ciates, the returned sons and daughters of Hubbardston, returned to the old homestead for an affectionate embrace.

Many had returned to meet aged parents or other relatives, others to meet no kindred or relative, but nevertheless to meet friends, warm friends, and revisit and revive the scenes, the haunts, and the memories of former years, the homes which they may have once left without casting one longing, lingering look behind, but to which they now turned with fond delight.

Mount Wachusett seems to have been the object which drew the attention of the first settlers of Massachusetts toward this region. As early as 1631, Governor Winthrop noted in his journal that he and others went up the Charles River about 8 miles above Watertown, climbing upon "a very high rock, where they might see a very high hill, due west about 40 miles." In 1635 an expedition crossed the area to the Connecticut River.

The first settlement in the region was at Lancaster, in 1643. In 1681, Stoughton and Dudley were appointed by the general court to negotiate with the Nipmuck Indians for the territory. The next year they reported that they had "purchased a track for £30 and a cart, and, for £50, another track, 50 miles long and 20 wide." The negotiators stated that, "The northern part toward Wachusett is still unpurchased and persons yet scarcely to be found meet to be treated with thereabouts."

Four years later, five Indians were found who claimed to be the owners of this northern section. Their names, or the names bestowed upon them for the occasion, were Puagastion, Pompamamay, Qualipunit, Sassawannow, and Wananapan. On the 22d of December 1686, they deeded a tract of land, swamps and timber 12 miles square for £23.

This deed, probably arranged in order to pacify the Indians of the area, was not regarded by its grantees as very valuable at the time. Twenty-six years after its execution, the heirs of the original grantees petitioned the general court for a confirmation of their title. This the general court did on February 23, 1713, on condition that, within 7 years, 60 families should be settled on the land, and a sufficient acreage be reserved for the gospel ministry and for schools.

New England's founders, Mr. Speaker, believed in first things first; those first things were provided for in the reservation of land in any township for the support of education and religion.

This tract was surveyed in 1715. It contained 93,160 acres, and included the area of what is now Rutland, Oakham, Barre, Hubbardston, a portion of Paxton, and more than half of Princeton.

In December of 1715, the 33 proprietors voted "to survey and set off into lots the contents of 6 miles square, to be granted to settlers, in order to secure the performance of the conditions in the original confirmation of title." They then laid out 62 lots of 30 acres each which they offered to permanent settlers, promising them that more land would be divided among them if 60 families were settled within the prescribed 7 years. This promise was kept. The proprietors gave up all right and title to a fourth of the original purchase in order to encourage settlement. That fourth eventually became Rutland and part of Paxton.

The remaining three-fourths were held in common by the proprietors until 1749 when the northwest corner was incorporated into a separate Rutland District, now the town of Barre, 6 miles square, a favorite size and form when the towns of the area were being laid out. What became Oakham was called the West Wing, and what is now the west part of Princeton was the East Wing. Hubbardston was then called merely the northeast quarter. The proprietors divided this quarter among themselves by laying out lots there in 1737. Provision was made for allocations of land for a minister and a school.

On June 12, 1767, the members of the general court and the Governor's council approved a bill giving the northeast quarter the status of an incorporated district, and the Governor signed the bill on June 13. A warrant was issued on June 25 for the election of local officers which was held on July 3. Town status was obtained by Hubbardston under a statute of March 23, 1786, declaring all places in Massachusetts incorporated as districts before January 1, 1777, to be "towns to every intent and purpose whatever."

The district and town were named for Thomas Hubbard, one of the early land proprietors of the area. Mr. Hubbard was a Bostonian who served as speaker of the Massachusetts House of Representatives. He was treasurer of Harvard College for 17 years, and promised the citizens of Hubbardston that he would give the glass for the first meetinghouse. A history of Hubbardston in those days tells us that, "To make Mr. Hubbard's liberality more conspicuous, the people planned for an extra number of windows. But he died in 1773, and his estate was so much involved that they received nothing, and were obliged to glaze their windows at their own expense."

Mr. Speaker, in recognition of Hubbardston's 200th anniversary celebration I am introducing today a special resolution extending the greetings and felicitation of the House to Hubbardston on the occasion of this anniversary.

I know that my colleagues will be pleased to join me in paying well-deserved tribute to this progressive community in my district and its people who have contributed so much down through the years to the growth and advancement of our great country.

The text of my resolution reads as follows:

Whereas the year 1967 marks the two hundredth anniversary of the incorporation of the town of Hubbardston, Massachusetts on June 13, 1767; and

Whereas from the time of settlement in 1737 the people of Hubbardston have figured conspicuously in the founding and growth of this Nation; and

Whereas the observance of the two hundredth anniversary of Hubbardston is being celebrated with impressive community ceremonies this week which will attract many visitors to central Massachusetts; and

Whereas Hubbardston is a progressive community rich in historic interest, distinguished for its fervent civic spirit, and faithfully devoted to American institutions and ideals: Now, therefore, be it

Resolved, That the House of Representatives extends its greetings and felicitations to the people of Hubbardston, Massachusetts, on the occasion of the two hundredth anniversary of this community and the House of Representatives further expresses its appreciation for the splendid services rendered to the Nation by the citizens of Hubbardston during the past two hundred years.

SENATE

WEDNESDAY, JUNE 14, 1967

(Legislative day of Monday, June 12, 1967)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the President pro tempore.

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

Let us pray.

Almighty and ever-living God, as we bow in this quiet moment dedicated to the unseen and the eternal, make vivid our abiding faith, we beseech Thee, in those deep and holy foundations which our fathers laid, lest in this desperate and dangerous day we attempt to build on sand instead of rock.

Enable Thy servants in this place of governance, in the discharge of great responsibilities of public trust, to be calm, confident, wise, and just, their hope in Thee sure and steadfast.

Help us in all things to be masters of ourselves that we may be servants of all.

Make us alive and alert, we pray Thee, to the spiritual values which underlie all the struggle of these epic days. To this end may selfishness and all uncleanness be purged from our own hearts and our will be lost in Thine.

"Breathe on us, breath of God
Fill us with life anew,
That we may love what Thou dost love
And do what Thou wouldst do.

Breathe on us, breath of God
Until our heart is pure,
Until with Thee we will one will
To do and to endure."

We ask it in the name of that one whose truth will make all men free. Amen.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 10738) making appropriations for the Department of Defense for the fiscal year ending June 30, 1968, and for other purposes, in which it requested the concurrence of the Senate.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 1352. An act to authorize adjustments in the amount of outstanding silver certificates, and for other purposes;

H.R. 6133. An act to authorize appropriations for the saline water conversion program, to expand the program, and for other purposes;

H.R. 6431. An act to amend the public health laws relating to mental health to extend, expand, and improve them, and for other purposes; and

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.

HOUSE BILL REFERRED

The bill (H.R. 10738) making appropriations for the Department of Defense for the fiscal year ending June 30, 1968, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the Journal of the proceedings of Tuesday, June 13, 1967, was approved.

CALL OF THE ROLL

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

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 138 Leg.]

Aiken	Hansen	Morton
Allott	Harris	Moss
Baker	Hart	Nelson
Bennett	Hatfield	Pastore
Bible	Hayden	Pearson
Boggs	Hickenlooper	Pell
Brewster	Hill	Percy
Brooke	Holland	Prouty
Burdick	Hollings	Proxmire
Byrd, Va.	Jackson	Randolph
Byrd, W. Va.	Jordan, Idaho	Ribicoff
Cannon	Kennedy, Mass.	Russell
Carlson	Kuchel	Scott
Church	Lausche	Smith
Clark	Long, La.	Sparkman
Cooper	Long, Mo.	Spong
Cotton	Magnuson	Stennis
Curtis	Mansfield	Symington
Dirksen	McCarthy	Talmadge
Dodd	McClellan	Tower
Eastland	McGovern	Tydings
Ellender	McIntyre	Williams, N.J.
Ervin	Miller	Williams, Del.
Fannin	Mondale	Yarborough
Fong	Monroney	Young, N. Dak.
Fulbright	Montoya	Young, Ohio
Gore	Morse	

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. GRUENING] and the Senator from Indiana [Mr. HARTKE] are necessarily absent.

I also announce that the Senator from Hawaii [Mr. INOUYE] and the Senator from North Carolina [Mr. JORDAN] are absent because of illness.

Mr. KUCHEL. I announce that the Senator from New Jersey [Mr. CASE] and the Senator from South Dakota [Mr. MUNDT] are necessarily absent.

The PRESIDING OFFICER (Mr. YARBOROUGH in the chair). A quorum is present.

Mr. MANSFIELD subsequently said: Mr. President, I have in my hand the list of Senators who came into the Chamber during and after the quorum call this morning, but who were not listed. I ask unanimous consent, as I did yesterday, that there be printed in the RECORD, immediately following the quorum call, a list of Senators who were actually present but were unable to have their names listed as having answered to the quorum call.

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

Anderson	Hruska	Murphy
Bartlett	Javits	Muskie
Bayh	Kennedy, N.Y.	Smathers
Dominick	McGee	Thurmond
Griffin	Metcalf	

Mr. GORE. I believe the RECORD should show that it is frequently the custom in the Senate that during a rollcall, when two or three or more Senators are in conference in the Chamber, they depend upon the clerk to observe their presence and record them as present. Ordinarily, the clerk performs the rollcall quite efficiently; but when almost a total membership is present, and almost immediately a demand is made to know the number, it is but human that a clerk may fail to recognize four, five, or six of 97 Senators who are present.

Mr. COOPER. Mr. President——

The PRESIDING OFFICER. Under the unanimous-consent agreement previously entered, the Senator from Connecticut [Mr. DODD] is recognized.

Mr. COOPER. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. DODD. I yield.

PRIVILEGE OF THE FLOOR

Mr. COOPER. Mr. President, I ask unanimous consent tha' Joseph Alsop Chubb, of my staff, be granted the privilege of the floor today.

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

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

The PRESIDING OFFICER. Under the order, the Senator from Connecticut is recognized.

Mr. DODD. I yield to the majority leader.

AUTHORITY FOR VICE PRESIDENT TO SIGN BILLS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that despite the fact that the Vice President for good and sufficient reason is not present today, he be allowed to sign duly enrolled bills.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. DODD. I yield.

Mr. LONG of Louisiana. Can the Senator inform me how many Senators are present?

Mr. DODD. I have no idea.

Mr. LONG of Louisiana. Would the Senator be willing to inquire of the Chair?

Mr. DODD. I would be glad to do it.

Mr. President, I have been asked by the Senator from Louisiana to inquire how many Senators are present. I have no way of knowing.

The PRESIDING OFFICER. The Chair is unable to hear the Senator.

Mr. DODD. Mr. President, I have been asked by the Senator from Louisiana to inquire of the Chair how many Senators are present in the Chamber.

The PRESIDING OFFICER. A quorum is present. The presence of a quorum has been announced.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. DODD. I yield.

Mr. LONG of Louisiana. Did the Senator ask the Chair how many Senators responded?

The PRESIDING OFFICER. The Senator may ask how many Senators responded to the call, if he so desires.

Mr. DODD. Mr. President, I shall put my question that way. How many Senators responded?

Mr. PROUTY. Mr. President, may we have order? We cannot hear a thing.

The PRESIDING OFFICER. The Chair will ask the legislative clerk to state the number of Senators who responded to the call. As soon as the clerk has completed the tally he will give us the number of Senators who responded to the quorum call. [After a pause.] Eighty Senators have answered to their names.

Mr. LONG of Louisiana. Mr. President, will the Senator from Connecticut yield further for a question?

Mr. DODD. I yield.

Mr. LONG of Louisiana. Mr. President, may I be permitted to put a statement in the RECORD to show the names of the additional Senators who arrived while this inquiry was being propounded?

Mr. DODD. I believe that I am not the one to ask. I think the Presiding Officer could tell us.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. DODD. I yield.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that I may be permitted to supplement the RECORD with an additional statement to show the number of Senators who entered the Chamber since the call for the quorum was had.

Mr. DIRKSEN. There may be objection. I want to know precisely what the Senator is trying to determine, because all Senators, except two, on this side of the aisle are here.

Mr. LONG of Louisiana. I would like the RECORD to reflect the names of the Senators who were in their seats to hear the principal witness for the defense.

We are sitting here as a court, and we are participating as both judges and jurors. In any other court, it would be a reversible error to proceed with a single juror absent, and any judge who did not participate in the case would decline to participate in the decision.

I want the RECORD to reflect who was here, although I realize Senators can be absent and come in and vote their judgment.

I am happy to say that we have a good attendance at this moment.

Mr. DIRKSEN. Mr. President, I suggest the absence of a quorum and that we make it live.

Mr. GORE. Mr. President, reserving the right to object——

Mr. ALLOTT. Mr. President, reserving the right to object——

The PRESIDING OFFICER. Does the Senator from Connecticut yield for that purpose?

Mr. MANSFIELD. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Connecticut has the floor.

Mr. LONG of Louisiana. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Connecticut yield?

Mr. MANSFIELD. Mr. President, if I may be heard, I think the joint leadership would deeply appreciate it if the Senator from Connecticut would get on with the remarks he has been prepared to give since 3:15 yesterday afternoon. There are at least six Senators legitimately absent today. We have in excess of 80 Senators here now. I suggest most respectfully that we get on with the business of the Senate.

Mr. LONG of Louisiana. Mr. President, I make a unanimous-consent request. Mr. President, I wish to make a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Connecticut yield for a parliamentary inquiry?

Mr. LONG of Louisiana. The Senator from Connecticut has yielded for a unanimous-consent request.

Mr. DODD. I yield.

Mr. LONG of Louisiana. Mr. President, I want the RECORD to show, in fairness to those Senators who have now entered the Chamber, that they are here.

I ask unanimous consent that I might place in the RECORD a list of the names of Senators who entered the Chamber since the quorum call.

Mr. GORE. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator from Connecticut has the floor.

Mr. LONG of Louisiana. Mr. President, I propounded a unanimous-consent request.

Mr. MANSFIELD. Mr. President——

The PRESIDING OFFICER. Is there objection to the request?

Mr. GORE. Mr. President, reserving the right to object, this is not a court procedure. From the very beginning we have followed the regular rule. No blame attaches to a Senator who comes into the Chamber one-half minute or 3 minutes after a rollcall. No Senator should be personalized in the RECORD or in any way identified in such a manner. This is contrary to the usual practice of the Senate, and I object.

The PRESIDING OFFICER. Is the Senator from Tennessee asking for the regular order?

Mr. HICKENLOOPER. Mr. President——

Mr. GORE. Mr. President, I withhold it.

Mr. HICKENLOOPER. Mr. President——

Mr. LONG of Louisiana. Mr. President, I would like to make this statement in reply to what the Senator from Tennessee has just said. We are acting here in our judicial capacity.

Mr. President, I have made a request and Senators can reserve the right to object.

The PRESIDING OFFICER. The Senator from Connecticut has the floor. Does the Senator from Connecticut yield to the Senator from Louisiana?

Mr. DODD. Yes. I am always glad to yield to all my colleagues.

Mr. LONG of Louisiana. Mr. President, I ask that I may make a speech to my unanimous-consent request. Mr. President——

Mr. HICKENLOOPER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. There is objection to the unanimous-consent request.

Mr. MANSFIELD. Mr. President, may I most respectfully request the Chair to ask the distinguished Senator from Connecticut [Mr. DODD] to get on with the speech which he has been prepared to make since midafternoon on yesterday, and for which there is a tremendous audience at the moment.

The PRESIDING OFFICER. The regular order has been called for. The Senator from Connecticut has the floor and can yield only for a question.

REPLY TO THE ETHICS COMMITTEE REPORT

Mr. DODD. Mr. President, I thank the Presiding Officer. Let me say to the distinguished majority leader that I have no interest in delaying these proceedings. I have had none. The sooner they are concluded, the better I shall feel.

I also apologize to the Senate for not having delivered my remarks yesterday afternoon, but I was tired, as I think most of us were. I appreciate the fact that the distinguished majority and minority leaders agreed to let us go over until this morning.

I hope that I am somewhat refreshed, at least in voice, and that I can better explain to my colleagues the situation as I understand it.

I come before you to present my response to the recommendation of the Senate Ethics Committee that I be censured on two counts—that I diverted political funds to personal use, and that I was guilty of deliberately billing the Government for travel for which I was paid from other sources.

It is you, the Members of the Senate, who will be my final judges, and it is to you that I address my appeal.

It has been suggested that the Senate would automatically be disposed to approve a unanimous report coming from the Ethics Committee because I am one Senator and they are six, and because a vote against a recommendation by the Ethics Committee might be construed as a vote against ethics.

I cannot believe that this is so.

I am convinced, on the contrary, that the Members of the Senate will have the fairness to listen to what the Ethics Committee has to say, to listen to what I have to say, and then to make their judgment.

I am convinced that the Senate would not want to serve as a rubberstamp for any committee.

In appealing to the Senate, I want to appeal above all to the six members of the Ethics Committee. I do so in the hope that, despite the recommendation which they have presented to the Senate, they will listen to what I have to say with open minds.

A man's reputation is his most precious possession. And for a Senator who values his reputation there could be no prospect more ruinous than the condemnation or censure of his peers. It is tantamount to a capital offense conviction from which there is no appeal.

It is my hope, therefore, that in weighing my case the Members of the Senate will attempt to assess the fundamentals as well as the details; that I will enjoy the presumption of innocence to which every accused man is entitled; that, where conflicting testimony results in doubt, I will be accorded the benefit of the doubt; that the issues will be decided only on their merits, and that political considerations will not be permitted to intrude on this decision.

In appealing against the recommendation of the Ethics Committee, I do not challenge either their integrity or their fairness. In the course of my Senate duties, I have learned to know them all and to respect them all.

But even the wisest and fairest of judges and examiners are fallible; and it is the recognition of this basic fact that makes the right of full evidentiary review an essential and frequently employed component of our system of jurisprudence.

I have gained, during these past weeks, a perspective that initially eluded me. Call it a sense of proportion: a consciousness of being able to see things, at last, in their right place and order.

I trust I may be forgiven for having "focused" poorly at times when suddenly I found myself having to defend my honesty and my honor. For whatever faults I may have, these marks of my manhood had never before in my life been questioned.

I know that my personal tribulations and my emotional response to these tribulations bear no relevance to the charges against me. But I would, nevertheless, like to say something on this subject, because I feel it will enable you to better understand the difficulties I have experienced in coping with this situation.

I am sure the situation I confronted has its counterpart in the personal experience, at one time or another, in one degree or another, of every one of you, of every man and woman in the land.

Is there anyone alive who has not felt in some—perhaps fleeting—moment of anguish, that goodness has suddenly fled the world? That all of the canons of justice have been repealed? That the minimum requirements of human decency have been suspended? A moment, I mean, when, without deserving it, you come under general attack: when you

know the attack is unjust, yet others deny or doubt what you know.

For 18 months now I have endured an ordeal without precedent in the history of the U.S. Senate.

All manner of slanders and lies and distortions and calumnies have been heaped on my head by two widely syndicated columnists—men who are by common consent the most reckless twisters of facts and the most unscrupulous character assassins ever spawned by the American press.

The initial charges had to do primarily with my relationship with Julius Klein, a Chicago public relations man who had been my friend for some years. In response to the charge that I abused my office as a U.S. Senator in an improper manner on behalf of General Klein, I asked the Senate Ethics Commitee in a letter dated February 27, 1966, to investigate these specific allegations.

Since the Klein affair is not an issue here, I intend to comment only briefly on it.

It all began with a column by Jack Anderson charging that I had received a genuine Persian rug from Gen. Julius Klein in return for certain favors I had done for him. Anderson said that he had documentary proof to support this.

Here is the so-called Persian rug of which Jack Anderson spoke. It is, as you can see, a cotton miniature approximately 9 by 12 inches in size and its value is about $2.

And here is Jack Anderson's documentary proof—the Christmas card from General Klein which came with the rug. At the bottom of the card is a P.S. which reads, "Your favorite flower vase may like to sit on this genuine 'Persian rug'." The words "Persian rug" are in quotation marks.

That is all there was to the rug and that is all there was to the story.

But by repeating the story many times in the 500-odd newspapers which carry their column, Pearson and Anderson were able to gain national attention for their charges. I denied them to the press. I denied them on television. But as everyone who has lived through this kind of experience knows, it takes time for the truth to overtake the original lie.

The committee, however, found, after a thorough investigation of and hearings on the Klein matter, that there was no basis for recommending any action by the Senate.

The malicious lies that Pearson and Anderson told about me in over 100 columns, and the even more malicious lies they told about my wife and children, would have been ordeal enough, I believe, for the strongest soul.

The ordeal was compounded, because it was clear from the beginning that the Pearson-Anderson campaign against me originated in the pathological desire for vengeance of several ex-employees whom I had once regarded as friends and in whom I had reposed complete confidence.

To tell the story properly, I have to go back to early 1962.

James Boyd, who had been my aide since 1958, was discovered in grave personal misconduct. The offense was so serious that he offered his resignation. I decided to give him a second chance, in part because of his youth, in part because of his wife and children. In his testimony, Boyd said that there was a period of time when he regarded me as a father. I have some reason for believing now that this statement was a gross exaggeration and that Boyd's attitude toward me at the best of times bordered on unfaithfulness. For my own part, however, I did have kindly interest in him and, having this attitude, I think it was only human to try to avoid taking an action which would destroy his career and bring misery to his family.

When I told him that he would be given one more chance, Boyd promised me, fervently and faithfully, that there would be no more such episodes.

In accepting his promise, I now realize, I was guilty of a profound misreading of character. But I believed then, and I still believe today, it is always better to err on the side of forgiveness than on the side of condemnation.

A complete report on this earlier incident was turned over to the Ethics Committee at an early stage in its investigation.

I now know that Boyd abused his promise to me from the moment he made it. But it was just before the 1964 campaign closed that I discovered that Boyd had returned to his old ways.

On December 7, 1964, I dismissed Boyd and my personal secretary, Mrs. Marjorie Carpenter, for conduct which no Senator could have tolerated.

Boyd never officially reentered my office after December of 1964, although he was kept on the payroll for a period of time thereafter. But 1 month after Boyd's salary had been terminated, he and Mrs. Carpenter entered my office illegally over a weekend. All told, according to their own testimony, they made seven illegal entries. They took thousands of documents from my files, including correspondence with my constituents and with my wife and classified documents. They copied them, in cooperation with Jack Anderson's secretary, Miss Opal Ginn, and they turned them over to Anderson.

Subsequently, Boyd and Carpenter were joined by my bookkeeper O'Hare, over whom they had always exercised a kind of mesmeric influence, and by O'Hare's girlfriend, Terry Golden. Over a period of many months while they remained on my payroll, O'Hare and Golden continued to remove documents and to copy them.

Both of these people lived a lie every day after they joined the conspiracy. By day, they would smile and fawn and pretend to be faithful employees. By night they would copy documents which had been taken during the day for Pearson and Anderson.

In its report, the Ethics Committee condemned the action of these four ex-employees as "reprehensible," and a threat to the orderly conduct of business of a public office, and it referred the matter to the Attorney General for his action. I am in complete agreement with the committee's recommendation, although I am mystified over the credibility which the committee apparently attached to the word of these "reprehensible" witnesses.

Perhaps the committee was impressed by them because they sometimes told the truth, or appeared to tell the truth. But, as everyone knows, half truths are dangerous, because the chances are that you are getting the wrong half of it, and the most effective liars are those who know how to mingle truth with falsehood, or to slant the truth so that it conveys a false impression.

The evidence is overwhelming that the motivation of these ex-employees had absolutely nothing to do with ethics in Government, but that it was based, rather, on a pathological hunger for revenge.

If they really had believed that I was guilty of wrongdoing they should have reported the facts to the Justice Department or the FBI or the Ethics Committee. Instead, they stole documents from my office files and took them to the two columnists whom they knew to be most hostile to me, and the most unscrupulous in their methods.

