lack of a man in this position throws heavy added responsibilities on the head of the Agency and on the immediately lower echelons.

This nomination was unanimously approved by the full Foreign Relations Committee of the Senate last year and the name was submitted to the Senate on the last day of the 89th Congress in 1966. Unanimous consent, required for full Senate consideration on such short notice, was withheld. Thus, Mr. Poats could not then be confirmed.

Now, several months later, the Senate is asked once again to consider confirmation, confirmation of the same name, Rutherford M. Poats, submitted by the President as the man he deems best qualified for the post: the man wanted by William S. Gaud, AID chief, and also the man supported by the Secretary of State, Mr. Rusk.

Today I wish to state in clear terms my support of Mr. Poats for the position of Deputy Administrator. We have now had ample time to check on details mentioned previously as being derogatory of Mr. Poats' administration of our Vietnam aid program. Our Senate Permanent Subcommittee for Investigations has also had ample opportunity to check previous charges of loose administration in assistance procedures as well as irregularities in the operation of the commodity-import program for Vietnam.

Also, the House Foreign Operations and Government Information Subcommittee has had time to investigate, at firsthand, procedures in aid administration in Vietnam. In addition, our Senate Foreign Relations Committee has held hearings on the nomination of Mr. Poats and has confronted him with the irregularities revealed in our aid program in Vietnam while he was there and also since he assumed charge of all our south and Southeast Asia programs.

Now, just a short while ago, we have had notice of a report, dated November 1966, done by the firm, Area Studies of California; a report highly critical of our Vietnam aid program and apparently naming names of many people, determined by those making the study, to be responsible for certain failures and deficiencies of our AID mission in Vietnam.

Mr. President, in all these investigations, and in reports and press allegations of mismanagement of our overall AID program in South Vietnam, certain relevant facts are often forgotten or overlooked. I refer to them just briefly:

First. Saigon and Saigon Harbor are both in the war area. The military must have priority for men, materiel, and foodstuffs.

Second. Concomitant with our war commitments, our Government also decided to initiate a large commodity import program, Public Law 480 food shipments, deflationary procedures, and other methods of helping the economy of South Vietnam. This program was superimposed and inextricably interwoven with the war effort.

Third. Our military effort and civilian goods effort were dumped on a city, a harbor, and a people completely unequipped to absorb or handle these dual efforts.

Fourth. We gave the South Vietnamese Government and military a more important part to play in the disbursement of aid supplies than they proved capable of assuming. Unscrupulous officials and profiteers took advantage of our own Government until such time as we were able to impose our own requirements of bookkeeping, audit, supervision and management.

Fifth. Given such handicaps as the limited facilities, the small number of experienced American officials, sometimes inept foreign officialdom, in a debilitating climate, often in doubtful situations where friend and foe were indistinguishable, under enormous pressure from us here at home to achieve tangible results, both military and civilian, it seems meritorious to me that our AID people have achieved as much as they have.

Sixth. Mr. Poats was in charge of a vastly accelerated and intricate program. His schedule called for speedy, massive, economic assistance. Our Departments of Defense and State as well as AID knew the risks and urgency. Mr. Poats got the message—got the job done—and he did it well under the circumstances at hand.

Seventh. Under his management our AID mission accomplished the following:

Today there is largely economic stabili-

lization; runaway inflation has been checked; medical care and facilities are generally very good; education is being improved; agriculture is being rehabilitated; the commodity import system has been liberalized; procurement of bulk commodities has been consolidated; physical port facilities have been expanded; port management has been improved; stealing, graft, and corruption have been contained; and, finally, our aid program is on solid ground insofar as management, surveillance, cooperation, and results are concerned.

Mr. President, in my capacity as a member of the Armed Services Committee, I have been in Vietnam on three different occasions over the past 18 months, I have seen firsthand the difficult tasks faced and met head-on through much dedication and diligent effort by our very able AID personnel.

Mr. President, in conclusion, I would like to again point out that in my opinion, in doing his appointed task, Mr. Poats has shown himself to be a man of integrity; able to make sound decisions; of good administrative ability; able to inspire confidence in fellow employees; able to deal with men here and abroad on the highest levels; and a man who can well be entrusted, I believe, with all aspects of this office. He has, in my opinion, acquired himself well in both Vietnam and later as head of all our aid efforts in south Asia.

Mr. Poats has proved himself in an onerous task. I support his nomination as Deputy Administrator of AID and feel that he will live up to the confidence we will place in him in confirmation.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and I suggest that the time be equally charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Who yields time?

Mr. BAYH. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 2 minutes.

Mr. BAYH. Mr. President, difficult as the task may be, we in the Senate are charged with the responsibility of advising and consenting on presidential nominations.

In listening to the good faith efforts which have been made on the part of my colleagues who, I personally feel, sincerely believe in their arguments, it is difficult for me to understand how we in the Senate can fully accept this responsibility given us by our constitutional fathers if we do not make a concerted effort to investigate the qualifications of the nominations sent up to us by the President.

On most nominations, I must admit, it is a perfunctory effort on my part to vote "yea."

I suppose I could almost say it is very

much like the song which my 11-year-old practices on the piano—when I can get him to practice—about the good old Duke of York. He had 10,000 men. He marched them up to the top of the hill, and then he marched them down again. So it is with most presidential nominations. They are marched up, and then they are marched down again, and they are consented to by unanimous vote in this body.

It seems to me that an important point we have to recognize is the responsibility we have as Senators not to accept the philosophy which is given to us barrely after barrely by the agencies who make these self-serving professions of innocence for those they recommend.

I cannot in good conscience look at the pile of reports on my desk, in which I have no pride of authorship, because I was not responsible for one word written therein. As I have said repeatedly, these reports go back to 1964, and the one, main damning criticism that I have promised them on is that there has not been so much as one single, simple audit, a simple little accounting of the money expended, amounting to \$720 million for this fiscal year. There has not been an audit of the millions and millions of dollars we have pumped into Vietnam since 1961.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. To be attributed to the Senator's time?

Mr. BAYH. I ask unanimous consent that the time be divided evenly between the two sides.

The PRESIDING OFFICER. Without objection, it is ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MANSFIELD. Mr. President, I yield myself the 2 minutes remaining on this side.

The PRESIDING OFFICER. The majority leader is recognized for 2 minutes.

Mr. MANSFIELD. Mr. President, I rise at this time only to compliment and commend the distinguished Senator from Indiana for the long, hard, and determined fight he has made in an attempt to make known his strong views on the nomination of Mr. Rutherford Poats.

The Senator has acted within his rights and under the rules and procedures of the Senate. He has felt very emphatically that this is a matter which should be given a great deal of consideration. He has backed up his feelings with figures and facts and statements for the RECORD. And, regardless of how the pending vote comes out, I want the Senator from Indiana to know that he has our respect and admiration and affection, and that, while at times he may have felt alone in this particular effort, there are other times when other Senators have had similar experiences. However, when they feel they are right, they feel they are mighty, even while acting alone.

So, I am glad that this matter is coming to a head. I appreciate the consistent courtesy and graciousness shown by the distinguished Senator from Indiana.

I assure the Senator and the press that the Senator has not unduly delayed the consideration of this nomination but, on the contrary, has been most cooperative and understanding at all times.

Mr. BAYH. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 9 minutes remaining.

Mr. BAYH. Mr. President, at this time I move to recommit the pending nomination to the Committee on Foreign Relations. I send the motion to the desk and ask that it be stated.

The PRESIDING OFFICER. The motion will be stated.

The assistant legislative clerk read as follows:

The Senator from Indiana (Mr. BAYH) moves to recommit the pending nomination to the Committee on Foreign Relations.

Mr. BAYH. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BAYH. Mr. President, in return for the kind thoughts expressed by the majority leader, I express my deep appreciation.

Mr. President, while this matter has been extremely difficult and I am afraid, a bit embarrassing to the majority leader, the senior Senator from Montana has always shown deep respect for me. I am extremely grateful for that and for his tolerance displayed in this situation.

The matter before us concerns whether a man who has been charged with the responsibility of directing the AID program in Vietnam should be promoted to the number two spot for the Agency for International Development.

I agree with those of my colleagues—and there were two or three—who pointed out that administering any type of program in faraway Vietnam with a war going on is difficult.

This, in my judgment, is absolutely true. However, given the circumstances which exist in Vietnam, it seems to me that an administrator, if he were worthy of his salt, and indeed if he were worthy of a promotion to an even higher post, has a greater responsibility to bring to bear top level managerial capabilities. Yet, the record of mismanagement is plentiful. And I have attempted to report them for the record.

As far back as 1964, it was not only the junior Senator from Indiana who voiced concern about what was going on in South Vietnam concerning AID. It was the Government Accounting Office and the Comptroller General. They were the ones who said there had not been an audit in Vietnam since 1961. They were the ones who pointed out that no effort was made to try to determine whether goods were needed in the country before the goods were imported.

They were the ones who reported, as far back as 1964, that no effort was made to see how the funds were utilized and that no safeguards were taken to keep the funds from reaching the enemy and to keep the commodities from reaching the enemy.

Likewise, the Herter report in 1964 mentioned inequities with specific reference to port facilities.

Other investigations resulted in the Wagner report, which was an all-encompassing treatment of the problems existing in Vietnam, and the Moss report, which is one of the most thorough congressional documents that we have seen on the subject.

I have the Moss report here. It consists of 130 pages. It points out the inequities and the inefficiencies of the program and the total lack of management in South Vietnam with relation thereto.

The Tamblyn report is on my desk. It consists of several dozen pages and points out the misuse of drugs and that drugs shipped willy-nilly throughout the countryside were also unlabeled. We do not know how many thousands of people were injured because they did not have proper warning. Prescriptions were not required. The drugs could have reached the enemy.

I could point out a whole list of inequities that existed during the past several years.

If a man were a good administrator, he would have harkened to that first report in 1964. He would have then implemented the managerial techniques which were necessary to make that program function expeditiously.

History shows that it was not until Members of Congress started applying the hot iron of criticism, and it was not until members of the press brought the white heat of publicity to bear, that any effort was made by AID to correct these deficiencies.

If we are going to promote someone, I personally think it is extremely important that it be a man who will be candid and willing to admit to making mistakes and possess the capability of correcting such mistakes.

I must say that the experience I have personally had with this man made me determine that I could not in good conscience vote for his nomination.

When we were trying to find out what could be done to improve the situation with relation to steel—an issue in which the Senate voted 64 to 14 in support of our position—and when we were trying to find out what was going on in Vietnam, this nominee came to my office and sat in a chair in my office and repeatedly, time after time, denied accusations that I made concerning what was going on.

I felt compelled to ask the Government Accounting Office to subpoena his files, and they did.

What did they find? We found that despite his denials the record contained reports that had come from Saigon which conflicted with his statements. A French firm had been hired. The reports were in the AID files at the time I was asking him questions.

The report stated that the situation there was even worse than I had dared to anticipate.

Mr. President, I leave with my colleagues one last thought. It has not been very long since I first came to the Senate, but I have been in sympathy with those who have voiced increasing concern over the fact that the Senate has relegated

too much of its responsibilities to the Executive. We hear the criticism time and time again that the U.S. Senate is naught but a rubberstamp.

The Constitution provides that the Senate shall advise and consent on Executive appointments and Executive nominations. We have a chance now to determine whether we believe that we have the responsibility to demand top-notch performance before a person is to be promoted, or whether we will merely accede to a nomination because a top official of AID seems to feel that one man is indispensable to him.

I have suggested that the nomination be recommitted to the committee. This suggestion has the support of the chairman of the committee, the Senator from Arkansas [Mr. FULBRIGHT]; it has the support of the senior Senator from Arkansas [Mr. McCLELLAN], who is conducting an investigation; and when the senior Senator from Arkansas has finished, we will all be surprised at what is going on with respect to AID in Vietnam.

The PRESIDING OFFICER (Mr. KENNEDY of New York in the chair). All time has expired. The question is on agreeing to the motion of the Senator from Indiana to recommit the nomination to the Committee on Foreign Relations. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER (when his name was called). On this vote, I have a pair with the senior Senator from Arkansas [Mr. McCLELLAN]. If he were present and voting, he would vote "aye"; if I were permitted to vote, I would vote "nay." I therefore withhold my vote.

The legislative clerk resumed and concluded the call of the roll.

Mr. LONG of Louisiana. I announce that the Senator from Connecticut [Mr. Dodd], the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. McCLELLAN], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Georgia [Mr. TALMADGE] are necessarily absent.

I also announce that the Senator from Hawaii [Mr. INOUYE] is absent because of illness.

I further announce that the Senator from Massachusetts [Mr. KENNEDY] is absent on official business.

On this vote, the Senator from Louisiana [Mr. ELLENDER] is paired with the Senator from Florida [Mr. SMATHERS].

If present and voting, the Senator from Louisiana would vote "yea," and the Senator from Florida would vote "nay."

Mr. KUCHEL. I announce that the Senator from New Jersey [Mr. CASE] and the Senator from Colorado [Mr. DOMINICK] are absent on official business.

The Senator from Oregon [Mr. HATFIELD] and the Senator from Idaho [Mr. JORDAN] are necessarily absent.

The Senator from Utah [Mr. BENNETT] is detained on official business, and, if present and voting, would vote "nay."

On this vote, the Senator from Idaho [Mr. JORDAN] is paired with the Senator from Colorado [Mr. DOMINICK]. If present and voting, the Senator from Idaho would vote "yea" and the Senator from Colorado would vote "nay."

The result was announced—yeas 42, nays 43, as follows:

[No. 118 Ex.]

YEAS—42

|              |           |                |
|--------------|-----------|----------------|
| Bartlett     | Fong      | Miller         |
| Bayh         | Fulbright | Monroney       |
| Boggs        | Griffin   | Morse          |
| Brewster     | Gruening  | Mundt          |
| Brooke       | Hansen    | Murphy         |
| Byrd, Va.    | Harris    | Pearson        |
| Byrd, W. Va. | Hartke    | Prouty         |
| Cannon       | Hruska    | Randolph       |
| Church       | Jackson   | Ribicoff       |
| Cooper       | Lausche   | Scott          |
| Cotton       | Long, La. | Stennis        |
| Curtis       | Long, Mo. | Tydings        |
| Eastland     | Magnuson  | Williams, Del. |
| Fannin       | Metcalf   | Young, Ohio    |

NAYS—43

|              |               |                |
|--------------|---------------|----------------|
| Aiken        | Hollings      | Pastore        |
| Allott       | Javits        | Pell           |
| Anderson     | Jordan, N.C.  | Percy          |
| Bible        | Kennedy, N.Y. | Proxmire       |
| Burdick      | Kuchel        | Russell        |
| Carlson      | Mansfield     | Smith          |
| Clark        | McCarthy      | Sparkman       |
| Dirksen      | McGee         | Spong          |
| Ervin        | McGovern      | Thurmond       |
| Gore         | Mondale       | Tower          |
| Hart         | Montoya       | Williams, N.J. |
| Hayden       | Morton        | Yarborough     |
| Hickenlooper | Moss          | Young, N. Dak. |
| Hill         | Muskie        |                |
| Holland      | Nelson        |                |

NOT VOTING—15

|          |                |           |
|----------|----------------|-----------|
| Baker    | Ellender       | McClellan |
| Bennett  | Hatfield       | McIntyre  |
| Case     | Inouye         | Smathers  |
| Dodd     | Jordan, Idaho  | Symington |
| Dominick | Kennedy, Mass. | Talmadge  |

So Mr. BAYH's motion to recommit was rejected.

The PRESIDING OFFICER. The question now recurs: Will the Senate advise and consent to the nomination of Ruth-erford M. Poats, of Virginia, to be Deputy Administrator, Agency for International Development.

Mr. AIKEN. Mr. President, is comment on this matter in order at this time?

The PRESIDING OFFICER. No further debate is in order at the moment. All time has expired.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER (when his name was called). On this vote I have a pair with the Senator from Arkansas [Mr. McCLELLAN]. If he were present and voting, he would vote "nay"; if I were permitted to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. LONG of Louisiana. I announce that the Senator from Connecticut [Mr. Dodd], the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. McCLELLAN], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Florida [Mr. SMATHERS], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Georgia [Mr. TALMADGE] are necessarily absent.

I also announce that the Senator from Hawaii [Mr. INOUYE] is absent because of illness.

I further announce that the Senator

from Massachusetts [Mr. KENNEDY], is absent on official business.

I further announce that, if present and voting, the Senator from Louisiana [Mr. ELLENDER], and the Senator from Florida [Mr. SMATHERS], would each vote "yea."

Mr. KUCHEL. I announce that the Senator from New Jersey [Mr. CASE] and the Senator from Colorado [Mr. DOMINICK] are absent on official business.

The Senator from Oregon [Mr. HATFIELD] and the Senator from Idaho [Mr. JORDAN] are necessarily absent.

The Senator from Utah [Mr. BENNETT] is detained on official business, and if present and voting, would vote "yea."

On this vote, the Senator from Colorado [Mr. DOMINICK] is paired with the Senator from Idaho [Mr. JORDAN]. If present and voting, the Senator from Colorado would vote "yea," and the Senator from Idaho would vote "nay."

The result was announced—yeas 61, nays 24, as follows:

[No. 119 Ex.]

YEAS—61

|              |               |                |
|--------------|---------------|----------------|
| Aiken        | Holland       | Nelson         |
| Allott       | Hollings      | Pastore        |
| Anderson     | Jackson       | Pearson        |
| Bible        | Javits        | Pell           |
| Burdick      | Jordan, N.C.  | Proxmire       |
| Carlson      | Kennedy, N.Y. | Percy          |
| Clark        | Kuchel        | Randolph       |
| Dirksen      | Mansfield     | Russell        |
| Ervin        | McCarthy      | Spong          |
| Gore         | McGee         | Stennis        |
| Hart         | Montoya       | Tower          |
| Hayden       | Morton        | Williams, N.J. |
| Hickenlooper | Moss          | Yarborough     |
| Hill         | Muskie        | Young, Ohio    |

NAYS—24

|          |           |                |
|----------|-----------|----------------|
| Bartlett | Fannin    | Miller         |
| Bayh     | Fong      | Morse          |
| Boggs    | Fulbright | Mundt          |
| Brewster | Griffin   | Murphy         |
| Cannon   | Hansen    | Prouty         |
| Cotton   | Hartke    | Ribicoff       |
| Curtis   | Hruska    | Tydings        |
|          | Metcalf   | Williams, Del. |

NOT VOTING—15

|          |                |           |
|----------|----------------|-----------|
| Baker    | Ellender       | McClellan |
| Bennett  | Hatfield       | McIntyre  |
| Case     | Inouye         | Smathers  |
| Dodd     | Jordan, Idaho  | Symington |
| Dominick | Kennedy, Mass. | Talmadge  |

So the nomination was confirmed.

Mr. MANSFIELD. Mr. President, I ask that the President be notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, the President will be notified.

Mr. BAKER. Mr. President, the Senate has spoken, and I would like the RECORD to show that the Senator from Indiana hopes with all his heart that his judgment of the nominee was in error. I trust he will demonstrate to the Senator from Indiana and his 41 colleagues who supported the motion to recommit that he can be the topflight No. 2 man in AID. If that is the case, I want to apologize for any embarrassment that this confrontation may have caused the nominee, for it was not an easy ordeal.

Mr. MANSFIELD. The Senator from Indiana is most gracious. I am sure Mr. Poats will take to heart what has been said and done in this matter.

## LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate return to legislative session.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

## PUBLIC BROADCASTING ACT OF 1967

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 213, S. 1160. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1160) to amend the Communications Act of 1934 by extending and improving the provisions thereof relating to grants for construction of educational television broadcasting facilities, by authorizing assistance in the construction of non-commercial educational radio broadcasting facilities, by establishing a nonprofit corporation to assist in establishing innovative educational programs, to facilitate educational program availability, and to aid the operation of educational broadcasting facilities; and to authorize a comprehensive study of instructional television and radio; and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, with amendments, on page 2, line 1, after the word "Public", to strike out "Television" and insert "Broadcasting"; in the subhead in line 5, after the word "Educational", to strike out "Television" and insert "Broadcasting"; on page 3, line 10, after "1934", to strike out "2" and insert "47"; in line 21, after the word "in", to strike out "such"; in the same line, after the numeral "(1)", to insert "(D)"; on page 5, line 16, after the numeral "(1)", to insert "by inserting 'noncommercial' before 'educational television purposes' in paragraph (2) thereof"; in line 20, after the word "in", to insert "such"; in the same line, after the numeral "(2)", to strike out "thereof"; at the beginning of line 22, to strike out "2" and insert "47"; on page 6, line 1, after the word "after", to insert "necessary for"; in line 11, after the word "Act", to strike out "2" and insert "47"; on page 8, line 5, after the numerals "398", to insert "and redesignating section 394 as section 397 and"; in line 7, after the numerals "398", to strike out the comma and "and redesignating section 394 as section 397"; in line 8, after the word "above", to strike out "the" and insert "its"; in line 9, after the word "heading", to strike out "thereof"; in the subhead in line 14, after the word "Public", to insert "Broadcasting"; in line 15, to strike out "Television"; on page 10, line 21, after the word "of", to insert "non-commercial"; on page 11, at the beginning of line 4, to insert "Broadcasting";

in the same line, after the amendment just above stated, to strike out "Television"; in line 12, after the word "members", to insert "of which nine shall be"; in line 14, after the word "Senate", to insert "and six shall be elected by the members so appointed"; on page 12, at the beginning of line 7, to insert "or elected"; at the beginning of line 9, to insert "appointed or"; in line 12, after the word "appointment", to insert "or election"; in the same line, after the amendment just above stated, to strike out "five at the end of two years, five at the end of four years, and five at the end of six" and insert "as follows: the terms of three of the appointed members and two of the elected members shall expire at the end of two years, the terms of three of the appointed members and two of the elected members shall expire at the end of four years, and the terms of three of the appointed members and two of the elected members shall expire at the end of six"; on page 13, at the beginning of line 2, to strike out "appointments were" and insert "appointment or election was"; in line 5, after the word "appointed", to insert "or elected"; on page 14, line 5, after the word "Chairman", to insert "of the Board"; on page 15, line 10, after the word "of", to strike out "a system" and insert "one or more systems of non-commercial educational television or radio broadcasting and one or more systems"; after line 16, to strike out:

(C) assist in the establishment and development of one or more systems of non-commercial educational television or radio broadcast stations throughout the United States.

At the beginning of line 21, to strike out "(D)" and insert "(C)"; on page 16, line 24, after the word "maintain", to strike out "a library" and insert "libraries"; on page 17, line 1, after the word "and", where it appears the second time, to strike out "develop public awareness of and"; at the beginning of line 4, to strike out "various means, including the"; in line 6, after the word "or", to strike out "nonprofit"; in line 20, after the word "demonstrations", to strike out "or" and insert "and"; on page 18, line 3, after the word "network", to insert "or community antenna television system"; in line 4, after the amendment just above stated, to strike out "on" and insert "or"; in line 12, after the word "services", to strike out "to grantees of or contractors with the Corporation and local" and insert "for"; in line 14, after the word "radio", to strike out "broadcast stations" and insert "services"; on page 19, at the beginning of line 21, to strike out "a study of instructional television, including its relationship to education television broadcasting and such other aspects thereof as may assist in determining whether Federal aid should be provided therefor and the form that aid should take, and which may aid communities, institutions, or agencies in determining whether and to what extent such activities should be used", and insert "a comprehensive study of instructional television and radio (including broadcast, closed circuit, community antenna television, and instructional television fixed services and two-way communication of

data links and computers) and their relationships to each other and to instructional materials such as videotapes, films, discs, computers, and other educational materials or devices, and such other aspects thereof as may be of assistance in determining what Federal aid should be provided for instructional radio and television and the form that aid should take, and which may aid communities, institutions, or agencies in determining whether and to what extent such activities should be used"; on page 20, after line 14, to strike out:

## CONTENT OF STUDY

SEC. 302. Such study shall be comprehensive in nature and shall cover particularly such items as—

(1) the quality and content of existing programs and how they can be improved;

(2) the financial factors involved in use of instructional television in educational institutions;

(3) the relative advantages or disadvantages of using instructional television as compared with other media;

(4) the advantages and disadvantages of closed circuit television;

(5) the relationship between instructional and educational television; and

(6) new technology not now available, including flexible teacher-controlled scheduling of programs based on videotapes, discs, films, and other materials or devices.

On page 21, at the beginning of line 10, to change the section number from "303" to "302"; in line 12, after the word "before", to strike out "January 1" and insert "June 30"; and, at the beginning of line 14, to change the section number from "304" to "303"; so as to make the bill read:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Broadcasting Act of 1967".*

TITLE I—CONSTRUCTION OF FACILITIES  
EXTENSION OF DURATION OF CONSTRUCTION GRANTS FOR EDUCATIONAL BROADCASTING

SEC. 101. (a) Section 391 of the Communications Act of 1934 (47 U.S.C. 391) is amended by inserting after the first sentence the following new sentence: "There are also authorized to be appropriated for carrying out the purposes of such section, \$10,500,000 for the fiscal year ending June 30, 1968, and such sums as may be necessary for the next four fiscal years."

(b) The last sentence of such section is amended by striking out "July 1, 1968" and inserting in lieu thereof "July 1, 1973".

## MAXIMUM ON GRANTS IN ANY STATE

SEC. 102. Effective with respect to grants made from appropriations for any fiscal year beginning after June 30, 1967, subsection (b) of section 392 of the Communications Act of 1934 (47 U.S.C. 392(b)) is amended to read:

(b) The total of the grants for any fiscal year made under this part for the construction of noncommercial educational television broadcasting facilities or noncommercial educational radio broadcasting facilities in any State may not exceed 12½ per centum of the portion of the appropriation for such year available for such grants."

## NONCOMMERCIAL EDUCATIONAL RADIO BROADCASTING FACILITIES

SEC. 103. (a) Section 390 of the Communications Act of 1934 (47 U.S.C. 390) is amended by inserting "noncommercial" before "educational" and by inserting "or radio" after "television".

(b) Subsection (a) of section 392 of the

Communications Act of 1934 (47 U.S.C. 392 (a)) is amended by—

(1) inserting "noncommercial" before "educational" and by inserting "or radio" after "television" in so much thereof as precedes paragraph (1);

(2) striking out clause (B) of such paragraph and inserting in lieu thereof "(B) in the case of a project for television facilities, the State educational television agency or, in the case of a project for radio facilities, the State educational radio agency";

(3) inserting "(1) in the case of a project for television facilities," after "(D)" and "noncommercial" before "educational" in paragraph (1)(D) and by inserting before the semicolon at the end of such paragraph ".; or (ii) in the case of a project for radio facilities, a nonprofit foundation, corporation, or association which is organized primarily to engage in or encourage noncommercial educational radio broadcasting and is eligible to receive a license from the Federal Communications Commission; or meets the requirements of clause (1) and is also organized to engage in or encourage such radio broadcasting and is eligible for such a license for such a radio station";

(4) striking out "television" in paragraphs (2), (3), and (4) of such subsection;

(5) striking out "and" at the end of paragraph (3), striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and", and inserting after paragraph (4) the following new paragraph:

"(5) that, in the case of an application with respect to radio broadcasting facilities, there has been comprehensive planning for educational broadcasting facilities and services in the area the applicant proposes to serve and the applicant has participated in such planning, and the applicant will make most efficient use of the frequency assignment."

(c) Subsection (c) of such section is amended by inserting "(1)" after "(c)" and "noncommercial" before "educational television broadcasting facilities", and by inserting at the end thereof the following new paragraph:

"(2) In order to assure proper coordination of construction of noncommercial educational radio broadcasting facilities within each State which has established a State educational radio agency, each applicant for a grant under this section for a project for construction of such facilities in such State, other than such agency, shall notify such agency of each application for such a grant which is submitted by it to the Secretary, and the Secretary shall advise such agency with respect to the disposition of each such application."

(d) Subsection (d) of such section is amended by inserting "noncommercial" before "educational television" and inserting "or noncommercial educational radio broadcasting facilities, as the case may be," after "educational television broadcasting facilities" in clauses (2) and (3).

(e) Subsection (f) of such section is amended by inserting "or radio" after "television" in the part thereof which precedes paragraph (1), by inserting "noncommercial" before "educational television purposes" in paragraph (2) thereof, and by inserting "or noncommercial educational radio purposes, as the case may be" after "educational television purposes" in such paragraph (2).

(f) (1) Paragraph (2) of section 394 of such Act (427 U.S.C. 394) is amended by inserting "or educational radio broadcasting facilities" after "educational television broadcasting facilities," and by inserting "or radio broadcasting, as the case may be" after "necessary for television broadcasting".

(2) Paragraph (4) of such section is amended by striking out "The term 'State educational television agency' means" and inserting in lieu thereof "The terms 'State educational television agency' and 'State

educational radio agency' mean, with respect to television broadcasting and radio broadcasting, respectively," and by striking out "educational television" in clauses (A) and (C) and inserting in lieu thereof "such broadcasting".

(g) Section 397 of such Act (47 U.S.C. 397) is amended by inserting "or radio" after "television" in clause (2).

#### FEDERAL SHARE OF COST OF CONSTRUCTION

SEC. 104. Subsection (e) of section 392 of the Communications Act of 1934 (47 U.S.C. 392(e)) is amended to read as follows:

"(e) Upon approving any application under this section with respect to any project, the Secretary shall make a grant to the applicant in the amount determined by him, but not exceeding 75 per centum of the amount determined by the Secretary to be the reasonable and necessary cost of such project. The Secretary shall pay such amount from the sum available therefor, in advance or by way of reimbursement, and in such installments consistent with construction progress, as he may determine."

#### INCLUSION OF TERRITORIES

SEC. 105. (a) Paragraph (1) of section 394 of the Communications Act of 1934 is amended by striking out "and" and inserting a comma in lieu thereof, and by inserting before the period at the end thereof ", the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands".

(b) Paragraph (4) of such section is amended by inserting "and, in the case of the Trust Territory of the Pacific Islands, means the High Commissioner thereof" before the period at the end thereof.

#### INCLUSION OF COSTS OF PLANNING

SEC. 106. Paragraph (2) of section 394 of the Communications Act of 1934 is further amended by inserting at the end thereof the following: "In the case of apparatus the acquisition and installation of which is so included, such term also includes planning thereof."

#### TITLE II — ESTABLISHMENT OF NON-PROFIT EDUCATIONAL BROADCASTING CORPORATION

SEC. 201. Part IV of title III of the Communications Act of 1934 is further amended by—

(1) inserting

"SUBPART A—GRANTS FOR FACILITIES" immediately above the heading of section 390;

(2) striking out "part" and inserting in lieu thereof "subpart" in sections 390, 393, 395, and 396;

(3) redesignating section 397 as section 398, and redesignating section 394 as section 397 and inserting it before such section 398 and inserting immediately above its heading

#### "SUBPART C—GENERAL"

(4) redesignating section 396 as section 394 and inserting it immediately after section 393;

(5) inserting after "broadcasting" the first time it appears in clause (2) of the section of such part IV redesignated herein as section 398 "or over the Corporation or any of its grantees or contractors, or over the charter or bylaws of the Corporation".

(6) inserting in the section of such part IV herein redesignated as section 397 the following new paragraphs:

"(6) The term 'Corporation' means the Corporation authorized to be established by subpart B of this part.

"(7) The term 'noncommercial educational broadcast station' means a television or radio broadcast station, which, under the rules and regulations of the Federal Communications Commission, is eligible to be licensed or is licensed by the Commission as a noncommercial educational radio or television broadcast station and which is owned and

operated by a public agency or nonprofit private foundation, corporation, or association.

"(8) The term 'interconnection' means the use of microwave equipment, boosters, translators, repeaters, communication space satellites, or other apparatus or equipment for the transmission and distribution of television or radio programs to noncommercial educational television or radio broadcast stations."

(7) inserting after section 395 the following new subpart:

#### "SUBPART B—CORPORATION FOR PUBLIC BROADCASTING"

##### "Congressional Declaration of Policy"

"SEC. 396. (a) The Congress hereby finds and declares—

"(1) that it is in the public interest to encourage the growth and development of noncommercial educational radio and television broadcasting, including the use of such media for instructional purposes;

"(2) that expansion and development of noncommercial educational radio and television broadcasting and of diversity of its programming depend on freedom, imagination, and initiative on both the local and national levels;

"(3) that the encouragement and support of noncommercial educational radio and television broadcasting, while matters of importance for private and local development, are also of appropriate and important concern to the Federal Government;

"(4) that it furthers the general welfare to encourage noncommercial educational radio and television broadcast programming which will be responsible to the interests of people both in particular localities and throughout the United States, and which will constitute an expression of diversity and excellence;

"(5) that it is necessary and appropriate for the Federal Government to complement, assist, and support a national policy that will most effectively make noncommercial educational radio and television service available to all the citizens of the United States;

"(6) that a private corporation should be created to facilitate the development of noncommercial educational radio and television broadcasting and to afford maximum protection to such broadcasting from extraneous interference and control.

##### "Corporation Established"

"(b) There is authorized to be established a nonprofit corporation, to be known as the 'Corporation for Public Broadcasting', which will not be an agency or establishment of the United States Government. The Corporation shall be subject to the provisions of this section, and, to the extent consistent with this section, to the District of Columbia Nonprofit Corporation Act.

##### "Board of Directors"

"(c) (1) The Corporation shall have a Board of Directors (hereinafter in this section referred to as the 'Board'), consisting of fifteen members of which nine shall be appointed by the President, by and with the advice and consent of the Senate and six shall be elected by the members so appointed.

"(2) The members of the Board (A) shall be selected from among citizens of the United States (not regular full-time employees of the United States) who are eminent in such fields as education, cultural and civic affairs, or the arts, including radio or television; (B) shall be selected so as to provide as nearly as practicable a broad representation of various regions of the country, various professions and occupations, and various kinds of talent and experience appropriate to the functions and responsibilities of the Corporation.

"(3) The members of the initial Board of

Directors shall serve as incorporators and shall take whatever actions are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act.

"(4) The term of office of each member of the Board shall be six years; except that (A) any member appointed or elected to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed or elected for the remainder of such term; and (B) the terms of office of members first taking office shall begin on the date of incorporation and shall expire, as designated at the time of their appointment or election, as follows: the terms of three of the appointed members and two of the elected members shall expire at the end of two years, the terms of three of the appointed members and two of the elected members shall expire at the end of four years, and the terms of three of the appointed members and two of the elected members shall expire at the end of six years. No member shall be eligible to serve in excess of two consecutive terms of six years each. Notwithstanding the preceding provisions of this paragraph, a member whose term has expired may serve until his successor has qualified.

"(5) Any vacancy in the Board shall not affect its power, but shall be filled in the manner in which the original appointment or election was made.

#### "Election of Chairman; Compensation

"(d)(1) The President shall designate one of the members first appointed or elected to the Board as Chairman; thereafter the members of the Board shall annually elect one of their number as Chairman. The members of the Board shall also elect one or more of them as a Vice Chairman or Vice Chairmen.

"(2) The members of the Board shall not, by reason of such membership, be deemed to be employees of the United States. They shall, while attending meetings of the Board or while engaged in duties related to such meetings or in other activities of the Board pursuant to this subpart be entitled to receive compensation at the rate of \$100 per day (or such other rate as may be determined by a vote of more than two-thirds of the full membership of the Board), including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, equal to that authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

#### "Officers and Employees

"(e)(1) The Corporation shall have a President, and such other officers as may be named and appointed by the Board for terms and at rates of compensation fixed by the Board. No individual other than a citizen of the United States may be an officer of the Corporation. No officer of the Corporation, other than the Chairman and any Vice Chairman of the Board, may receive any salary or other compensation from any source other than the Corporation during the period of his employment by the Corporation. All officers shall serve at the pleasure of the Board.

"(2) No political test or qualification shall be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, and employees of the Corporation.

#### "Nonprofit and Nonpolitical Nature of the Corporation

"(f)(1) The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

"(2) No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual except as salary or reasonable compensation for services.

"(3) The Corporation may not contribute

to or otherwise support any political party or candidate for elective public office.

#### "Purposes and Activities of the Corporation

"(g)(1) In order to achieve the objectives and to carry out the purposes of this subpart, as set out in subsection (a), the Corporation is authorized to—

"(A) facilitate the full development of educational broadcasting in which programs of high quality, obtained from diverse sources, will be made available to noncommercial educational television or radio broadcast stations;

"(B) assist in the establishment and development of one or more systems of noncommercial educational television or radio broadcasting and one or more systems of interconnection to be used for the distribution of educational television or radio programs so that all noncommercial educational television or radio broadcast stations that wish to may broadcast the programs at times chosen by the stations;

"(C) carry out its purposes and functions and engage in its activities in ways that will most effectively assure the maximum freedom of the noncommercial educational television or radio broadcast systems and local stations from interference with or control of program content or other activities.

"(2) Included in the activities of the Corporation authorized for accomplishment of the purposes set forth in subsection (a) of this section, are, among others not specifically named—

"(A) to obtain grants from and to make contracts with individuals and with private, State, and Federal agencies, organizations, and institutions;

"(B) to contract with or make grants to program production entities, individuals, and selected noncommercial educational broadcast stations for the production of, and otherwise to procure, educational television or radio programs for national or regional distribution to noncommercial educational broadcast stations;

"(C) to make payments to existing and new noncommercial educational broadcast stations to aid in financing local educational television or radio programming costs of such stations, particularly innovative approaches thereto, and other costs of operation of such stations;

"(D) to establish and maintain libraries and archives of noncommercial educational television or radio programs and related materials and disseminate information about noncommercial educational television or radio broadcasting by publication of a journal;

"(E) to arrange, by grant or contract with appropriate public or private agencies, organizations, or institutions, for interconnection facilities suitable for distribution and transmission of educational television or radio programs to noncommercial educational broadcast stations;

"(F) to hire or accept the voluntary services of consultants, experts, advisory boards, and panels to aid the Corporation in carrying out the purposes of this section;

"(G) to encourage the creation of new noncommercial educational broadcast stations in order to enhance such service on a local, State, regional, and national basis;

"(H) to conduct (directly or through grants or contracts) research, demonstrations, and training in matters related to noncommercial educational television or radio broadcasting.

"(3) To carry out the foregoing purposes and engage in the foregoing activities, the Corporation shall have the usual powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act, except that the Corporation may not own or operate any television or radio broadcast stations, system, or network, or community antenna television system, or interconnection or program production facility.

"Authorization for Free or Reduced Rate Interconnection Service

"(h) Nothing in the Communications Act of 1934, as amended, or in any other provision of law shall be construed to prevent United States communications common carriers from rendering free or reduced rate communications interconnection services for noncommercial educational television or radio services, subject to such rules and regulations as the Federal Communications Commission may prescribe.

#### "Report to Congress

"(1) The Corporation shall submit an annual report for the preceding fiscal year ending June 30 to the President for transmittal to the Congress on or before the 31st day of December of each year. The report shall include a comprehensive and detailed report of the Corporation's operations, activities, financial condition, and accomplishments under this section and may include such recommendations as the Corporation deems appropriate.

#### "Right To Repeal, Alter, or Amend

"(j) The right to repeal, alter, or amend this section at any time is expressly reserved.

#### "Financing

"(k)(1) There are authorized to be appropriated for expenses of the Corporation for the fiscal year ending June 30, 1968, the sum of \$9,000,000, and for the next fiscal year such sums as may be necessary, to remain available until expended.