Their intent was to hurt and destroy me.

There is nothing about which they could have been less concerned than ethics in Government.

They have succeeded in hurting me, I am frank to confess, in more ways than one.

The Pearson-Anderson attacks, to the extent that these two character assassins are believed by the public, unquestionably did some damage to my reputation.

These attacks, in turn, led to the Ethics Committee investigation and indirectly to the resolution of censure which we are debating today.

But perhaps the cruelest hurt which they inflicted on me was the simple knowledge of their vengeful personal treachery.

Boyd, and O'Hare, in particular, had frequently been guests in my house, and Mrs. Dodd and I had treated them almost as members of the family. It hurt to think that these young people should now be engaged in a conspiracy to destroy me.

The immediate reaction was to wonder whether I could ever again place complete trust in any employee. And I am told that other Senators had similar thoughts as a result of my experience.

But, on reflection, I have become, I hope, a bit more philosophical about this matter. It is impossible to live a life without trust, or, for that matter to conduct the business of Government unless a relationship based on trust exists between a Senator and his employees.

In the entire history of the Senate, moreover, no dismissed employees had sought to do what Boyd and Carpenter had done.

Realizing these things, I think I can truthfully tell my colleagues today that I have recovered the essential ability to trust other people which my larcenous ex-employees had temporarily destroyed.

These were some of the components of my personal ordeal.

But the most crushing experience was when I woke up one day no longer able to blink away the fact that much of the world, including some of my colleagues and friends, had apparently taken it on the word of these two professional

character assassins that I was a common sneak.

During these months I have sometimes reflected on my public career, on my efforts to serve my country and my State, on the not infrequent instances in which I have supported unpopular causes and invited the displeasure of powerful forces, all on the theory—not wholly out of fashion, I trust—that men are the servants of duty. In the course of these reflections, it sometimes occurred to me there might be a more fitting reward for that effort than the session that convenes today.

Such considerations can easily lead to self-pity, and to bitterness.

But I indulge in no self-pity, nor in bitterness. I want these issues resolved on the basis of fairness and justice.

The Senate's prime business today is to take the first step toward formulating a highly important element of American public policy. And I am determined to do everything I can to aid, and if possible, to guide, the Senate in taking those steps and in putting that policy on a sound and permanent basis.

I speak of the urgent need to establish a code of ethics for the guidance of Senators, including rules and norms governing the use of funds raised at functions popularly known as testimonial dinners.

The hearings that have been conducted by the select committee have made it abundantly clear that the establishment of such rules and norms is in the public interest, both for the guidance of public officials and for the guidance of those private citizens who attend and contribute money at these gatherings.

Moreover, the report which has just been presented by the select committee's distinguished chairman makes clear that the committee regarded this problem as its principal concern.

Once again, the need arises to put things in their right place and order. If we wish to give the establishment of a code of Senate ethics and the problem of testimonial dinners the careful attention and thought they deserve, it is plain from the parliamentary situation that we must first clear the decks of another matter.

The matter of testimonial dinners is, according to every legitimate understanding of the concept, a true case of ethics. It requires the Senate to ask ethical questions and to make ethical judgments.

But the Senate's agenda today includes the quite different question of whether one Senator has engaged in a particularly wretched brand of larceny known as "double billing." Ethnical judgments are not involved at all here. No one, I am certain, needs persuading that deliberate double billing is "unethical"—that stealing money from the Government is wrong. It is a crime as mean and wicked and contemptible as any that a public servant could commit.

The committee's report does not say that I deliberately and fraudulently charged the Senate and private organizations for the same travel. But this is the only meaning that can be read into their statement that I requested and accepted such double reimbursement.

Regarding this single issue, the evidence is in conflict. And the Senate, like any jury in a court of law, must decide the factual issue: it must decide which of the conflicting sets of evidence it believes.

If, after hearing all of the evidence, you judge me to be a thief, I believe the Senators should reconsider the appropriateness of the committee's censure motion. They should reconsider the adequacy of the punishment.

Let me be frank. If I should come to the conclusion that some Senator were guilty of a deliberate attempt to defraud the Government of this country, I would not urge that he be censured. I would urge that he be expelled.

The concrete charge against me is that between 1961 and 1965, there were seven instances in which my office was reimbursed, in whole or in part, from both Government and private sources. The amounts involved ranged from $24.53 to $402.92. The total amount involved in the double billings was $1,763.96.

It should be emphasized at the outset that the committee did not question the official nature of the seven trips at issue here. On the contrary, it was confirmed by the chairman during the course of the hearing, and it was confirmed again in the committee's report, that all of these trips were—I quote—"on official Senate business."

The question for the Senate to decide in this matter is simple enough: Were the seven double billings a result of a conscious, deliberate, willful attempt on my part to defraud the Government or were they the result of inept or inaccurate bookkeeping?

Before analyzing this matter in more detail, I am constrained to say that the charge is so inherently implausible that I shall never be able to understand how the members of the Ethics Committee found against me.

I have been in public life now for more than 30 years in different capacities, and prior to this time, no one has ever accused me of double billing or of chiseling in any other way. Indeed, I simply cannot conceive of any public official jeopardizing his entire future by engaging in the kind of petty larceny that has been imputed to me.

Seven double billings in 7 years does not by any stretch of the imagination suggest a pattern of willful villainy.

A double billing on a trip to Philadelphia, costing approximately $24, certainly does not suggest willfulness because any person intent on defrauding the Government by double billing would unquestionably avail himself of more lucrative opportunities. And, believe me, I had many such opportunities over the period of the nearly 8 years that I have been in the Senate and the 4 years in the House of Representatives.

Nor is willfulness suggested by the fact that on scores of occasions when I could have double billed if it had been my intention to defraud the Government in this way, there was no double billing.

Nor can the charge that I engaged in this kind of fraud be reconciled with the fact that I have on frequent occasions forgone per diem, or billed only for hotel accommodations and for no other expenses incurred in the course of my travels.

Not an iota of evidence was produced to support O'Hare's accusation that I had instructed him to double bill. But there was a mountain of evidence to support my own contentions that these rare instances of double billing were clearly due to errors and that O'Hare himself was an incredibly inept bookkeeper.

The first fact that should be made clear is that I myself had nothing to do with the so-called double billings.

In every case, it was O'Hare who wrote to the private organizations involved requesting payment of my transportation expenses.

In every case, it was O'Hare who picked up tickets at the Capitol ticket office and billed them to my committee credit cards.

The vouchers subsequently submitted to the Government, moreover, were never signed by me.

I myself never saw, let alone signed, any document involved in the billing of a private organization or of a Senate committee.

It is clear from an examination of the remarks of the distinguished Senator from Mississippi yesterday that an item of particular importance to the committee on this question of double billings was the fact that some of the Senate vouchers bore my signature. At page 15671 of the RECORD the Senator stated that my signature does appear on six of the nine vouchers involved, and stated further, "indicating that he should have known of these payments when he signed."

Again, at page 15674 of yesterday's RECORD the chairman of the Select Committee stated that while O'Hare either did not know or may not have known about more than one source of reimbursement, the implication is clear that the committee felt that I knew there were two sources since the committee thought that I signed the Senate travel vouchers. This implication is unmistakable from an examination of the Senator's remarks beginning at the bottom of the first column of page 15674 of the RECORD.

Mr. President, the fact is that I never signed one of those vouchers. I ask unanimous consent that the affidavit of a handwriting expert, Mr. Charles Appel—who testified, by the way, during the hearings—be printed in the RECORD.

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

Mr. STENNIS. Mr. President, I am sorry, but I did not hear the Senator's request.

Mr. DODD. I asked unanimous consent that an affidavit executed by Mr. Charles Appel, a handwriting expert having years of experience, be printed in the RECORD.

Mr. STENNIS. Mr. President, reserving the right to object, I merely wish to develop the facts. Was that a witness who testified?

Mr. DODD. Yes; the same one.

Mr. STENNIS. Did he testify at the hearings to the signatures the Senator is now talking about?

Mr. DODD. No, he did not, because

I was not aware of the fact that I am now relating. He actually gave me his affidavit, or gave it to my lawyers.

Mr. STENNIS. I just wanted to get the facts on that point.

Mr. DODD. They are the facts.

Mr. STENNIS. Mr. President, may I ask the Senator one other question? Does the Senator have other affidavits, on any other subjects, which he proposes to offer in the RECORD?

Mr. DODD. No, I do not; this is the only one.

Mr. STENNIS. Mr. President, I do not object.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut? The Chair hears none, and it is so ordered.

The affidavit is as follows:

AFFIDAVIT REPORT OF HANDWRITING EXAMINATION

1. The undersigned states that he is Charles Andrew Appel, Jr., of 3383 Stephenson Place Northwest, Washington, D.C. whose occupation is that of Document Examiner.

2. He is the Document Examiner who testified at the hearings before the Select Committee on Standards and Conduct, U.S. Senate March 16, 1967, a copy of whose qualification description is attached hereto,

3. In the course of his examinations regarding Senator Thomas J. Dodd there was submitted to him Senate Vouchers covering Air Transportation charges payable for Senator Dodd as follows:

Voucher 2298 Mar. 19–25, 1961, #2423, April 5–11, 1961, #87 July 13, 1961, #418 and #525 Sept. 27, 1961, #407 Aug. 10–13, 1962, #403 June 17–18, 1963, #83 July 13, 1964, #486 Sept. 8, 1965, #553 Oct. 26, 1965,

4. The purpose of the examinations was to determine whether the signatures thereon of Senator Thomas J. Dodd were or were not signed by him,

5. The method of examination included studies of the designs in comparison with examples known to have been signed by Senator Dodd and studies of how the signatures were created,

6. And the result of the examinations is the conclusion and formal opinion that the signatures of Senator Thomas J. Dodd on the travel vouchers designated above were not executed by him and are forgeries, that is, imitations of the genuine signature designs of the senator, such as appear on letters and papers of official business emanating from his office.

CHARLES ANDREW APPEL, Jr.,
Examiner.

Before me appeared the above Charles Andrew Appel, Jr., this 19th day of May, 1967 and being duly sworn signed his name, certifying to the truth of this affidavit.

LORENE S. LOGAN,
Notary Public,
District of Columbia.

My commission expires May 14, 1968.

TRIAL BRIEF TO QUALIFY AS DOCUMENT EXAMINER

Give your full name: Charles Andrew Appel, Jr.

Give your full address: 3383 Stephenson Pl., N.W., Washington, D.C.

What is your occupation? Examiner of Questioned Documents in civil cases, which includes the identification of handwriting, typewriting and other mechanical impressions, paper, ink and writing materials; and determination of the authenticity of writings.

When and how did you start this work? Was appointed a Special Agent of the Federal Bureau of Investigation in 1924, made a special study of Questioned Documents and, after becoming proficient in this work was assigned to set up a laboratory and analyse papers in F.B.I. cases. The F.B.I. Laboratory was established in 1932 and from then until my retirement December 31, 1948, I was regularly assigned the examination of specimens in Criminal cases. Upon retiring at the end of 1948 I set up my own laboratory and have been engaged in the examination of civil cases.

What was your training? LLB Georgetown University 1922. Admitted to the bars of the District of Columbia 1922 and to practice before the U.S. Supreme Court 1929.

Studied the literature on Document Analysis and the application of scientific procedures to investigations, attended lectures of such examiners as J. Fordyce Wood at Northwestern University in Chicago, Albert S. Osborn of New York, and Dr. Wilmer Souder, National Bureau of Standards, Washington, D.C.; conducted research to develop methods of analysis and instructions for investigators and examiners, lectured to schools of Special Agents, to examiners, and to the National Police Academy, and prepared texts used in F.B.I. work.

Where have you qualified as a witness to give testimony as a Document Examiner?: In Federal, State and Military Courts throughout the United States and possessions, and before Committees, Commissions, and Congress.

Name one or two well known cases to which you were assigned: So-called Pendergast election frauds cases, K.C. Mo.; TWA v. Howard Hughes et al N.Y. (signatures); Banes v. Lee San Juan, P.R. (sequence typing and signature).

Cases submitted by Judges to act as Court Expert under new rules—D.C., Norfolk and Baltimore: R. Hauptmann, Kidnaping, Bronx, N.Y.; Manny Strewl et al. Kidnaping, Binghamton, N.Y.; Duquesne espionage conspiracy, German, New York; Ludwig espionage conspiracy, German, New York; Velva Lee Dickinson, espionage, Japanese, New York; Marine Welding Co., War Frauds, Philadelphia; Many murder, extortion, and forgery cases in State and Federal Courts, Terre Haute, Salt Lake, Richmond, Memphis, Birmingham, Los Angeles, etc.; Vincent Astor, Harry Publicker, Gertrude Lare, K. Roth, Moody, K—will cases; Aristotle Onassis v. Saudi Arabia suit Paris, Fr. (signature-ink); Curmani v. Suleri trial at Lanore, Pakistan (writings-Kashmir Accession).

Mr. DODD. Mr. President, I should like to explain, particularly to the chairman of the committee, who did not see this witness, who Mr. Appel is. For 25 years he was the top handwriting expert for the FBI. He has appeared in more cases across this land for 25 years, than any other handwriting expert. He is considered by everyone who is knowledgeable in the field to be perhaps the top handwriting expert in this country.

He examined these vouchers, and in this affidavit he says—I will not read the entire affidavit and bore you with it; it is going into the RECORD:

As a result of the examination, it is the conclusion and formal opinion that the signatures of Senator Tomas J. Dodd on the travel vouchers designated above—

And he lists them by date and identifying number—

were not executed by him and are forgeries—that is, imitations of the genuine signature designs of the Senator such as appear on letters and papers of official business emanating from his office.

So the affidavit, although I have read only part of it, states unequivocally that this renowned expert has examined every one of the vouchers in the record and has reached the conclusion that not one of them was signed by me.

I knew that, anyway.

Mr. BENNETT. Mr. President, will the Senator yield for a question?

Mr. DODD. I yield.

Mr. BENNETT. Did the money which these vouchers generated get into the Senator's account, or is it the Senator's position that this money was taken by someone else?

Mr. DODD. I believe it got into my account through this worthless bookkeeper, who deposited checks—even endorsed them and deposited them. That is how they got there, and I will have more to say about that a little later.

The simple truth is that the staff of the subcommittees on which I was serving prepared the voucher for a particular trip and someone affixed my signature.

Well, no one will ever do it again, if I am around to sign vouchers. But it never occurred to me that there was anything wrong about my office procedure at the time.

Thus, Mr. President, what apparently is a key item against me in the minds of the members of the committee is completely refuted.

The infrequency of the double billings compared with the total number of trips I took during the period in question, moreover, should be sufficient to demonstrate that there was no pattern and no deliberate policy.

Before Mike O'Hare came on in 1961, there had been two double billings under two different bookkeepers.

In 1961 Mike O'Hare double billed once.

In 1962 he double billed once.

In 1963 he double billed once.

In 1964 there were no double billings.

And in 1965, the year of his defection to Pearson and Anderson, he double billed twice.

In the case of the two double billings that took place before O'Hare became my bookkeeper, the two former staff members who were at that time responsible for my travel arrangements have submitted letters stating that they were certainly never instructed to double bill, and that, if double billings did occur, they were clearly the result of clerical errors.

Mr. President, I ask unanimous consent to insert into the RECORD at this point the two statements to which I have referred.

I believe one of them is already in the RECORD, the one from Barbara Van Trease. There is another one from Mr. Charles Plante, which, through inadvertence, was left out of the RECORD, and I should like to have it included in the RECORD at this point.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Mr. President, I certainly want the Senator to have the benefit of anything in his favor. I believe, however, that he is mistaken about one of those letters being in the RECORD now. At least, that is my recollection. For the present, would the Senator allow me to look at those letters for a moment? He can bring this subject up again later.

Mr. DODD. That will be satisfactory. I thought the Van Trease letter was in the RECORD.

The PRESIDING OFFICER. Does the Senator withhold the request?

Mr. DODD. I am a little bewildered.

Mr. STENNIS. Mr. President, I wish to make the following inquiry so that the RECORD will be clear. As I understand the Senator from Connecticut, he withholds his request for the time being.

Mr. DODD. Yes, I do; out of deference to the Senator from Mississippi.

Mr. STENNIS. I thank the Senator.

Mr. DODD. I do not want to make a mistake about this. I thought that one was in and that we inadvertently failed to put in the second one.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. DODD. I yield.

Mr. LONG of Louisiana. The Senator from Connecticut understands, does he not, that he does not need the consent of the Senate to put the letters in the RECORD; all the Senator needs to do is to read them into the RECORD, and that does not require the consent of anybody.

Mr. DODD. The Senator is a far better parliamentarian than I. I do not want to take advantage.

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

Mr. DODD. I yield.

Mr. STENNIS. The Senator from Connecticut understands, does he not—I am sure other Senators do—that it is clear that the chairman of the committee is not objecting now to the Senator from Connecticut putting it in the RECORD?

Mr. DODD. I understand.

Mr. STENNIS. I want the RECORD to be clear.

Mr. DODD. I understand. I want to be perfectly accurate about it and that is the way I want to keep it.

But O'Hare, having gone through my books systematically in an effort to find anything that might compromise me, apparently came across the several instances of double billing that had resulted from his own slipshod bookkeeping, and he told the committee that the errors were not errors but that they were part of a deliberate effort on my part to defraud the Government.

O'HARE'S BOOKKEEPING RECORD

Let me tell you what kind of bookkeeper O'Hare really was:

On 21 occasions, between 1961 and 1966, I incurred travel expenses on official business to my home State, for which I was entitled to reimbursement but for which no claim was ever submitted. O'Hare was directly responsible for the failure to collect reimbursement in 15 instances between fiscal 1961 and the fiscal year of 1966. He was indirectly responsible for the failure to collect reimbursement in 15 instances between fiscal 1961 and the fiscal year of 1966. He was indirectly responsible for the failure of my office to claim reimbursement for official travel to Connecticut subsequent to his departure, because, in handing over the books to my secretary, Miss Moloney, he failed to give her any instruction on this matter. Indeed, his only legacy to Miss Moloney consisted of seven notices from the bank informing her that checks O'Hare had written before his departure could not be covered by the funds available in my checking account. Imagine a bookkeeper not knowing that an account he was responsible for and on which he was writing checks did not have sufficient funds to cover the amount of the checks. And yet, Mr. O'Hare was such a bookkeeper.

O'Hare's double billings resulted in the collection of Government vouchers of some $1,700 for which no claim should have been filed. His "never billings" for trips to Connecticut cost me roughly the same amount out of my own pocket.

O'Hare's explanation of his failure to claim reimbursement for the many home State trips for which I was entitled to reimbursement is typical of his carelessness:

This is what he said:

> In order to gain reimbursement, I would have had to do a complete . . . for that year or maybe a year and a half . . . and for the sake of just two or three trips this was just too arduous a task for me to do at this time. (T. 1255–56)

There is no year since I entered the Senate that I have not traveled to Connecticut at my own expense in excess of 30 times. It would have required no effort at all for a competent bookkeeper to fill out vouchers for the number of trips for which I was entitled to reimbursement. But while O'Hare considered it too arduous a task to arrange for my reimbursement, the fact that he filled out vouchers for travel to Connecticut on three occasions for James Boyd, on one occasion for Marjorie Carpenter, and one occasion for himself makes it clear that he had not considered the task too arduous where his friends were involved.

In addition to his double billings and never billings, O'Hare had a marked penchant for erroneous billings. On five occasions O'Hare had to write to American Airlines to request that trip charges be transferred from one account to another account because his initial instructions had been wrong. Copies of these letters have been provided to the Senate Ethics Committee.

Mr. BENNETT. Mr. President, will the Senator yield for a question?

Mr. DODD. I yield.

Mr. BENNETT. In order that the Senator from Utah can clearly understand what the Senator is saying with respect to Mr. O'Hare's failure to request reimbursement on the Senator's travel, is the Senator saying that he never requested reimbursement on any travel during that period, or that there were 21 instances in which he did not request reimbursement although he had requested such reimbursement in other instances?

Mr. DODD. Let me say again what I have said. I hope I can make clear to the Senator. There were 21 times since I came to the Senate when I was entitled to reimbursement for trips from Washington to Connecticut and return under the rules and regulations of the Senate. Six times other bookkeepers failed to ask for reimbursement for that travel and 15 times O'Hare never asked. That is what I am saying.

Mr. BENNETT. But there were times when he did ask and the Senator did get reimbursed?

Mr. DODD. There were not.

Mr. BENNETT. There were not?

Mr. DODD. None at all.

Mr BENNETT. None at all. That is what I wanted to clear up.

Mr. DODD. None at all. I believe I am right.

I am talking about—I want to be careful about my facts. I am talking about trips to which Senators are entitled, to and from their States to Washington.

Mr. BENNETT. I understand that, but the thing I am trying to get clear is whether there were more than 21 opportunities to get reimbursement over this period of time, and did Mr. O'Hare claim some of them and get reimbursement or did he miss them all?

Mr. DODD. As far as I am concerned, he missed 15 and six were missed by other bookkeepers.

Mr. BENNETT. Yes, but that does not answer the question. Was the Senator entitled to more than 21?

Mr. DODD. I do not believe so. I think that was the total number I was entitled to.

Mr. BENNETT. That is the thing I wanted to get clear.

Mr. DODD. Yes. I am sure I am right about that, Senator.

Mr. LAUSCHE. Will the Senator from Connecticut yield in order to permit me to ask him a question?

Mr. DODD. I am glad to yield to the Senator from Ohio.

Mr. LAUSCHE. Were there other trips made on which the Senator was not allowed reimbursement and for which the Senator had never thought of asking for reimbursement?

Mr. DODD. Of course. I say to the Senator that I go home 30 times a year—but, believe me, that is a most conservative figure. I am sure that I go home more often than that.

I never ask for any reimbursement for those trips. I could not, I am not allowed to do so. I was going home to attend to affairs in my State.

I suppose, since I became a Member of the Senate, I must have traveled back and forth to Connecticut a couple of hundred times. I have no accurate way to estimate the number—a great many times.

Mr. GORE. Mr. President, will the Senator from Connecticut yield for a question?

Mr. DODD. I am happy to yield to the Senator from Tennessee.

Mr. GORE. In order that I may be able to measure in my own mind the relevancy of the evidentiary nature of the statements which the Senator from Connecticut has made, earlier he stated that there were scores of instances in which the opportunity for double billing occurred but he could not himself actually——

Mr. DODD. Could not have.

Mr. GORE. Would the Senator be more specific?

Mr. DODD. Well, I do not know how many such trips there were. I think there are about 80 official trips which I have made for the Government. Out of those

80 trips, only the five under O'Hare were those alleged on which I double billed.

Mr. GORE. What I am trying to get at is, in the order of what number of instances occurred in which the Senator performed the double role—in performance of his duty as he regarded it for the Government and——

Mr. DODD. Doing something else.

Mr. GORE. And then making a speech or otherwise, or serving an interest which compensated him for his travel?

Mr. DODD. I do not have those figures accurately at my fingertips, but I can say to the Senator from Tennessee that it must have happened many, many times. Many times.

A little later on, I shall have something to say about that.

Related to his penchant for erroneous billings was the fact that O'Hare, in sending my airline bills for 1964 to my Hartford office for payment, failed to indicate to my Hartford office that six of these trips had already been paid for by private organizations. The result was that they were again paid for out of campaign funds.

Moreover, the record will show that this witless bookkeeper who has now set himself up as a custodian of public morals, on a number of occasions double paid my personal bills, including one bill for more than $140.

O'Hare's slovenly bookkeeping frequently resulted in the nonpayment of even minor bills for 6 months or a year on end. A particularly glaring example was his failure in 1962 and again in 1963 to send in to the American Bar Association checks for the annual membership fee of $20.

As a result of his failure, my membership in the bar association lapsed and I had to be reinstated. And to top off this record of unspeakable carelessness, when O'Hare finally got around to paying my delinquent fee in the summer of 1964, he overpaid the amount due by $10.

Mr. LONG of Louisiana. Mr. President, will the Senator from Connecticut yield for a question?

Mr. DODD. I am happy to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Is it not a fact that the Senator's membership in the American Bar Association lapsed?

Mr. DODD. Yes.

Mr. LONG of Louisiana. Is it not a fact that the Senator had to apply to be reinstated as a member of the American Bar Association and then, when Mr. O'Hare finally paid the dues, he overpaid them by $10?

Mr. DODD. That is exactly right. He concealed from me the fact that it had not been paid.

I do not think there is much sense in dwelling on this any longer. I think I have said enough to demonstrate that O'Hare might very well have been the all-time, most inefficient bookkeeper in the history of the U.S. Senate. [Laughter.]

I could go on for days telling you about the countless instances of slovenly bookkeeping that were discovered by my accountants when they went through O'Hare's records carefully after he had left. But I believe that what I have already said is enough to demonstrate that O'Hare may very well have been the all-time, most inefficient bookkeeper in the history of the U.S. Senate.

THE QUESTION OF O'HARE'S CREDIBILITY

On top of his abysmal bookkeeping record, O'Hare was the kind of witness to whom no judge, in my opinion, would have granted any serious credibility. He not merely took documents from my office, but for almost 6 months after he joined the conspiracy, his entire life, as I have pointed out, involved a daily routine of deceit and lying and betrayal.

O'Hare told the committee that he had personally seen me sign 36 checks that were shown to him during his cross-examination. But one of this country's top handwriting experts, Charles Apel, a man who served the FBI for 25 years as a handwriting expert, testified without contradiction that these checks—including 19 checks for cash, endorsed by O'Hare—bore forged signatures. Regrettably, the committee's report made no mention of this vital evidence relating to O'Hare's lack of credibility.

O'Hare also admitted that he had forged my signature on money orders.

According to O'Hare, I had instructed him to pay some of my bills from the District of Columbia Committee for Dodd account, and, in order to conceal the origin of this money, I had asked that the bills be paid by money order. He said that he had attempted to forge my signatures in a number of cases because the people at the receiving end knew my signature.

This entire statement is so incredible that by itself it should have been sufficient to convict O'Hare in the eyes of the committee.

What could I possibly have concealed and whom could I possibly have deceived by withdrawing funds in cash from the District of Columbia account and then using this cash to purchase money orders to pay my bills?

Whether a withdrawal was in cash or in check form, the records of the District of Columbia Committee would have shown that I, Senator DODD, had withdrawn so much money on the date in question.

If it was simply a matter of getting some bills paid, would it not have been a thousand times simpler to transfer funds from the District of Columbia account to my own account by check and then write checks of my own against the money that had been deposited? Of course it would.

As for O'Hare's claim that he forged my signature because some of the people at the receiving end knew my signature, this is utterly nonsensical whichever way you look at it.

In the first place, although I have not purchased money orders myself, I am told by those who have purchased them that signatures are unnecessary on money orders—that the name of the sender can, for that matter, be typed in.

In the second place, the money orders on which O'Hare affixed forged signatures, included giant corporations like American Express, D.C. Transit System, District Delivery Service, Army Athletic Association, Western Union, C. & P. Telephone Co.

I do not believe there is a single bookkeeper in any one of those companies who would know my signature from Adam's, and I do not believe they examine signatures that way.

Moreover, according to his own statements, O'Hare failed to forge my signature on other money orders to small firms run by people who knew me well and probably could have recognized my signature—for example, the Cotter Garage in Hartford.

O'Hare's entire statement on this matter was a tissue of lies from beginning to end. Indeed, I can think of no more clearly demonstrable proof of the truly pathological nature of the testimony of this sick and vengeful young man who apparently has convinced himself—or has been convinced by Drew Pearson and Jack Anderson—that he can become a national figure by assisting in the destruction of Senator DODD.

But there was much more than this.

O'Hare admitted that he had participated in the theft of documents from my office.

He admitted that he had conspired to steal and publish my income tax returns in violation of Federal law.

He made it clear that he was acting out of vengeance when he told the committee that he had engaged in the large-scale theft of documents only after the dismissal of his girl friend, Terry Golden, and after Jack Anderson had given him a "pep" talk encouraging him to steal my documents. He also described how he had agreed, at Jack Anderson's urging, to stay on the job so that he could continue to steal documents.

In my judgment, this is about as base a form of dishonor as one can think of. Whatever Senators may think of Boyd—and I have my own thoughts about him—or Carpenter, they, at least, had been dismissed. But this base character came in every day, smiling and fawning, pretending to be my friend, my faithful and trusted bookkeeper, lying to me every day.

When I first learned someone had broken into my office, O'Hare was the first one I called in. I said, "I received an anonymous letter telling me someone had broken into my office. We had better change the locks."

I was talking to the thief. But he never told me.

How can Senators take the testimony of such a man and say he is credible and reliable, and say I am a thief because he said so?

What is happening to the U.S. Senate if I cannot look at my fellow Senators in the eye and say this is a fact?

I have walked among you. I have talked with you. I have lived with you more than 8 years.

Does any one of you know any time I have lied to you or done any dishonorable thing in this body, ever broken my word, ever cheated you, ever said I would do this and then done something else?

And yet, in the face of this record—in the face of O'Hare's confirmation of his ability to deceive and his indifference to the commission of crime, of his admission that he had forged my signature on a number of occasions, of his tangled and completely incredible testi-

mony on the subject of the money orders, of the clearly demonstrable fact that he was motivated by vengeance—in the face of all this, the committee's report was apparently prepared to accept the word of O'Hare as proof that I had engaged in the practice of deliberate double billing.

But perhaps I should not blame the Ethics Committee too much for being deceived by Mike O'Hare because, I am frank to confess, I myself was completely deceived by him over a period of more than 6 months.

I not merely repudiate the charge that I engaged in deliberate double billing: I want to state affirmatively that I believe I have been scrupulous in trying to keep my trip expenditures as modest as possible; in trying to separate official expenditures from personal expenditures in the case of trips with dual purpose; and in seeking to correct errors whenever they have been brought to my attention.

On two occasions, trips originally charged to Senate subcommittees were, at my request, transferred to my personal travel account.

There have been occasions in the past when I waived per diem payments because no expenses were incurred; and there is at least one voucher which shows that when I was in Connecticut on personal business and left from New York on official business, the air fare reimbursed to me was reduced accordingly.

An interesting point in connection with the seven trips involved in the "double billing" charge is that for two of them per diem vouchers were submitted; no per diem was requested for four of the trips; and, in the case of the remaining trip, per diem was claimed for the time on official business but I was removed from per diem status for a period of approximately twenty hours when I was addressing a group who paid me an honorarium.

If it was my intent to defraud the Government through double billings, is it conceivable that I could have been so scrupulously careful in so many other instances?

Was I honest about per diem—and sometimes dishonest about travel?

Was I dishonest in San Francisco in 1961—while I behaved with integrity in Miami in 1963?

It simply makes no sense.

Because I found this conclusion by the Ethics Committee impossible to understand, I carefully restudied the committee's hearings and its report, as well as various newspaper reports, and commentaries on the case, in the hope of discovering what might have misled the committee members. And I have found one clue that I think may greatly enlighten the Senate.

I refer to a UPI news item that appeared in a number of papers around the country on May 5, shortly after the Select Committee made its report. The story is based on an interview evidently granted by the distinguished Senator from Utah, who served as the vice chairman of the select committee.

I quote the portions of the news story that relate to Senator BENNETT's apparent understanding of the double billing case:

> The Senate Ethics Committee found in its investigation of Senator Thomas J. Dodd (D., Conn.) that there was a pattern to his double-billing for travel expenses, it was disclosed today.
>
> Sen. Wallace F. Bennett (R., Utah), the Committee vice chairman, said the panel took this into consideration in rejecting Sen. Dodd's explanation that the double-billing was the inadvertent result of negligence by his bookkeepers.
>
> Sen. Bennett said the Ethics Committee discovered during its inquiry that "a billing to a private source always preceded billing to the Government."
>
> "It seems to me that has some connotation," Sen. Bennett said. "Billing to the Government after billing to another source."

The Senators will note this theory of the case—namely, that a suspicious "pattern" emerges from the fact that the Government seems always to have been billed after the private organization was billed—evidently influenced other members of the committee besides its vice chairman. For Senator BENNETT is quoted as saying:

> The panel took this into consideration in rejecting Senator Dodd's explanation. . . .

Let me observe, first, that I am not sure I understand the reasoning of the "pattern" theory; I do not really understand how the time sequence of the payments is relevant to the question of whether I am guilty of requesting double payments. From my own experience as a lawyer, I would say that it would prove absolutely nothing if private billings were collected before the Senate committees were billed, or if the official billings were invariably collected before I collected from private sources, or if the procedures were mixed up.

But the fact of the matter is that the "pattern" that allegedly suggests some theory of guilt simply does not exist. Indeed, the facts of the case are exactly the reverse of what they were evidently understood to be by the committee members.

The facts are that in every one of the double-billing cases, save one, the San Francisco trip, the Government was not billed after the private organization was billed—a sequence which, according to the "pattern" theory, justifies suspicion of guilt—but before the private organization was billed.

The reason for the actual sequence can easily be understood.

On six of the seven trips—the Miami trip was an exception in this case—the billing to the Government for travel expenses took place at the moment my airplane ticket was purchased—at the moment; that is, when a committee credit card was submitted to the airline as payment for the fare.

In other words, the billing to the Government took place not only before the private billing took place, but before the trip took place.

As for the Miami trip, the Government was billed somewhat later, because in this instance I paid for that airplane ticket out of my personal funds. I purchased the ticket on August 10, 1962. Then, shortly after I returned from the trip on August 13, my office asked the Committee on the Judiciary, on whose behalf I had incurred this out-of-pocket expense, to reimburse me.

The Senators will also readily understand why the private organizations in most of these cases were billed after the trip, and thus after the Government billing.

The normal procedure when a private organization is expected to defray travel expenses, is to forward to the organization a statement of such expenses after the trip has been completed.

This happened in each of the cases except the San Francisco trip of 1961. In that case the record shows that the private organization calculated the amount of travel allowance in advance of the trip. That organization also paid my office before the trip, and thus before the erroneous credit card billing to the Government.

Mr. LAUSCHE. Mr. President, will the Senator yield briefly?

Mr. DODD. I yield.

Mr. LAUSCHE. Seven trips are involved in this issue pending before us. How many trips, in all, were made through these 5 or 6 years that could have been used for double billing, if that was the practice?

Mr. DODD. Eighty.

Mr. LAUSCHE. That is, there were 80 trips made to different parts of the country, and in seven of the 80, it is claimed there was double billing?

Mr. DODD. Yes. And remember that two of the seven took place under prior bookkeepers, who said that was their mistake, that I had nothing to do with it. So it is actually five.

Mr. LAUSCHE. I thank the Senator.

Mr. DODD. The payment of billings to private organizations, to complete the picture, is usually forthcoming within a week or so after the expense claim has been mailed.

So much for the actual pattern of billings which, as I say, was precisely the opposite of what the committee members evidently understood it to be.

Now, I also think I know why the committee members were confused on this point—why, that is to say, they were under the impression that the Government billings occurred after the private organization billings. For it appears clearly in the stipulation set forth in the committee's record that in every one of these cases the Government actually paid the billings in question a considerable time after the billings were paid by the private organizations.

Concretely, the time lapses ranged from 3 to 8 months. Why? Again, for a readily understandable reason.

It takes time for airlines to process billings that are made through credit cards.

And then it takes still more time to process the airlines' claim through the Government—through the subcommittee's office, through the Senator's office, through the full committee's office, through the Senate Disbursing Office, through the office of the Committee on Rules and Administration, and, finally, again through the Disbursing Office for payment.

If there is any "pattern" involved here, as the Senator from Utah and other members of the committee evidently believed, it is simply the pattern of the elephantine slowness of Government

machinery in arranging for payments; it has nothing whatsoever to do with when billings were made.

Let me now summarize the points I have made in answer to the charge that I deliberately double billed the Government on seven occasions.

First. There is no evidence at all that I was aware of the double billing on the Philadelphia and West Palm Beach trips. No witness testified to any knowledge of those cases. No one, not even a Mike O'Hare, said that I had instructed them to double bill, while two statements from employees who helped keep my books at the time make it clear that, in fact, I gave no such instructions.

Second. As for the other five trips, there is no evidence that I was aware of the double billing except for the unsupported testimony of one witness who made out an unanswerable case against his own credibility.

Third. The "pattern" theory of the double billings, which reportedly influenced the select committee's members, plainly dissolves once the facts of the case are correctly understood.

It is, of course, impossible in a case like this to prove in mathematical terms that I did not instruct Mike O'Hare to double bill. In a case like this, the jury must weigh the credibility of the witnesses, and must determine whether it is prepared to accept the word of the accuser or the word of the defendant.

I have spoken enough on the subject of O'Hare. Now let me repeat to the Senate what I told the Ethics Committee solemnly and under oath, and I take the same oath now as I did in giving my evidence before the Ethics Committee—that I am telling you the truth, the whole truth and nothing but the truth, so help me God.

I am telling the truth as though I had to face my Maker in a minute.

I am telling you the truth and I am concealing nothing.

May the vengeance of God strike me if I am doing otherwise.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. DODD. I yield.

Mr. LONG of Louisiana. There is a case entitled "THOMAS J. DODD against Drew Pearson, et al.," pending in the District Court for the District of Columbia. Is the Senator willing to take the witness stand in that case and repeat under sworn oath, under the penalty of perjury, what he is saying here?

Mr. DODD. I am willing to take the witness stand in any forum in the world and swear under oath. I swear now, and I will swear forever, to the truth of the matter.

Mr. LONG of Louisiana. Is the Senator willing to answer any question that any Senator wants to ask relevant to this double billing?

Mr. DODD. Of course.

Mr. LONG of Louisiana. And is the Senator willing to answer the truth in that district court case to which I have referred under the penalty of perjury, and to answer it before any other trial tribunal on earth?

Mr. DODD. Of course I am. I have great respect for our courts not only as a citizen, but also as a lawyer. And I have great respect for the Senate. And I hope that I am not misunderstood when I say that I want the respect of my colleagues.

Now let me say under oath to you that I did not order or request double billing in these cases; I have never in my life ordered or requested double billings of any kind. As nearly as I can tell, these seven double billings over a 5-year period were the result of inadvertent errors made by my bookkeeper. To my certain knowledge I had nothing whatever to do with them. On my pledged word I was not even aware of their existence until last summer when my lawyers' review of the books verified the duplications that had earlier been discovered by my accusers.

I point out again that the very same carelessness that caused me to be overpaid in seven instances caused me to be underpaid in 21 instances. And the very same personal detachment from these matters that caused me to be unaware of the overpayments, also caused me to be unaware of the underpayments.

I make this statement on my solemn word, in the belief that my colleagues will accept it—yes, and in the hope that the members of the Ethics Committee will see fit to reconsider their judgment on the basis of the statement I have made here today.

If Senators cannot look one another in the eyes and believe an affirmation solemnly made where there is absolutely no evidence to prove that the affirmation is false, then the whole basis of this body as a deliberative society has dissolved.

I should perhaps mention before closing my presentation of the facts in this matter that I have sent to the Senate Disbursing Office a check in the amount of $1,763.96, representing payment in full for the seven trips that were erroneously billed to the Government. As I have pointed out previously, this amount is roughly offset, or perhaps even more than offset, by the 21 trips to Connecticut for which my office, primarily because of O'Hare's negligence, failed to bill.

However, that does not do much for me. It is more important to me by 1 million miles that you do not believe me to be a sneak thief, a petty larcener, a pickpocket, or a crook. That is what is important—not the money.

I rest my defense on the charge that I have engaged in the fraudulent practice of deliberate double billing.

Mr. MANSFIELD. Mr. President, is the Senator through with the double-billing part of his speech?

Mr. DODD. Yes. I am.

RECESS

Mr. MANSFIELD. Mr. President, I would like to suggest at this time, if the distinguished Senator will approve, a matter which I have already discussed with the distinguished minority leader, and that is that we take our recess now for 1 hour, and that immediately upon the reconvening of the Senate the Senator will take the floor and resume his speech.

Mr. DODD. I appreciate that.

Mr. MANSFIELD. Mr. President, we ask unanimous consent that the Senate stand in recess for 1 hour.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

At 11 o'clock and 58 minutes a.m. the Senate took a recess until 12 o'clock and 58 minutes p.m., the same day.

At 12:58, the Senate reassembled, and was called to order by the Presiding Officer (Mr. CANNON) in the chair.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LONG of Louisisana. Mr. President, I want to make it clear that I am most contrite about my insistence that Senators be present to hear Senator DODD's speech. I knew he was going to make a magnificent address, one of the most stirring and telling speeches I have ever heard; and inasmuch as I was aware of what was in store for the Senate, I did not want Senators to miss it. I realize that I may have incurred their displeasure, but I hope they know what I have in mind. They should not have missed that speech.

Mr. MANSFIELD. The Senate understands and appreciates the comments of the Senator from Louisiana.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 139 Leg.]

Aiken	Hansen	Morton
Allott	Harris	Moss
Anderson	Hart	Murphy
Baker	Hatfield	Muskie
Bartlett	Hayden	Nelson
Bayh	Hickenlooper	Pastore
Bennett	Hill	Pearson
Bible	Holland	Pell
Boggs	Hollings	Percy
Brewster	Hruska	Prouty
Brooke	Jackson	Proxmire
Burdick	Javits	Randolph
Byrd, Va.	Jordan, Idaho	Ribicoff
Byrd, W. Va.	Kennedy, Mass.	Russell
Cannon	Kennedy, N.Y.	Scott
Carlson	Kuchel	Smathers
Church	Lausche	Smith
Clark	Long, La.	Sparkman
Cooper	Long, Mo.	Spong
Cotton	Magnuson	Stennis
Curtis	Mansfield	Symington
Dirksen	McCarthy	Talmadge
Dodd	McClellan	Thurmond
Dominick	McGee	Tower
Eastland	McGovern	Tydings
Ellender	McIntyre	Williams, Del.
Ervin	Metcalf	Williams, N.J.
Fannin	Miller	Yarborough
Fong	Mondale	Young, N. Dak.
Fulbright	Monroney	Young, Ohio
Gore	Montoya	
Griffin	Morse	

The PRESIDING OFFICER. A quorum is present. Under the previous order, the Senator from Connecticut is recognized.

Mr. DODD. Mr. President, may I ask the majority leader a question?

Mr. MANSFIELD. Yes, indeed.

Mr. PASTORE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DODD. I am aware of the fact that I have had my back turned to a number of Senators. It had not occurred to me until I was nearly finished this morning. Would it be acceptable if I took a seat in the rear of the Chamber so that I can face all of my colleagues?

Mr. MANSFIELD. Yes, indeed.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. LONG of Louisiana. There have been two Senators, the Senator from Maine [Mr. MUSKIE] and the Senator from Michigan [Mr. HART], who have volunteered their seats so that the Senator from Connecticut and his counsel may move to those seats and face the entire Senate. I thank the Senators for their generosity. The Senator from Maine and the Senator from Michigan might occupy the two seats which have been vacated.

(At this point, Mr. DODD and his counsel moved to seats in the rear of the Chamber.)

The PRESIDING OFFICER. The Senator from Connecticut has the floor.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. DODD. Yes, I yield. I am sorry to delay the Senate. It has been suggested that I might get over nearer to the center so that Senators on the other side of the Chamber can hear me.

Mr. MANSFIELD. That would be better.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. DODD. I yield.

Mr. LONG of Louisiana. As the Senator from Connecticut pointed out in his statement, there is a question of who is lying. Is THOMAS J. DODD the liar or is Michael O'Hare the liar?

The Senator said that his name was forged to certain documents. We have blown up signatures on those checks. I would ask the Senator to look at the chart in the rear of the Chamber and tell me if he can recognize which is his signature and which is the forgery.

Mr. DODD. Clearly the one on top is not my signature.

Mr. LONG of Louisiana. Will the Senator explain why the one on top is not his signature and why a handwriting expert would so advise?

Mr. DODD. I know my signature. That is not mine.

Mr. LONG of Louisiana. I ask the Senator to look at the first letter, the "T" on THOMAS.

Mr. DODD. I do not write that way.

Mr. LONG of Louisiana. The Senator does not write a "T" that way.

Did the handwriting expert say in his judgment that that could not have been a "T" written by THOMAS DODD?

Mr. DODD. I think he said that in effect.

Mr. LONG of Louisiana. I ask that the Senator look at the letter "J."

Mr. DODD. I do not make that kind of "J."

Mr. LONG of Louisiana. Will the Senator look at the letter "J" in the name "THOMAS J. DODD," and tell me if the other two are signatures that the Senator wrote himself?

Mr. DODD. The two lower ones are very difficult for me to distinguish one from the other. My recollection is—I believe it is true—that the middle one is mine, but do not hold me to that.

Mr. LONG of Louisiana. May I ask the Senator, in view of the fact that they look very much alike, would not the Senator say on those two lower signatures, the "J" looks something like the the way the Senator writes the letter "J" for his middle initial?

Mr. DODD. Yes.

Mr. LONG of Louisiana. What does the "J" stand for?

Mr. DODD. JOSEPH.

Mr. LONG of Louisiana. THOMAS JOSEPH DODD. I ask the Senator to look at the "J" on the top. Is not that "J" one thousand percent different from the way THOMAS J. DODD signs his name?

Mr. DODD. It is to me.

Mr. LONG of Louisiana. Is that not, in the Senator's opinion, and on advice of handwriting experts, a forgery by Michael J. O'Hare?

Mr. DODD. Yes, but I believe with respect to that signature he used the word "forgery." Maybe it is technically accurate, but my recollection of the record was that he did not pretend he was trying to imitate my signature on the top one, as I recall the record.

Mr. LONG of Louisiana. Are not these signatures from the double billing?

Mr. DODD. No.

Mr. LONG of Louisiana. Is that not from the double billing charge?

Mr. DODD. No, they are taken from the so-called money orders.

Mr. LONG of Louisiana. Money orders. In any event is that not the way Michael O'Hare would write the name "THOMAS J. DODD"?

Mr. DODD. He sometimes did, but I think I can help the Senate. I tried to explain that. He sometimes signed my name as it appears on the top line, and he sometimes signed my name as it appears on the bottom line. His explanation of that, as I recall, was that to those companies he thought would not know my signature, he used the top form. To those companies he thought would know my signature, he used the bottom one. I tried to explain to the Senate that if they will take his testimony and read it, it did not make sense because the companies to which he sent the bottom signature were not companies that would know my signature from Adam's. He did not, however, forge my signature on money orders to local companies where I live in Hartford, and personal friends, who know my signature very well.

Mr. LONG of Louisiana. One thing remains very obscure to me from the Senator's presentation, which is otherwise complete. Why did the Senator ever hire that man? How did the Senator come to hire a man of that sort?

Mr. DODD. Well, I thought he was a good young man, and I believe he was. He was recommended to me by someone—I cannot recall who. He was a student at Catholic University.

Mr. LONG of Louisiana. Are you a Catholic?

Mr. DODD. Yes, but do not hold that against me.

Mr. LONG of Louisiana. Did the Senator from Connecticut hold it against him?

Mr. DODD. That has nothing to do with it.

Mr. LONG of Louisiana. Would the Senator explain why he hired a man of that sort and put him on the Federal payroll?

Mr. DODD. I did not know at that time he had any deficiencies of character. I did not believe he did. I think this developed after these other things happened. I think he was under the influence of other people.