"(2) Notwithstanding the preceding provisions of this section, no grant or contract pursuant to this section may provide for payment from the appropriation for the fiscal year ending June 30, 1968, for any one project or to any one station of more than \$250,000."

### TITLE III—STUDY OF EDUCATIONAL AND INSTRUCTIONAL TELEVISION BROADCASTING

#### STUDY AUTHORIZED

SEC. 301. The Secretary of Health, Education, and Welfare is authorized to conduct, directly or by contract, and in consultation with other interested Federal agencies, a comprehensive study of instructional television and radio (including broadcast, closed circuit, community antenna television, and instructional television fixed services and two-way communication of data links and computers) and their relationship to each other and to instructional materials such as videotapes, films, discs, computers, and other educational materials or devices, and such other aspects thereof as may be of assistance in determining what Federal aid should be provided for instructional radio and television and the form that aid should take, and which may aid communities, institutions, or agencies in determining whether and to what extent such activities should be used.

#### DURATION OF STUDY

SEC. 302. The study authorized by this title shall be submitted to the President for transmittal to the Congress on or before June 30, 1969.

#### APPROPRIATION

SEC. 303. There are authorized to be appropriated for the study authorized by this title such sums, not exceeding \$500,000, as may be necessary.

### LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I should like to query the distinguished majority leader about the program. I wish to ask the distinguished majority leader what the business is for tomorrow and the remainder of the week.

Mr. MANSFIELD. Mr. President, in response to the question raised by the

distinguished minority leader, the Senator from Illinois, the calendar is practically clean, but the pending business, S. 1160, will be taken up tomorrow morning after the distinguished Senator from Kansas [MR. PEARSON] uses up his half hour. Then a brief morning hour will be followed by the educational TV bill.

Following that bill, the Senate will turn to the consideration of the appropriations bill for the Interior Department.

If we finish that bill tomorrow, we will come in Thursday, but I state flatly that the supplemental appropriation bill will not be taken up on Thursday, but will be taken up on Friday. On Thursday we will clear up whatever odds and ends are available. I would hope it would be possible to finish action on the supplemental appropriation bill on Friday, because if we do not, it is very possible we will come in on Saturday, so we can clear the decks for the situation which confronts the Senate next week.

#### ORDER OF BUSINESS

MR. MANSFIELD. Mr. President, do we have an order for the Senate to come in at 11 o'clock tomorrow morning?

THE PRESIDING OFFICER. Yes.

MR. MANSFIELD. It is my understanding that tomorrow the distinguished Senator from Kansas [MR. PEARSON] will be recognized immediately after the prayer for not to exceed one-half hour. Is that correct?

THE PRESIDING OFFICER. That is correct.

#### PUBLIC OPINION AND THE CITIZEN-SOLDIER—ADDRESS BY SENATOR MILLER

MR. DIRKSEN. Mr. President, last evening the junior Senator from Iowa, Senator MILLER, spoke at the annual Air Force ROTC dinner at Coe College in Cedar Rapids, Iowa. His address, "Public Opinion and the Citizen Soldier" contains a timely and important message, and I ask unanimous consent that it be printed in the RECORD.

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

PUBLIC OPINION AND THE CITIZEN-SOLDIER  
(By U.S. Senator JACK MILLER (Republican of Iowa)<sup>1</sup>)

Some years ago, I was a member of a similar ROTC group, which was given an opportunity, not unlike that which you have received, to achieve a better understanding and appreciation of the problems of peace in the world, to recognize the threats to our national security, and to better serve our country when that security requires military action.

Then it was the totalitarianism of Hitler and Mussolini which was upsetting the world. Today it is the threat of Communist aggression.

The names have changed. The dangers have not.

I learned some good lessons from my ROTC classes, and later from classes at the Command and General Staff College and the National War College. I learned even more from my experience in World War II.

But I suppose it has taken service in the Congress plus the war in Vietnam to bring home to me a realization of the decisiveness of public opinion in matters of great importance to our nation, especially our national security policy.

Probably this is as it should be in a democratic society. Perhaps it should be a self-evident proposition. Long ago Thomas Jefferson recognized it when he wrote: "Consent alone can confer legitimacy upon the powers of government, but consent is only a necessary, not a sufficient condition. Enlightened consent is the necessary and sufficient condition."

In our system of government, consent there will be. But whether it will be "enlightened" is the challenge; and each of you here, with the opportunity which has been given you, has an added responsibility in seeing that this challenge is met.

Those who hold high public office know the importance of public opinion which, after all, determines whether or not they will be continued in office. Members of the press, especially news commentators and columnists, are equally aware of it. They know that in their pens or microphones they hold the power to influence public opinion, and many of them deliberately set on a course to do so. Conceding the worthiness of their motives, the effect of some of their comments on public opinion is anything but enlightening; and it is very damaging.

Educators hold a special responsibility in influencing public opinion—not only for the long-range insofar as their students are concerned, but immediately in their writing and speaking. A university campus is a ready-made forum for the expression of ideas.

When one considers the number of people directly or indirectly involved in influencing public opinion, it is somewhat shocking that so few of them have had an opportunity to acquire a thorough understanding of the Cold War and how it affects our national security. This places the added burden on you—one that I am sure you gladly accept, but one that has become increasingly vital to our national security.

"Peaceful co-existence" between a free society and a communist society, such as that in the Soviet Union and in Red China, is merely a nice-sounding cliché which—to the Communists—does not mean what Americans usually think it means. To the Communists it means a condition which enables them to achieve their aggressive goals by non-military means—subversion, lying, cheating—anything goes. This, of course, accords with their "end justifies the means" ethic.

And yet, there are an amazing number of people in influential positions who speak of "co-existence with communism" as though it were a part of our foreign policy—and should be. They ought to read the book, "Peaceful Coexistence—A Communist Blueprint for Victory," published by the American Bar Association. But they haven't—or they won't. They use the détente with Yugoslavia as an example of how we can co-exist with the Soviet Union; but at the same time are highly critical of anyone who fails to make a distinction between types of Communist states.

Publicity—and I might suggest that it has been undue and inaccurate publicity—over Red China was beginning to have its effect on public opinion until the crisis raging inside the "Bamboo Curtain" broke into the open. But last year, before news of this turmoil leaked out, a survey by one national pollster indicated that a majority of the American people had moved from being un-

favorable to being favorable to the admission of Red China to the United Nations. I found it difficult to accept the accuracy of such a survey; but even discounting it somewhat, it would seem that there were far too many of our fellow citizens who were not well-informed on this issue. Those who are informed may be left behind if they do not do their part in the struggle for public opinion.

No one knows the importance of public opinion (not only in our country but so-called "world public opinion") better than our enemies. Eight years ago, while I was attending the National War College, we were warned that we had a long way to go to catch up to the Communists in the techniques and appreciation of psychological warfare. I think we have made a little progress since then, but never before have the American people been subjected to so much psychological warfare as is the case today with the war in Vietnam. Many good, conscientious Americans have fallen victim to it. Some, not so conscientious, are actively participating in it. Its strategy is to weaken our national will to resist aggression—weakens our national will to use our military and economic power to prevent a nation or group of nations which does not possess our military and economic power from attaining objectives that are contrary to our national purpose.

Debate of the issues of this war on their merits is one of the hall-marks of a "free society". However, freedom of debate should not be confused with license to distort the facts to partake of irresponsible speech and actions. I would condemn those who would equate responsible debate with disloyalty. At the same time, if criticism lends aid and comfort to the enemy and tends to prolong the war, the critics should not object if our military commanders so advise them. If it is the critic's son or husband who might die because the war was prolonged one minute more, this realization should accompany his decision on whether and in what manner to publicize his criticism.

All of us in the Congress, and I am sure the President too, have felt the abuse of the word "escalation" by those who ought to know better. When thousands of North Vietnamese pour into the South, any bombing of the North to stop this invasion of troops is called "escalation". When more troops, ammunition, and supplies are forthcoming, the bombing of more important logistics targets to impede the flow is called "more escalation." Seldom, if ever, do these people refer to the "escalation" of the enemy. You understand that, instead of escalating, we are undertaking an effective response to the enemy's escalation; but there is some confusion in the public mind about it. The challenge is to see to it that misuse of the word "escalation" comes to their attention. I have long supported the stated goal of avoiding a widening of the war, while at the same time urging that the war be shortened, rather than prolonged, through more effective application of our air and sea power.

I would be remiss if I were not to mention the so-called "credibility gap" between the Administration and the American people. This has a bearing on the role of public opinion in national security. It is not a problem that will go away if it is not mentioned or discussed. Too much has been said about it to ignore it. I have stated that this "gap" has arisen more from what the Administration's spokesmen have not said than from what they have said. For example, there has been a great silence on the reasons why we have not taken steps to deny the port facilities at Haiphong to the enemy. The American people should be told the reasons; and if they do not agree with the reasons, perhaps the Administration will conclude that these reasons are not valid. The Administration's silence has caused widespread confusion and dissatisfaction, and it is this reaction of public opinion which frequently

<sup>1</sup> Annual "Dining In" Dinner, Coe College, A.F.R.O.T.C., Cedar Rapids, Iowa, Monday Evening, May 15, 1967. Senator Miller is a member of the Senate Committees on Armed Services, Agriculture, Joint Economic, and Problems of the Aging.

manifests itself in criticism of a credibility gap. I should add, in all fairness, that reports issued by our Military Command Headquarters in Saigon have, to the best of my knowledge, been reasonably accurate. At the same time, I would not wish to imply that there have never been some inaccurate or misleading statements attributed to Administration spokesmen and carried in the press. There have been. These have been aggravated by "trial balloons" which have appeared to "test" the public reaction to certain possible Administration moves. But it is the silence and failure to inform fully the people on some very important matters which, in my judgment, has laid the foundation for uncertainty and mistrust.

You have learned that Communists do not react to things the same way that we do; that action on our part to bring about a thaw in the Cold War may, if not most carefully exercised, cause Communist leaders to consider this a sign of weakness on our part; and that firmness and strength are the only language they understand. This does not imply belligerence on our part. It certainly should not preclude certain *quid pro quo* relationships, as long as our guard is up. Nor does it imply a pessimism that Communist leaders will never change from their "end justifies the means" ethic. We can hope for this. But until that day comes, we know better than to risk our security with unilateral action.

There will be increasing pressures in the years ahead relating to nuclear agreements. The limited nuclear test ban treaty was widely heralded as a "shift of light" in the darkness. Maybe it was. Maybe it wasn't. It will be some time yet before we will know, and, as of now, I doubt that any realist would say that it has resulted in improved relations between the United States and the Soviet Union. Efforts are being made to secure an underground nuclear test ban, with effective inspection and controls. There are some who would take a risk with our national security by concluding such an agreement without on-the-spot inspection. Some scientists suggest that this is not needed, and they have their followers. I doubt that a two-thirds majority of the Senate would ratify such a treaty, but public opinion—informed or uninformed—will be decisive.

When one enters the high level of national security policy, he very soon realizes that decisions are not easily reached. The facts and circumstances do not make for black and white cases. Indeed, the President has said that he never has the black and white cases to decide. It is the gray area that is the big and troublesome one. And if this is troublesome at the Washington level, how much more so must it be for the average citizen with his limited information. Those whose policies would lead to a peace at any price or to a "better red than dead" result are not stupid people. Many of them are highly sophisticated thinkers. They have reasons for their positions, and some of these reasons are decent. But their basic premises are not sound, and frequently their facts are not straight. It takes a great amount of patience to deal with them. Some of them are moved more by emotion than anything else, and it is difficult to deal with emotionalism. What I am suggesting to you is that your task is going to be much more difficult than you probably think, and it can become very discouraging. When your patience wears thin and you are discouraged, it will help you to keep going if you realize that it will be your ideas or the others which will prevail, and yours simply must prevail for the good of our country.

There is a great deal of talk about survival. In the nuclear age, survival is a common denominator between the Free World and the Communist World, it is said, and therefore we must surely get together. But I would suggest that survival alone is a rather sterile

objective. Moreover, its overemphasis can lead to a "better red than dead" position. Our national purpose does not speak of survival alone. It has been stated by many Presidents—"a strong, free, and virtuous America, in a world where there is a just and lasting peace, with freedom and respect for the integrity of the individual." Survival with these conditions—not just survival—is our goal.

The leaders in the Kremlin and in Peking are convinced that we are a decadent people; that given the proper dosage of psychological warfare, public opinion will enable ex-Premier Khrushchev's prediction to come true: "Your grandchildren will live under Communism." As you know, they believe in the "wave of the future"—that it is the necessity of history that this will come to pass. They have read their history books and are familiar with the famous historical cycle through which so many other great civilizations have passed: From bondage to spiritual faith, from spiritual faith to courage, from courage to freedom, from freedom to abundance; and then from abundance to selfishness, from selfishness to apathy, from apathy to dependence, from dependence back to bondage.

I first heard that cycle eight years ago, and I thought at the time: "Where are we as a people in that cycle?" I looked around and saw abundance, but I also had the feeling there was selfishness, a great deal of apathy, and an increasing tendency towards dependence. I wish today that I could say that the trend has been the other way, but the record will not permit it.

Selfishness is reflected in the impatience of our people. Desire for the better things of life is not being tempered with the willingness to wait until we can afford them and, all too often, with the hard work needed to earn them. For example, our national indebtedness—federal, state, local, and private—has gone well over the one-trillion-dollar mark.

It was significant that a newly elected President said at his inaugural in 1961: "Ask not what your country can do for you, but what you can do for your country." And yet, since that time, a law has passed giving free medical care to anyone over 65, regardless of his financial need. There is a movement on today to provide a minimum annual income to everyone, regardless of whether he is willing to earn it.

I could not say there is any less dependence today in view of the mass of legislation which has poured out during the last few years—especially at the federal government level—not in a spirit of self-reliance and initiative, but in response to feelings of uncertainty, doubt, and insecurity. But those feelings have persisted and are increasing—not going away.

Of equal concern is apathy. There seems to be less public respect for law and order than ever; and the fact that in the last 10 years our national major crime rate has increased five times the rate of our population growth shows it. Many voters stay away from the polls. Some of them say that they don't want to vote because they don't know about the candidates and the issues. But how much better it would be if they would take the time and trouble to inform themselves and then go to the polls, and thereby exert a positive influence on public opinion!

We need leaders of public opinion—not followers of public opinion. Each of you someday should be in the position—because you have been given the opportunity—to help lead public opinion, to influence it constructively, to strengthen it, to get it on the right track and keep it there.

This, along with your service in uniform in your country's hour of needs, is the contribution you must make as citizen-soldiers. In making that contribution, I wish you many happy landings and every success.

## OCEAN PROGRAM PRIORITIES AND THE PACIFIC NORTHWEST

Mr. MAGNUSON. Mr. President, the first report of the National Council on Marine Resources and Engineering Development justifies the anticipations of those of us in the 89th Congress who sponsored the legislation that created the Council, and of the Senate and House of Representatives which unanimously approved it.

The report recognizes the opportunities that await the Nation on, in, and under the high seas, the Great Lakes, our estuaries and our Continental Shelf; points up the challenges that face us in developing these opportunities for the benefit of our citizens and for mankind; and proposes specific programs to meet these challenges and seize these opportunities to advance our oceanographic goals.

Composed of top department and agency officials, the Council, preparatory to its initial report, evaluated the national marine scientific and technological problems, weighed capabilities and the requirements in this area devolving on the Federal Government and its agencies, and selected nine programs for immediate attention and special emphasis, but without curtailing the Nation's traditional oceanographic activities.

As pointed out in the report, these priority programs have certain common characteristics, among them:

First. They contribute to the attainment of broad national goals enunciated in the Marine Resources and Engineering Development Act of 1966.

Second. The means of implementing these programs are immediately available and the benefits clear.

Third. They will produce multiplier effects by deploying existing capabilities more effectively.

Fourth. The priorities represent a consensus of senior Government officials responsible for marine science affairs.

Fifth. They are approved by the President.

Total funding asked by the Council and the Bureau of the Budget for marine science and technology activities, education, and training during fiscal year 1968, which begins July 1 of this year, amount to \$462 million, an increase of \$53 million or 13 percent over the present fiscal year.

Of this increase, \$40.5 million is earmarked for the priority programs. The remaining increased funding, \$12 million plus, is to finance necessary growth of long-established activities of the national oceanographic program.

Five of the nine priority programs are essentially new, although built, as the report states, on a foundation of somewhat limited past accomplishment, and, as the report implies but does not state explicitly, with inadequate status and funding.

Priorities also are given to four established programs which will receive immediately augmented emphasis and substantially increased funding.

While designed to benefit and strengthen the Nation and its maritime regions as a whole, each of these priority programs will have a special appeal

to the Pacific Northwest, and particularly those which the Council has designated as essentially new, and which it lists as, first, "food from the sea"; second, "seagrant programs"; third, "estuary study"; fourth, "subpolar oceanographic research"; and fifth, "data system study."

The same Pacific Northwest interest and eagerness to participate and cooperate is true of the four priority programs described by the Council as "continuing" but deserving of sharpened emphasis.

These are: first, "international cooperation"; second, "surveys of mineral resources"; third, "ocean observation and prediction"; and fourth, "deep ocean technology."

Initial leadership in a majority of these programs has been provided by the Pacific Northwest as will be detailed later in my remarks.

And no State is in a better position to take advantage of the Council's priority designations than the State of Washington, natural center for research and marine resources development in the North Pacific.

Broad and constructive as it is, the national oceanographic program is not static. As the Council proceeds in its work and in the preparation of the oceanographic budget for fiscal year 1969, the program undoubtedly will be enlarged.

The Council and the Nation will profit greatly from the special knowledge and experience of the Commission on Marine Science, Engineering, and Resources, created under the same act as the Council.

Headed by Dr. J. A. Stratton, a native of Seattle, chairman of the board of the Ford Foundation and former president of the Massachusetts Institute of Technology, the Commission will project both present and future oceanographic needs and will recommend what it considers a perfected plan for Government organization.

The Commission will function independently of the Council. Its members drawn principally from industry and from major scientific or administrative fields, the Commission will make its own study and recommendations, and will submit its own proposals in a separate report.

Complementary to each other, the Council and the Commission will each contribute to the policy objectives stated in the Marine Resources and Engineering Development Act and its primary pledge: "preservation of the role of the United States as a leader in marine science and resource development."

The nine priority projects designated by the Council represent an advance commitment on that pledge. They affect the United States as a nation and they affect every marine environment.

States and regions can, and undoubtedly will share in many of these priority programs, among which there are some that will have particular appeal to certain States and areas. This is especially true of my home State of Washington, where the legislature recently enacted a measure to establish a State Commission on Oceanography and an Oceanographic

Institute of Washington and where business and industrial leaders 2 years ago organized a strong and active Oceanographic Study Committee which has published several voluminous and detailed reports.

Several other States have created commissions similar to that of Washington. All can be of value in attaining maritime goals, and in helping to carry out Council priorities.

First priority in the report of the National Council on Marine Resources and Engineering Development is given to international cooperation in seeking new opportunities for promoting the peaceful uses of the ocean.

In the Pacific Northwest, important steps in international cooperation have long been taken. They include the conventions arrived at and observed by member nations of the North Pacific Fisheries Commission, the International Pacific Halibut Commission, and the Pacific Salmon Fisheries Commission. Similar international commissions operate in other marine areas near or adjacent to the United States.

An unprecedented opportunity for international cooperation presently exists through the proposed international conference on fishery conservation, on which preparatory work is being undertaken by the Bureau of Commercial Fisheries, the State Department, and the Food and Agriculture Organization of the United Nations.