I do not know exactly how to answer the question. I thought he was a good young man. I trusted him. I do not think he betrayed me until pretty late in the game when he fell under the influence of others. That is my only explanation. How does one explain something like this? I do not know enough about the frailties of human nature in others. I have enough of my own.

Mr. LONG of Louisiana. Was that man in college, or how long had he graduated from college when the Senator from Connecticut hired him?

Mr. DODD. I hired him when he was a student, part time.

Mr. LONG of Louisiana. A student at Catholic University?

Mr. DODD. Yes.

Mr. LONG of Louisiana. Did the Senator give him the benefit of the fact that he was an Irishman going to Catholic University?

Mr. DODD. That has nothing to do with it.

Mr. LONG of Louisiana. But for a while, he was a nice, honest, decent fellow?

Mr. DODD. He was, to me. I believe he was. I do not like to get into these religious things. I have relatives who are Baptists.

Mr. THURMOND. Mr. President, we are unable to hear the Senator from Connecticut on this side of the aisle. I am wondering whether the Senator could raise his voice or perhaps move down into the well of the Chamber so that all Senators can hear him.

Mr. MANSFIELD. Mr. President, I think that where the Senator is standing now he will be heard and will be heard plainly. I think that each Senator should stay at his desk.

Mr. DODD. I will try to raise my voice as much as I can. Can the Senator hear me now?

Mr. THURMOND. Yes, we can hear you. I thank the Senator.

Mr. DODD. Mr. President, I must say again that I am grateful to the majority leader and to the minority leader for the kindness they have extended to me, and to Members of the Senate as well. I believe that all can understand this is a matter of great importance to me. It is my political life that is at stake.

I would rather be dead than be dishonored.

TESTIMONIAL AND CAMPAIGN FUNDS

Mr. President, the second part of the resolution is what I wish to address myself to at this hour.

The matter of testimonials is more complicated, but I believe that the committee has erred as seriously on this

point as it did on the point of deliberate double billings.

The resolution presented by the Ethics Committee charges me with having exercised the influence and power of my office to obtain and use for my personal benefit, funds from the public through political testimonials and a political campaign. In its conclusion, the report says that from the campaign funds and testimonial funds received, I authorized the payment of at least $116,083 for personal purposes.

Now I do not know how the committee arrived at the figure of $116,083, and, regrettably, the report contains no itemization which would enable me, or for that matter, any interested reader, to know what precise expenditures the committee had in mind.

By lumping campaign funds together with testimonial funds, however, I believe that the report succeeds in creating the impression that all, or most, or at least a very substantial of the $116,083, supposedly used for personal purposes, came from campaign funds. This simply is not so.

My lawyers have subjected the records to a painstaking examination and, according to their calculations, a maximum of $3,100 out of $246,000 received for my campaign, was spent for personal purposes. They told me that in preparing this itemization, they deliberately erred on the side of being hard on me—and from a quick look at the tabulated expenses, I notice that they have charged as a personal expense a trip made by my son, Thomas Dodd, Jr., to Asheville, N.C., where he stood in for me at a function I was unable to attend and read my speech. An item like this, I believe, is clearly a political expense.

In any case, this $3,100 is less than the deficit incurred by my campaign. It merely serves to reduce, but does not eliminate, that deficit.

Nevertheless, I do not defend the use of even a relatively small amount of money from my campaign funds for personal purposes. It may be technically permissible, but it does not measure up to my own standards, and it would not have happened had I known about it.

But I want to turn now to the question of the so-called political testimonials, because this is what 98 percent of the committee's charges is all about.

I have read and reread the committee's charges, and I cannot construe it otherwise than meaning that the political testimonials organized in my behalf constituted a violation of the law or a violation of existing rules.

If it was a violation of the law, the committee's report fails to specify precisely which law has been violated.

When it was first suggested in 1961 that a testimonial dinner be held for me, I felt uneasy about it. I am not the kind of person who enjoys testimonial affairs, and I guess most people do not. It is always an embarrassment and always difficult. But, I did the one thing I thought a prudent man should do.

I went to a lawyer who I thought—and still think now—was one of the great lawyers of this country. He and I had served together as assistant U.S. attorneys in Hartford. Our families were close. We became law partners. For a number of years now he has been a distinguished Federal judge. I had great respect for him then and I do now.

I told him that a testimonial dinner for me had been suggested and I wanted to know what was the right or wrong of it, should I do it, or should I not.

He said, "Well, TOM, let me look it up, and I will let you know what I think about it."

I do not recall exactly whether it was a week or a few days later that he called me and said, "Tom, it is all right. Your friends can do this for you if they want to, and you can use this money to clear up your obligations."

As a matter of fact, what he said, as I recall it was, "You can do what you want to with it, and I know what you want to do with it."

Well, I took that advice as being good advice. I accepted it as such.

Actually, I also talked to other lawyers and I got the same opinion from them.

In any event, after these proceedings were underway, Judge Blumenfeld executed an affidavit which I placed in the CONGRESSIONAL RECORD yesterday, on page 15696, and I should like to read it to my colleagues:

AFFIDAVIT

STATE OF CONNECTICUT,
County of Hartford, ss:

M. Joseph Blumenfeld, being duly sworn, makes the following statement:

"1. In 1960 or 1961, while I was still engaged in the private practice of law and prior to my appointment as United States District Judge, I advised Senator Thomas J. Dodd in connection with the then proposed testimonial dinner which was subsequently held in his honor on November 21, 1961. At that time I was familiar with the proposed manner of carrying out the testimonial dinner, and I understand that the dinner was actually carried out in that manner.

"At that time I advised Senator Dodd that the net proceeds of the dinner should be treated by him as a gift excludable from gross income for Federal income tax purposes under the provisions of section 102(a) of the Internal Revenue Code of 1954, and that he was free to use these net proceeds in any way he wished and not solely for political purposes.

"M. JOSEPH BLUMENFELD."

Subscribed to in my presence and sworn to before me this 20th day of February, 1967.

BENJAMIN SANDERS,
Notary Public.

Now, I think it is important for the Senate to understand that that was the first testimonial dinner.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. DODD. Yes.

Mr. LONG of Louisiana. It is not clear to the Senator from Louisiana at this moment—through the Senator's presentation, at least—why the Senator held such a dinner.

Mr. DODD. I did not hold it. My friends knew what had happened to me from 1956 to 1959. I think, if the Senator will bear with me, I will explain that in the course of my remarks.

Mr. LONG of Louisiana. Will the Senator explain the item which was mentioned yesterday, and which stands out like a sore thumb, the trip to the racetrack?

Mr. DODD. I am not much of a race fan. I like horses, but I am not a devotee of racetracks. I took my staff there after this unpleasant incident in my office. I guess I have gone, maybe once a year, for the past 10 years, and I usually put $10 in my pocket to lose.

That is how it happened.

It has been bandied about so that the impression has been made that I am a racetrack fan.

Mr. LONG of Louisiana. Was that an outing for the Senator's office staff to create good will, knowing what had happened with his office staff?

Mr. DODD. Yes, and that is all it was. By the way, my wife was in Connecticut. Therefore I took along my son. That is what that was about.

But to return to the matter I was discussing. If testimonials do not violate any law, do they perhaps violate some existing Senate rule? If they do, the committee has failed to specify which rule was violated.

I wish testimonials were out of business. At least I am sure I wish so today. I wish there were no such thing.

However, there is nothing more common in the State from which I come than testimonial affairs. Never a week passes in the State of Connecticut but that several of them are held for people in private life, for persons in public life, for persons retired from an active life.

It is a very common thing.

The fact is, that there is no law or rule prohibiting testimonials, and that I have been judged completely on the basis of nonexistent standards.

The fact is, further, that nowhere does the report of the committee explicitly condemn as illegal or unethical the use of testimonial affairs as a method of raising funds intended as gifts for men in public life.

The Supreme Court has pointed out that no person should be required to speculate or to guess whether a course of action violates a standard of conduct which remains to be adopted. "Such a procedure" said the court, "is at war with the fundamental concept of the common law." But this is precisely what has been done in my case.

The committee's report appears to imply that the people who attended testimonials in my behalf were somehow misled. This, like the double-billing charge, strikes at my heart, because it has the connotation of treachery, deceit, dishonesty—the connotation that I fooled people—which I did not do.

Now, I have seen a lot of invitations to testimonial dinners in my time, and I cannot remember a single one which said anything more than that there was going to be a testimonial to honor Mr. Jones or Mr. Smith. That is all they said. There is no rule and no law requiring that they say more. And I do not see how a man can be found guilty of violating a nonexistent rule. This runs counter to every concept of civilized justice.

As everyone in Connecticut knows, I publicly offered to refund the money to any person who claimed that he had not understood the nature of the various testimonials and that he had really intended his money as a political contribution. This offer was carried promi-

nently on the front page of every Connecticut paper and over every Connecticut radio and TV station.

To date only one person who attended these affairs has written in to ask that his $25 contribution be refunded to him.

On the other hand, between 400 and 500 people who purchased tickets have submitted statements saying that they did, in fact, intend their contribution as gifts.

This large number of affidavits has come in despite the fact that many persons were only contacted by telephone or mail with little or no followthrough; despite all the adverse publicity resulting from the Pearson-Anderson vendetta, despite the understandable fear of some people of involvement in a controversial matter; and despite the attempted intimidation by Jack Anderson in a characteristically distorted speech over the the Connecticut radio in which he threatened anyone who signed an affidavit with a charge of perjury.

I think I heard someone suggest yesterday that there is something a little fishy about these affidavits. It was implied that these people had signed the affidavits because they were my friends, or because they had been pressured to sign them.

There is not an iota of evidence to prove that this is so.

I think one of the confusions attending this item is the numerical confusion. The same people attended several testimonials. If you add them all up, you will come out with figures far in excess of the actual number. A good number of them were my friends. They went in 1961, they went in 1963, they went in 1965. But they were not three people; there was just one person.

Let me say parenthetically at this point that I also received the impression yesterday that it was felt to be significant that only Democrats attended these affairs.

I have never been a bitter partisan. I am not now. And I am not ashamed of that, either.

The fact of the matter is that at that first 1961 testimonial, former Senator Styles Bridges, who sat for years on the other side of the aisle, was to be a principal speaker. He was not there, because he was taken ill, and that is the only reason. I had gone, a short time before, to New Hampshire, and spoken at a testimonial for him, because I liked him, and he had been asked by the committee to come down to Hartford to speak at mine.

Who else was there? Why, one of the outstanding Republicans in the State of Connecticut, former Republican Mayor William Mortensen of Hartford, whose affidavit the Senator from Louisiana put in the RECORD yesterday.

Bill Mortensen is my friend. I would like to believe he votes for me. I hope he does. But he is my friend in any event. And every time there has been a testimonial for me, he has bought a ticket to it.

The last Republican candidate for Governor of Connecticut was there, Mr. Clayton Gengras.

You tell me that this was just DODD's political cronies? That implication is not true.

I could run down that list with you, name after name. There were many businessmen and executives who were not all Democrats by a long shot. I do not say this boastfully, but they are my friends.

I have lived among them. I think I have their confidence. I believe they voted for me. I think they wanted me to get along well. They wanted to help me out.

It just is not true, my fellow Senators, that this was a Fancy Dan political stunt. It was nothing of the sort.

I want to read just one letter. It is typical. It is addressed to me, dated March 7, 1967, and reads as follows:

> DEAR TOM: Whenever I have bought my tickets for a dinner in your honor, it was because it gave me the opportunity to make a contribution to you without causing you any embarrassment. Truly no one—

This part I would rather leave out, but I had better read the whole letter—

> Truly no one who does as much for the people and the country as you do can also have the time needed to make a living for your family.
>
> My contributions were for you, not for any campaign expenses. After all, in politics I am a registered Republican, not a Democrat. And I write this letter to you because I read about the way they're trying to discredit you.

The letter is signed "A. H. Layte, president, Morris Packing Co." He is a well-known man, and that is a well-known concern in my State.

Let me tell you, my friends, there are many more like him. They are all sworn affidavits. True my lawyers did have a form prepared, but we had little time to get these for the committee. And I want to emphasize, no one was coerced. No one was pressured. No one was, I am sure, urged or pressured into signing such an affidavit. They did so willingly, to establish the facts.

These hundreds of affidavits constitute substantial and, indeed, overwhelming proof that those who attended these several testimonial functions understood their nature and did intend their contributions as contributions to a testimonial affair, and not to a political affair.

The rule is that the intent of the donor is the determining factor in deciding whether a contribution should be regarded as a gift.

I believe that these hundreds of affidavits constitute overwhelming proof that those who attended the several testimonial functions understood their nature and did intend their contributions as gifts.

The nature of a gift is that it is to be spent at the discretion of the recipient. Legally, there are no limits on this discretion. But to make my personal position clear, let me repeat what I said in my Senate speech of March 10: I would not consider it proper if a Senator used testimonial funds to enrich himself or to live lavishly. But I do consider it proper for a Senator to use such funds at his discretion to help liquidate campaign deficits, to pay off sundry political debts, to offset his costs of office, and to offset or reimburse himself for any money he may have put out-of-pocket to meet such politically connected expense.

This is what I did.

In this connection, I want to call your attention to what Paul Douglas, a former and honored Member of this body, said in Boston on Monday of this week:

> Let there be no more foolish talk about testimonial dinners . . . being improper . . . They are, on the contrary, the most effective and most decent device which has yet been developed.

I believe that the report of the Ethics Committee erred in its conclusions, among other reasons because it failed to take into account the basic arithmetic of my position.

The implication of the report to the average reader would unquestionably be that I have abused my position to enrich myself. This just is not true.

I have not enriched myself from public office, and all of those who know me are aware of this.

Let me present to you what I have called "the basic arithmetic" of my position, so that you can understand my case better.

I ran for the Senate in 1956 and was defeated. I then conducted a long and bitter campaign for the nomination in 1958. I won the nomination, and I won the race for the Senate. But I had been running nonstop for more than 2 years, and the expenses just piled up and piled up. When I entered the Senate in 1959, I was burdened by a total debt of some $150,000, which had built up during this period. Of this amount, some $120,000 was politically connected.

Then there is the matter of out-of-pocket costs of office, which constitute a heavy burden for every Senator. These costs include things like—

Meetings, conferences, luncheons, dinners with constituents and representative constituent groups, which run at least several thousand dollars a year;

Telephone calls in excess of the basic allowance, which in some years have cost me almost $3,000;

Unreimbursed trips to my home State—and there have been countless such trips;

The cost of producing the radio and TV programs through which I have sought to keep the people of Connecticut informed of what is being done in Washington; and the cost of maintaining a separate residence in Washington for myself and my family.

Over the years my out-of-pocket costs of office have averaged somewhat more than $12,500 a year. I do not know how that compares with the expenditures of other Senators. But if I remember correctly, this is about what former Senator Paul Douglas said it cost him. And I think there are others who have said that it costs more.

Mr. LONG of Louisiana. For 1 year.

Mr. DODD. The Senator is correct.

In any event, these are the facts about me.

So, adding up these out-of-pocket costs of office, from the day I entered the Senate until the close of 1966, my accountants find and tell me that I put out of pocket more than $101,000 for these purposes.

Against the intake of approximately $170,000, therefore, I spent $120,000 for repayment of the political loans and $101,000 for costs of office. This means,

in effect, that I have had to dig into my own income to the extent of some $50,000 over and above what I have received from testimonials to cover political expenses. Obviously, I have not enriched myself from my position as a Senator.

The final and conclusive proof that I have not enriched myself from public office is the statement of net worth I made on the floor of the Senate. Let me repeat the central facts of this statement:

I own no stocks or bonds. I do not have any in my wife's name, my children's name, or the name of any relative.

I have no interest in any business.

I own no real estate apart from my home in Connecticut and my home in Washington, both of which have sizeable mortgages.

I have no cash in any safe deposit box in this Nation or any other nation, or in any hole or in any stump of a tree.

My total net worth, as I told the Senate, is approximately $54,000.

After 30 years in public life, I have this little to show in terms of worldly wealth.

I want to refer here to the remarks yesterday of the distinguished junior Senator from Massachusetts in his questioning of the distinguished senior Senator from Mississippi. As Senator STENNIS conceded, the committee did not consider the question of what should be or would be the applicable burden of proof in this case. Indeed, I doubt that the committee even considered the more basic question as to who would bear that burden of proof. The report merely states that the committee assumed the "burden of proceeding."

As all lawyers know, the "burden of proceeding" is not the same as the burden of proof. It may best be described as simply the burden of going forward initially.

This failure of the committee to determine who would bear the burden of proof and what that burden would be has had serious substantive effects.

It has always been part of my defense that at the time I entered the Senate in 1959, I had politically connected debts of about $120,000. This is reflected in paragraph 1 of the so-called printed stipulation between me and the committee. The amount of these debts and the dates they were incurred are reflected in the so-called supplementary stipulation. The debts were incurred from 1956 through 1959. In addition, I testified that prior to 1956, I had no significant amount of indebtedness. That is about as far as I can go.

But as the distinguished Senator from Mississippi recognized yesterday, the doctrine of res ipsa loquitur—the thing speaks for itself—has application in this case. And I cannot think of a better example of the application of that doctrine than here.

I incurred these debts during a period when I was running almost nonstop for the Senate. I ran unsuccessfully in 1956, I ran successfully for the nomination in 1957 and in 1958, and I ran successfully for the Senate in 1958.

I submit that unless there are some facts which demonstrate the contrary—and I do not know any that do—it must be taken that this $120,000 in debts is politically connected.

However, Senator STENNIS stated yesterday that the committee's report and proposed censure motion is based in part on their disappointment with my testimony concerning the details of these debts incurred some 10 years ago. I think that reflects a failure to understand that this proceeding is penal—that in penal proceedings the prosecution—which, like it or not, is the committee—bears the burden of proof and that the burden of proof should be "beyond a reasonable doubt."

Against that standard, which was not applied, I submit that the record demonstrates only that these stipulated debts were politically connected.

Another area in which the committee's misconception of burden of proof had telling effects was that concerned with the more than 400 sworn statements I submitted to the committee. Once again, I refer to Senator BROOKE's questioning, this time his questioning of the senior Senator from Utah.

Senator BENNETT stated yesterday that the committee gave relatively no weight to these affidavits, even though they were under oath and even though they came from the people who contributed money to these testimonial affairs, because, as Senator BENNETT felt, "this affidavit was not an example of a free recollection of the situation. It was a very clever means of trying to persuade the people, at no cost or hurt to themselves, to help their friend TOM DODD."

As the junior Senator from Massachusetts put it, this is "conjecture."

In any case, as Senator BENNETT conceded, no witness testified before the committee that he contributed his money to these testimonial affairs for "purely political purposes."

So you have a record which contains live testimony of contributors plus more than 400 sworn statements of other individual contributors that they, in each case, did not intend their contribution to be purely for political purposes. Opposing this, you have the apparent dissatisfaction of the committee with the quality of that evidence. I submit that if the committee had understood the nature of its burden of proof, it would not and indeed could not have based its report and conclusion on such conjecture as it would have concluded necessarily that these testimonial affairs raised funds which were not intended for political purposes.

Let me now answer the doubts yesterday expressed by Senator BENNETT in reply to Senator BROOKE's questions.

Over 1,500 names appeared on all of the programs to the various testimonial affairs and this is a realistic means of arriving at total attendance at all the testimonials. The Ethics Committee relied upon newspaper accounts to determine the total attendance. But as most of you know, newspaper accounts in this regard are ordinarily exaggerated in order to make the event more attractive and therefore popular.

When overlapping is eliminated—that is, removing the names which appear on more than one list—we are left with just over 1,000 names of individuals who attended all or some of the dinners. Addresses were not available for over 200 of these people.

Of this number, 435 submitted sworn and notarized affidavits that their contributions constituted a gift to me to be used at my discretion.

This is not, as Senator BENNETT suggests, a small percentage of people who attended the dinners but rather it is an extraordinarily high percentage. Frankly I was rather amazed that we were able to contact and secure affidavits from as large a number of people as this. Difficulties such as taking the trouble to locate a notary and swear to the affidavit undoubtedly discouraged many other people from turning in affidavits.

Moreover, no witness testified before this committee that he contributed to these testimonial affairs for pure political reasons—not one. And this matter has dragged on for 18 months. The investigators have crisscrossed and roamed up and down my State. Not one person could be found to say he thought these were political funds. No such witness appeared at the hearings.

In the light of all this, how can questions now be raised to suggest there is something phony about the affidavits I submitted. I say that if the committee understood the nature of its burden of proof it would not—indeed, could not—have based its report and conclusion on such conjecture and it would have concluded that these testimonial affairs raised funds which were not intended for political purposes. That is all the testimony there is.

I was taught that one lives with the record when proving or disproving a case.

Perhaps my position would have been better understood if I had kept my personal funds and my testimonial funds carefully separated from each other, and if I had used my testimonial funds exclusively for the purpose of liquidating my political debts and covering, or partially covering, my unreimbursed costs of office.

However, I did not keep my testimonial funds completely separated from my personal funds. Certain personal expenses were, as the stipulation demonstrates, paid out of my testimonial fund. On the other hand, I paid out of my personal pocket unreimbursed costs of office totalling $101,000.

There was absolutely nothing illegal or improper about commingling funds in this manner. But in retrospect I realize that this commingling lends itself to misinterpretation and confusion—and that this confusion, in turn, probably played a large part in the mistaken judgment of the Ethics Committee.

Perhaps my office bookkeeping procedures could have been improved. Indeed, in retrospect I am prepared to concede that the bookkeeping that went on in my office was incredibly sloppy in many ways. For this I do not seek to divest myself of responsibility.

I am technically responsible, in the sense that a captain of a ship is always responsible, just because it was my office.

I am responsible because I trusted other people to manage my financial affairs for me, while I tried to devote myself to my duties as a U.S. Senator.

I am responsible because I was doing what my constituents expected me to do, instead of being back in my office keeping my books myself or looking over O'Hare's shoulder to make sure he paid all the bills out of the proper bank account.

I am responsible—but, Mr. President, I am not guilty. By any honest accounting I have not profited one penny from public office.

Mr. President, the implications of this case go far beyond what happens to me or my family.

A question at issue is whether men of moderate means are to be able to compete for office, or whether public office is to become the exclusive domain of the wealthy.

A question at issue is whether we are here to enshrine a precedent which makes ex post facto justice permissible when Senators come before Senate committees to defend themselves against charges that have been made against them.

A question at issue is whether a Senator so defending himself is entitled to the same protection of due process as a citizen who comes before a court of law.

A question at issue is whether freedom of the press involves the right of muckraking columnists to conspire to steal the files of any public official or private citizen they dislike.

If this kind of thing is allowed to go uncalled, unpunished, no office in this Capitol, no office in this city, no public office throughout this land will be safe from the same sort of thing that was done to me. No one. The word will go out, "We have a license to steal, particularly from a public official."

Let no one say that the means do not matter. As Justice Douglas said in a cogent statement addressed to every American:

> The means are all important in a civilized society. It may seem unimportant that a miserable person is forced to confess to a crime. But in the sweep of history, a nation that accepts that practice as normal, a country that engages in wire-tapping, a people that exalts the ends over the means have no claim to a position of moral leadership among the nations.

I submit that my case cannot fairly be judged if it is not considered in its full context and in all its implications.

Mr. President, I have completed my presentation.

I do not ask for mercy.

I ask for justice.

Now, Mr. President, I am sure there are many Senators—I hope there are—who will want to ask me questions, and I will do the best I can to answer them.

TEN-MINUTE RECESS

Mr. MANSFIELD. Mr. President, if the Senator from Connecticut does not mind, I ask unanimous consent to suggest a 10-minute recess.

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

At 2 o'clock and 28 minutes p.m., the Senate took a recess until 2 o'clock and 38 minutes p.m. of the same day, when called to order by the Presiding Officer (Mr. McGOVERN in the chair).