Such a conference, my distinguished Senate colleagues will recall, was urged in Senate Resolution 192, adopted in the 87th Congress. As this resolution applies directly to the Council's second priority program—food from the sea—and touches also on priority No. 5—estuary study—I shall take the liberty of quoting it at this point in my remarks:

S. RES. 192

Whereas, the increasing world population and the consequent growing demand for animal protein, together with industrial and economic development in all parts of the world have resulted in remarkable expansion of world fishing effort; and

Whereas technological developments have vastly improved man's ability to harvest the living resources of the sea; and

Whereas estuarine resources, to which little attention has been devoted on a world wide basis in spite of their increasing importance as a source of human food, present unique and scientific conservation problems the solution of which would best be approached on a worldwide basis; Now, therefore, be it—

*Resolved*, That it is the sense of the Senate that the President should propose an International Conference on the Conservation of Fishery Resources to consider the technical, economic, and scientific problems relating to the conservation, utilization, and regulation of living marine resources in the high seas and estuarine waters of the world, and that government, industrial, scientific, and technical participation in such Conference on as wide a basis as may be practical should be encouraged.

The administration, as you know, Mr. President, is following through on this resolution, and with the cooperation of the Food and Agriculture Organization there is reason to believe that this conference will take place in the not-too-distant future.

The high priority given by the Council to international cooperation should serve to expedite this important conference and to greatly strengthen the effectiveness of the Council's second priority—food from the sea. This program, made feasible through S. 1720 of the 89th Congress and approved by the President in November of last year, offers opportunity for the United States to utilize living resources of the oceans as a relatively untapped source of protein for the undernourished of the world through conversion to fish protein concentrate.

The bill, S. 172, introduced by the senior Senator from Alaska [Mr. BARTLETT] and which I cosponsored, authorized development by the Secretary of the Interior of this valuable marine product, and plants to produce and demonstrate its value as a nutritious and wholesome food supplement for human use.

I know of no finer endorsement, of fish protein concentrate, Mr. President, than that given by the Marine Resources Council in its report, which states in part:

FPC is bacteriologically and biochemically safe and stable without refrigeration or other special processing. It can be incorporated into cereal products at a five to ten per cent level with no detectable "fishy" flavor. Its protein is easily digestible and biologically available. Ten grams will provide adequate animal protein to meet the daily requirements of one child, at an estimated daily cost of less than a penny.

This endorsement, Mr. President, will have wide appeal not only to the undernourished millions abroad, but to the Nation's fishery industry. It is personally gratifying that, as Secretary Udall has advised me, the first FPC demonstration plant will be located in the Pacific Northwest, which spearheaded this high-priority program.

Of special interest also to the Pacific Northwest is the priority given by the Council to multipurpose estuarine studies relating to fish, shellfish, health, recreation, commerce, and the preservation of scenic beauty.

Puget Sound is America's largest estuary, and its economic and defense value to the Nation is unsurpassed.

Chesapeake Bay, which many consider the Atlantic counterpart of Puget Sound, has been selected for the eastern, and initial, pilot study, largely because, I am advised, of peculiar and immediate pollution problems. Although the Puget Sound area is relatively unaffected by such problems, I am hopeful that our own premier Pacific estuary, because of its rich food and commercial potential, and because of its great strategic importance to the defense of our Nation, will also have the benefit of early intensive study.

Important priority also has been given in the Council report to surveys of the mineral resources of the Continental Shelf. This program, on which a beginning already has been made, should be particularly applicable to the marine areas adjacent to the Northwest States of Washington, Oregon, and Alaska.

Both Washington and Oregon, in contrast to their neighbor on the south, have broad continental shelves sloping away from mineralized terrestrial areas.

Alaska's Continental Shelf is tremendous, embracing more than half of our million-square-mile shelf.

Geologists envision the western shelf as a potential source of many critical and strategic metals, of gold, tin, and platinum deposits and of petroleum and natural gas, with much of the exploratory work in the Northwest.

The Council, it is gratifying to note, also has designated for special emphasis the recently enacted sea-grant college program, designed to encourage and assist increased education and training in marine science and technology. The act will be implemented by the National Science Foundation.

On a modified matching fund basis grants will be made through the National Science Foundation to institutions of higher education and laboratories that qualify under a criteria developed by the Foundation.

The University of Washington, the first State University in the Nation to recognize oceanography as a major science field, and the first to offer training and research opportunities in every discipline of marine science, is actively seeking to participate in this program.

As early as 1904, the university was offering courses in marine biology, followed in a few short years by instruction in marine chemistry by the late, great Prof. Thomas G. Thompson. In 1919 the university established the only college of fisheries in the United States.

Graduates of this richly staffed college hold positions of eminence in industry, government, and higher education not only in every coastal region of the United States, but also in other countries and in the Food and Agriculture Organization of the United Nations.

The Friday Harbor Laboratories of the University of Washington, offering graduate instruction in marine sciences and related atmospheric disciplines, were established in 1923.

The Laboratory of Radiation Biology, a component of the College of Fisheries, was established in 1943, pioneering in this distinctive field almost from the beginning of nuclear energy development at Hanford. The Laboratory received strong support from the Atomic Energy Commission and has conducted important field investigations in the South and Central Pacific and in the Arctic.

The University of Washington's Department of Oceanography has the largest enrollment in marine science of any institution of higher education in the United States, and was the first to offer bachelor of science degrees in addition to graduate degrees in oceanography.

The department of oceanography has the third largest graduate enrollment in the United States, and if the number of graduate students in the department, and those in the College of Fisheries are added the University of Washington leads the Nation in graduate enrollment.

The Applied Physics Laboratory of the University of Washington for the past 24 years has been one of the Nation's foremost laboratories specializing in military oceanography. Its staff includes 70 professional scientists about equally divided between physicists, electrical engi-

neers, and deep ocean engineers. Engaged in highly sophisticated programs for the Navy, much of the work of this laboratory is classified.

Actively engaged also in oceanographic training, research, and technology at the university are the colleges of engineering, the department of atmospheric sciences, concerned with air-sea exchange and related phenomena, the school of law, with courses in ocean resources law, international law and natural resources law; the departments of zoology and botany, and the economics department which specializes in the economics of fishery management, weather forecasting and modification, pollution control, and recreational use of water, all areas of high interest to the Council.

Dr. James E. Crutchfield of the university's department of economics, is a member of the Commission on Marine Science, Engineering and Resources and heads its Panel on Marine Resources.

Recently, for purposes of greater coordination of the university's numerous and varied oceanographic activities, the board of regents has established a new division of marine resources. The division will initiate new activities, will encourage joint planning and operation of facilities with agencies and institutions outside the university, and is looking forward to developing more effective cooperation between the university and industry in the area of marine resources.

Although the new Division will conform with the objectives of the National Sea Grant College and Program Act of 1966—

The board of regents announced—the Division will not be limited by these criteria.

We will be responsible to the needs and interests of the University and Pacific Northwest region in developing our activities, particularly emphasizing teaching, research, and the application of research results to the development of marine resources—

Supplemented Dr. George W. Farwell, assistant vice president of the university, and appointed acting director of the new division.

Mr. President, no institution in the United States in my opinion more conclusively meets the criteria of the National Science Foundation for designation as a sea-grant college provided the State meets the rather modest matching requirements of the act.

This criteria, and I quote from the National Council's report, includes:

1. Location in a region with a marine-related industry.
2. Full-time program director/coordinate.
3. Evidence of support of host institution.
4. Regular, full-time participation of faculty from allied departments.
5. Defined study curriculum.
6. Planning devoted at least partly to regional problems such as utilization of local marine resources.
7. Programs of applied research.
8. Related public information activities, including workshops, seminars, etc.
9. Provision for multi-institutional collaboration.

State and community support also is a factor, the Federal Government's contribution being limited to two-thirds and the grantee providing one-third of the support of the program.

The Department of Atmospheric Sciences bears a significant relation to priority No. 7 of the Council's report—"Ocean Observation and Prediction."

Purposes of this priority include studies of the effects of the marine environment on weather, improved prediction of near-shore weather and severe storms to protect life and property in shore communities and industry, and prediction of the state of the ocean to more effectively support resource exploitation.

Exposed to the broad Pacific, the Pacific Northwest may expect enormous industrial, economic, and community benefits from this priority program.

Particularly applicable also to the Pacific Northwest is the priority given by the Council to Subpolar Oceanographic Research. Puget Sound historically has been the Pacific gateway to the northland. The great circle route over which moves the bulk of our shipping to the Orient touches the southern periphery of the subpolar region. Great strategic importance attaches to the subarctic seas, and the Aleutian Islands are the only parts of our hemisphere domain on which an enemy has set foot in the past 150 years.

The subpolar region produces much of our food from the sea, much of our mineral wealth, and has a tremendous potential in other marine resources and riches.

The University of Washington, the Coast Guard, the Navy and the Coast and Geodetic Survey have conducted most of the oceanographic research the United States has made in the western subarctic, yet many of the marine phenomena in this harsh and unique environment still is little known.

Certainly, the Council is to be congratulated for including subpolar oceanographic research in its list of priorities for immediate increased emphasis, and most of this research, I submit, definitely should be based in the Pacific Northwest.

Listed also for priority in the Council report is a study of oceanographic data systems and requirements. The University of Washington, which maintains an up-to-date data center will, I am sure, be happy to cooperate in carrying out this priority.

Priority also is given by the Council to "deep ocean technology."

A new program to develop deep-ocean technology will be initiated—

The Council report states—

which, with the current Navy effort in deep submergence will strengthen the future capability for recovery of lost equipment and provide a deep ocean engineering capability.

I am hopeful, Mr. President, that the Pacific Northwest will be included in this priority program. To date most of this work has been centered in the Atlantic or at the Southwest extremity of our continent, areas geographically remote from a potential enemy.

The only deep submersible in the Pacific Northwest is based in British Columbia and was constructed in Canada with private funds, although with considerable consultative and engineering assistance from Seattle scientists and technicians.

The Northwest has many industries, engineers, and technologists with superior capabilities for participating in this priority program, as in each of the other priorities designated by the Council.

Congress, when it enacted the law establishing the National Council on Marine Resources and Engineering Development, intended that it be truly national. To be a national oceanographic program each and every marine region—and this includes the Great Lakes—is entitled to share according to its scientific and technological interests, enthusiasm, and capabilities subject to budget limitations.

The Council has established excellent priorities. It is the responsibility of the administration, the departments and agencies represented in the Council, and the Congress which provides the funding, to now see that these priorities are equitably carried out.

#### CONSUMER RIGHTS: THE BATTLE CONTINUES

Mr. MAGNUSON. Mr. President, Sidney Margolius is one of the ablest writers on consumer affairs in the country today. His columns on consumer problems appear nationally and are syndicated in the labor press. In the current issue of the American Federationists, the official magazine of the AFL-CIO, Mr. Margolius has written an excellent article entitled "Consumer Rights: the Battle Continues." This article first calls attention to some of the forces opposing effective consumer legislation, and then focuses on the progress which has nevertheless been made at the private, State, and Federal level to give adequate representation to consumer interests. He concludes with a summary of some of the legislation which is needed today to protect American consumers. I ask unanimous consent that the full text of Mr. Margolius' article appear in the RECORD, and I invite each Member of the Senate to examine his comment closely.

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

#### CONSUMER RIGHTS: THE BATTLE CONTINUES

A great deal of activity affecting consumers has taken place in the last three years, sometimes even a confusing amount. But the results in terms of consumer protection have been noticeably smaller.

Undoubtedly the nation's conscience has been aroused by exposures of the many ways moderate-income families are exploited as consumers—from the millions of garnishments levied on workers' paychecks each year to the blatantly-overpriced processed foods and medicines housewives are lured into buying.

But the business backlash has been unusually sharp and surprisingly effective. Business opposition proved successful in diluting the truth-in-packaging law; in blocking truth-in-credit legislation and in watering down efforts to remedy obsolete state credit laws which give high-pressure sellers the actual tools for deceiving and exploiting working families.

The businessmen's campaign has reached a hysterical pitch that would be ludicrous if it had not proved so successful. Take, for example, Woodrow Wirsig, former editor of Printer's Ink and now President of the New

York Better Business Bureau. Wirsig, one of the most inflammatory campaigners against consumer legislation, recently warned an advertising trade conference that the pro-consumer efforts are really a conspiracy against business, calling these efforts:

"A deep, radical and dangerous trend toward the separation of business from every other value in life. . . . If legislation proceeds as it is going, we will inevitably have a controlled economy with a controlled society." (Emphasis his.)

More restrained in their language, but perhaps even more influential in their opposition to the efforts on behalf of consumers, have been the officials of several large food and soap corporations. The most notable have been W. B. Murphy, President of the Campbell Soup Co. and until recently chairman of the Business Advisory Council, and Neil McElroy, a former Eisenhower cabinet member and now head of Procter and Gamble.

President Johnson has continued to support proposed legislation despite the business backlash and has continued the post of Consumer Assistant at the White House level. But the business opposition has been so stubborn that it has become difficult to win any significant legislation except when actual safety is involved. Thus, except for the partial truth-in-packaging law, the only recent major consumer legislation enacted at the federal level have been the laws concerned with car safety, with protection against hazardous toys and with safety in other children's articles.

There has been, however, a number of advances in consumer organization and protection.

One is the unusual number of consumer associations organized in the past two years and the noticeably greater consciousness of many citizens that they are consumers as well as wage-earners and need to defend themselves on both flanks. There are now some 16 state consumer associations and almost as many city-wide groups. Labor unions and individual labor officials have been noticeably active in helping to organize these associations, along with representatives of credit unions; consumer co-ops; church groups; the leading Negro organizations; women's groups such as the American Association of University Women and Catholic, Jewish and Negro women's councils; state and local attorneys general; university economists and other community and political leaders and groups.

Similarly, a number of local "Housewives for Lower Prices" and other boycott groups that spontaneously picketed supermarkets during the food-price upsurge last fall have continued in existence.

The national Consumer Assembly held in Washington last year already has been followed by a similar assembly in New York City, with others expected to follow in other localities. The national Assembly, sponsored by 32 organizations, including the AFL-CIO, and representing a total membership of 50 million Americans, was credited by one state consumer official with persuading Congress to pass at least the diluted packaging bill.

A new vigor also is noticeable in the two major federal agencies concerned with consumer protection—the Food and Drug Administration and the Federal Trade Commission. Under a determined new administrator, Dr. James L. Goddard, the FDA ordered off the market a number of products considered not effective or of doubtful usefulness, including antibiotic throat lozenges and several time-release aspirin products and other analgesics. The FDA also initiated, for the first time, seizure actions under the prescription advertising provisions of the Kefauver-Harris Drug Act. Perhaps even more significantly, the FDA has warned drugmakers that it will not tolerate mis-

leading or incomplete drug advertising at either the consumer or professional levels (to doctors).

Similarly, the FTC announced new tire advertising guidelines to end some of the long-standing deceptive selling in that field. And it proposed regulations to require credit sellers to tell the full cost of products in their ads, not merely the monthly payment.

Another significant FTC activity is its current exploration, along with the Antitrust Division of the U.S. Attorney General's office, of the potential monopoly effect on consumer prices of heavy advertising expenditures by a few dominant corporations.

The third major advance is that state, county and municipal officials have been stirred into seeking to provide more adequate consumer protection, both through legislation and through establishment of state and local consumer councils and consumer protection bureaus.

In some cases, these new bureaus are an expansion of the traditional weights and measures departments. Now some seven states have consumer agencies of either the council or bureau type, similar proposals are pending in other states and consumer bureaus have been established or proposed in Cook County, Illinois; Nassau County, New York and other areas.

The progress in developing consumer representation at the state level has not been without setbacks. In California, as soon as he took office, Governor Ronald Reagan fired Helen Nelson, California's capable Consumer Counsel, chopped the office's budget almost in half and named a real estate man's wife to be Consumer Counsel, with an order to investigate the usefulness of the agency and whether it should continue.

The main need at this point is for effective legislation at both federal and state levels to discourage the current exploitation of working families as consumers. "Exploitation" is not too strong a word to describe the present consumer situation, from children manipulated by TV ads and teenagers by disc jockeys to parents manipulated into habitual installment buying at high charges for the financing and often for the merchandise.

The result is a massive waste of family money and a diversion of both family and national resources that helps to frustrate such goals as higher education, the rehabilitation of the cities, better housing and more adequate health care.

Despite the business opposition, the public's heightened consumer consciousness and the growing interest of federal and state legislators provide an opportunity to eliminate some of the most prominent abuses. Even some of the more reasonable business leaders, largely as the result of Mrs. Esther Peterson's persuasive efforts during her years as the President's Consumer Assistant, recently have told their fellow businessmen that some consumer protection may be necessary. Fair rules for the treatment of consumers would, of course, benefit the more scrupulous business organizations as well as the nation.

Nor is there any doubt that legislation is needed. Seeking to solve current consumer problems primarily through "consumer education," which some business officials have proposed as an alternative to legislation, is like trying to swim in a sea of molasses.

For one reason, the families most susceptible to exploitation are the low and moderate-income wage earners, and those only a generation away from the non-cash world of the farm or the simpler, if deprived, money world of the poor. These people are the hardest to reach with consumer education.

For another reason, family money problems have become too complex to be solved simply with information. A family would need to become expert in shopping, nutrition, interest rates, mortgages and many

other facets of today's complicated consumer world.

Here is where consumer protection is most urgently needed and the status of current efforts to provide it:

#### CREDIT AND INSTALLMENT PLANS

This is the area of most severe exploitation. It takes the form of deception leading often to garnishment and, surprisingly often, the loss of jobs and homes. And it is a constant drain on family income to pay needlessly high finance charges, even when financial tragedy does not result.

Both federal and state laws are being sought. On the federal level, Senator William Proxmire (D-Wis.) has taken up the battle for a true interest rate law led by former Senator Paul H. Douglas. The bill has prospects of passing this time, Senator Proxmire believes. It has been tempered slightly to answer some industry objections but still would serve the needed purpose of telling consumers just how much they do pay for credit in terms of easily-comparable annual interest rates.

The true-interest rate bill also is the main proposal of direct economic help to consumers backed by the President in his 1967 Consumer Message to Congress.

When one observes that consumers now owe a total of \$95 billion in debts, of which \$75 billion is for installment credit, and pay finance charges of \$13 billion a year on these debts, the paramount importance of this bill becomes clear.

On the state and provincial level, Massachusetts, Saskatchewan and Nova Scotia already have enacted their own truth-in-lending laws. In Massachusetts, however, stores are not required to tell the true annual rate on their revolving-credit or "budget charge" accounts—a serious loophole since stores can merely switch to this type of credit from the more-traditional installment plans.

Senator Warren Magnuson (D-Wash.) also has proposed a "Fair Credit Advertising Act," which would require that credit ads tell the total credit cost instead of merely the weekly or monthly payments required, as well as the true annual interest.

But labor and other consumer-interest organizations also are increasingly concerned about the need for changes in present state laws governing installment practices. These stem from the days credit was not as widely used and they protect mainly the seller.

These laws have become widely abused to exploit unknowing buyers. The present garnishee and repossession laws actually serve as twin levers of financial coercion. In most states, credit sellers can both garnishee and repossess. Thus, fantastically enough, sellers can repossess installment goods and still compel the buyer to keep on paying even after he no longer has his goods. Many garnishees today are of that very nature—garnishees for deficiency judgments on repossessed purchases. The present effort at state levels is to change present laws to let sellers garnishee or repossess, but not both.

Even the threat of a garnishee often is enough to compel a workingman to pay for a deceptively-sold purchase because he fears the loss of his job. Notoriously, too, states which have harsh garnishee laws allowing creditors to seize a large part of the debtors' wages usually have most consumer bankruptcies. California, which permits garnishment of up to 50 percent of wages, has a bankruptcy rate five times that of New York, which permits only 10 percent.

In a half dozen states, unions are seeking laws to bar firings because of garnishment. In New Jersey, for example, such a bill has been introduced year after year without enactment. In Ohio, too, unions have been seeking similar relief for years. In New York, in 1966, unions broke through the legislative barricade of the credit-industry lobby to win passage of the first such law—a modified version which bars employers from firing because of one garnishee in a 12-month period.