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Connecticut [Mr. DODD] be allowed to retain the floor while I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 140 Leg.]

Aiken	Griffin	Morse
Allott	Hansen	Morton
Anderson	Harris	Moss
Baker	Hart	Murphy
Bartlett	Hatfield	Muskie
Bayh	Hayden	Nelson
Bennett	Hickenlooper	Pastore
Bible	Hill	Pearson
Boggs	Holland	Pell
Brewster	Hollings	Percy
Brooke	Hruska	Prouty
Burdick	Jackson	Proxmire
Byrd, Va.	Javits	Randolph
Byrd, W. Va.	Jordan, Idaho	Ribicoff
Cannon	Kennedy, Mass.	Russell
Carlson	Kennedy, N.Y.	Scott
Case	Kuchel	Smathers
Church	Lausche	Smith
Clark	Long, Mo.	Sparkman
Cooper	Long, La.	Spong
Cotton	Magnuson	Stennis
Curtis	Mansfield	Symington
Dirksen	McCarthy	Talmadge
Dodd	McClellan	Thurmond
Dominick	McGee	Tower
Eastland	McGovern	Tydings
Ellender	McIntyre	Williams, N.J.
Ervin	Metcalf	Williams, Del.
Fannin	Miller	Yarborough
Fong	Mondale	Young, N. Dak.
Fulbright	Monroney	Young, Ohio
Gore	Montoya	

The PRESIDING OFFICER. A quorum is present.

Mr. MANSFIELD. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Connecticut has the floor.

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

Mr. DODD. If the Senator from Kansas will indulge me for a moment, I talked to the Senator from Mississippi about two documents. I am very anxious to clear that up, and I will then be glad to yield.

I referred this morning to a letter from a former secretary who took care of my books for a while. I find that this is already in the RECORD.

Mr. STENNIS. The Senator is correct. I was thinking of the committee record, and the Senator was talking about the CONGRESSIONAL RECORD. That letter is in yesterday's CONGRESSIONAL RECORD.

I understand the Senator has another letter.

Mr. DODD. Yes. I do not believe this other letter is in the RECORD. I have not seen it printed anywhere.

Mr. STENNIS. I will not object to having the Senator put the letter in the RECORD. However, before this matter is over, I do not know what the Senators will ask to have placed in the RECORD.

Could the Senator not let that be put in affidavit form and then we can have it?

Mr. DODD. I do not have it in affidavit form. The letter is addressed to me.

Mr. STENNIS. Is the party available?

Mr. DODD. Yes. I believe he is.

Mr. STENNIS. I am not going to object, in the final analysis, but if the Senator could confine it to affidavits, I believe it would be better.

Mr. DODD. Would it be acceptable to the Senator if I were merely to read the letter now?

Mr. STENNIS. If the Senator wants to read it, that will be all right.

Mr. DODD. It is a short letter.

Mr. STENNIS. That is the privilege of the Senator if he wants to read it.

Mr. DODD. Mr. President, I talked this morning about two letters. One was from a young lady who took care of my books before O'Hare.

I had forgotten if this letter was in the RECORD for yesterday. I find that it is in the RECORD for yesterday on page 15703. It is a very short letter addressed to me. It reads:

> DEAR SENATOR: I am sending this letter to you at your request.
>
> My name is Barbara Beall. I live at 225 Kaiulani Avenue, Honolulu, Hawaii. I was employed by you from January 1959 to January 1961. As the first secretary to be hired for your staff as Senator-Elect, I began working as receptionist and general secretary in your office and then from the summer of 1959 to January 1961 I was your personal secretary and bookkeeper.
>
> During the time I was your personal secretary and bookkeeper it was part of my duty as bookkeeper to bill for trips made by you. Accordingly, I had occasion to bill subcommittee and private organizations. I am sure that I never billed two organizations, such as a subcommittee and a private organization, for the same trip nor did I bill any organization more than one time for the same trip, and you certainly never asked me or anyone else to do so.
>
> Indeed, you were such a stickler for honesty that you had the whole staff on pins and needles sometimes when you would discover such a thing as a letter which you considered personal being mailed without a stamp by a staff member who was about to let it go out under the frank. You would be annoyed for the rest of the day over something like that.
>
> Frankly, I considered it a refreshing experience to work for you as you time and again exhibited a real code of ethics by which you lived.
>
> Most sincerely,
>
> BARBARA BEALL.

I also have a letter from Mr. Charles Plant who, prior to O'Hare, also had charge of my books.

I had that letter last October, but I discovered it only recently.

It reads:

> A member of your staff, Mr. Perry, contacted me recently covering possible double billing which occurred while I was an employee in your office.
>
> I want to tell you for the record that at no time during my 13 month tenure did you by direction or implication instruct any employee of your staff to engage in double billing. If, in fact, any such double billing did occur, it is my opinion that it resulted from simple clerical error.
>
> Sincerely,
>
> CHARLES PLANT.

Mr. President, there is one other matter that I would like to mention here. I overlooked it.

I believe it was on yesterday that there was talk about a trip that was taken by Mrs. Dodd to London in January of 1965 and billed to campaign funds. I am sorry to say that I could not place the trip at the time, but I believe I have placed it now.

I want to tell the Senate that I made that trip to London with Mrs. Dodd at

the request of the executive department of the Government. It was an official mission. That is how the trip came about. I had something to do there that I was asked to do, and I did it in the best way I could. I thought it would be helpful if Mrs. Dodd accompanied me.

I ask to be excused from telling just what the trip involved, but I would be glad to give you the details in executive session.

That is the fact of the matter, and that is how Mrs. Dodd happened to make that trip to London in January 1965.

This kind of expense, I believe, can truly be classified as personal political.

I now yield to the distinguished Senator from Kansas.

Mr. PEARSON. I thank the Senator.

I recognize the speech he has just made to be certainly the most important in his career. I judge it might be his greatest for no Senator here is unmoved by his proof, and certainly not the junior Senator from Kansas. At no time have I casually approached this matter in the last 14 months.

What I should like to do is to make a statement in reference to the committee position regarding the double billing. I can do it through the vehicle of a question, I suppose, but I ask unanimous consent that I may make a statement without the Senator from Connecticut losing his right to the floor.

Mr. DODD. I would be very happy to answer questions.

The PRESIDING OFFICER. Without objection, the Senator may proceed.

Mr. PEARSON. Mr. President, this matter was of real concern to me, and I think I made no greater study of it than did any other committee member. I was not a part of any special subcommittee.

I noted this morning that the Senator from Tennessee [Mr. GORE] and the Senator from Ohio [Mr. LAUSCHE] asked questions that really went to the very heart of the problem and the issue here.

I would like in outline form, and as quickly as I may, to indicate the action of the committee and the processes of thought and investigation that went on.

The period involved is the period from July 1960, through December 1965, and I might refer Senators to page 11 to page 23 of the report, which covers the matter of travel, and also to two stipulations. One is the stipulation contained in volume 2 of the hearings, pages 863 through 865, and the other stipulation is contained in the supplemental stipulations which are found on pages 1015 and 1018.

During the period involved, the committee made a study of approximately 80 trips, as the Senator from Connecticut correctly stated this morning. From that point, we sought to determine how many of the trips involved a claim which had been made against the Senate. From the records of the disbursing office, it was determined that of the 80, some 26 trips represented claims against the Senate or the subcommittee.

The next step was to seek to determine, once the issue of the so-called double billing had been framed, how many of those 26 trips represented an occasion—either through the nature of the trip, in a geographical sense, or the timing involved—a dual performance, so to speak; how many were conducted for Senate business. The committee makes no issue of that whatsoever, as the Senator correctly stated. The committee sought to find out how many of those trips were on Senate business but also involved a personal appearance by the Senator. That was determined to be in the number of 10. The figure that resulted was seven. Seven were represented, by the committee report, as supporting the resolution—seven out of 10, which is a great distinction between seven or a fewer number out of some 80 trips that might have been taken.

There were seven on which there were double payments representing the Senate and also private organizations.

In the stipulations I referred to on pages 1015 and 1018, there are six additional trips—they are not in issue—which did represent some evidence of a course of conduct, or a pattern, as the Senator referred to it this morning. Six trips were taken, and payment was received not only from the private organizations involved, but also from the campaign funds of the testimonial account.

So we had seven out of 10, by our estimate, and then the six additional.

In this regard, I make an oblique reference to the kind of evidence—the kind of persuasive evidence—the committee used. This has been discussed here. I believe that the committee, wherever a cause to question or a doubt was created, gave the Senator from Connecticut every consideration, and we increased the burden of proof upon ourselves.

As an illustration, I refer to a trip to Los Angeles in February 1964. A voucher for this trip was submitted to the Subcommittee on Juvenile Delinquency, which paid an air fare from Baltimore to Los Angeles to Baltimore in the sum of $320.78. That is found on page 1016 of the second volume of the hearings. Also, the Los Angeles Junior Chamber of Commerce paid Senator DODD air fare in the amount of $320.78. Also, a check was drawn against the testimonial account for Mrs. Dodd—we assume Mrs. Dodd—in the amount of $280.72.

So the question in regard to this particular trip was that if Senator DODD had received payment from the subcommittee and also from the junior chamber of commerce, it was another case of so-called double billing involving Government expense; or, if that were not so, then it was a payment for Mrs. Dodd's travel, and that would represent the dual proposition, in which payment was made from the testimonial account and also from a private organization. Resolving that, we simply struck it out. We did not use it as one of the seven examples of the 10 to which I have referred.

That is an illustration. There are two others, but I shall not go into them because, in all fairness, I believe one illustration can prove the point.

Actually, the real, hard core of the evidence relied upon by the committee, as I recall, and about which we held many discussions, rested fundamentally on the stipulations themselves. I have referred to the stipulations. We were bound to consider the time of payment.

There has been some discussion as to whether payment from the private organizations was made prior to the payment on the Senate vouchers. This morning, the Senator from Connecticut made the point that the vouchers were signed at the time the airline tickets were issued. It does not seem to me to make a great deal of difference whether the voucher was signed and then payment was received from the private organization and then payment came in later on the Senate subcommittee voucher.

In any case, the time of payment does not make so much difference, but the fact is that both were paid, the private organization payment coming undoubtedly to the Senator himself. Evidence indicated the deposit in his private checking account at Riggs National Bank.

In that regard, the committee was bound to consider that six of the nine Senate vouchers were signed by Senator DODD—or so we understood until today, when the affidavit came in indicating that the signatures were not those of Senator DODD.

We take into account mistakes made, we take into account the record indicating that on several occasions the wrong credit card was used and correction was made, and in so considering are bound to wonder why other mistakes were not so corrected.

As to the statement of credibility of O'Hare himself, actually, the fundamental evidence, to repeat, rests in the stipulations. One crucial point relied upon heavily is that O'Hare testified that Senator DODD directed him to make double billings. Senator DODD testified that this was not the case, that it was not true. But in regard to O'Hare's ineffectiveness and sloppy bookkeeping, the committee was bound to consider the fact that he worked in the office for 4½ years, received an increase in salary during that time, received positions of greater responsibility, and had worked under the supervision—or at least the annual audit—of a CPA, Mr. Nichol, who came to Washington from Hartford, Conn.

I believe it is an oversimplification, based on the record that I have very briefly sketched, to reduce this matter to a question of believing the word of Senator DODD or believing the word of Michael O'Hare. I have very briefly gone through a rather complicated set of circumstances and facts. I did want to make that statement.

I thank the Senator for yielding to me for that purpose, and would submit a question to him as to whether he would like to respond.

Mr. DODD. This morning I referred to the six trips which he also billed to the campaign fund. Certainly I did not need it, at a time when it was pretty hard to raise money. I believe I said he had a penchant for erroneous billing which was typified in this instance. Why in the world he did it I do not know, but I know he did. Those airline bills came in and he did not take the time to look through them and find out which trip

was which. He shipped the entire thing off and they had no way to know which bill was which. That is the way that bill was paid up there. I am not clear as to whether I understood the Senator's point about the Los Angeles trip. Mrs. Dodd did go. The junior chamber of commerce there asked her to go. I do not know whether I submitted that letter to the committee but they did write a letter saying that that was a fact.

Mr. PEARSON. There is no issue made of that.

Mr. President, will the Senator yield further?

Mr. DODD. Yes, I yield.

Mr. PEARSON. I cited that trip to show, wherever a doubt was involved or a question raised, that it represented, I thought, somewhat of a manifestation of the burden of proof we placed on ourselves.

Mr. DODD. I am sorry. I did not hear the Senator.

Mr. PEARSON. It represented a manifestation of the burden of proof or the degree of proof we placed on ourselves, and I think it is evidence in some sense of the fairness we sought to show throughout the hearing.

Mr. DODD. I want the Senator from Kansas to know that I do not charge any member of this committee with being unfair and I never have. My only complaint has been that this is misunderstood. I know the members of the committee too well in the sense that I know what kind of Senators they are and what kind of men they are. I have never suggested that, but I have suggested only this morning, I think it was, that I just cannot understand how, looking at O'Hare and looking at me, the committee could believe O'Hare when he said, "DODD told me to do it." That is the nub of this matter.

I do not know whether there have been such areas in other Senator's travel bookkeeping over the years or not. Perhaps I am the only one to whom it has ever happened. However, it seems to me that the whole core of this matter is whether I am telling the truth or whether Mr. O'Hare is telling the truth. I cannot see it any other way.

While I am on my feet and discussing this matter, I think it would be a good idea for the Senate to set up an audit committee for the audit of Senate travel accounts everywhere. If we had such an audited account this would never have happened. Someone could come around and say, "Look here, DODD, you made so many trips. Let's see your books and check it out."

I would like to see that done.

I think what happened to me can happen to others. That was the whole thrust of my statement. But I am most anxious to have it understood that I do not think for a minute that the Senator from Kansas or any member of the committee was unfair to me.

Mr. MANSFIELD. Mr. President, if the Senator is finished I would like to propound a unanimous-consent request.

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. MANSFIELD. I yield.

Mr. STENNIS. Mr. President, I wish to address a question to the Senator from Connecticut.

I do have some questions I would like to ask you, Senator.

Mr. DODD. Fine.

Mr. STENNIS. But there will be a special matter here at 4 o'clock.

Mr. DODD. I know.

Mr. STENNIS. Frankly, I have to get a little additional data.

Mr. DODD. I shall do anything the Senator wishes.

Mr. STENNIS. I understand. I shall do it later in the debate.

Mr. DODD. I shall be at the disposal of the Senator at any hour.

Mr. STENNIS. I thank the Senator.

PROGRAM—ORDER FOR RECESS—ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, in view of the fact that no one is ready to speak at the present time or ask questions, due to the shortness of the period of time between now and 4 p.m., we ask unanimous consent that the 2-hour limitation on the conference report on the extension of the Selective Service Act begin at 3:15; that the 2 hours remain the maximum time, to be equally divided between the senior Senator from Massachusetts [Mr. KENNEDY] and the distinguished chairman of the committee [Mr. RUSSELL], and the time to take no longer than 2 hours.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. MANSFIELD. Mr. President, the yeas and nays will still hold.

The PRESIDING OFFICER. Yes.

Mr. MANSFIELD. Mr. President I ask unanimous consent that when the business of the Senate is completed today it stand in recess until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MILITARY SELECTIVE SERVICE ACT OF 1967

The Senate resumed the consideration of the conference report on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1432) to amend the Universal Military Training and Service Act, and for other purposes.

Mr. KENNEDY of Massachusetts obtained the floor.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. KENNEDY] has 1 hour and is recognized under the time limitation.

Mr. KENNEDY of Massachusetts. Mr. President, I know this has been an extremely long day involving the consideration of Senate Resolution 112, one of the most important matters that the Senate has considered in recent time. I know the membership has been extremely attentive in listening to the debate going on over the entire matter.

I shall not take an unusual amount of time. I think, depending on the distinguished chairman of the committee, I would not take more than 15, 16, or 17 minutes, which I state for the information of the Senate.

I would hope that Senators would possibly stand by. There are a few matters I would like to cover, and I do not expect to take an overly long time in my presentation.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and I ask attachés of the Senate to please ask all Senators to come to the Chamber, because this time may be shortened considerably, and there will be a yea-and-nay vote.

The PRESIDING OFFICER. From whose time will the quorum call be taken?

Mr. MANSFIELD. The time of both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that beginning now, instead of the 2-hour limitation, there be a limitation of 30 minutes on the conference report, the time to be equally divided between the distinguished Senator from Massachusetts and the distinguished Senator from Georgia. That will be a total of 30 minutes—15 minutes to a side.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. KENNEDY of Massachusetts. Mr. President, let me say, for the benefit of the distinguished Senator from Georgia, that I should like briefly to review the highlights of the reservations I have about the conference report. Then I propose that, should the conference report be rejected, that the conferees be sent back with an instruction; namely, that extension of the Selective Service Act be restricted to 1 year. That would be the only instruction.

Mr. President, I had the opportunity Monday last to review a great many questions and reservations I have about this conference report, points which distinguish it from the bill as passed by the Senate. But, rather than going through a detailed account, I will review briefly my objections.

Mr. MORSE. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY of Massachusetts. I yield.

Mr. MORSE. I do not quite understand

the proposal the Senator is going to make. Do I understand correctly that he is going to ask the conferees to go back to conference with an instruction that they seek to get a modification that will extend the draft for 1 year. But will they extend the draft for 1 year on the basis of the conference report, or on some desired modifications of the conference report, if the conferees can get agreement?

Mr. KENNEDY of Massachusetts. My position would be that we would instruct them to extend it on the basis of the agreement made in conference. As regrettable as I think that agreement is, we would extend that agreement for the period of 1 year, and 1 year only.

There are many other instructions which could readily be made, but I believe, realizing the limited time we have to debate, plus the exigencies as to termination of the Selective Service Act, a 1-year extension would at least give us a chance to review in considerable detail—next year—a number of questions which have come up.

Mr. MORSE. Mr. President, will the Senator from Massachusetts yield to me for 1 more minute?

Mr. KENNEDY of Massachusetts. I yield.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 1 minute.

Mr. MORSE. I think that would be regrettable because I do not see why those of us who recognize and believe there are gross injustices in the conference report, so far as the Selective Service Act is concerned, should not instruct the conferees to seek to take up with their House counterparts the suggestions which have been made for modifications to the draft, to seek, if they could, to get them to agree to some modifications.

I am going to ask unanimous consent to put a few telegrams in the RECORD which I have received, since the Senator and I discussed the draft on the floor of the Senate the other afternoon, on the position taken by a good many civil rights groups in this country pointing out that the conference report is going to lead to great civil rights objections. We have plenty of civil rights problems in this country without adding the conference report to the fuel. There are those who think there should be legal counsel representation in regard to conscientious objectors which, for the first time, we are denying to them.

I want to cooperate with the Senator and, of course, he leaves me no choice but to go along with what he directs; but I do not think we should give them instructions to bring back a conference report except to seek to get a limitation for 1 year.

I think the conference report is so bad that it should be rejected on its demerits. Therefore, the Senator puts me in a very difficult parliamentary situation.

Mr. President, I ask unanimous consent to have two telegrams printed in the RECORD. They are typical of the rising tide of objections to the conference report. If the Senate passes it in its present form, then I want to say that we are heading for some serious trouble in the months ahead in regard to the Selective Service Act.

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

ARMONK, N.Y.,
June 14, 1967.

Senator WAYNE MORSE:

The proposed selective service legislation reported back to the Senate by the conference prohibits the changes that the National Advisory Commission thought essential to a fair and efficient draft and which President Johnson accepted. As chairman and members of the commission we urge you to support those efforts in the Senate to limit the life of the bill so that reform is possible in the near future.

BURKE MARSHALL.
THOMAS S. GATES.
Rev. JOHN COURTENAY MURRAY.
JOHN A. MCCONE.
Mrs. OVETA CULP HOBBY.

WABUR, WASH.,
June 14, 1967.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.:

Urge your vote for recommital of S. 1432 for purpose of limiting draft law extension to one year. This would give Congress more time to study defects. Among many inequities NAACP is concerned about failure to prohibit racial discrimination in appointment of selective service boards.

CLARENCE MITCHELL,
Director, Washington Bureau, NAACP.

Mr. KENNEDY of Massachusetts. Mr. President, I am not familiar with the telegram which the Senator has received, but I would like to read into the RECORD some telegrams which I have received which are related to the matter before the Senate.

The telegram I am about to read was sent to me by Burke Marshall, who was Chairman of The National Advisory Commission on Selective Service; also Thomas S. Gates, Jr., former Secretary of Defense and now chairman of the board of the Morgan Guaranty Trust Co.; Mrs. Oveta Culp Hobby, former Secretary of Health, Education, and Welfare and now editor and chairman of the board of the Houston Post; John McCone, former Chairman of the Atomic Energy Commission and Director of the CIA; and Father John Courtenay Murray, professor of theology at Woodstock College. All of these distinguished Americans have served on the National Advisory Commission.

The telegram reads:

The proposed selective service legislation reported back to the Senate by the conference prohibits the changes that the National Advisory Commission thought essential to a fair and efficient draft and which President Johnson accepted. As chairman and members of the commission we urge you to support those efforts in the Senate to limit the life of the bill so that reform is possible in the near future.

Also, Mr. President, I want to read a telegram I received from Kingman Brewster, president of Yale University, and a member of the National Advisory Commission:

Conference bill would seem to compound both uncertainty and inequity of the draft. National security and public confidence in both legislative and executive concern for fairness will be impaired if executive is not permitted to reform classification and selection in direction of National Advisory Commission report. Strongly urge renewal of present legislation in preference to conference bill.

Here is one from John Stillman, national chairman of the American Veterans Committee:

AVC urges vote against draft conference report as step backwards. We prefer original Senate bill.

Mr. President, I have other telegrams on this subject, one of which I ask unanimous consent to have printed in the RECORD.

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

WASHINGTON, D.C.,
June 13, 1967.

Hon. EDWARD KENNEDY,
U.S. Senate,
Washington, D.C.:

Urge your vote for recommittal of S. 1432 for purpose of limiting draft law extension to 1 year. This would give Congress more time to study defects. Among many inequities NAACP is concerned about failure to prohibit racial discrimination in appointment of Selective Service boards.

CLARENCE MITCHELL,
Director, Washington Bureau, NAACP.

Mr. KENNEDY of Massachusetts. Mr. President, since Monday last, I have inquired of a number of different agencies of the Government as to their reactions to the conference report.

At this time, I ask unanimous consent to have these letters printed in the RECORD. They are available to every Senator, and I would ask those now in the Chamber to examine them.

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

THE DEPUTY SECRETARY OF DEFENSE,
Washington, D.C., June 14, 1967.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: You have requested our comments on several questions which have arisen in connection with consideration of the Military Selective Service Act of 1967. I am pleased to provide you with the views of the Department of Defense on these questions:

1. *Do you agree with the essential principles of the random selection system described to the House and Senate Armed Service Committees by General Hershey?*

Yes, we do. General Hershey outlined a procedure in his testimony based on a random selection of birthdays as the means of establishing the order of induction among individuals who are equally qualified and available in the designated prime age class. On May 9, 1967, we responded to General Hershey's request for our comments on this plan and advised him that the basic elements of the plan appeared to be simple, understandable and feasible.

2. *Would the fair and impartial random selection (FAIR) plan permit men already in the pool to receive reclassification prior to induction?*

Yes. We testified during the hearings that, just as today, men would be subject to reclassification at any time before induction for bona fide reasons, such as physical unfitness, extreme hardship, enlistment into a Reserve component, etc.

3. *Would the FAIR system in conjunction with the young age class tend to discourage*

voluntary enlistment and officer procurement?

We have given this question very careful consideration and, as you know, responded several times to it during the hearings.