Other tools of deception presently written into the law in various states, which require correction, include the "cognovit" or "confession of judgment" installment contracts permitted in some states by which a buyer signs away his right to any court defense, and the "add-on" installment contracts permitted in most states. These make previous purchases security for new purchases, even though older purchases may be paid up.

#### TRUTH IN PACKAGING

The law finally passed by Congress turned out to be more a "clear labeling" law than the law originally proposed by Senator Philip Hart (D-Mich.). The original Hart bill would have eliminated the fractional ounces and other chaotic packaging practices now making it difficult to compare values. It now will be easier for shoppers to locate the statement of net contents on package labels. But you still have to try to compare the cost per ounce of, for example, different brands of tuna fish containing 5 1/4, 6 1/2 and 7 1/4 ounces.

The new packaging law does establish a significant principle. The preamble says the nation's economy depends on informed choice. For the first time, Congress has said that how the consumer spends his money, or is led to spend it, affects the nation's welfare.

#### SERVICE AND GUARANTY PROBLEMS

This is an area Mrs. Peterson was exploring on a voluntary basis with industry spokesmen before she returned to fulltime duty as an Assistant Secretary of Labor. Senator Magnuson has entered this difficult but necessary area of consumer protection in two ways. His consumer subcommittee, established in the closing days of the 89th Congress last year, is investigating hazardous appliances and other household equipment. Senators Magnuson and Norris Cotton (R-N.H.) have proposed the establishment of a National Committee on Hazardous Household Products to study these dangers.

Senator Magnuson's committee also is investigating the costs and problems involved in guarantees and service on household appliances in general—a source of great irritation and tension in the marketplace.

#### DRUG PRICES

Despite the Kefauver-Harris Drug Act, the problem of high prices of vital medicines still plagues consumers and now has become a problem in financing medicare and other health plans. A number of senators and congressmen have become determined to encourage the use of generic drugs both for medicare-insured patients and the general public. Drugs under their generic names cost only a fraction of the same drugs under brand names.

#### FOOD PRICES

This remains one of the knottiest and also politically-sensitive problems for which neither the Administration nor Congress has proposed any far-reaching or overall solutions. The problem will come to a head again late this summer, when food prices are expected to rise after the winter dip.

#### CONSUMER REPRESENTATION

The proposal by Rep. Benjamin Rosenthal (D-N.Y.) to establish a federal Department of Consumers has evoked discussion of the need for permanent consumer representation at the top levels of government. Whether this representation should take the form of a full-fledged department or an independent consumer counsel office, it obviously is needed to defend the consumer interest on a permanent basis, making it less vulnerable to the attacks of soap kings and soup magnates.

Mr. MAGNUSON. Included in Mr. Margolius' article was a summary of consumer legislation supported by the AFL-CIO Executive Council in a statement that council issued on February 24, 1967. Since this is such an exceptionally fine statement, I request unanimous consent,

Mr. President, that its full text also appear in the RECORD.

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

#### STATEMENT BY THE AFL-CIO EXECUTIVE COUNCIL ON CONSUMER LEGISLATION

High on the list of items which demand immediate and extensive attention from the 90th Congress are the problems of the American consumer.

Of primary concern to consumers are the specific products bought for personal use. Consumers need and should have adequate protection against fraudulent practices, assurance that the products are safe to use, and that product and price information is adequate and accurate.

In testing the current state of affairs by these standards, we find that much Congressional concern and action is needed. Specifically we will seek:

1. Action to remedy the exploitation of consumers by those who provide consumer credit.

Consumers are indebted for loans and installment sales purchases in an amount totaling \$95 billion. They are paying finance and interest charges at the rate of \$13 billion a year on this debt. A first step toward consumer self-protection in this area is the enactment of the long-standing "Truth-in-Lending" Bill to require all credit vendors to tell the borrower what the dollar cost of the finance charges will be on his credit and to state these charges in terms of a true annual interest rate.

Legislation is also needed to end misleading price advertising of articles sold on credit, where the reader is told only the monthly payment required and not the total actual cost of the article if bought on time.

High pressure door-to-door salesmen frequently sign up buyers on the spot for products they may not really want and for costly credit obligations they cannot carry. Legislation should be enacted to give buyers a legal "breathing spell" to change their minds.

The tangled field of consumer credit is not limited to these abuses. We urge the Congress to undertake or authorize a comprehensive study of consumer credit laws and practices.

2. A general investigation by the Congress of the insurance industry in all its aspects.

There is mounting evidence of excessive charges for credit life insurance in consumer credit contracts, fraud in the sale of mail-order insurance, and automobile insurance that is overpriced, often capriciously cancelled, and of consumer losses from liquidations of "high risk" insurers. Congress should devise and enact legislative remedies for these conditions and bring the entire industry under federal regulation.

3. Action on the over-pricing of key consumer products.

We ask for a re-opening of general investigations into the pricing of prescription drugs with a view to framing new legislation to curb excessive costs to the buying public and to government purchasing agencies. Special legislation is needed to prevent overcharging and overprescribing by physicians with a direct financial stake in the products they prescribe.

In the past year the rising price of food has caused widespread public concern. We ask that the food price situation be thoroughly reviewed, with special emphasis on the built-in, cost-plus effect of excesses in advertising games, trading stamps and other promotional gimmicks. Congress should maintain a continuing review of the facts on the market structure and competitive situation in the food industry.

4. Legislation to provide consumers with unbiased product information to aid in the wise purchase of consumer products and to end misleading, false or fraudulent information about consumer products including the sale of land.

Appropriate support should be given both to strengthening the authority and to increasing the appropriations of the Federal Trade Commission as the public's principal agent against frauds, swindles and misleading advertising in interstate commerce.

The Department of Agriculture, which now administers a voluntary food grading system, should be authorized to establish a compulsory consumer grading system for basic food products. Such a system would aid in the economical and satisfying procurement of these necessities of life based on knowledge rather than promotional claims.

We are convinced of the value of consumer education to supply impartial information about consumer products and product characteristics for the myriad of items competing for the consumer's pocketbook. We support increased government effort to make information available and we will continue the AFL-CIO's own efforts in this area that are conducted by our Community Services Department.

5. Swift action to insure the safety of consumer products and to prevent accidental death and injury to those who buy them.

The Food, Drug and Cosmetic Act should be tightened to insure that all drugs sold for human use actually meet prescribed standards of safety, quality and efficacy, that cosmetics are tested for safety before sale to the public, and that medical equipment and devices are safe and effective before being prescribed by doctors. Accidents from consumer misuse of drugs, cosmetics and presurized food containers can be reduced by requiring clear and adequate warning labels. Indiscriminate distribution of "drug samples" should be brought under control as a further safety measure.

In the food field, consumer safety requires inspection for wholesomeness and cleanliness of all meat and poultry, whether or not the meat crosses interstate lines.

The Flammable Fabrics Act needs updating to reach beyond its limited coverage of flammable clothing.

A National Commission on Product Safety, as proposed in a bill sponsored by Senator Warren Magnuson, should be established to study the need for compulsory safety standards in the design of other household equipment and appliances.

6. Establishment of formal governmental machinery to help assure that consumer problems will receive the attention they deserve and that solutions will not only be devised but aggressively promoted both by the Congress and the Executive Branch.

We welcome the formation of consumer subcommittees as parts of existing standing committees of the Congress. In the Executive Branch, we endorse of the long-standing proposal for the creation of either a Department of Consumer Affairs or a statutory Office of Consumer Affairs.

President Johnson has focused the attention of the Congress and the nation on the problems of the consumer in his far-reaching message to the Congress last week.

The AFL-CIO, which is probably the largest organized group of consumers in the nation, is delighted that the President has signaled out the problems of the consumer for concerted action.

The Administration intends to make this a major legislative undertaking and so do we. The 90th Congress can—and should—become the consumer-conscience Congress and we are going to do our part to make sure that it does.

#### ELECTRIC VEHICLES

Mr. MAGNUSON. Mr. President, the Committees on Commerce and Public Works recently held hearings on proposals to promote electric vehicles. Such

vehicles would offer many advantages to the consumer whose needs would be met by the first generation of electrics: long life, low cost, and ease of operation. The vehicles would also offer solutions to the problems of congested, mechanized 20th century America. Electric vehicles would give off no pollutants and would help ease the transportation problem within cities.

This optimism was not shared by all witnesses at the hearings, but the pessimistic witnesses offered no alternatives that would provide as many advantages as the electric. Unfortunately, some of these pessimists were representatives of the executive branch.

Other nations are not as complacent as ours. It will be an ironic turn of events if this car-conscious nation must import its first mass-produced electrics, to the detriment of both the economy and the balance of payments. I ask unanimous consent that the following report from Great Britain be printed in the RECORD at this point.

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

#### BRITAIN MAKING MAJOR EFFORT TO DEVELOP ELECTRIC CAR

(By B. J. Cutler)

LONDON.—A major effort in Britain to develop an electric car for use as a town and commuter vehicle is being encouraged by several government departments. Development work is being done at a multi-million-dollar annual rate by several large corporations, including some with U.S. ties. Behind all the activity is the conviction that no matter where an efficient electric car is first developed—in the U.S. or here—Britain will prove to be a better market for the battery-driven vehicle. The major drawback of electric cars is limited range. With relatively short distances to be traveled here, lack of range will not be the handicap to sales in Britain that it would be to sales in the sprawling U.S. Britain also has other factors favoring electric cars. They include a good secondary road system, easy availability of power for recharging batteries, heavy traffic which makes noise and air pollution a problem, and a widespread awareness of the dangers of polluted air.

Within the last week, the future of electric cars received two official boosts:—The Ministry of Transport said it would finance a serious research program into electric taxis as an aid in solving city traffic and air pollution problems.—The Electricity Council, which runs Britain's nationalized power industry, called for bids on three types of battery-driven passenger vehicles. The council wishes to buy and test some 60 vehicles. It has asked for prices on an electric bicycle or tricycle to carry one passenger at 20 mph.; a two-seat, two-door light passenger car with a top speed of 40 mph.; and a four-seat sedan or station wagon with a 35 mph. cruising speed. In each case, the Electricity Council has specified that the cars be able to travel 40 miles on a single battery charge.

The council's interest in electric cars is clear. If they ever catch on, it would have a profitable market for off-peak-hour electric sales. It is assumed that most batteries would be recharged overnight when there is less demand for power. One car that the council wants already exists. This is Scottish Aviation's tiny two-seater, the Scamp, which can hit 35 mph. The Electricity Council, will buy about 10 Scamps and turn them over to its local electric boards for field testing by meter readers, service men, and representatives. Most of the cars now planned

are powered by the conventional lead-acid batteries now used for starting in gasoline-powered cars. The drawback of these batteries is that they are heavy for the amount of power they produce and have to be recharged frequently.

#### UNDERGROUND TRANSMISSION: AN IMAGINATIVE PROPOSAL

Mr. MAGNUSON. Mr. President, the transmission of electric energy is of increasingly vital concern to the Nation. It becomes more important with the construction of each new large central-station nuclear powerplant. It is important in solving the problems of reliability raised by the series of blackouts and curtailments in the last year. One of the solutions to these problems, in its simplest form, is more transmission capability.

Today, this means more overhead transmission, and most likely, more overhead AC transmission. This, however, creates its own problems. One problem is the economic and aesthetic loss to the Nation, as more and more transmission lines dissect the communities and countryside of America. The other problem is the energy loss that occurs in long distance AC transmission.

An imaginative solution to both of these problems was recently suggested in the April 1967, proceedings of the IEEE. The provocative article proposes a large capacity superconducting line. Not only would this line, if found to be feasible, transmit huge blocks of energy with practically no line losses, but it could also be underground, thus making further savings possible. As the article suggests, such lines are not as infeasible as many would like us to believe. I ask unanimous consent that the abstract and the conclusion of the article be printed at this point in the RECORD.

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

#### SUPERCONDUCTING LINES FOR THE TRANSMISSION OF LARGE AMOUNTS OF ELECTRICAL POWER OVER GREAT DISTANCES

(R. L. Garwin and J. Matisoo)

**Abstract**—As an application of high-field, high-current superconductors we sketch the design of a power transmission line to carry 100 GW ( $10^{11}$  watts) of direct current over a distance of 1000 km. (It is interesting to note that the present peak power generating capacity of the United States is approximately 200 GW, or just twice the capacity of the proposed line.) Such a line, in contrast to one made of ordinary metal, would dissipate none of the power transmitted through it, although it is necessary to tap power from the line for refrigeration. The consequences of negligible transmission loss are substantial: power transmission would be more economical than the present practice of shipping coal to the region in which electricity is generated and consumed; generating plant site selection could be made almost entirely on economic considerations; at the same time, thermal and air-pollution problems could be minimized; novel power sources could be considered.

The power line would be made of  $Nb_3Sn$  and would be refrigerated to 4 K. The power must be transmitted as direct current, rather than as alternating current, because the very large (comparatively) alternating-current losses would require excessive refrigeration capacity.

Specifically, we shall discuss a line at 200 kV carrying  $0.5 \times 10^6$  A. The investment in the line will be approximately \$806 million, or \$8.06/kW. Of this, some \$6.06/kW is line cost, the remainder being converter cost, which, of course, is the same for an ordinary dc line. In comparison with the shipping of coal, the investment cost would be repaid in ten months.

We have investigated in some detail the problems of refrigeration along the line, including those of heat leak through the wires which deliver power to customers at room temperature. The efficiency of the line is greater than 99.9 percent (power transmitted less the power drawn off to run refrigeration equipment, all divided by transmitted power).

While the technical discussion is probably correct, the cost figures do not include engineering expenditures and do not consider in detail the costs involved in providing the redundancy and safety factors for, say, a failure rate of one per ten years with a time of a few seconds to restore power.

This is not an engineering study but rather a preliminary exploration of feasibility. Provided satisfactory superconducting cable of the nature described can be developed, the use of superconducting lines for power transmission appears feasible. Whether it is necessary or desirable is another matter entirely.

#### SUMMARY AND CONCLUSIONS

We summarize the design characteristics of the line as follows.

Power capacity: 100GW( $10^11$  W).

Voltage (dc):  $200\text{kV}(2 \times 10^5$  V).

Current (dc):  $0.5 \times 10^6$  A.

Line temperature:  $4.2^\circ\text{K}$  (liquid helium).

Radiation shield:  $77^\circ\text{K}$  (liquid nitrogen).

Length of line: 1000km.

Refrigerator spacing: 20km.

Gas-liquid separator spacing: 50m.

Booster pump spacing: 500m.

Vacuum pump spacing: 500m.

Thermal expansion bellows 1.5m long (superconductors wound helically) spacing: 500m.

Fraction of power dissipated in line and leads:  $<10^{-7}$ .

Fraction of power used for refrigeration:  $<10^{-8}$ .

We have offered another solution to the problems of economical electrical energy transmission, by sketching a design for a large-capacity, long-distance superconducting line and estimating the capital and operating costs for such a line. If our cost estimates are not too much in error, it is clear that the most economical solution to the over-simplified power transmission problem posed in the Introduction is a superconducting line of the general design described. This becomes particularly apparent when annual costs are examined. Thus, coal transportation cost is approximately \$1 billion a year, ordinary EHV transmission losses—\$340 million a year, while the superconducting-line "losses" amount to only—\$5 million a year. Even the capital costs may favor the superconducting line over conventional EHV. The capital investment in EHV transmission is—\$1 to \$1.5 billion, whereas the superconducting line cost is—\$606 million. (The converter costs are the same for EHV dc and superconducting line and therefore have not been included in the comparison.)

The superconducting line has essentially fixed annual operating costs; i.e., the refrigeration cost is almost independent of the current-carrying capacity of the line. Also, the capital costs associated with the refrigeration system are the same regardless of line capacity (assuming fixed  $4.2^\circ\text{K}$  operating temperature). What does scale is the superconductor cost (and converter cost) which varies directly with the power capacity of the line. With ordinary EHV transmission, as the power capacity is reduced there comes

a point at which ac transmission becomes practical (eliminating converters). Losses then scale with power level, as does the capital investment in the line.

Thus, for sufficiently low power levels and over sufficiently short transmission distances, it will undoubtedly be more economical to use conventional ac EHV transmission. However, there will exist a power level and distance beyond which superconducting lines will prove more economical. Clearly, detailed engineering design and cost analysis is necessary to determine exact cross-over points. We have shown, however, that circumstances may be such as to favor the novel approach of a superconducting power line.

#### THE SUPERSONIC TRANSPORT PLANE

Mr. MAGNUSON. Mr. President, on April 29, the President announced that he was authorizing that contracts be signed for the prototype construction of an SST and that he was sending Congress an appropriation request for fiscal 1968. I commend the President for taking this major step forward, which will maintain our world leadership in civil aviation.

Under the contracts that were signed last week, the Government will continue to share in the developmental cost of the plane. Both the manufacturer and the major U.S. airlines are significant partners in the venture and will have substantial investment in it. By the end of the prototype phase, for example, the Boeing Co. and General Electric will have invested nearly \$300 million in contract items, new facilities and other items. Ten U.S. airlines have also agreed to put up \$52 million risk capital to help finance prototype construction.

President Johnson consistently has stated that the country would only proceed with the SST program if the plane were safe, superior to any other aircraft, and economically profitable to build and operate. I think that it is most significant that the President's Advisory Committee, chaired by Secretary McNamara, unanimously recommend that this country proceed with the prototype construction of a supersonic transport. This committee is composed of leaders in the Government and from private industry. They are Henry Fowler, Secretary of the Treasury; Alan S. Boyd, Secretary of Transportation; William F. McKee, Administrator, FAA; James E. Webb, Administrator, NASA; John T. Conner, former Secretary of Commerce; Eugene R. Black, John McCone, Stanley deJ. Osborne.

The President's Advisory Committee has focused upon the financial and economic issues involved in the SST program. They have considered many proposed financial plans and the economic feasibility of building an SST which is economically profitable to operate. I know their conclusions are the result of much study and deliberation.

I have just received a letter from Secretary Boyd attaching a number of economic studies which have been performed by the FAA and its consultants. In recent weeks there have been charges by some Members of Congress and in certain editorials that the FAA has been

suppressing these economic reports. This is not true. In my inquiries to the FAA concerning this, I was told that it was intended to release the reports when a final decision about the program had been made. I agree that release of these reports prior to a Presidential decision would have been inappropriate.

I understand that these reports present different views on the SST program. This is to be expected, and I am glad that the President's Advisory Committee and FAA had the opportunity to consider all aspects of the problem.

I ask unanimous consent that the letter from Secretary Boyd be included in the Record at this point. I also ask unanimous consent that the President's statement on the SST be included in the RECORD.

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

MAY 15, 1967.

Hon. WARREN G. MAGNUSON,  
Chairman, Committee on Commerce,  
U.S. Senate,  
Washington, D.C.

DEAR MR. CHAIRMAN: In making the unanimous recommendation that this country proceed with prototype construction of the supersonic transport, the President's Advisory Committee on Supersonic Transport (PAC) based its conclusions upon the judgment and information currently available. The decision of the Administration to proceed with prototype construction was made only after a thorough analysis of the economic feasibility of the program.

In late 1965 the President's Advisory Committee assigned the Federal Aviation Administration responsibility for studies on the economic and profitability of the SST. A special economic staff established the Office of Supersonic Transport Development in FAA has had the responsibility for the effort.

The purpose of the studies was to provide sufficient detailed analysis on the supersonic transport economics for decision making in the Executive and Legislative Branches of the Government. The conclusions reached are contained in the enclosed report, "U.S. Supersonic Transport—Economic Feasibility Report," by the Economic Staff of the Office of Supersonic Transport Development. These conclusions are as accurate and objective as economic research and forecasting are able to make at this time. The report concludes that the SST will be a program in which the airlines and manufacturers will make a profit consistent with their risks and the Government should recover its investment.

As part of the economic studies, several research organizations were commissioned to perform independent support research. This supporting work was conducted primarily by: Institute for Defense Analyses, which performed the demand and balance of payments investigation; Research Analysis Corporation, which performed the operating cost study; Booz, Allen Applied Research, in cooperation with Resource Management Consultants, which analyzed development and production costs; Planning Research Corporation, which investigated the additional investment requirements for airports and en route facilities; and Booz, Allen & Hamilton, which studied program financing. Copies of these reports are also enclosed.

The advice and consultation of a number of recognized authorities have also been sought. Dr. Edmund Learned of the Harvard Business School has served as a consultant throughout the course of the study. Dr. Gerhard Colm of the National Planning Association, Dr. Walther Lederer of the Department of Commerce, Dr. Charles Kindleberger of the Massachusetts Institute of Tech-

nology, and Dr. John Meyer of Harvard University provided special assistance in various study areas.

During the course of the study, FAA also conferred frequently with other Government agencies, major U.S. air carriers, and the four competing manufacturers. Comprehensive economic analyses have also been made by the airlines and manufacturers.

I believe it is important to recognize the studies necessarily contain a large number of variables because our projections are for an unusually long time period (25 years); nevertheless, different viewpoints expressed in the report have been carefully analyzed. While conclusions reached in our study are the result of the very best judgment and information available at the present time, we are continuing studies on the economic and financial profitability of the program.

I will be glad to provide a full detailed briefing for you and members of the committee.

Sincerely,

ALAN S. BOYD.

**STATEMENT BY THE PRESIDENT ON THE SUPERSONIC TRANSPORT**

Today, I am pleased to announce that this Nation is taking a major step forward in the field of commercial aviation.

I am authorizing the Secretary of Transportation to sign the contracts for the prototype construction of a commercial supersonic transport.

I am also sending to the Congress on Monday a request for \$198 million to finance the government's share of the next phase of the development of this transport aircraft.

These funds and this action will help to bring the supersonic transport from the drawing boards into the air for prototype testing and evaluation.

This new prototype test phase is the culmination of many months of a resourceful and intensive design competition. Out of that competition two firms were selected to proceed with the development of the aircraft—the Boeing Company for the airframe, and the General Electric Company for the engines.

This project, in which I have been proud to participate, is an outstanding example of creative partnership between your government and American industry.

That partnership is evidenced by the arrangements which will carry the project through to its next phase: The Government will continue to share in the cost of development with industry. The airlines and the manufacturers will invest substantial capital in this project.

Although the promise of the supersonic transport is great, the program still carries high technical and financial risks. Industry's willingness to share those risks is a clear sign of its confidence in the program. This participation will also help assure that sound business judgments are exercised throughout the development of the supersonic transport.

With a successful program, the Government will recover its investment with interest. The taxpayers of this Nation will benefit.

The impact of the supersonic transport program will be felt well beyond our own shores. Jet aircraft have already brought the world closer to us. Commercial supersonic transports—traveling at 1800 miles an hour or even faster—will make South America and Africa next-door neighbors. Asia will be as close to us as Europe is today.

Only by sustaining the highest levels of business-government cooperation will we reach that stage of progress. Only through that cooperation can we achieve the goals which I affirmed at the beginning of this program: the development of a supersonic transport which is safe for the passenger;

superior to any other commercial aircraft; and economically profitable to build and operate.

**THE 175TH ANNIVERSARY OF FOUNDING OF THE NEW YORK STOCK EXCHANGE**

Mr. JAVITS. Mr. President, today marks the 175th anniversary of the founding of the New York Stock Exchange. From an original group of 24 merchants who had agreed to meet daily branch offices of member firms who exchange has grown to include 3,800 branch offices of member firms who exchange some 86,000 orders representing \$579 million in stocks on an average day. The growth of America has been mirrored in the New York Stock Exchange, and I think it is fitting that we take a moment to recall that growth here. For this reason I ask unanimous consent to have inserted in the RECORD an article from the New York Times on Sunday, May 7, which depicts this growth.

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

**EXCHANGE THAT BROUGHT FAME TO BUTTONWOOD TREE WILL MARK 175TH ANNIVERSARY**

(By Alexander R. Hammer)

It all started on May 17, 1792, when 24 merchants and auctioneers agreed to meet daily under a buttonwood tree on Wall Street to buy and sell securities among themselves.

This laid the foundation for the birth of the New York Stock Exchange, the world's largest securities market place. This year the exchange is celebrating the 175th anniversary of the "buttonwood agreement."

The 24 original members of the exchange traded in a mere handful of issues, including an \$80-million bond issue that consolidated the nation's Revolutionary War debts. Among the other traded issues were shares of insurance companies, Alexander Hamilton's First United States Bank, the Bank of North America and the Bank of New York.

Today, the exchange mirrors the nation's business tempo and the hopes and trepidations of millions of investors and provides the market place for the flood of securities which finance America's growth.

On an average day, 3,800 branch offices of exchange member firms funnel into the exchange some 86,000 buy and sell orders, representing \$579-million in stocks.

The value of shares traded on the exchange in a single hour often exceeds the \$80-million in securities that were consolidated by Treasury Secretary Alexander Hamilton to pay the Revolutionary War debts.

Listed shares on the exchange now total 11 billion, with a market value of more than \$520-billion. About 500 of the approximately 1,300 companies with common stock listed on the Big Board, or about 40 per cent, have joined the list in the last 10 years.

Before the "buttonwood agreement," stock trading in New York was carried on in various coffee houses, auction rooms and offices, but it was mostly unorganized. People were hesitant to invest because they had no assurance they could sell their securities readily.

The exchange changed locations frequently during its early life. In 1793 the Tontine Coffee House was completed at the northwest corner of Wall and William Streets and the 24 signers of the agreement moved indoors. Later, the exchange moved into an office across from the home of Alexander Hamilton on Wall Street and during the yellow fever epidemic of 1819 it moved as far north as Broadway and Beale Street.

A fire that destroyed much of lower Manhattan in 1835 started a further series of moves to larger quarters. But by 1865 the exchange had settled on part of the site of its present building at Broad and Wall Streets.

It is doubtful whether trading in securities kept the brokers of the exchange very busy during the first two decades of its existence. The economy was basically a mercantile-agrarian one and there were few enterprises large enough to permit public financing.

It was not until after the War of 1812 that the United States really started to flex its economic muscles. The tempo of business quickened as the country headed into a post-war boom. Commercial activity thrived, new enterprises multiplied and speculation was in the air.

New York State bonds, issued to pay for the Erie Canal and other canal stocks, joined the new issues traded on the exchange in the 1820's, and the railroad issues began trading in the 1830's. The rails dominated the list until well past the turn of the century. Today railroad stocks make up only 2.2 per cent of the 11 billion listed shares traded on the exchange, a telling indication of their decline as an economic force.

**FIRST RAILROAD TRADED**

The Mohawk & Hudson Railroad, later a part of the New York Central System, was the first railroad whose securities were traded on the exchange.

Because of the increase in new issues and trading activity, the exchange made efforts to bring more orderly standards of business behavior to the stock market in the 1820's and 1830's.

These attempts at self-regulation were often elementary and amusing compared with present standards. Among the penalties in effect in that time were fines of \$5 to \$25 for a member who stood on a chair during trading, knocked off another member's hat or threw paper missiles.

The Civil War opened the modern era in American finance. It was helped by the new fortunes that had been accumulated during the war, by the rail net that was soon to link the East and Far West and by the rebuilding of the South.

**REGULATION STIFFENED**

To keep pace with the industrial revolution, the exchange between 1860 and 1875 inaugurated significant moves in self-regulation. The call system of trading, whereby each stock on the list was called for bids and offers by brokers at set times during the day, proved no longer adequate and was abandoned for a continuous auction.

Early in 1869 the exchange began to take a more vigorous stand in listing standards. In January of that year, the exchange delisted the shares of the Erie Railroad when the carrier failed to comply with a regulation requiring the registration of all outstanding shares.

Later that year a committee on stock listing was established by the exchange and rules providing for transfer agents, registrars, engraving and printing standards were written. At the same time, the exchange began formulating its policy of asking for fiscal information about the companies whose securities were traded.

Today, any corporation that seeks to list its securities on the exchange knows that this will involve public disclosure of pertinent financial information.

**THE FIRST TICKERS**

The appearance of the first stock tickers in 1867 and the installation of telephones 11 years later the added impetus to the exchange's position as the nation's central securities marketplace.

In the 1890's a new outgrowth of the industrial revolution began to make itself felt on the exchange—the trading of shares of modern corporations. The turn of the cen-

tury also brought the formation of the nation's first billion-dollar enterprise, the United States Steel Corporation.

Volume on the exchange continued to increase as a result, and in 1903 the present exchange building was erected. By 1906 average daily volume exceeded a million shares. This was not equaled again until after World War I.

The postwar period again increased activity on the exchange because of heavy demands for capital to finance economic expansion. At the end of 1924 433.4 million shares were listed on the exchange with a market value of \$27-billion.

However, by the close of 1929, 1.1 billion shares were listed with a market value of \$64.7-billion. In that year an exchange seat sold for \$625,000, a figure that has not been equaled since. The latest seat sale on the exchange was made for \$330,000 on April 14.

The exchange faced its most critical test in the fall of 1929. On Tuesday, Oct. 29, the worst price crash in the exchange's history occurred as more than 16 million shares were traded, an all-time record.

The market upheaval, part of a worldwide economic depression, helped pave the way for passage by Congress of the Securities Acts of 1933 and 1934, which increased controls over the securities markets.

Four years later, in a sweeping reorganization, William McChesney Martin Jr. was appointed the exchange's first full-time paid president at a salary of \$48,000 yearly. Emil Schram succeeded him in 1941 and 10 years later Keith Funston was elected president. Last month, Robert W. Haack was elected to succeed Mr. Funston and he is expected to step up into his \$125,000-a-year post by early autumn.

#### STANDARDS TOUGHENED

In recent years the exchange has pursued with gusto a policy of self-regulation. Membership qualifications have become more stringent. Listing and disclosure requirements for companies have been increased and the qualifications of securities salesmen upgraded.

However a number of tough problems remain that must be faced by Mr. Haack when he assumes command of the Big Board. Among them are commissions. The Securities and Exchange Commission has suggested that institutional investors should get a volume discount.

The costs and revenues committee of the exchange is now studying the entire commission structure as it pertains to member firms of the exchange. The exchange sets the minimum commission rates that are charged by its member firms to its customers. Naturally quite a few member firms are opposed to the S.E.C.'s recommendation, since it would reduce their profits.

A spokesman for the exchange said last week there was no telling at this time what change, if any, will be suggested by the costs and revenues committee.

Mr. Haack will also have to tackle the issue of possible public ownership of Big Board concerns. Public ownership has been studied by a special committee appointed by the governors of the exchange in September, 1964.

Such a report is expected to be made perhaps this summer. The decision ultimately would rest with the exchange's membership if the governors decide to put it to a formal vote.

Last October Mr. Funston advocated public investment in securities firms as a future goal of the exchange. The chief advocate for public ownership has been Merrill Lynch, Pierce, Fenner & Smith, Inc., the nation's largest brokerage house.

The smaller Big Board firms have been mostly opposed to the plan since they believe that such a move might place them at a competitive disadvantage with the larger concerns.

Another headache facing Mr. Haack is housing. The rapid rise in the volume of trading has been straining the present facilities of the exchange for some time and is expected to get worse as time goes on.

For instance, in the first quarter of this year volume soared to 615,441,169 shares, compared with 540,736,560 shares in the period last year. In the first quarter of 1967, the exchange had 32 days in which 10 million shares or more were traded. During the entire previous history of the exchange, there had been only 29 days when volume exceeded 10 million shares.

To help overcome the housing problem, the exchange disclosed in February it is planning to enlarge its trading floor by extending it into the adjoining building at 20 Broad Street. The expansion, which is expected to be completed by mid-1969, will increase the effective working facilities on the floor by about 20 per cent.

However, Mr. Funston, noted that the planned extension was only a "short-term solution to our housing problem" that has confronted the exchange for a number of years.

#### MOVE WAS STUDIED

The expansion plan next door may have shelved the exchange's announced intention to leave New York State because of an increase in the stock transfer tax.

Last year the controversy over the stock transfer tax led the Big Board to scrap plans for a new \$80-million complex at a nearby Battery Park site. The board of governors also ordered the staff at that time to begin studying the possibility of moving all or part of the exchange's facilities out of New York State.

As originally envisaged by New York City authorities, the stock transfer tax would have been raised by 50 per cent. Instead, a compromise increase of 25 per cent was made after consultation with the exchange.

The transfer tax is levied upon the seller of stock and the proceeds go to New York City. The current rate ranges from 1 1/4 cents a share for stocks priced at less than \$5 a share to a maximum of 5 cents a share when the price of the stock is \$20 or more a share. The increase, which took effect last July 1, is due to expire in mid-1968.

Despite a lack of space, automation and other innovations have kept the exchange abreast of its growing volume. The first computer was installed at the exchange in its stock clearing operation in 1959.

The exchange operates one of the world's largest privately owned computer and electronic systems centers, under the direction of John Bermingham, vice president of the exchange.

Its market data system has fully automated the dissemination of stock quotas and prices from the floor. Computers drive the exchange's international stock ticker network and produce an index of all listed stocks every half hour during the trading day.

In an interview last week Mr. Bermingham noted that five years ago the exchange had about \$2-million of automated equipment. He said it now had more than \$17-million of such equipment.

Mr. Bermingham said the exchange's computerized central certificate service, which will start operation later this year, will eventually eliminate up to 75 per cent of listed stock certificate handling for member firms.

#### DELIVERY MAY END

The exchange vice president said the new service would permit clearing members to deliver securities to other brokers by bookkeeping entries, rather than physical delivery, in much the same manner as a checking account eliminates the physical transfer of cash.

In addition it will eliminate the physical servicing involved in storing and handling

large numbers of stock certificates, relieve clearing firms' auditors of the burden of physical counting and inspection of certificates, and reduce dividend claim problems. The service will be mutualized, with its expenses paid through charges to users.

Later this year the exchange will also introduce a computer accounting-service facility to provide a full range of computerized back-office accounting services for Big Board member firms for a fee.

The new service will include the calculation of stock purchase and sale data, the printing of confirmations and statements, margin accounting and bookkeeping for users' securities business on all exchanges and over-the-counter markets.

Keith Funston, in a recent speech, visualized the exchange trading floor of the future as a place where brokers and specialists could conduct the auction market electronically. A specialist is an exchange member whose function it is to execute orders entrusted to him by other members and to maintain, as far as is reasonably practicable, fair and orderly markets in the stocks he services.

#### KENNEDY ROUND OF NEGOTIATIONS

MR. JAVITS. Mr. President, last night after 4 years of negotiations the Kennedy round was concluded, and despite numerous contrary indications, the negotiations resulted in major achievements: agreement to an average one-third cut in tariffs; an increase in the floor price of wheat exports from \$1.45 to \$1.73 a bushel; guaranteed access for the United States for 11 percent of the Common Market's grain market; a major annual food aid program to developing countries, with the Common Market shouldering 22 percent of the burden and the United States 40 percent; a two-part agreement to reduce most chemical tariffs by 50 percent; and alignment of the world's steel tariffs at about 6 percent compared with current average tariffs of about 7 percent in the United States, 10 to 12 percent in Britain, and 9 percent in the Common Market.

I want to take this opportunity to congratulate the U.S. negotiating team which brought about the successful conclusion of these negotiations—Christian Herter, who until his recent death headed the U.S. delegation, William M. Roth, who took over for Mr. Herter and led our negotiators during the difficult concluding phase of these talks, and Michael Blumenthal, who handled the on-the-spot negotiations over the entire 4-year period—for doing an excellent job.

The trade in the products on which concessions had been agreed on is estimated to amount to \$40 billion or about eight times more than the previous round of world tariff negotiations 6 years ago and involving about 60,000 items. The United States alone has reportedly 6,300 products and \$15 to \$16 billion in trade involved. Almost 50 countries accounting for 80 percent of the world's trade participated in these negotiations.

I am particularly pleased that an anti-dumping code has been agreed upon. Congressman THOMAS B. CURTIS, of Missouri, and I and other minority members of the Joint Economic Committee have long urged this step as a means to pre-

vent worldwide escalation of restrictions on trade by tightening up national anti-dumping laws and regulations.

From Mr. White's statement it appears that with respect to commodities affecting developing countries agreements affecting them have fallen short of what these countries hoped. I deeply regret this, as I believe this was the most promising way industrialized nations could help developing countries. Although I doubt that agreement can be reached within the next few weeks on this if it proved impossible during the past 4 years, I am pleased to note that the participants of the negotiations are continuing their efforts in this regard and hope to reach it in time for the signing of the protocol which will embody the results of the trade negotiations.

The exact results for the United States from these negotiations will not be known for some time. Congress will have an opportunity to evaluate them when the President makes his formal report to Congress on the results of the negotiations. Both the grain and the chemical agreements have been concluded without express congressional legislation but under the President's authority to conclude international agreements, subject to congressional approval. I very much hope that before we condemn our negotiators for concluding such agreements we will carefully assess the benefits as well as the possible injury that these agreements may result in for the American economy. Let us remember, for example, that the United States sells more than \$2 billion of chemicals abroad annually—three times as much as it imports. And, most importantly, let us not forget that most American consumers stand to benefit substantially from these negotiations.

It is very important that we begin to plan at once about the future of U.S. trade policy and what steps this country should take to continue world trade liberalization. I believe a careful look should be given to the adjustment assistance provisions of the Trade Expansion Act. This provision should be liberalized to make possible effective Federal assistance to industries that may be hurt over the next 5 years as a result of tariff concessions made in the Kennedy round.

I also believe that further negotiations should be undertaken for the reciprocal removal of remaining nontariff barriers such as sanitary regulations and methods of valuing imports for customs purposes. Also, the industrialized nations must take effective action to improve the deteriorating trade positions of developing countries. It makes little sense to provide billions of dollars of development assistance to these countries and then make it difficult and sometimes impossible for them to export these manufactured and semimanufactured products that result from a higher level of development.

I very much hope that before American industry, agriculture, and Members of Congress condemn the results of these negotiations, they carefully evaluate the net effect of these negotiations for them and for the U.S. economy.

I ask unanimous consent that several

articles from today's New York Times and the Wall Street Journal on this subject be printed at the conclusion of my remarks.

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

[From the New York Times, May 16, 1967]  
KENNEDY ROUND SUCCEEDS—50 NATIONS TO CUT TARIFFS, LIBERALIZING WORLD TRADE—DUTIES DOWN 33 PERCENT—PROGRAM OF FOOD AID FOR HUNGRY LANDS ALSO PROVIDED

(By Clyde Farnsworth)

GENEVA, May 15.—The major trading nations reached agreement tonight in the Kennedy round of tariff negotiations, paving the way for the most ambitious attempt ever made to achieve the liberalization of international trade.

After more than four years of negotiations, nearly 50 countries, accounting for about 80 per cent of world trade, agreed to an average one-third cut in their tariffs; liberalization of trade in agriculture and a program of food aid for the hungry nations.

The agreement probably will lead to a sharp increase in world trade. It also could mean, over the five-year staging of the tariff cuts, somewhat lower prices for much imported merchandise.

Trade in the products on which concessions have been agreed amounts to some \$40-billion. This is about eight times more than the previous round of world tariff cutting negotiated in 1960-61.

#### A DAY PAST DEADLINE

The final agreement was achieved almost 24 hours after the Sunday midnight deadline had passed. Negotiators failed to reach the elusive accord earlier because of snags in chemicals and agriculture and the wilting physical endurance of the delegates. They had gone without adequate sleep for days. Today they renewed their efforts to reach success.

Eric Wyndham White, the high international trade official who is steering the Kennedy round of talks, called the four key negotiators to his headquarters at 11 a.m. to submit a formal package of compromises.