It is our considered judgment that military recruitment would not be adversely affected. Today most enlisted volunteers join the Armed Forces before or shortly after reaching age 19. Historically, this has been the period in a young man's life when he is most likely to volunteer for military service. Under the FAIR system, young men would not only be permitted but encouraged to enter volunteer programs up to the point of induction just as at present. Also, Class I–D deferments would continue to be provided to persons entering ROTC and other officer programs, and to those participating satisfactorily in Reserve programs. Moreover, other college students will not be subject to selection under the FAIR system until graduation, and will then be available as a source of procurement for officer candidate and similar programs. With no change in these policies, it is our judgment that the number of entrants into volunteer programs of all kinds would not be appreciably different from that which is obtainable under the present system. Under either system, it seems to us that the principal determinant will be the size of draft calls—that is, "draft pressure."

4. *Does the FAIR system require that draft quotas be set on a National basis instead of on the present State and local quota basis used today?*

No, it does not. The FAIR system can be carried out without any change in the present state and local quota system.

5. *Does the elimination of most graduate student deferments have any bearing on when the FAIR system should be installed?*

We believe that this well might be the case. We estimate that as many as 100,000 college graduates who would normally be going directly into graduate schools each year will lose their deferred status next year under the new policies. If the present system is continued, most if not all of these men would be drafted immediately, and for several months nearly all draftees would be college graduates under the present oldest first system. Under the FAIR system, they would have an equal exposure along with all other Class I–A men, and be called in proportion to the total needed in the order of their random selection.

6. Why do you believe that the FAIR system would be considered more equitable by young men than a system of calling those men nearest to age 20 each month?

From our point of view, as the recipient of men from Selective Service, either system will provide the number of men needed each month. Our concern is to provide the most equitable system—that which will give each man an equal chance to be selected or not to be selected. We believe that the FAIR system provides the greatest degree of equity.

There are two main problems of equity in a system which selects each month's draftees from those nearest to age 20. First, this procedure will inevitably result in concentrating draft liability disproportionately among men born in certain days of the month—that is, those men nearest age 20 at the time each local board prepares its draft list. Second, this procedure would penalize some men more than others, because draft calls vary widely from month to month—as much as 100% or more. This is due to the fact that the draft is used to make up the difference in the number of men needed each month, after allowing for voluntary enlistments and reenlistments. But, volunteering is seasonal. Thus, under the system of calling those nearest to age 20 in a given month, men born in November (a low volunteer month) are likely to have twice the chance of being drafted as men born in January (a high volunteer month). The same would be true for men born in April or May (low volunteer months) versus those approaching age 20 in June or July (high volunteer months).

The FAIR system would, in an objective and impartial manner, determine each man's order of draft vulnerability, regardless of the day of the month each draft board prepares its draft list and regardless of monthly fluctuations in draft calls. We believe, therefore, that FAIR is a planned and orderly system of random selection, whereas the oldest first within a specified age group would prove to be a haphazard method of selection which could be very confusing to the public.

7. *Why is it preferable to leave the authority for developing the detailed rules of any selection system to the president rather than requiring that such a system be written into statute?*

The Selective Service System is massive and must be sensitive to current changes in the supply and demand for men. The primary reason for the success of our Selective Service System has been the flexibility allowed to the President to prescribe and revise rules governing classification and selection. We are entering a period when the number of young men reaching draft age each year will normally be far in excess of the number needed for military service. Hence, we need to develop and operate a new system which can be promptly adjusted based on experience. We do not believe that this can be done if the rules are rigidly embedded in law. We do not believe that the public would wish to see long delays in improving or adjusting our selection procedures such as might occur if the only method of doing this were by statute or revision in statute.

We appreciate this opportunity to submit our comments on these important questions.

Sincerely,

CYRUS VANCE,
The Deputy Secretary of Defense.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., June 14, 1967.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: In accordance with your request, I am writing to express the serious concern of the Department of Justice with certain statutory changes that would be made by the Conference Committee version of S. 1432, the Selective Service extension bill. These changes affect the Department's responsibilities for handling the prosecution of offenses and other legal activities. Certain other changes in existing law which had been contained in the bill as passed by the House were discussed in my letter of June 1, 1967 to the Chairmen of the Conference Committee, and those changes were modified or eliminated in the Conference version.

A brief discussion of the points of concern to the Department in the Conference Committee version of the bill follows:

1. *Inhibition on litigating discretion.* Section 1(12) of the bill as passed by the House and section 1(11)(b) as recommended by the Conference Committee would require the Department of Justice to proceed with any prosecution or appeal requested by the Director of the Selective Service System, or to notify the Congress in writing of its reasons for not doing so.

This is a novel provision. The Department of Justice is charged with analyzing the strengths and weaknesses of particular criminal cases as subjects for successful prosecution or appeal. In principle, it is unsound to inhibit the professional judgment of experienced prosecutors by subordinating that judgment to the views of the administrator of a particular program. In practice, application of this provision would divert effort from expeditious handling of cases to the preparation of justifications, and possibly lead to disclosure of prosecutive and appeal standards to the detriment of the deterrent effect of the criminal sanction.

Moreover, this provision would set a harmful precedent with respect to other agencies with whom we occasionally differ in litigating judgment. Such a provision would have an impact contrary to recognized standards of professional relationships between the Government's attorneys and their agency "clients," as well as a tendency to interfere with Executive discretion. It should be deleted from the bill.

2. *Precedence for draft law prosecutions.* The same section of the bill would also tighten the requirement of the Act that the courts give precedence to the trial of selective service prosecutions.

Unquestionably, it is desirable that draft violators be prosecuted promptly, particularly in time of armed conflict. However, it simply is not practical to demand that the courts give absolute priority to the disposition of any one class of criminal cases regardless of the urgency or importance of other pending matters. Nor is it feasible to demand that immediate hearings be held in all cases. Many factors affect the order in which individual cases are brought to trial—whether the defendant is being held in custody, availability of witnesses, possible impact of one case on other cases pending, and so on. Those who are responsible for bringing cases to trial, and the courts, must have some latitude.

Accordingly, we suggest that the purpose of this provision, to express a sense of urgency on the part of the Congress, might more effectively be stated in relative terms. For example, the sentence in question might be reworded as follows:

"Precedence shall be given by every court of the United States to trials, appeals, and other proceedings in cases arising under this title, it being the intent of Congress that the courts shall advance all such cases on the docket for immediate trial or hearing to the maximum extent consistent with the interests of justice and the effective discharge of their business."

The foregoing comments are essentially similar to those set forth in my discussion of the same points in my letter of June 1, 1967 to the Chairmen of the Conference Committee.

Sincerely,

RAMSEY CLARK,
Attorney General.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
June 14, 1967.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: In response to your request for information about the impact of the Selective Service amendments relating to PHS commissioned officers serving in the Peace Corps, the Food and Drug Administration; and other departments and agencies outside the Public Health Service:

The impact will be very severe. The House amendments of Section 6(a)(2) of the present Act remove the exemption from military registration and service all those physicians who are commissioned officers of the Public Health Service but who are on detail to the Peace Corps, the Food and Drug Administration, the Office of Economic Opportunity, the Departments of Agriculture, Housing and Urban Development, Commerce, Defense, Interior, State, Labor and the National Aeronautics and Space Administration.

The Public Health Service has been the major source of medical support for many health programs in the Federal Government, chiefly because of the difficulty in obtaining

health manpower through the methods of recruitment and employment available to the Federal agencies. The health programs in these agencies have been developed and maintained by cooperative agreements with the PHS.

As you know, the House amended and the Conference Committee accepted a provision that those officers currently on duty and those in receipt of orders by the time the bill becomes law will retain their exemption. While we appreciate the delay in effect, it does not provide us with any solution to the problems that will be created.

FOOD AND DRUG ADMINISTRATION

In order to fulfill the Food and Drug Administration responsibility to the consumer relative to new drugs and a drug inspection program, the Commissioner indicated that increased manpower was necessary. He further informed the Secretary of HEW that his efforts in the recruitment of these personnel had been unsuccessful. Therefore, the Secretary approved, effective July 1966, the assignment of 62 Public Health Service physicians to the Food and Drug Administration. Without these physicians the program of processing new drug applications will be seriously hampered. For example, it is estimated that processing times for these applications—which is now approaching the statutory limit of 180 days—may be increased by at least 60 to 90 days. This will adversely affect both the health of the public and the economics of the drug industry.

PEACE CORPS

In the Peace Corps medical program about 130 Public Health Service physicians provide medical care and supervision to some 12,600 volunteers in 52 countries around the World. About 90 percent of the Public Health Service commissioned physicians have Selective Service obligation. The efforts of the Peace Corps to recruit physicians by other means for this work have been unsuccessful. The Public Health Service physicians overseas are the primary medical support to the volunteers usually assigned to remote areas in developing countries. We are advised by the Peace Corps that it is extremely doubtful that volunteers can be recruited without assurance to themselves and their families that medical care will be available.

OFFICE OF ECONOMIC OPPORTUNITY

The loss of Public Health Service medical support would have serious repercussions for this agency and would substantially impair an excellent cooperative relationship which has been in existence for over a year.

Many of the PHS officers hold major positions of responsibility in OEO health programs. Their presence has facilitated coordination and programmatic relationships with the Public Health Service as well as other parts of DHEW.

Were this arrangement no longer possible, it could cause serious problems in the cooperative arrangements among Federal agencies and would impair coordination of the total Federal health effort on behalf of the poor of this country.

In each of the other agencies I have mentioned, fewer numbers of physicians are involved but the impact of the Conference Report will still be very grave. Each agency will be faced with a serious dilemma. No alternative source of physicians is now available. Developing alternative sources will almost certainly require substantial funding and new legislative authority. More important, alternative sources of manpower for these agencies will require substantial time for implementation. For example, if we had the authority and the funds (which we do not) to begin recruiting beginning medical students this fall for Federal service upon their graduation, we would wait at least five years before a single physician became available through that source.

DEFERMENT

There have been suggestions that a Presidential deferment for physicians serving in these programs would offer some relief. In our opinion, it would not. A physician is draft-obligated until he is 35 years of age. There is very little reason to suppose many physicians would be interested in voluntarily serving two or more years in Federal agencies, only to face two more years of compulsory military service to fulfill a Selective Service obligation.

There has also been a conference amendment exempting PHS commissioned officers serving in certain agencies—such as the Environmental Science Services Administration of the Department of Commerce—from service because the commissioned corps of their agency would become a military service in time of war. In fact, every commissioned officer in the Public Health Service faces this same prospect. Section 216 of the Public Health Service Act clearly authorizes the President to declare the commissioned corps of the Public Health Service a military service in time of war or emergency. If the obligation to serve in military service applies to all PHS commissioned officers—and it does—and if that obligation is a reason to exempt some officers—and we agree that it is—then it is a reason to exempt all such officers.

STATE AND LOCAL HEALTH DEPARTMENT ASSIGNMENTS

There is considerable confusion over the application of the Conference Report to PHS officers assigned to State and local health agencies. Over the years, the Public Health Service has assigned health personnel to help State and local governments carry out both Federal and State health programs. These assignments currently include some 150 physicians. Over 90 percent of them have a draft obligation. They are working in such fields as venereal disease control, tuberculosis control, immunization activities and epidemic intelligence.

If we are unable to support these programs with individuals having Selective Service obligations, many vital public health measures now being conducted by the States and their subdivisions would have to be curtailed. For example, of the 93 physicians now engaged in control of such communicable diseases as tuberculosis and venereal disease, 90 are draft obligated. Of the 10 physicians assigned to assist States in Medicare and Medicaid implementation, 8 are draft obligated. Of the 44 assigned to assist State and local heart disease, cancer, and neurological disease programs, 42 are draft obligated. Clearly, the fulfillment of draft obligation by these physicians through service in these cooperative health programs is a major factor in developing and maintaining essential public health programs with the States.

We share the concerns of the Congress that the present methods of supplying medical manpower to Federal agencies should be reviewed and new methods developed. As you are aware, the National Advisory Commission of Health Manpower is presently considering the problems of personnel resources for public as well as private segments of our society. Their report to the President is due in September. We have been working closely with the Commission and we are hopeful their findings and recommendations will provide the basis for an orderly revision of current manpower resource development and a long range solution to our health manpower problems.

But until the Commission reports—or until other methods of recruiting manpower are developed and implemented—the Selective Service amendments as adopted by the Conference Committee are neither equitable nor workable. They simply cut off a major medical manpower resource without offering any alternatives to the affected agencies.

Sincerely,

PHILIP R. LEE, M.D.,
Assistant Secretary for Health and Scientific Affairs.

PEACE CORPS,
Washington, D.C., June 14, 1967.

Hon. EDWARD M. KENNEDY,
U.S. Senate.

DEAR SENATOR KENNEDY: At the request of your office, I want to bring to your attention pertinent facts regarding the Peace Corps medical program and the likely effect on it of enactment of the present bill to extend the draft.

One hundred and twenty-five Public Health Service physicians detailed to the Peace Corps serve in 52 countries where the safe water supply is limited, diseases are endemic, and sanitary conditions are rudimentary. These Peace Corps physicians, whose average age is 27.5 years and whose average salary is $10,000, are trained to recognize and treat the tropical and other diseases peculiar to the areas where 12,653 Volunteers are presently serving. Sparse medical facilities, poor and undependable communications systems, slow surface transportation, and large distances necessitate considerable travel by the Peace Corps physicians for curative and preventive medical support.

The Peace Corps physician manages all aspects of direct medical care for Volunteers, including the performance of annual and termination medical examinations, the administration of immunizations and inoculations, the provision of health education information, and the performance of site surveys prior to the Volunteer's arrival. He maintains a medical office complete with adequate supplies and drugs and the necessary laboratory facilities. He arranges the occasional medical evacuations of Volunteers to the United States, the Canal Zone, or Europe.

Without desiring to over-dramatize the magnitude of the health problems facing our Volunteers, I do want to give one example of the importance of having an American physician available to the Volunteers. In Calcutta, prior to the arrival of a Peace Corps physician, 15% of all Peace Corps Volunteers were hospitalized for an average of two weeks.

Within six months after the Peace Corps physician's arrival, the hospitalizations were reduced by 90%. This resulted in considerable savings in time and cost, and a considerable increase in the Volunteers' well being.

If the present bill to extend the draft is enacted, Public Health Service physicians not under orders by June 30, 1967, to report to the Peace Corps will not be exempted from military service. Given the present draft situation, it is likely that a substantial number of these physicians perhaps would not have an opportunity to serve with the Peace Corps on a deferment basis. Without these PHS physicians, our best guess is that we will succeed in attracting only a relatively small number of other doctors to serve overseas.

At this point, we cannot accurately estimate our ability to establish an adequate health program for Volunteers overseas based almost entirely on local medical facilities and physicians. We do know, however, that at a minimum such a program will sharply increase the cost of providing high-quality health care and, as indicated above, would greatly increase the amount of time Volunteers would spend away from the job.

Thus, the present bill will deprive the

Peace Corps of its only basic source of qualified medical doctors, significantly alter the level of necessary health care always promised and furnished Volunteers, and deal the whole Peace Corps program a fundamental blow.

With best wishes,
Sincerely,

JACK VAUGHN.

OFFICE OF ECONOMIC OPPORTUNITY,
Washington, D.C., June 14, 1967.

Hon. EDWARD KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: This letter is in response to your inquiry concerning the effect on the health programs of OEO were U.S. Public Health Service commissioned officers detailed here to be withdrawn.

The loss of these physicians would impede our health efforts in a major way. USPHS physicians are helping poor urban and rural communities to develop Neighborhood Health Centers which bring to those less fortunate of our citizens the wonders of modern medicine, often for the first time. Without this help the Tufts University Medical School would probably not have been able to develop such Centers in Columbia Point, Massachusetts or Mount Bayou, Mississippi. With their help, the University of Southern California School of Medicine is about to open such a center in Watts; the Boston University School of Medicine is about to do the same in Roxbury; other medical schools and health organizations are about to do the same in the Hough Area of Cleveland, the rural communities of Appalachia and twenty-one other communities of need throughout the land.

USPHS doctors are helping to mobilize the medical resources of this country in assisting the 100,000 Job Corps boys and girls, 80% of whom have not seen a physician or dentist before. They are helping to train VISTA Volunteers to work in health programs in rural areas of our country where medical personnel are scarce.

Were they no longer to help in this way, the loss would really be a loss felt by hundreds of communities in this country which now receive technical assistance from these young physicians.

The need is great. The United States now ranks 14th in the nations of the world in infant mortality rates. And it is the deprivation of the poor that makes our record such a shame. These young men are helping us to fight *this* war and to prevent the casualties we have been suffering here at home.

I understand this legislation would also cut the Peace Corps off from receiving these Public Health Service physicians as well. This would mean that the 125 physicians caring for the health of Peace Corps Volunteers around the world would no longer be available. This would be a great blow to the Peace Corps. Its health record has been tremendous. Less than 1.4% of its Volunteers have had to come home for medical or psychiatric reasons. This record would not have been possible were it not for these physicians.

But the health of the Volunteer is not the only issue. The loss of these doctors would deprive the 52 developing countries in which the Peace Corps works of the technical assistance these physicians give to the development of health programs in these countries they so sorely need.

In addition, like the Peace Corps Volunteers themselves, these young doctors become interested in our health problems here at home as a result of their experience overseas. Scores of them have expressed an interest in helping us in the anti-Poverty program when they return to the United States and many are working with us already.

I certainly hope the Congress will give careful consideration to any action which would limit this nation's efforts at home and abroad to bring that most basic of human rights, the right to life itself, to the poor who have had their lives whittled away for so long by poverty and disease.

Sincerely,

SARGENT SHRIVER,
Director.

Mr. KENNEDY of Massachusetts. I direct the attention of Senators to the letter from the Deputy Secretary of Defense, and refer to page 2 of his letter. I want to make it extremely clear so that everyone in the Senate understands what it will be doing if the conference report is adopted, with regard to all the young people in this country presently in college.

The conference report has placed restrictions on the extension of graduate student deferments. According to the Defense Department's letter, there will be approximately 100,000 young men graduating from college each year who, under the new policies of the conference report, would no longer be deferred, but instead who would be drafted first. This is because we must continue to take the oldest first from within a prime age group. This prime age group is now 19- to 26-year-olds, and if some graduate student deferments are terminated, but not all, then those whose deferments are terminated will almost automatically be the oldest, and they will automatically be the first to go.

If we adopt the conference report, in effect what we will be asking for will be the automatic induction of all those boys who graduated from college this past June, except for those entering dental or medical schools.

I should like to read an excerpt from the letter from Secretary Vance, which comments on this point:

> We estimate that as many as 100,000 college graduates who would normally be going directly into graduate schools each year will lose their deferred status next year under the new policies. If the present system is continued, most if not all of these men would be drafted immediately, and for several months nearly all draftees would be college graduates under the present oldest first system.

This is just one illustration of the grave problems that I think are suggested by the conference report. I have some other, general questions with regard to college and graduate school deferments, but directing our attention to this bill this afternoon, this is the point we must focus on.

Mr. DOMINICK. Mr. President, will the Senator yield for a question?

Mr. KENNEDY of Massachusetts. I yield.

Mr. DOMINICK. I am not clear as to the point the Senator from Massachusetts is making, because it is my understanding that the conference report recommends that we go to the youngest first, not the oldest first.

Mr. KENNEDY of Massachusetts. I want, if I may, to clarify what I think is a semantic problem. The conference report commits us to the retention of a system which determines order of induction by age, oldest first and then on down to the youngest. This selection system can apply to any age group, and the one to which it applies first is called the "prime age class." The existing prime age class is the 19- to 26-year-olds. The President—and almost without exception, everyone else who has studied the matter—has recommended that the prime age class be restricted to the 19-year-olds. The conference report does not restrict the President from ordering that the 19-year-olds be the prime age class.

But until the 19-year-olds are determined to be the prime age class, as of June 30 we have this situation: We must take the oldest first from within a given age class. If, for example, we were to move to the 19-year-olds, this will pose all kinds of additional problems, which I would like to discuss in just a minute. But I am talking about the effect of this bill as of July 1.

Mr. DOMINICK. Would it be possible, under this bill as of July 1st, for the President to direct that changes be made the following day?

Mr. KENNEDY of Massachusetts. Yes. He could make recommendations that the 19-year-olds be taken first. But according to the House committee report, we have too many 19-year-olds for our needs. So, on that and other authority, we would be selecting some, but not all, of the 19-year-olds.

How are we going to reduce that number? That is the nub of the National Advisory Commission's inquiry. How are we going to figure out how to take some, but not others? The Commission recommends the FAIR system, to which the distinguished chairman of the Armed Services Committee said he did not object. There was a suggestion that we might use birthdates.

If we look to the 19-year-olds, we will have too many young people for them all to be needed by the draft. If we look to the 19-year-olds, rather than the 19- to 26-year class—which I think we should—then we have to have the FAIR system. That has been rejected by the conference.

There has been an outright prohibition which prevents the President from doing——

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

Mr. KENNEDY of Massachusetts. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. RUSSELL. Has the time been reduced by action of the Senate?

Mr. KENNEDY of Massachusetts. Mr. President, how much time do we have, in toto?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that 30 minutes be set.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that we have enough time to discuss this matter.

Mr. MANSFIELD. No. I ask unanimous consent that the unanimous-consent limitation be extended to 30 minutes a side.

Mr. SYMINGTON. I say, with all respect to the distinguished majority leader, that a good many millions of Americans are interested in this. I am a member of the Armed Services Committee and have listened to all the testimony. I have been a conferee on the bills. Still the point the Senator from Massachusetts is bringing up at this time is not too clear to me. I would like to ask him some questions.

The PRESIDING OFFICER. Is there objection to the request that the time be extended 30 minutes on each side?

Mr. MANSFIELD. Altogether.

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

Mr. KENNEDY of Massachusetts. Mr. President, I yield myself 3 more minutes. I yield to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, I will make a brief statement and then ask a question of the Senator.

When we first considered the original bill in the Senate Armed Services Committee, there had been a great deal of criticism that under the current system boys who were better off were going to college and those from less fortunate families were going to war. A Member of Congress made a talk in which he said the last 30 draftees in his district came from families whose incomes were less than $5,000 annually. As I remember, we also heard criticisms by some well-known college presidents that college deferments were being used as a method of completely avoiding military service. We investigated that allegation and found that criticism was not correct so far as undergraduates were concerned.

Our study showed that 74 percent of high school graduates went into the military service, and 71 percent of college graduates with bachelor degrees went into military service. In effect, there was no difference in the point of service between college graduates and high school graduates.

But we did find a sharp reduction in the number of graduate students who served. This seemed to justify the criticism made by some university officials. In fact, we found that the number of college students who went into the military service dropped from 71 percent for college undergraduates to 27 percent for graduate students.

If these figures are correct, I would ask my respected and distinguished colleague if he sees any benefit in shifting around and taking a number of college graduates, as against the 19-year-olds.

Mr. KENNEDY of Massachusetts. We had a chance to talk about this the other day.

I have my own feeling about college deferments. I think in a peacetime situation, we should extend college deferments broadly. But in a war situation, such as Vietnam, when we are suffering casualties, I think that policy ought to be reviewed. I have very real problems in favoring continuation of college deferments under the present situation, but that is a purely personal opinion.

I want to analyze what is in this report. As much as I would enjoy exploring this specific argument with the distinguished Senator from Missouri, it is not relevant to what I was saying about this report. To get back to it, I think the particular point made by Secretary Vance in response to a question about the effect of this bill on the some 100,000 American boys who graduated from college this past June, is valid. This is one of the real questions I have with the bill, and one of the reasons I feel we should send it back.

I would next like to refer my colleagues' attention to the letter from the Attorney General.

Mr. MILLER. Mr. President, will the Senator yield on that point?