The four, known in Kennedy round lingo as the "bridge club" are William M. Roth of the United States, Jean Rey of the European Common Market, Sir Richard Powell of Britain and Kichiro Miqazawa of Japan.

They met again at 5 p.m. with Mr. Wyndham White, but no decision was taken on the proposals. Most of the delegations, including the American, were in touch with their capitals.

By early night, all that was barring successful conclusion to the negotiations appeared to be differences between the United States and the European Economic Community (as the Common Market calls itself) over the extent to which the community should make chemical tariff cuts conditional on repeal by Congress of highly protective legislation in chemicals.

A meeting of the steering committee, a somewhat wider group than the bridge club, which as directed procedure in the negotiations, was scheduled for 11:30 tonight.

Reports that agreement had been reached in the late afternoon were denied by American and common market sources, though Mr. Rey did say after the 5 p.m. meeting that agreement would come this evening.

After he spoke, however, common market sources let it be known that Mr. Rey was considering calling a meeting of the community's Council of Ministers tomorrow in Brussels if the accord was not reached tonight.

This apparently was designed to put pressure on the Americans to be more flexible on chemical tariffs this evening.

Technically, the clock was stopped at mid-

night last night because of a communiqué issued earlier in the week saying that if the accord did not come by Sunday all would agree the negotiations had failed.

[From the New York Times, May 16, 1967]

#### TEXT OF GATT STATEMENT

GENEVA, May 15.—The following statement was issued by Eric Wyndham White, director-general of the General Agreement on Tariffs and Trade, to announce the successful conclusion of the Kennedy round:

The essential elements in the Kennedy round have now been successfully negotiated.

Almost 50 countries, accounting for around 80 per cent of world trade, have participated in the negotiations, which have been wide-ranging and comprehensive and the most ambitious attempt ever made to achieve the liberalization of international trade. The results are of a far greater magnitude than those obtained in any previous trade negotiation. Through the operation of the most-favored-nation rule, all GATT countries stand to benefit from these results.

In the industrial field, the negotiations have been based on a working hypothesis of a linear tariff reduction of 50 per cent by major industrialized countries and have resulted in important tariff cuts over a very wide range of industrial products. In many areas, reductions of 50 per cent have been agreed.

#### DIFFICULT PROBLEMS

It has been estimated that trade in the products on which concessions have been agreed amounts to some \$40-billion. Among the most difficult problems dealt with multilaterally have been those related to chemicals and steel; on these, we have reached agreements of outstanding importance.

In the agricultural field, the basic elements to be incorporated in a grains arrangement have been agreed upon after difficult and intensive negotiations. Agreement has been reached on basic minimum and maximum prices of wheats of major importance in international trade. A major innovation is the provision for food aid to developing countries to an amount of 4.5-million metric tons of grain annually.

While, in other areas, results of agriculture have been more modest, there have, nevertheless, been some significant results.

An antidumping code has been agreed upon in the course of the negotiations.

Agreement has also been reached on action to be taken with respect to certain other nontariff barriers to trade.

Some developed countries have offered substantial tariff cuts on tropical products, certain of which are being immediately implemented.

In a number of cases, the action taken falls short of the expectations of the developing countries.

Some participants are considering possible further improvements in their tariff offers.

In respect of many tropical products, it is not possible to reach agreement at this stage on the elimination or reduction of tariffs because of the existence of preferential arrangements.

It has been recognized that to achieve the objective of duty-free entry, both the developed and developing countries will have to address themselves to reaching agreement on the best form of action that would permit the removal of these preferences.

In the course of the trade negotiations, tariff cuts have been agreed on many other products of principal, or potential, export interest to the developing countries.

#### PERIOD OF YEARS

The tariff reductions agreed in the trade negotiations will, in general, be phased over a period of years. The participants in the negotiations have, however, recognized that, for the developing countries, the immediate

implementation of such tariff cuts would be of great value in maximizing the benefits to them of these negotiations.

It has, therefore, been agreed by participants that efforts must continue to secure the best advance implementation of such concessions. All participants have declared their determination to reach a decision on this point by the time the protocol embodying the results of the trade negotiations is open for signature.

Participating developing countries have stated that the solutions found to this question will be a major determining factor in their over-all appraisal of the concessions received.

Participating developing countries have urged that those requests for tariff reductions on items of special importance to them, which had not been fully met by participating developed countries, should be favorably reconsidered and that further concessions on these items be made.

The question of compensation for loss of preferences resulting from the trade negotiations will be pursued further.

The participating developed countries declare their willingness to continue to examine to what extent they could improve access for products exported by developing countries which have special characteristics such as handicrafts and handloomed fabrics.

Much work remains to be done on matters of detail arising from the negotiations as a whole. The results of negotiations have also to be embodied in legal instruments. Only after participants have completed any necessary legal or constitutional procedures will the detailed results of the negotiations be fully known.

[From the New York Times, May 16, 1967]

TRADER, NOT DIPLOMAT—WILLIAM MATSON ROTH

WASHINGTON, May 15.—For almost four years, William Matson Roth, the wealthy, civic-minded Californian has been dealing in the Byzantine intricacies of the Kennedy round of trade negotiations.

Far more than any other American, including President Johnson, William Roth is responsible for the result, for better or worse.

A quiet-spoken man, whose career was business but whose interests are intellectual, Mr. Roth was appointed by President Kennedy in September, 1963, as deputy to the late Christian A. Herter, the President's Special Representative for Trade Negotiation.

The office had been established by the 1962 Trade Expansion Act to end the dominance of the State Department in trade matters, and Mr. Roth has subsequently told a Congressional committee with pride, "We are traders, not diplomats."

Mr. Herter, who had long been unwell, was able to keep up a keen interest in negotiations, which began four years ago, until he underwent heart surgery in April, 1965. From that time on, for practical purposes, it was Mr. Roth's show.

After Mr. Herter's death last December, the President nominated Mr. Roth to the post of Special Representative, and the Senate readily confirmed him early this year.

Mr. Roth, now 50, has been accustomed to wealth all his life. His mother was a Matson of the shipping family, and most of his business career was spent with the Matson Navigation Company, in San Francisco, though for three years prior to his coming to Washington he was chairman of the Pacific National Life Assurance Company.

Close to former Gov. Pat Brown, he was named a regent of the University of California, a post he still retains. Mr. Roth is a liberal member of that controversial body, which recently fired Clark Kerr as president of the university over the opposition of Mr. Roth's group. He has flown back to California

nearly every month to attend meetings of the regents.

Before coming to Washington, he was also active in an almost endless list of civic ventures, including a prominent role in urban renewal in San Francisco.

But outside of his activities, Mr. Roth's interests are in books and art and he has a collection of what one friend calls "way-out modern art." As evidence of his interest in books, he was, before coming to Washington, a director of the Atheneum Publishing Company in New York.

William Roth, though he has proved a tough negotiator, does not present a forceful appearance. His voice is low and soft, and he speaks slowly and carefully. Some observers of the long negotiations regard him as "unimaginative" and perhaps too narrowly involved in the technical trade questions concerned. It is obvious that he did not have the worldwide reputation and stature of Mr. Herter, a former Secretary of State.

But Mr. Roth saw from the beginning that Congress would insist on a hard-headed, fully reciprocal trade deal and was becoming less enchanted with the original political aim of the Kennedy round of creating a "partnership" between the United States and a United Europe.

And thus, Mr. Roth pledged on several occasions to walk out of the talks rather than accept an unbalanced deal.

"You can't play poker unless you're willing to pull out your chips," he said, with a somewhat inexact analogy. Perhaps his main difficulty has been in persuading the Europeans that he meant what he said.

Congress does not have to approve the Kennedy round, except for one subsidiary package involving chemicals. But Mr. Roth will soon learn what the members who take an interest in trade think about the deal he has negotiated. His troubles on the trade front may not be entirely over.

Mr. Roth is married to the former Joan Osborn, a New Yorker. They have three daughters, Jessica, 19, Maggie, 17, and Ana, 9.

[From the Wall Street Journal, May 16, 1967]

KENNEDY ROUND TARIFF-CUTTING PACT SET AFFECTING OVER \$40 BILLION IN WORLD TRADE—INDUSTRIAL DUTIES WOULD FALL AN AVERAGE OF 33 PERCENT TO 35 PERCENT; SOME SNAGS STILL POSSIBLE

(By Ray Vicker)

GENEVA.—After three years of discussion, two broken deadlines and a month of frantic horse-trading, the U.S. and 52 other nations at the Kennedy Round of tariff-cutting negotiations agreed late last night to a new world-trade package.

The tariff reductions add up to the biggest in history, affecting about 60,000 items and more than \$40 billion in world trade. The U.S. alone has 6,300 products and \$15 billion to \$16 billion in trade involved.

Only a handful of items, such as carpets, watches, glass, lead, zinc and petroleum products won't be affected by the agreement.

Customs duties on hundreds of items will be reduced to "nuisance" levels of 5 percent or less; other trade barriers may be lifted as well.

The Kennedy Round derived its name from the fact that U.S. authority to participate was granted by Congress during the Kennedy Administration. The negotiations, in which tariff cuts of up to 50 percent were sought, were held under the auspices of the General Agreement on Tariffs and Trade (GATT), the international trade agency that conducted the five previous tariff-cutting rounds since the end of World War II.

Among other salient points in the agreement are:

Reductions on world industrial tariffs averaging about 33 percent to 35 percent.

A minimum wheat export price of \$1.73 a

bushel, up from a current floor price of about \$1.45 for hard red winter wheat, the reference grain, shipped from Gulf Coast ports. Also, an annual food-aid program to less developed countries of 4.5 million metric tons.

A two-part deal that will reduce most chemical tariffs of major nations by 50%.

Liberalization of trade in fruits, vegetables and other non-cereal products.

Alignment of the world's steel tariffs at about 6%, compared with current average tariffs of about 7% in the U.S., 10% to 12% in Britain and about 9% in the Common Market. Britain still refuses to consent to align her tariffs with those of other nations, but last night was promising at least a 20% reduction on steel duties.

#### NEGOTIATION SPEEDUP

The pace of the negotiations proceeded at a relatively leisurely level until early this year. With U.S. authority to participate due to expire June 30, however, the pressure began to mount; unless the agreements were struck by early May, it was felt, there wouldn't be enough time left to codify the new tariff schedules and sign the accords. The pace of the talks began to quicken, especially between negotiators from the U.S. and the Common Market, the two largest trading blocs. Agreement between these two came yesterday after two weeks of desperate, round-the-clock bargaining.

As it developed, the major stumbling block to the success of the Kennedy Round was disagreement between the Common Market and the U.S. over chemical tariffs. At one point yesterday, negotiators stormed out of Villa le Bocage, GATT's headquarters, in a fury over their inability to win concessions from each other on chemical duties.

An earlier area of sharp disagreement had been over grain trade. The U.S. sought guarantees for at least 13% of the Common Market grain market, but the European Economic Community, as it's formally called, refused to grant access to more than 11% of their market. A compromise suggested by GATT's director-general, Eric Wyndham White, was finally accepted: In addition to raising the minimum price for exported wheat, the Common Market would shoulder 22% of a substantial food-aid program to less developed nations. The U.S. would carry 40% of the aid program. The drain on European stocks, it was reasoned, would provide U.S. farmers with a considerable "replacement" market in Europe itself.

Both the grain and chemical agreements may yet hit a snag. They are the only two trade areas on which authority to remove trade barriers wasn't granted to the negotiators by Congress; hence, they must be approved by Congress. Rep. Curtis (R., Mo.) warned in a speech last weekend that the abandonment of a guaranteed U.S. access to EEC grain markets has "caused much concern."

#### "AMERICAN PRICE" ISSUE

Moreover, the chemical agreement is contingent upon Congressional repeal of the so-called American selling price, a system devised as a primitive measure against Germany after World War I and in effect since 1922. The American selling price system uses domestic price levels to determine the duty on certain imported benzeneoid chemicals, rather than the importer's price. The EEC insisted it would reduce chemical tariffs only 20% until the system was repealed; the U.S. countered with a demand that the EEC reduce chemical tariffs 30%. In either case, the U.S. would lower tariffs 50% immediately and the EEC would make full reductions contingent on repeal of the American selling price. The EEC position was finally accepted by the U.S.

In the U.S., the agreement drew an immediate, angry reaction from a segment of the chemical industry most directly affected.

James D. Mahoney, a vice president of Monsanto Co. and president of the Synthetic Organic Chemical Manufacturing Association, said: "Our industry was promised reciprocity and instead is now being offered one of the most blatantly one-sided bargains in the history of American trade negotiations."

Failure to reach an accord on chemical tariffs would have caused a collapse of the entire round.

It's nonetheless expected that both EEC and Congressional approval will be given the chemical accord. The U.S. sells more than \$2 billion of chemicals abroad annually, three times as much as it imports. U.S. negotiators here thus feel that the chemical package will bring the U.S. at least as much as it surrenders over the short-term.

Proponents of liberalized tariffs note that U.S. exports soared to \$29.4 billion in 1966, from slightly more than \$2 billion in 1931-35. Imports have also grown, to \$25.6 billion last year from a 1931-35 average of \$1.7 billion.

Not every U.S. industry benefits from trade liberalization, of course. Rubber footwear, motorcycle and silverware manufacturers are among those who will feel a strong draft from reduced tariffs. But, the 1962 Trade Liberalization Act, which helped launch the Kennedy Round, provides Federal assistance to industries that are harmed, and the impact may be further lessened by the fact that the tariff reductions will be implemented over a five-year period beginning next Jan. 1.

The successful conclusion of the negotiations continued a trend stretching back more than three decades. In 1931-35, the average U.S. tariff was 50% of an item's imported value. By the time the Kennedy Round began, this had shriveled to about 11%.

Most American consumers stand to benefit substantially. A \$1,700 foreign car like a Volkswagen will cost about \$55 less after the agreements made here take full effect. An imported fishing reel worth \$20 will have about \$2.50 knocked off the price tag; the \$25 duty on a \$100 camera will be reduced to \$12.50; and the tariff on a silver brooch will drop to 27½% of its value from 55%.

#### THE CEASE-FIRE ON BUDDHA'S BIRTHDAY—AN OPENING TO PEACE

Mr. CLARK. Mr. President, last Thursday, in a statement of deep despair, Secretary General U Thant expressed his fear that "we are witnessing the initial phase of world war III." On the same day Ambassador Bunker announced that responsibility for the pacification effort would be transferred from civilians to our military forces. On the surface these developments may appear to be unrelated, but this shift of responsibilities reflects an increasing reliance on the military to solve a problem which I believe can only be resolved by diplomacy. The last few weeks have witnessed a series of steps which widen the scope and dangers of this war, with the world appearing to be on an escalator heading for the conflagration U Thant envisaged, with the button stuck in the "up" position—and no one around who can find the switch to turn off the current.

This afternoon's Philadelphia Evening Bulletin contains the two-column headline on its front page, "War Inevitable if United States Sticks to Present Policy, Chinese Premier Says." This is the headline of the third of a series of articles by Simon Malley, a reputable reporter who has recently returned from Peking. To paraphrase his article, he says that

Chinese leaders talk grimly about an inevitable war with the United States, and predict it may come about as a result of U.S. escalation in Vietnam.

Prime Minister Chou En-lai, in his first interview with any foreign correspondent in 2 years, told Mr. Malley how he expects the fighting to begin. He is quoted as having said:

Sooner or later the U.S. will find itself in a situation where the realization of its imperialistic objectives will require the violation of our sovereignty and territorial integrity. And that day a military showdown will have become inevitable.

Chou En-lai talked about sending volunteers to Vietnam, an act that the Communist Chinese regard as likely, and stated that in the event of an American attack, which they also consider likely, Chinese soldiers would be sent pouring into Thailand, Korea, Laos, or any other country harboring bases for U.S. attacking forces.

Chou En-lai is further quoted as having said:

"If war comes, there shall be no frontiers, and we shall leave no sanctuary for our aggressors," Chou said.

"If our enemies mobilize one million, we will mobilize 10 million," Chou added coolly. His impassive face betrayed neither emotion nor his 71 years. "If they mobilize 10 million, we will mobilize 100 million.

"In our struggle for national survival, no power on earth will be capable of defeating us. And if atomic weapons are used, let them remember that we, too, have an atomic arsenal."

But Chou also said China "never will start a war against the United States. We do not seek war, not even 'preventive' wars."

Mr. President, I ask unanimous consent that the full text of this article be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. CLARK. I understand that today's issue of Look magazine contains statements made by Secretary of State Rusk and General Wheeler, the Chairman of the Joint Chiefs of Staff, indicating their view that the United States will remain in Vietnam and in Southeast Asia for many years to come.

In recent months attitudes have become more hardened on both sides while the prospects for negotiations which once glimmered brightly have grown dimmer than ever. The war grows in fury and intensity with escalation matching escalation. With the change in the pacification policy, it is now more than ever an American—not a Vietnamese—war. Only last January Secretary McNamara told a Senate committee that American forces had taken on the burden of search and destroy operations, while "the main weight of the effort of the South Vietnamese armed forces should be placed on clear and secure operations in support of the revolutionary program." It was the thought only 5 months ago that the South Vietnamese would turn the major part of the fighting over to the Americans, and would confine themselves to pacifying areas which the Americans had succeeded in taking from the Vietcong.

Shortly thereafter, American troops went for the first time into the Mekong Delta. It now appears that the major burden of fighting in that hotly disputed area has been taken over by American boys from the hands of Asian boys, in contradiction to the hope expressed by the President during the 1964 campaign. One wonders what the South Vietnamese forces will do now that the U.S. military has taken over the responsibility for pacification. I doubt that many, if any, American officers are willing to rely on the Vietnamese for protecting their troops who will be involved in the program.

Mr. President, observing—to be sure from a distance—and reading—to be sure only news dispatches—one begins to wonder whether the forces of General Ky are not gradually becoming spectators of this war. It is true that a number of them are still being killed and wounded. But increasingly, as the ineffectiveness of the South Vietnamese Army as an aggressive force becomes more and more apparent, American forces have taken over the main burden of the fighting, and are now assuming the additional burden of pacifying that part of the countryside which the fighting of our American boys from time to time renders secure for the civilian population of South Vietnam against Vietcong sabotage, terrorism, looting, pillaging, and attack.

When we were debating the supplemental authorization bill in the Senate 2½ months ago, there were some 410,000 U.S. troops in Vietnam. The number is now approaching 450,000 and there are reports that General Westmoreland—who has been assured by the President that he will get all the troops he needs—has asked for a total of 600,000.

It is my understanding that the requirement for additional American troops arises from the fact that in the I Corps area near the 17th parallel, the American Marine division is being hard pressed by regular troops of North Vietnam. Those Vietnamese troops have now acquired Russian mortars with a considerably longer range than the more primitive mortars which were used in earlier stages of the war; and it has, therefore, been necessary to move reinforcements from the Mekong Delta to the area just south of the 17th parallel. This, in turn, has weakened the search-and-destroy operations in which we were engaged in the Mekong Delta; and if those operations—which I have always deplored because of the excessive loss of life and the inconclusive results, in the long run, which follow from search-and-destroy tactics—are to be continued, there will have to be a massive reinforcement of American troops in that area.

Over 3,000 American servicemen have made the ultimate sacrifice in Vietnam since the beginning of this year, with deaths now running at the rate of about 175 a week, and the number of wounded is many times the number of the dead. According to Department of Defense statistics at the beginning of this year, there were 275,000 enemy forces in South Vietnam, of which 45,000 were North Vietnamese. The Department estimates that 286,000 enemy troops are

now in South Vietnam—a net increase of 11,000, in spite of the fact that our forces have killed a total of 31,000 so far this year. As of now, according to the Department, only 50,000 of the enemy forces are North Vietnamese regulars. The repeated statements we have heard over the last 2 years that the other side is scraping the bottom of the manpower barrel do not seem to be borne out by the statistics.

There seems to be a common belief that we can escalate the war with impunity and that the Communist world will not react more forcefully than merely by sending supplies.

I point out that all sources agree that Ho Chi Minh has a significant number of trained North Vietnamese divisions in North Vietnam which he has not yet committed.

Of course, this misconception presupposes that the Soviet Union and Communist China will sit back and watch a capitalist power humble a Communist ally without intervening to save it. If the shoe were put on the other foot, I doubt whether Americans, for example, would long put up with political leaders who sat back and watched while Formosa was regularly bombed and shelled by the Chinese Communists.

As the escalator to general war moves upward, the cries for finding a suitable excuse for attacking China will become louder. Already the Harris and Gallup polls indicate that an increasing number of Americans are indulging themselves in the folly of thinking that we should get this matter over with quickly by attacking China, little appreciating that the result would almost inevitably be to commit to combat against us in North and South Vietnam millions upon millions of Asian soldiers. With the limited manpower available to the United States, it would be impossible for us to match the number of soldiers which the Chinese could throw against our troops.

Two years ago the last Republican presidential candidate put the proposition quite bluntly by saying:

I rather pray that Red China would give us provocation to attack her military and atomic installations.

It appears from the polls that Mr. Goldwater does not stand alone in that point of view. And yet, to my way of thinking, it would be manifest folly either to attack Red China or to provoke her into sending down masses of volunteers against our forces, as was done in Korea, given the excuse that we were preparing to humble a Communist ally.

I question whether the responsible administration officials are sufficiently concerned about the possibility of Chinese involvement, either by design or accident. General MacArthur took the view that the Chinese would not intervene in the Korean war, and we know all too well the tragic results of that error in judgment.

It is not without pertinence that one of President Truman's key advisers at that time was the present Secretary of State, Dean Rusk, who was then Assistant Secretary of State for Far Eastern Affairs.

He, too, was quoted in the newspapers a day or two ago as having confessed that

he did not believe at that time that Chinese volunteers would appear in Korea.

Mr. Rusk is fond of using the phrase "wiggle room." He has suggested on various occasions that with respect to Chinese and Russian intervention, or even with respect to massive intervention from North Vietnam, we still have plenty of wiggle room, and therefore a flexibility of choice.

I suggest to the Secretary of State, for whom I have a great personal admiration and indeed affection, that he is running out of wiggle room and that he would be well advised to recognize it.

We know from history that President Truman's advisers were not infallible in trying to fathom Chinese intentions, and President Johnson's advisers have even less reason to assert such a claim. The track record of those who have shaped our Vietnam policy over the years leaves much to be desired.

Members of Congress and the public must keep this record of false hopes and rosy predictions in mind in appraising official estimates about what may or may not happen in Vietnam. Despite the view taken by the President's advisers that this war can be contained, I see the escalator steadily ascending to the massive Asian land war which military men such as Generals Bradley, MacArthur, Ridgway, and Gavin have warned us against.

The President desires peace as much as any man in this Nation. No thinking American wants to continue this war of attrition any longer than is absolutely necessary.

The President wants peace. So do I. The President wants to end the war through a negotiated settlement. So do I.

The President does not want to maintain South Vietnam as an American colony. Neither do I.

The President is willing to settle for a neutral Vietnam. So am I.

On these broad basic objectives the President and I and those Members of the Senate who yesterday took to the floor to warn him against further escalation are in full agreement. If there is any one phrase which states the position of most Americans today, it is "peace with honor."

But how is that elusive goal to be achieved?

I cannot say that I possess the solution which will break the present impasse and lead to the conference table. But I am convinced that the present course is not likely to achieve a lasting peace in Vietnam and is all too likely to result in what U Thant warned us against last Thursday, when he said:

We are witnessing the initial phase of world war III.

Next week the United States will have what may be one of the last genuine opportunities to move back from the brink of a far wider war. On May 23 it appears likely that there will be a 1-day truce in Vietnam in honor of Buddha's birthday. Saigon has announced its willingness to join in a 1-day truce and the United States has agreed to stop bombing North Vietnam for that day. The Vietcong have counterproposed a 2-day

truce, but Saigon has refused to discuss this offer, saying that they will deal only with the North Vietnamese about the possibility of a longer truce. There the matter stands. I propose that we use this occasion to demonstrate in a tangible way that the United States is sincere in its desire for peace.

I urge the President to overrule the more belligerent of his advisers and to announce a general and indefinite cease-fire, with our forces firing only if fired upon, beginning May 23. I urge him also, as a part of that cease-fire, to halt the bombing of North Vietnam and to bring to bear all of our diplomatic resources in an effort to influence North Vietnam and the Vietcong to follow suit.

I would hope that the members of the International Control Commission, Secretary General U Thant, Premier Kosygin, Prime Minister Wilson, and other parties who have played a part in trying to bring about negotiations would press the other side for a favorable response. At the same time, the United States should use all of the leverage it has available to influence the Ky government to deal directly with the Vietcong, in simple recognition of the fact that the Vietcong are a political factor which must be reckoned with if a genuine and lasting political settlement is to be reached.

There is no problem about getting in touch with the Vietcong in the field. The French did it after Dienbienphu, through the medium of walkie-talkies in the jungle—with a suggestion that shooting stop, that an effort be made to achieve a lasting truce. This could be done again.

Moreover, the political leaders of the Vietcong are known to General Ky, to General Westmoreland, and to our diplomats in Saigon and elsewhere. It would be perfectly feasible to get in contact with them, either directly or through an intermediary, in order to explore the possibility of a cease-fire.

However, let me stress that my proposal contemplates stopping the shooting before the negotiations begin. If we can once stop the guns from firing and the bombs from being dropped, there will, in my judgment, be a very real chance that we can begin negotiations which will end in an honorable settlement. Those negotiations are likely to be long; but the difference between the 14 points which we will have proposed and the four points which Hanoi and the Vietcong have proposed as a basis for a settlement are not so far apart that in due course a satisfactory arrangement for a neutral Vietnam can be achieved, in which all forces, all sides, all shades of opinion, would be protected from violence. Certainly, this is not beyond the potential of an aggressive and intelligent diplomacy.

In my opinion, one of the greatest deterrents to a truce, cease-fire, and negotiation, is status and face. We like to think of the Chinese—or orientals in general—as being the only people in the world who lay great stress on face. But I suspect that Americans, who call it by another word—status—are all too often guilty of a similar immaturity. I would hope that we would not let the desire for status, whether it be on the domestic

political scene or on the wider international scene, interfere with those objectives which President Johnson has so clearly stated—namely, a just and honorable peace under which the people of South Vietnam will be protected from Communist aggression and will have an opportunity, jointly perhaps with their fellow countrymen of North Vietnam, to work out a form of government to which they can all agree and under which they can live in peace.

Buddha's birthday may be the last occasion when a cease-fire can be arranged without putting either side in the position of appearing to have capitulated. I can offer no assurance that this proposal will succeed, but the times call for boldness in the search for peace. A wider war awaits next week, next month, perhaps next year, and possibly for many years thereafter, unless we are as bold in seeking peace as our soldiers are bold in battle. No greater disservice could be done to our brave servicemen in Vietnam than for their leaders not to exhaust every reasonable prospect for bringing an end to the shooting and a settlement of the war at the conference table.

It is true that such a cease-fire involves a calculated risk, but it is a risk which we, as the greatest military power the world has ever seen, can afford to take. Far from jeopardizing the lives of our fighting men, such a cease-fire may well offer our last best hope of saving the lives and limbs of those thousands who unquestionably will be killed and wounded if the war is allowed to drag on and on, and become larger and fiercer.

The mutual cease-fire which I envision would be the precursor, not the product of negotiations. Hopefully, it would permit us to create a calmer atmosphere in which the parties would be able to sit down and negotiate mutually acceptable means for bringing about the attainment of our common objective—a genuinely neutral Vietnam.

We simply must not surrender to the course of events. We must not let U Thant's foreboding of world war III become a reality. Instead, we must demonstrate to the world the boldness for peace that the times demand.

#### EXHIBIT V

#### WAR INEVITABLE IF UNITED STATES STICKS TO PRESENT POLICY, CHINESE PREMIER SAYS

(By Simon Malley)

Chinese leaders talk grimly about an "inevitable" war with the United States and predict it may come as the result of U.S. escalation in Vietnam.

Prime Minister Chou En-lai, in the first interview with any foreign correspondent in two years, told me how he expects the fighting to begin.

Seated in his headquarters in Peking's Forbidden City, the 71-year-old Chinese leader said he is certain that the path now being followed by the U.S. will lead her into a war against China.

Chou said:

"Sooner or later the U.S. will find itself in a situation where the realization of its imperialistic objectives will require the violation of our sovereignty and territorial integrity. And that day a military showdown will have become inevitable."

The clash could come, Chinese leaders told me, after Peking sends "volunteers" to Vietnam, an act they regard as likely.

Also reflecting this judgment, Foreign Minister Chen Yi told me:

"If we give such assistance to our Vietnamese friends, this should not and cannot be considered as an attack against anyone. Our volunteers would go to assist a friendly country to resist and repel an aggression. We would not be the aggressors."

Expecting American attack, Chinese leaders said it was "no secret" that China has built underground installations for its atomic plants. Probably U.S. space satellites have observed this.

The Chinese leaders expect to throw everything they have into a war with the Americans. But they rely on China's 750 million people, nearly one-fourth of the world's population, as their main weapon.

Chou En-lai said that, in the event of American attack, Chinese soldiers would be sent pouring into Thailand, Korea, Laos, or any other country harboring bases for U.S. attacking forces.

"If war comes, there shall be no frontiers, and we shall leave no sanctuary for our aggressors," Chou said.

"If our enemies mobilize one million, we will mobilize 10 million," Chou added coolly. His impassive face betrayed neither emotion nor his 71 years. "If they mobilize 10 million, we will mobilize 100 million."

"In our struggle for national survival, no power on earth will be capable of defeating us. And if atomic weapons are used, let them remember that we, too, have an atomic arsenal."

But Chou also said China "never will start a war against the United States. We do not seek war, not even 'preventive' wars."

The Chinese leaders worry about what the Russians would do, in case of a Chinese-American war. Several of them told me they are sure Washington would not attack until it was sure Moscow would sit it out.

As acting chief of staff Yang Chen-wu told me, however, the U.S. must always consider the possibility that such a war would set off a return to Stalinist pro-Peking rule in Moscow.

"We have absolutely no doubt," Yang said, "that in case of U.S. aggression against our country, the present Soviet revisionists will just sit by and watch."

"But such an aggression will have to be the result of collusion between the U.S. and the USSR, because nothing would frighten the U.S. more than the prospect of a revolution in Russia which would return that country to its policies before the revisionists took over."

I asked Chou En-lai if he saw any openings for better relations with the U.S. This theme was taken up by Chen Yi.

"It is not for us to make the first move," Chen Yi retorted.

"The hostility against China was begun by the U.S. It is not we who are sending our men to fight wars in other lands."

He cited also U.S. refusal to recognize the Communist government of China, and charged that Washington has prevented recognition of "our international rights at the UN."

"The list of U.S. hostile and aggressive acts against China is a long one," Chen Yi said. "The Americans have surrounded our territory with their military bases. They have established puppet regimes in several countries which are committed to aid the U.S. against China. Our air space is continuously violated by U.S. planes against all internationally accepted conventions."

After hearing such sentiments often repeated, I asked whether China intends to continue the series of talks with the U.S. ambassador stationed in Warsaw, Poland.

High Chinese officials indicated sensitivity on the Warsaw meetings. They told me the Russians have circulated rumors of "Chinese-American deals." In rebuttal, these Chinese offered to publish the full Warsaw record.

I was told that Peking values the Warsaw

talks as a channel for telling the Americans "the conditions under which really fruitful talks could take place." But one top official said that because of the rumors, spread by the Russians, the Warsaw talks may be ended.

"We have to determine whether their limited usefulness outweighs the risks they involve in creating false impressions," this man told me. "A decision is expected quite soon."

#### ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. CLARK. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until 11 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 8 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, May 17, 1967, at 11 o'clock a.m.

#### NOMINATIONS

Executive nominations received by the Senate May 16, 1967:

##### DIPLOMATIC AND FOREIGN SERVICE

William J. Porter, of Massachusetts, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Korea.

##### NATIONAL LABOR RELATIONS BOARD

Arnold Ordman, of Maryland, to be General Counsel of the National Labor Relations Board for a term of 4 years (reappointment).

##### ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the Environmental Science Services Administration:

##### To be lieutenants

|                               |                      |
|-------------------------------|----------------------|
| Terry C. de la Mori-<br>niere | Leonard D. Goodisman |
| David J. Lystrom              | Keith A. Boe         |
| James L. Ogg                  | Jeremy R. Hutt       |

##### To be lieutenants (junior grade)

|                      |                     |
|----------------------|---------------------|
| Willis J. Kircik     | Melvin N. Maki      |
| Charles Y. Molyneaux | Robert H. Johns     |
| Jr.                  | Thomas C. Kalil     |
| Phillip B. Clark     | James E. Andrews    |
| Donald R. Askew      | Richard J. Wenstrom |
| Fred S. Long         | Leslie H. Perry     |

##### To be ensigns

|                        |                      |
|------------------------|----------------------|
| James M. McClelland    | William G. Wills     |
| Roderick S. Patwell    | Bruce C. Renneke     |
| John E. Colt           | William W. Spychalla |
| William B. Knight, Jr. | Hugh B. Milburn      |
| Charles L. Hardt       | Terry E. Bryan       |
| Roger T. Olack         | David N. Daniel      |
| Brent H. Traughber     | Sebastian A. Sora    |
| John B. Courtney       | Gerald W. McGill     |
| William H. Dvorachek,  | John C. Veselenak    |
| Jr.                    | Jimmy A. Lyons       |
| David K. Rea           | Dennis L. Graves     |

##### IN THE AIR FORCE

The following officers to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10 of the United States Code:

##### In the grade of general

Gen. Kenneth B. Hobson, FR616 (major general, Regular Air Force) U.S. Air Force.

##### In the grade of lieutenant general

Lt. Gen. Herbert B. Thatcher, FR634 (major general, Regular Air Force) U.S. Air Force.

Lt. Gen. Charles B. Westover, FR1351

(major general, Regular Air Force) U.S. Air Force.

Lt. Gen. Paul S. Emrick, FR1801 (major general, Regular Air Force) U.S. Air Force.

The following-named officers to be assigned to positions of importance and responsibility designated by the President in the grade indicated, under the provisions of section 8066, title 10 of the United States Code:

*In the grade of general*

Lt. Gen. Thomas P. Gerrity, FR1613 (major general, Regular Air Force) U.S. Air Force.

*In the grade of lieutenant general*

Maj. Gen. Robert G. Ruegg, FR1620, Regular Air Force.

Maj. Gen. John C. Meyer, FR4496, Regular Air Force.

Maj. Gen. Jack J. Catton, FR4719, Regular Air Force.

Maj. Gen. John W. O'Neill, FR4155, Regular Air Force.

Maj. Gen. Earl C. Hedlund, FR4170, Regular Air Force.

#### IN THE ARMY

The following named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

Maj. Gen. Claire Elwood Hutchin, Jr.

O21092, Army of the United States (brigadier general, U.S. Army), to be lieutenant general.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate on May 16, 1967:

#### MINT OF THE UNITED STATES

Hyman A. Friedman, of Pennsylvania, to be assayer of the mint of the United States at Philadelphia, Pennsylvania.

#### AGENCY FOR INTERNATIONAL DEVELOPMENT

Rutherford M. Poats, of Virginia, to be Deputy Administrator, Agency for International Development.

## EXTENSIONS OF REMARKS

### A Ball for Mrs. Richman

#### EXTENSION OF REMARKS OF

### HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1967

Mr. EILBERG. Mr. Speaker, in our sports-minded country the season of major league baseball is well underway and the 1966-67 major league basketball season is gone. With your permission, however, I would like to regard it as being not so far gone that we cannot observe a human interest story that reflects credit on a team, a truly great player and a man no longer with us who made it possible for Philadelphia to have another national championship.

The story has been told in the press. It bears repeating here.

Over the last several years Philadelphia has known no more devoted fan of the game of basketball than the late co-owner of the Philadelphia 76'ers, Isaac "Ike" Richman, a respected attorney and man of community affairs. Richman gave freely of himself and his money to bring and keep this team in his city. Then he gave more to develop it into the best the game had ever seen.

Last year, he almost achieved a championship. But last year the championship aura of unselfishness and team play had not yet been developed. That takes more time than Ike Richman had.

He died while watching a late-season game in Boston. His team went on to win the eastern division title. It would have been fitting had they gone on to win the playoffs, but they did not.

Things were different this year. From the start the team truly played like a team, led by its coach, Alex Hannum, and perhaps the greatest player the game has ever known, Wilt Chamberlain.

Through the season, Chamberlain defended and passed instead of shot. Green and Jones, Walker and Jackson, Cunningham and Goukas—everyone of the team—played together instead of individually. They won more games than any team in professional basketball history. Again they won the eastern division title. But this time they swept the playoffs, too.

When the last game and the last title had been won in San Francisco recently, it fell to Coach Hannum to present the winning game ball to the one he thought most worthy of the honor. He chose, of course, Chamberlain.

But the big star chose again. The one man really responsible for everything, he said, was no longer around. He brought the ball home to Mrs. Claire Richman.

### Greenhouse Vegetables on House Restaurant Fare

#### EXTENSION OF REMARKS

OF  
HON. CHARLES A. VANIK  
OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1967

Mr. VANIK. Mr. Speaker, I am proud to call to the attention of the House that vegetable produce from the largest greenhouse farming project in the United States will be made available to diners in the House of Representatives Restaurant tomorrow, May 17, 1967.

This fine greenhouse industry, located in my district, the 21st Congressional District of Ohio, has now under cultivation over 400 acres of land, with 2.4 million square feet of glass, which produce between 75 and 100 tons per acre of the finest vegetables to be purchased.

Over 1,000 people are employed in this industry, with an annual production of over \$15 million. The vegetables which are being served in the salads in the House of Representatives Restaurant are being provided through the Cleveland Greenhouse Vegetable Growers Cooperative Association. The members of this association are now cultivating over 235 acres of land area under glass. The work of this active association is to be highly commended. The vegetables which are produced from their hard labor are proof positive of the careful attention given to this immense greenhouse farming activity so close to the center of a great urban metropolis.

I also want to direct attention to the fact that this fine industry, operating 400 acres of greenhouses, is principally

a small business operation, conducted by over 150 small businessmen. It is especially significant that this industry operates without the benefit of any Federal subsidies, Federal loans, or Federal crop insurance program. In addition, this industry is burdened by paying for Federal inspection services which are required. Further, this industry has contributed the sum in excess of \$350,000 for agricultural research programs carried on by the State of Ohio over the past decade. It is, in all respects, a self-sustaining industry, built on hard work, skill, and ingenuity. It is also significant that this industry has attracted young men in my community. The operators of these greenhouses have an average age of 35.

I wish also to call to the attention of the House the fact that the Greater Cleveland Greenhouse Vegetable Week will be celebrated in Cleveland the week beginning June 4, 1967. The public will, at that time, be able to view firsthand the methods by which these fine vegetables are cultivated at selected greenhouses in Cleveland. My heartiest congratulations to the men and women of this fine Cleveland industry.

### Pay of Postal Workers

#### EXTENSION OF REMARKS

OF

HON. FRANK J. BRASCO  
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 16, 1967

Mr. BRASCO. Mr. Speaker, the valuable segment of our population employed in postal work has been badly neglected for some time now, and that neglect is beginning to take its toll on both the performance of these workers, and the efficiency of postal operations.

Postal employees, not having the right of striking to protect their interests, must depend upon Congress to eliminate any present inequities in their working conditions. Economically, the postal workers have been reduced to second-class citizens, while employees of private industry continue to pace their salary scale with the rising cost of living. This financial handicap is having