Mr. KENNEDY of Massachusetts. We have very limited time. I would like to get these two or three points into the RECORD. Then I shall be glad to yield for questions.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. KENNEDY of Massachusetts. I yield myself 4 minutes more.

I would refer the attention of Members of the Senate to the letter from the distinguished Attorney General. It has been made part of the RECORD. I would like to review parts of it:

> In accordance with your request, I am writing to express the serious concern of the Department of Justice with certain statutory changes that would be made by the Conference Committee version of S. 1432, the Selective Service extension bill. These changes affect the Department's responsibilities for handling the prosecution of offenses and other legal activities.

It then discusses the inhibition on litigative discretion in section 1(11)(b) of the report:

> *Inhibition on litigating discretion.* Section 1(12) of the bill as passed by the House and section 1(11)(b) as recommended by the Conference Committee would require the Department of Justice to proceed with any prosecution or appeal requested by the Director of the Selective Service System, or to notify the Congress in writing of its reasons for not doing so.

After outlining the effect of the bill, the letter gives the Attorney General's opinion of it:

> This is a novel provision. The Department of Justice is charged with analyzing the strengths and weaknesses of particular criminal cases as subjects for successful prosecution or appeal. In principle, it is unsound to inhibit the professional judgment of experienced prosecutors by subordinating that judgment to the views of the administrator of a particular program. In practice, application of this provision would divert effort from expeditious handling of cases to the preparation of justifications, and possibly lead to disclosure of prosecutive and appeal standards to the detriment of the deterrent effect of the criminal sanction.
>
> Moreover, this provision would set a harmful precedent with respect to other agencies with whom we occasionally differ in litigating judgment. Such a provision would have an impact contrary to recognized standards of professional relationships between the Government's attorneys and their agency "clients," as well as a tendency to interfere with Executive discretion. It should be deleted from the bill.

The Attorney General discusses another aspect of the report which deals with a provision for absolute precedence for draft law prosecutions:

> *Precedence for draft law prosecutions.* The same section of the bill would also tighten the requirement of the Act that the courts give precedence to the trial of selective service prosecutions.
>
> Unquestionably, it is desirable that draft violators be prosecuted promptly, particularly in time of armed conflict. However, it simply is not practical to demand that the courts give absolute priority to the disposition of any one class of criminal cases regardless of the urgency or importance of other pending matters. Nor is it feasible to demand that immediate hearings be held in all cases. Many factors affect the order in which individual cases are brought to trial—whether the defendant is being held in custody, availability of witnesses, possible impact of one case on other cases pending, and so on. Those who are responsible for bringing cases to trial, and the courts, must have some latitude.

The Attorney General then suggests alternate language which accomplishes the same end without upsetting established judicial doctrines:

> Accordingly, we suggest that the purpose of this provision, to express a sense of urgency on the part of the Congress, might more effectively be stated in relative terms. For example, the sentence in question might be reworded as follows:
>
> "Precedence shall be given by every court of the United States to trials, appeals, and other proceedings in cases arising under this title, it being the intent of Congress that the courts shall advance all such cases on the docket for immediate trial or hearing to the maximum extent consistent with the interest of justice and the effective discharge of their business."

So we have the opinion of the Attorney General on two extremely important matters affecting the Federal court system as well as the relationship between the heads of the various agencies and the Attorney General. He is expressing his quite serious concern about it.

A third letter I have here is from the Peace Corps. What we would do by the passage of the conference report is take away doctors which, under our present system, the Public Health Service provides for the Peace Corps, as it does the OEO and a number of other programs. First of all, I should like to read what Mr. Jack Hood Vaughn has written to me about the effect of this act on the Peace Corps:

> Without desiring to over-dramatize the magnitude of the health problems facing our Volunteers, I do want to give one example of the importance of having an American physician available to the Volunteers. In Calcutta, prior to the arrival of a Peace Corps physician, 15% of all Peace Corps Volunteers were hospitalized for an average of two weeks. Within six months after the Peace Corps physician's arrival, the hospitalizations were reduced by 90%. This resulted in considerable saving in time and cost, and a considerable increase in the Volunteers' well being.
>
> If the present bill to extend the draft is enacted, Public Health Service physicians not under orders by June 30, 1967, to report to the Peace Corps will not be exempted from military service. Given the present draft situation, it is likely that a substantial number of these physicians perhaps would not have an opportunity to serve with the Peace Corps on a deferment basis. Without these PHS physicians, our best guess is that we will

succeed in attracting only a relatively small number of other doctors to serve overseas.

Let me read the last paragraph of that letter, and then ask you to read through the rest of it yourselves, if you would.

Thus, the present bill will deprive the Peace Corps of its only basic source of qualified medical doctors, significantly alter the level of necessary health care always promised and furnished Volunteers, and deal the whole Peace Corps program a fundamental blow.

The PRESIDING OFFICER. The Senator's additional time has expired.

Mr. KENNEDY of Massachusetts. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. KENNEDY of Massachusetts. I yield myself 3 more minutes.

Another letter is from the Department of Health, Education, and Welfare, in reply to my request for their reactions to this report:

In response to your request for information about the impact of the Selective Service amendments relating to PHS commissioned officers serving in the Peace Corps, the Food and Drug Administration; and other departments and agencies outside the Public Health Service:

The impact will be very severe.

Then, going down further on page 1, the Department discusses the Food and Drug Administration.

In order to fulfill the Food and Drug Administration responsibility to the consumer relative to new drugs and a drug inspection program, the Commissioner indicated that increased manpower was necessary. He further informed the Secretary of HEW that his efforts in the recruitment of these personnel had been unsuccessful. Therefore, the Secretary approved, effective July 1966, the assignment of 62 Public Health Service physicians to the Food and Drug Administration. Without these physicians the programs of processing new drug applications will be seriously hampered. For example, it is estimated that processing times for these applications—which is now approaching the statutory limit of 180 days—may be increased by at least 60 to 90 days. This will adversely affect both the health of the public and the economics of the drug industry.

The Department also discusses the disruption to the programs of the Office of Economic Opportunity, and this discussion should be read in conjunction with that in the OEO letter itself.

There is, further, the discussion of PHS doctors being assigned to State and local health departments. It is my understanding that this assignment will no longer be available to physicians with draft obligations.

The OEO, the Food and Drug Administration, the Agriculture Department, the Peace Corps, the Federal Water Pollution Control Agency, and other programs are frozen out. They will no longer have the services of PHS doctors.

Mr. President, these are very significant letters I have received with regard to the attitudes of the various agencies of our government, on the particular aspects of the report which most concern them. I reviewed in detail, on Monday last, my general apprehensions concerning the whole program. I have a lengthy speech here, which I have not yet had a chance to read. But on these questions, I would hope the Senate would return this bill to conference, with the one instruction that we limit the extension of the draft to just 1 year, and that we take that opportunity to examine both this bill and the other recommendations, with a view to achieving the kinds of reforms in the Advisory Commission's report, the Mark Clark report, and the Defense Department study.

Mr. MILLER. Mr. President, will the Senator yield for a question now?

Mr. KENNEDY of Massachusetts. I would like to see, first, how much time I have remaining.

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

Mr. KENNEDY of Massachusetts. I will yield on other time. I wish to withhold the remaining time I have. There have been other Senators who indicated they wanted to speak.

My friends, this is where we started on Monday evening. That is one of the reasons we wanted to have a complete review and discussion of this matter. We were restricted at that time to this amount of time. It is an unfortunate situation we are in. I regret this as much as does the Senator from Iowa.

Mr. MILLER. Mr. President, could the Senator from Georgia allow me a minute or two?

Mr. RUSSELL. Mr. President, I would be glad to, but I have been requested by members of the conference for more time than I have available.

Mr. SYMINGTON. Mr. President, I again ask unanimous consent that we be given enough time to discuss a matter that involves millions of Americans.

The PRESIDING OFFICER. How much time does the Senator request?

Mr. SYMINGTON. I ask unanimous consent that 1 hour be allotted on each side.

The PRESIDING OFFICER. One hour additional time?

Mr. SYMINGTON. Thirty minutes additional time on each side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. RUSSELL. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. RUSSELL. Mr. President, I have listened with great interest to the impassioned plea of the distinguished Senator from Massachusetts; and I may say that while I appreciate the complimentary things he had to say about the original bill, I do not think that the bill before the Senate at the present time is nearly as bad as the Senator indicates he thinks it is. As a matter of fact, Mr. President, this bill is a vast improvement over the existing law, and that would be true were it for only one particular: Under the existing law, a young man lives from 18½ to 26 years of age in much uncertainty about the operation of the draft. He cannot be sure of any plan, whether it is matrimony, or taking a job, or going to school, without undertaking to relate it to that 7½-year span during which he is susceptible to the draft.

Under this bill and the regulations the President will promulgate, there will be a 12-months' period of prime liability. That one aspect of this bill should offset all the nitpicking about the effect it will have upon the Department of Justice, and these incidental matters.

Mr. LAUSCHE. What is the primary responsibility?

Mr. RUSSELL. That is the most important issue, as I see it, before the Senate here now.

I am as interested in the telegrams from distinguished members of the Commission who made a report on this bill as is the Senator. I note, however, that I have received no objection from them; so their objections undoubtedly were made in response to the request of the Senator from Massachusetts. The letters he received from the departments stated they were in response to his request.

I cannot be amazed that the members of the Commission support their report. I find nothing to amaze me, or cause great consternation, that the Attorney General, or the officers who expressed contrary opinions to some provisions of this bill, still hold to their positions. But we have come to a sad pass in this country, my fellow Senators, when we are bound to copy, to the last word, comma, and period, the recommendations of a Commission. We might as well do away with Congress, and let the President appoint Commissions to pass the laws that will regulate the lives of the people of this land.

Mr. President, I, of course, understand the position of my friend, the senior Senator from Oregon [Mr. MORSE], who said he is violently opposed to the report. He was opposed to the original Senate bill, that the Senator from Massachusetts said was such a wonderful work of art.

I find nothing in his position which is inconsistent or surprising to me in the slightest degree.

The Senator from Massachusetts has secured statements from some of the same persons who came before the committee and expressed the same views before the bill was passed. He now says that, because they still cling to their original opinions, the Senate ought to reject the conference report.

I say that is a very poor basis for rejecting a conference report.

Mr. President, I have very grave doubt about the validity of this 1-year instruction that the Senator says he will move to include in the measure.

The House bill provides for 4 years. The Senate bill provides for a 4-year extension of the draft.

Where will we find ourselves if we send the measure back to the House? We would have to take the provision for the 4-year extension out of both bills and insert a 1-year extension.

It is my view that such a conference agreement would be subject to a point of order in either body and that it would be out of order.

Mr. President, I understand that the Director of Selective Service is likely to recommend to the President a regulation that none of the provisions of this

act dealing with graduate students should be retroactively applied and therefore should not affect anyone who is now a student.

I have no apologies to make whatever for the other provisions of the bill relating to graduate students.

These provisions would let the President of the United States prescribe regulations that would permit graduate students that are essential to the defense of this country and to the health of its people—persons studying to be doctors, dentists, atomic scientists and the like—to continue their graduate work.

I receive hundreds and thousands of letters from all over the United States relating to the draft.

The thing that has subjected the Selective Service Act to the most criticism all over this country has been the practice of a small handful, a very small handful, of graduate students who transfer from graduate degree to graduate degree until they have deferred themselves into a state of practical exemption.

We did try to restrict that practice, and I am proud of it.

I am surprised that the Senator from Massachusetts would find anything to criticize in that. It is a loophole that should have been closed. It should have been closed earlier by regulations.

The conference report attempts to correct that fault by providing that the National Security Council must study the question and make recommendations as to those graduate degrees that it considers to be vital to the national security of the country. That Council is the arm of the Government that advises the President in these military matters.

Mr. President, at the cost of repetition, I want to say that the objections to the conference report are vastly overstated.

I would have preferred the Senate bill, naturally. Most people prefer their own creation to that of anybody else. But we operate with two Houses in the Congress, and the other body has some participation in these matters.

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

Mr. RUSSELL. I yield.

Mr. SYMINGTON. With regard to the closing of the opportunity to avoid military service through graduate work, is it not true that first we agree that with few exceptions, no further deferments would be granted after a college student received his baccalaureate degree or reached the age of 24? In addition, the National Security Council would have the right to advise that deferments be made for graduate students in professional studies determined to be essential to the national interest.

Mr. RUSSELL. We undertook to tighten this up and to restrict the fields in which deferments for graduate work are authorized.

We recommend that the President should have the power to issue regulations and to limit graduate deferments to those that are essential to the protection of the country.

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

Mr. RUSSELL. I yield.

Mr. HOLLAND. Does the bill at present not also provide that baccalaureate graduates revert to the age period at which they shall be eligible for the draft and would go back to the 19-year-old age bracket?

Mr. RUSSELL. Yes. I think the Senator from Massachusetts mentioned that in his remarks. Those who pass the age of 19 can take advantage of one of the educational deferments to seek a baccalaureate degree. Then, either when they receive that degree, which is about the average age of 22, or when they reach the age of 24, if they happen to be working 6 months and going to school for 6 months, as some of them are compelled to do, or if their schoolwork is not good enough and they drop out of school, they are eligible to be drafted. They then are placed in the 19-year-old age bracket regardless of how old they are. They take their position with the 19-year-olds. That procedure should avoid any favoritism being granted to any person by reason of a deferment to obtain education.

A student should not escape one whit or tittle his liability to the military service to the United States.

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

Mr. RUSSELL. I yield.

Mr. MILLER. Mr. President, the Senator will recall that the Senator from Massachusetts read from a letter from the Deputy Secretary of Defense to this effect: "We estimate that as many as 100,000 college graduates who would be normally going directly into graduate schools each year will lose their deferred status next year under the new policy."

The fact that they leave their deferred status does not mean that all of them will go into the service.

Mr. RUSSELL. Not necessarily, because they may not take all those that qualify. That is the principal argument to be made for the so-called random system.

Mr. MILLER. We had testimony that about one in seven of those who were eligible would go into the service.

I hope that the Senator from Massachusetts was not trying to convey the impression that 100,000 of these men, because they left their deferred status, would automatically go into the service.

Mr. RUSSELL. That assumption by the Deputy Secretary of Defense is not correct.

If the President allows any deferments whatever by regulation, we know as a practical matter that he will make deferments for doctors and dentists and persons of that nature that are essential to the national defense.

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

Mr. RUSSELL. I yield.

Mr. LAUSCHE. What argument has been made about deferring doctors who are now connected with, let us say, Peace Corps work, from service or help maintain the health of military men?

Mr. RUSSELL. Mr. President, I have touched on that and I discussed it at some length the other day.

The House provision denied any military credit for doctors who serve other than in the Armed Forces or our National Institutes of Health or the Public Health Service.

We opposed that provision in the conference as being too stringent. The Congress has tried to limit credit for military service to the uniformed services, such as the Armed Forces, the Coast and Geodetic Survey, the Coast Guard, and organizations of that kind that are called into being and action in the case of war.

In addition, the conferees agreed to permit Public Health Service doctors serving with the Bureau of Prisons to receive military credit because the Bureau can hardly employ a doctor owing to the dangerous nature of the work, the remoteness of some prisons, and other undesirable conditions of work. The conference agreement would confine credit to those who have historically been allowed credit for their military service by virtue of serving in a uniformed organization or in the Bureau of Prisons. And the other agencies were eliminated, the Peace Corps, the Department of Agriculture, and the Office of Economic Opportunity.

Mr. LAUSCHE. In the Foreign Relations Committee, when the Peace Corps was established, questions were put at great length to the proponents of the Peace Corps concerning whether service in the Peace Corps would grant deferment in the military service.

Those who were expounding the advisability of establishing the Peace Corps in effect said that under no circumstances will service in the Peace Corps be allowed to be used as an excuse to keep from serving in the military.

The record will clearly support the statement I have made.

In my opinion, as between serving as a doctor in a foreign country and in the Peace Corps, in my judgment, it is preferable that he shall serve as a doctor for our men who are injured in the battlefield or who are otherwise serving in the Army or the Navy.

Mr. RUSSELL. There was some strong feeling in the conference—and I have no hesitancy in mentioning names. The Senator from Missouri [Mr. SYMINGTON] was one of those who stood out very vigorously for deferment of those in the Peace Corps. The determining factor for some was that the Peace Corps was established on the premise that there are many altruistic, humane-minded young people in this country who were willing to make sacrifices to serve humanity all over the world.

Now, were we to single out young doctors and say, "Because you are a doctor, you are not willing to make your contribution along with the teachers, along with the scientists, along with the public health advisers, along with the women who are going all over the world to improve the lot of underprivileged." It would be a reflection, as I see it, on the young men who were studying medicine, to say that out of all the Peace Corps, "You are the only ones who do not go and serve, unless you are given credit for your military duty by your service overseas." No one serving in other capacity in the Peace Corps gets that credit.

Mr. President, I repeat that this legislation is under a deadline. We will not

get a 1-year extension of the draft if the report is rejected and sent back to the committee. It may become so hopelessly entangled that the authority to induct will expire on the 1st of July. We only have about 15 days left.

Some Senators who have served in the other body know it is not as easy to take up a conference report there as it is in the Senate. A very slight delay could endanger the entire legislation. Notice has already been served that 39,000 young men will be selected next month under this draft bill. If there is a hiatus in the draft authority, they will not be selected.

If this bill gets in the position of being killed or where the draft authority is even suspended for a month or two, I think that the half-million young Americans in Southeast Asia are not going to be very greatly impressed with an argument against a section in this bill directing the Department of Justice to give priority to the prosecution of draft evaders. Why should it not give priority to the prosecution of draft evaders in a time like this?

Mr. LAUSCHE. Is it in the bill?

Mr. RUSSELL. Yes. That is one of the great objections.

Any number of bills have been passed saying that the Department of Justice should give priority to various cases.

So I wish to say, Mr. President, that in my judgment, despite the very deep feeling of the Senator from Massachusetts and some of his colleagues, some of whom oppose any draft under any circumstances, the Senate would be taking a great risk by sending this bill back to conference to put a 1-year extension in the bill, since both the House and the Senate bills now provide for 4 years.

I yield to the Senator from Maine.

Mrs. SMITH. Mr. President, as ranking minority member of the Committee on Armed Services, I wish to associate myself with the remarks of the distinguished chairman of the committee, the senior Senator from Georgia.

I shall not add anything to his remarks except to say that I concur completely with him and his position.

I urge the Senate to approve the conference report now before us.

The PRESIDING OFFICER. Who yields time?

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

Mr. RUSSELL. I yield 3 minutes to the distinguished Senator from South Carolina.

Mr. THURMOND. Mr. President, I support the conference report on S. 1432 and urge that the Senate adopt it.

A conference always requires a compromise between the views of the two differing bodies. While the bill arrived at in conference is certainly not the same as the bill which originally passed the Senate, the differences are not nearly as extensive as some would have us believe. The bill originally adopted by the Senate contained a minimum of changes in the basic law.

Much of the work that was done by the Committee on Armed Services of the Senate was in an advisory capacity, making recommendations to the President as to how his discretionary authority was to be implemented. Some of these items have now been written into the law, and this seems to me to be one of the basic objections of those opposing the conference report. In my own view, this is a strengthening of the law rather than a weakening of the system.

I have prepared a résumé of the basic changes in the law contained in the bill as it has been agreed to in the conference committee. Also, the résumé contains a brief description of some of the recommendations made by the Senate Armed Services Committee as to the implementation of areas where the President retains absolute discretion. I ask unanimous consent that this résumé be printed in the RECORD following these remarks.

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

RÉSUMÉ OF CHANGES IN SELECTIVE SERVICE LAW

CHANGES IN PRESENT LAW

1. Changes name from Universal Military Training and Service Act to Military Selective Service Act of 1967.

2. Extends basic law for four years—July 1, 1967, to July 1, 1971.

3. Insures liability to draft for selectees who delay induction through litigation beyond age 26.

4. Directs National Security Council to advise Director of Selective Service on occupational and student deferments.

5. Any change in method of selecting inductees, such as FAIR or lottery system, would require act of Congress.

6. Allows enlistment in Reserve or National Guard any time up to day of induction. (Previously, could not enlist in Reserve or National Guard after receiving notice of induction.)

7. Subjects alien doctors and dentists to draft up to age 35, on same basis as U.S. doctors and dentists.

8. Ends deferments for Public Health Service officers who are assigned to the Peace Corps, Food and Drug Administration, Department of Agriculture and OEO.

9. Requires President to continue undergraduate deferments until graduation or attainment of age 24, if work is satisfactory, unless needs of Armed Forces require curtailment or termination of such deferments. Authorizes President to grant graduate deferments for medical, dental and certain essential subjects, and authorizes limited occupational deferments for highly skilled persons who have completed graduate study. Urges nationwide uniformity in classification criteria whenever practicable.

10. Test for conscientious objectors is based only on "religious training and belief" and does not include "essentially political, sociological, or philosophical views, or a merely personal moral code." Eliminates test of an individual's belief in a relationship to a Supreme Being, and the requirement for a hearing by Department of Justice on appeal from local board's denial of conscientious objector status.

11. Allows Reserve personnel not on active duty to act as appeal agent.

12. Prevents judicial review of classification by local board except as defense to criminal prosecution.

13. Changes name of clerk of local board to "Executive Secretary."

14. Requires semiannual reports to Congress from Director of Selective Service.

15. Gives precedence on both trial and appeal to cases arising under Military Selective Service Act.

16. Requires Department of Justice to prosecute all cases recommended by Director, or advise Congress of reasons for not doing so.

17. Allows call-up of individual Reservists not satisfactorily participating in, or assigned to, a Reserve unit, if full Reserve obligation not discharged.

RECOMMENDATIONS AS TO IMPLEMENTATION

1. Expressed no opposition to President's plan to reverse order of induction from age 26 to age 19.

2. Recommended apprentice deferments in critical occupations on same basis as undergraduate deferments.

3. Recommended retention of state quota system of meeting military manpower needs.

4. Expressed opposition to eliminating local boards and creating a centralized bureaucracy to perform their functions.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY of Massachusetts. I yield myself 5 minutes.

I wish to address myself to a number of questions.

First, I do not believe that the comments made here, and the opinions presented in the respective letters, are nitpicking. They are significant, they are substantive, they are based upon comments which are made in analyzing the conference report. They deserve the attention of the Members of the Senate.

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

Mr. KENNEDY of Massachusetts. I yield.

Mr. RUSSELL. Were they not made on the solicitation of the Senator from Massachusetts?

Mr. KENNEDY of Massachusetts. I inquired—the record should be clear—of the respective agencies for their comments on the particular provisions of the conference report. I believe that whether those comments were addressed to the Senator from Massachusetts or to any other Member of the Senate, they would be identical.

As a matter of fact, I refer to the last paragraph of the letter I received from the distinguished Attorney General:

> The foregoing comments are essentially similar to those set forth in my discussion of the same points in my letter of June 1 to the Chairman of the Conference Committee.

These were available to the conference, and they have been made available to all Members of the Senate as well.

Mr. RUSSELL. I am not complaining about the Senator's using those views. They conform to the testimony submitted to the committee. But I did say there is nothing amazing in the fact that these officials hold to their opinion.

Mr. KENNEDY of Massachusetts. My colleague is not, I am sure, saying that the heads of these agencies would do anything but express their best judgment on the question.

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

Mr. KENNEDY of Massachusetts. I yield.

Mr. MORSE. I spoke against the conference report the other day. We have plenty of time before the Selective Serv-

ice Act expires, and my hope is that we will reject the conference report, and we can go back to conference, to see what the able Chairman can work out in conference. If he cannot work out anything, he can come back to the Senate and give us the final report.

In view of the evidence the Senator from Massachusetts has put into the RECORD, the wires that I have put into the RECORD, the serious problem that I believe this bill will create in the field of civil rights if it is adopted, as well as the point I made the other day, we should give it another try in conference and see what agreement can be reached with the House conferees, if any, and bring back the final bill at that time.

If you adopt the conference report in its present form, you will have only yourselves to blame for the trouble you will be in the months ahead because of the great weaknesses in the conference report.

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

Mr. KENNEDY of Massachusetts. I yield.

Mr. SYMINGTON. As the able Senator from Massachusetts knows, this bill is a compromise between the attitudes of the Senate and the House. He points out that he was satisfied with the Senate bill.

I believe that those of us who participated in the conference should present the fact that on Senate views the chairman of the conference, the Senator from Georgia, was persistent. In fact, on one particular point, in which I happen to know the Senator from Massachusetts has been interested for many months, we held out 3 days and finally got a much better compromise than if the position of the House had simply been accepted.

Mr. KENNEDY of Massachusetts. I appreciate the comment made by the distinguished Senator from Missouri.

I have nothing but the highest regard for the chairman of the committee and the work that was done by him and the members of the committee.

But I know the pressures on the committee. I know the House conferees were adamant. I know the concern over other pending Senate business.

I believe, however, that these areas I am discussing are significant and substantive.

I wish to review one other area.

Mr. DOMINICK. Mr. President, will the Senator yield for a series of questions?

The PRESIDING OFFICER (Mr. MONDALE in the chair). Does the Senator from Massachusetts yield?

Mr. KENNEDY of Massachusetts. Mr. President, I shall yield in a moment, but first I wish to make one point.

One of the differences between what was in the Senate report and is not in the conference report is how we are to consider apprentices in on-the-job-training programs. It was my feeling, and it was testified to before the distinguished chairman of the committee, that if we were to extend college deferments, we should give deferments to those boys throughout the country who are enrolled in bona fide on-the-job-training programs and apprenticeship training programs; that they should not be interrupted, as it is today. The Senate bill devotes much attention to this question. I commend the Senate committee because it sympathized with this problem and included that language in the report.

The House report and the conference report contain no reference to apprenticeship training programs, except the reference made in the formal presentation, much as I think the chairman and other members of the committee would have liked to have it in there.

In the formal presentation, the Senator from Georgia [Mr. RUSSELL] made a statement—I refer to page 15424 of the RECORD of June 12, 1967—that the National Security Council would be able to advise the President as to who can be deferred and who cannot be deferred.

The distinguished Senator from Georgia said:

> Other parts of the bill vest the National Security Council with the responsibility for advising the Selective Service System on student, apprentice, and occupational deferments.

I read the conference report to the extent that unless the National Security Council is going to find, under the definition of national security, health, and welfare what I consider a fundamental question of equity—that is, that we should treat the boy in the apprenticeship program the same as the boy studying drama in a liberal arts college—and make a finding on the basis of national consideration, then the apprenticeship program, I say with the greatest respect, is removed from the conference report.

These are some of the areas and some of the points I have sought to bring out this afternoon. They are not so much my reflections only; they have been brought out also by the Attorney General, the Department of Health, Education, and Welfare, and the Peace Corps. It can be said that the Peace Corps is voluntarism, but Public Health officers attached to the Peace Corps, in order to function in a proper capacity abroad, should have the best facilities available to them. I do not think we are questioning the concept of voluntarism if the boy is not going to be healthy.

I would remind the Senator that I have a letter from HEW. It points out it is not only the Peace Corps; it is the Office of Economic Opportunity, the Agriculture Department, and the Food and Drug Administration. All of these agencies and State and local clinics are working under public health auspices. I think the best possible way in which we could proceed would be to return to conference just for the 1-year extension.

I refer to page 4 of the letter we received from HEW:

> We share the concerns of the Congress that the present methods of supplying medical manpower to Federal agencies should be reviewed and new methods developed. As you are aware, the National Advisory Commission of Health Manpower is presently considering the problems of personnel resources for public as well as private segments of our society. Their report to the President is due in September. We have been working closely with the Commission and we are hopeful their findings and recommendations will provide the basis for an orderly revision of current manpower resource development and a long range solution to our health manpower problems.
>
> But until the Commission reports—or until other methods of recruiting manpower are developed and implemented—the Selective Service amendments as adopted by the Conference Committee are neither equitable nor workable. They simply cut off a major medical manpower resource without offering any alternatives to the affected agencies.

The Secretary of the Department of Health, Education, and Welfare says this program should be extended for a short period of time, as well.

I shall yield, but first I should like to know how much time is remaining.

The PRESIDING OFFICER. The Senator has 27 minutes remaining.

Mr. KENNEDY of Massachusetts. I yield myself 3 minutes.

Mr. DOMINICK. I wish to clear up a point I brought out before. Unfortunately, I had to leave the Chamber. I do not know whether other Senators have cleared it up in the meantime.

I understand that as the draft system now operates under the present law, the oldest are taken first. As the Senator from Georgia said, if one is between 18 and 26 years of age, he is in a state of flux and never knows when he will be called.

The report on the Senate bill recommended that 19-year-olds be taken first in order to get away from that problem, and that students who want to be deferred, be deferred until they receive their baccalaureate degree, or reach the age of 24, or flunk out. Upon the happening of one of those three things they are dropped into the pot with 19-year-olds and are eligible to be called.

Is it not true that the conference report provides for that in the form of legislation, as opposed to having it in the report?

Mr. KENNEDY of Massachusetts. That would not be done. I refer to page 10 of the House report.

Mr. DOMINICK. I refer to page 4. It appears in the legislation.

Mr. KENNEDY of Massachusetts. This language should be emphasized: "will in no way proscribe or inhibit the President in changing the priorities of various age groups for induction, nor will it preclude him from adopting the so-called modified young age system which would involve identifying the 19- to 20-year age group."

I completely agree with the Senator that the 19-year-olds should be taken first. I completely agree. This language would permit the President to do so. That is the interpretation of the Senator from Colorado. This language would permit the President to do so. The Mark Clark commission and the Department of Defense both agree.

I would remind the Senator of this one fact. The House conference committee report and the distinguished Senator from Georgia [Mr. RUSSELL] both recognized the fact that if the 19-year-old age group, were to become the prime age group, then there would be too many 19-year-olds.

Mr. DOMINICK. I fully understand

that. That is because there is not a need for that much manpower yet.

Mr. KENNEDY of Massachusetts. That is correct. This is the fundamental question. I support taking the 19-year-olds; but, as the chairman has pointed out, by doing so there will be too many eligibles. So it becomes necessary to devise a way of taking some and not others. That could be done by birthdays or by some other fair system. Either would be satisfactory to me.

But the conference report prohibits—absolutely prohibits—the President from implementing any kind of fair system. The only way it could be done would be by enacting new legislation. Everyone recognizes that if the act is to be extended for 4 years, neither the Senate nor the Committee on Armed Services is likely reconsider a random system in the immediate future, and certainly not by the end of this month, June 30.

Mr. DOMINICK. If we are to take the position of drafting the youngest first, which both Houses have said they think ought to be done, and as is also provided in the report beginning at the bottom of page 3 and continuing on the top of page 4 as a new legislative proposal with which the President could go forward, and it developed that there were too many, how would the men be selected? It would have to be done by birthdays, would it not?

Mr. KENNEDY of Massachusetts. How would it be done by birthday?

Mr. DOMINICK. That is the way it is done now.

Mr. KENNEDY of Massachusetts. The oldest would be taken first. That is exactly the dilemma in which I think many of us find ourselves. Let us assume it is decided to take the 19-year-olds first. We would start with the oldest rather than the youngest. Let us assume that that system were to go into effect today. That would mean that everyone of that age group who had a birthday a year ago yesterday would be the oldest.

Mr. DOMINICK. There could not be any more random selection than that.

Mr. KENNEDY of Massachusetts. No? If the President said that the system were to begin today, everyone would know that based on the day he was born in April or May in a given year, he would be excluded from the draft. That would work hardship, because in different months, different numbers would be called in the draft. If we said, "Let us do it in each month; let us do it by birthdays and take the oldest in January, the oldest in February, and continue in that way each month," then first of all, as the Department of Defense letters have shown, there would be seasonal fluctuations in calls by draft boards. More persons might join in January than in November. How would they be treated? Suppose there were much heavier calls in January and February. If it is said that men should be taken by birthdays, and selected at random, the simple point I make is that the bill prohibits the President from using any kind of random selection, either by birthdays or by lottery. It would not make any difference how that was done. But the report does provide that the President may select the youngest—the 19-year-old group—first.

The distinguished chairman of the Committee on Armed Services and the committee itself both indicate that there is a surplus of 19-year-olds. So the question is, How can some be taken when all of them are not needed? That was one question that was submitted to the Marshall Commission and the Clark Panel to answer for us. That is a problem which confronts us. I do not believe it is a fundamental problem; I merely think we have not come to an agreement.

Mr. DOMINICK. The Senator would still agree, would he not, that students who had deferments and who graduated would now be dropped into the pot with 19-year-olds, for determination of who would be chosen from that group?

Mr. KENNEDY of Massachusetts. Was the Senator talking about graduates?

Mr. DOMINICK. Persons who have graduated from an undergraduate college and have obtained a baccalaureate degree.

Mr. KENNEDY of Massachusetts. If, suddenly, the President were to say that June 30, the oldest would continue to be taken first but under the terms of the report we are considering, then it would take a finding by the National Security Council to eliminate the inequities. This is because the 100,000 mentioned here earlier who would be going on to graduate school, who would not fall under the deferment categories, would be the first ones drafted in July.

Mr. DOMINICK. With all due respect to the Senator from Massachusetts, it would appear to me from this language that those who graduate or those in graduate school, or whatever it may be, will form part of a pool out of which this group will be taken, which will include the 19-year-olds.

Mr. KENNEDY of Massachusetts. But the college graduates will be the oldest, will they not?

Mr. DOMINICK. I would presume so.

Mr. KENNEDY of Massachusetts. We are going to find that those in a graduate school will be the oldest, for the purposes of determining the order of induction. That is the problem.

I would refer the Senator to the letter written by Secretary Vance on this subject, because I have been talking considerably about this, and his letter states it very clearly. It is not just me saying it. Secretary Vance has also stated it. It is a part of the record.

Mr. LAUSCHE. Mr. President, will the Senator from Georgia yield to me, so that I may ask him one or two questions?

Mr. RUSSELL. I am very glad to yield to the Senator from Ohio. But first, Mr. President, how stands the time?

The PRESIDING OFFICER. Thirty-nine minutes remain.

Mr. RUSSELL. How is the time divided?

The PRESIDING OFFICER. The Senator from Massachusetts has 17 minutes remaining.

Mr. LAUSCHE. Which bills will best result in supplying doctors and dentists for the military men of our country serving overseas or within the country?

Mr. RUSSELL. The conference report would offer a greater assurance of medical men for the people in the armed services because it puts a restriction on civilian agencies to which Public Health Service doctors can be assigned and receive credit for their service as if it were military duty.

Mr. President, while I am dealing with this particular point, let me say that the civilian agencies do not have an impossible task of getting doctors. If there is any civilian agency that should argue for a military credit, it is the Veterans' Administration and its hospitals. They do not have these Public Health Service doctors assigned because they do not need it. The VA gets the doctors that it needs on the open market. The Peace Corps, the OEO, and all the other agencies, should be able to do the same thing.

Mr. LAUSCHE. Why did the conference report state that deferments shall not be granted to doctors and dentists in the agricultural division in the Peace Corps, in the poverty program, and other civilian programs, and declare that they should, first, be made to serve in the military?

Mr. RUSSELL. It was done for two reasons. It was not aimed at those agencies but it was an attempt to prevent the extension of all these allowances for military credit to any other civilian agency. Therefore, the conference report seeks to confine the crediting as military service to doctors in the uniformed services, with the single exception of the Bureau of Prisons which has been furnished Public Health Service doctors for years.

On these other civilian agencies that have been furnished Public Health doctors, we do not know whether they can hire physicians or not. They can try it and see. The President is authorized to grant an occupational deferment for physicians working for these agencies. But the conferees felt that the Congress should assert itself to the extent of saying that there must not be an unlimited crediting of service with civilian agencies as military duty.

Physicians and dentists have a special draft liability to age 35. The purpose is to assure a sufficient supply for the Armed Forces. Therefore, we did not feel we should leave the door open to permit any civilian agency to use an unlimited number of doctors and to take them away from the supply available to the Armed Forces.

Mr. LAUSCHE. If the conference report is not adopted, is it a fact that doctors and dentists and other specialists will be required first to serve the civilian agencies and can disregard the needs of the military in this country?

Mr. RUSSELL. The practice now is that physicians so assigned get the same credit for military service as a man in Vietnam.

Mr. LAUSCHE. But under the conference report——

Mr. RUSSELL. No. Not under the conference report.

Mr. LAUSCHE. That is, they will have to serve the military and that is why——

Mr. RUSSELL. Under the conference report, they do not get credit for military service for serving the civilian agencies.

Mr. President, there has been a good deal of discussion about the great trouble we can expect to have during the period of transition when a large number of older men will be dumped into the 19-year-old pool. There is ample law on the statute books dealing with that.

Everyone has been concerned about that problem. But, at the present time, there is on the books, because we did not rewrite the whole draft law, this provision:

The President is authorized—

Notice how sweeping this is—

from time to time, whether a state of war exists, to select or induct into the Armed Forces of the United States for training and service in the manner provided in this title—

Heed this—

including but not limited to selection by age groups or age group, such number of persons as may be required, to provide and maintain the strength of the Armed Forces.

That gives him plenty of authority to apportion the burden during the first years of transition.

The President could determine, on the 39,000 draft proposed for the next month, if the Senate approves the conference report, that we will take 12,000 of the 19-year-olds. We will take 10,000 of those who have been thrown back from their graduate courses, which has been discussed here.

We are going to take the remainder from the 20-year-old group. He could distribute the call among several groups to equalize it.

But we are not going to solve all the transitional problems in the first year.

This is not a temporary thing. There will be more young men classified 1A than we will need for draft selection from this year on, unless we get into a deplorable conflict elsewhere on the globe.

This throwback, whether it is 100,000 or 200,000, whatever the number may be, should not result in their all getting a windfall. I think the President should select some, under this provision of the law, from that group in order to make some effort to equalize the service of our young people to their country in a time of danger. It cannot be done completely fairly, but we should do it as fairly as we can.

The Senator has referred to the Department of Defense. I think I am as familiar with the Defense Department as anybody around here. I have seen its officials come and go, and I have worked with them. Most of them are highly competent. But it happens that the Department of Defense has nothing to do with the administration of Selective Service. After a person is drafted, the Department has control over him, but until the time he is drafted, the Department of Defense has nothing with his selection. Such a decision is up to the draft boards and the laws that relate to the Selective Service System.

It is significant to me, in reading these communications here today, that we have not had anything from General Hershey objecting to this bill. He has not expressed any displeasure with it. He has not said it would cripple the Selective Service System. I suspect General Hershey knows as much about the subject as anyone here. I think I know a little about it, but he knows a great deal more than I.

I have a memorandum from the Selective Service System confirming what I said in the debate here on Monday—that there was no prohibition whatever, nor any contradiction to the Senate committee report's suggestion that apprenticeship deferments should take the same position as that of college undergraduates.

Mr. PASTORE. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield.

Mr. PASTORE. The Senator from Massachusetts has argued that if we removed deferments for postgraduates, we would be putting those graduates into the 19-year-old pool. He has argued that if the President says that the oldest within the 19-year-old pool shall be called first, we would have more than would be necessary in the 19-year-old pool, and the responsibility would fall upon the graduates, because they are the oldest.

The Senator from Georgia is arguing that there is abundant law on the books under which the President has the discretion to say he will take 10,000 of the oldest who are 19 and 10,000 of the oldest who are graduates.

Mr. RUSSELL. Unquestionably. There is no question about it. We are not changing much of the permanent provisions relating to the Selective Service System. This bill does not repeal or amend all the basic law. What is necessary is an extension of the authority to induct. We sought to ameliorate some of the most glaring injustices. This is quoted from a part of the selective service law that would be unchanged:

The President is authorized to * * * select or induct into the Armed Forces of the United States for training and service in the manner provided in this title, including but not limited to selection by age group or age groups * * *.

He can divide the call among age groups as he sees fit, and I assume he will. If I were President, I would issue an order to divide the calls for at least the first year to avoid having all those over 20 who are now deferred excused from liability as the price of changing the system to take the 19-year-olds first. I would certainly call some of the older group and some of the younger group. I would mix them up. We are not going to get away from that problem under this act, because there will be men who are 24 years of age falling back into the 19-year-old group when they finish college. They are, constructively, 19-year-olds as far as the draft is concerned. There should be a rollback or reversion of those with apprenticeship deferments and college deferments.

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

Mr. RUSSELL. I yield.

Mr. JAVITS. I am a little troubled by the 1- to 4-year extension. I had an assistant monitor what was going on on the floor in my absence. He advises me that the Senator from Georgia had not addressed himself to the practicality of a 1-year extension. Sometimes it is argued that there would not be enough young men in the pool, or there might be other objections. I wondered if the Senator would address himself to the 1-year question.

Mr. RUSSELL. I have discussed that question on other occasions. I think it would create tremendous uncertainty all over the country, to start with. In the second place, I do not think it is parliamentarily possible, because both the House and the Senate bill provide for a 4-year extension. That is my own view. I understand the Parliamentarian may hold to the contrary. But there is a 4-year provision in the House bill and a 4-year provision in the Senate bill. Even if the House receded—which it would not do—and I would not insist on it—if I were instructed to insist on a 1-year provision, I would not serve as a conferee, but would ask that a Senator who favored such a provision serve as a conferee in my place.

Mr. JAVITS. I think there are grave imperfections in this bill. Very frankly, what deeply troubles me is the possibility of turning down this conference report on a draft bill, even if it were to be considered to be a bad bill, in view of the present posture of our Nation's foreign policy. Even if I did consider it to be bad, I would be worried about doing that. I wondered if the Senator, with his great experience, had some comment on that.

Mr. RUSSELL. There is no question that it would cause great confusion. I think it would cause misunderstanding on the part of those who are in the armed services. I do not agree with the Senator's conclusion that it is a bad bill. It is not a perfect bill, but it is an infinitely better bill than the law we are amending. It is a much better and fairer bill than the law we are amending.

Mr. KENNEDY of Massachusetts. Mr. President, if the Senator will yield.

Mr. RUSSELL. I yield.

Mr. KENNEDY of Massachusetts. If we extended beyond June 30 the present law—not the conference report—the President's recommendations could be put into effect. We know this, because it was the basis of the President's message to the Congress, in which he indicated he would do so. But now, under the conference report, there is specific language to prohibit him from making such adjustments.

Mr. RUSSELL. What is the Senator referring to?

Mr. KENNEDY of Massachusetts. The random selection.

Mr. RUSSELL. With respect to the random selection, I repeat, the President has stated that the random system should be started before the first day of January 1969; and if he will propose, or the Senator from Massachusetts, or any of the other advocates of the random selection system, will introduce a bill that is reasonable and provides for a fair and workable random selection, we can get a law long before the first day of January 1969. It is my idea that it would be done.

We had a firm agreement with the conferees of the other body that if the

President would propose something definite that deals specifically with the subject of random selection, when and how it shall be applied, we would give it immediate consideration. I am not opposed to random selection, I have said that all the way through.

Mr. KENNEDY of Massachusetts. This is really the basis of the reason I would like to have an extension of 1 year. We would be able to have that kind of adjustment and change. What we are talking about this afternoon is a 4-year extension. It is not even an extension of the present law, which would provide that, by Executive order, certain adjustments and changes could be made. We will, by adopting this report, be freezing the law for 4 years.

There are further substantive questions, some of which I pointed out on Monday. Just for an example——

Mr. RUSSELL. Mr. President, the Senator from Massachusetts has been over all that, and I have very little time. He has stated it all two or three times.

Mr. JAVITS. Mr. President, will the Senator permit me to ask one further question?

Mr. RUSSELL. The Senator from Indiana rose first. I yield to him.

Mr. JAVITS. I thank the Senator.

Mr. BAYH. Mr. President, will the Senator deal briefly with the means of choosing the individual within the 19-year-old pool and the graduate student pool? How would that be effectuated? As I understand, the Senator from Massachusetts is concerned about the equity of that situation. Could the Senator shed some light on it?

Mr. RUSSELL. Until the President comes up with a new system of selection, and that has been approved by the Congress, the boards will follow the custom for the last 18 years of taking the oldest first. That is the practice until now, and I assume that course will be followed in the future.

In other words, the oldest man within an age group would be reached first—say the President changes the prime group to age 19, and I hope he does as soon as this bill has been enacted—the oldest 19-year-old would be called first. We would follow that system for the time being, because the President has set January 1, 1969, as the date by which he hoped to institute a random selection system. That is over 18 months from today.

Mr. BAYH. Will the Senator yield for a further question?

Mr. RUSSELL. I yield.

Mr. BAYH. I do not mean to be picayunish about this matter——

Mr. RUSSELL. I understand; we are all concerned about the problem.

Mr. BAYH. The Senator discussed taking the oldest first; but is a new determination made of the age group in each calendar year, so that, if you are a young 19-year-old, and the calendar changes, they immediately choose a new group of 19-year-olds, or do you keep escalating on until you are at the top of the 19-year-old group?

Mr. RUSSELL. Under the present circumstances?

Mr. BAYH. Yes.

Mr. RUSSELL. You start at 26 and come down, under the present system, but the President has suggested a change, and it has been approved by both Houses—and I think it meets the approval of the Senator from Massachusetts—to start with age 19 and go up.

Mr. BAYH. What I mean is, the oldest of the 19-year-olds are eligible first?

Mr. RUSSELL. The oldest in the 19-year-old group, yes.

Mr. BAYH. That means that the ones with the greatest degree of probability of being drafted would be the ones born in December, November, and October, and the ones born in January, February, and March might well escape?

Mr. RUSSELL. No. Of course, they move as if on an escalator. When all the eligibles are not required, some of them could move on to age groups of diminishing liability. But as to those who are chosen, they do take the oldest first and come down. And I am not opposed to doing that; that is a logical system. A man cannot fix the date of his own birth; it is by chance. He is thrown into that position by the accident of birth.

But that system would be followed without regard to whether the motion of the Senator from Massachusetts fails or not. That system would continue probably until January 1, 1969, even if this bill just extended the present law. We discussed this random selection at length in conference, at great length, and spent more time on it than on any other single problem, because I did not like the House provision. But we practically invited the President to send up a proposal as early as possible, with the assurance by both groups of conferees, the ranking members on both the House committee and the Senate committee, that we would give it immediate consideration.

Mr. PASTORE. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield.

Mr. PASTORE. When a graduate student is dropped down to the 19-year-old group, and he is not called, what becomes of him after everyone in the 19-year-old pool becomes 20 years old?

Mr. RUSSELL. After 1 year from the time he becomes a constructive 19-year-old, he moves out of the prime liability group.

Mr. PASTORE. Into his own age bracket?

Mr. RUSSELL. Yes.

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield.

Mr. JAVITS. I liked the Senate bill. I do not want to be misunderstood on that score. However, the Senator and I had a discussion about racial discrimination on draft boards. One of the problems which concerned the Senator from Massachusetts, at least in his prepared text, is the fact that the conference report specifically states: "No citizen shall be denied membership on any local board or appeal board on account of sex," and he concludes from that that the legislative record will be silent on the issue of racial discrimination, and believes that we are derelict in that regard.

What I wish to ask the Senator is: Could the Senator repeat, as part of the legislative record in connection with the conference report, his assurance to the Senate, in response to colloquy with me, that it was not intended that the legislative record be thus silent, and that the committee will be vigilant on that score, and will respond to any complaints lodged with it?

Mr. RUSSELL. Mr. President, what the Senator from New York has quoted is the present law. Of course, the committee has no authority to enforce the law; but it is the intention of the committee—and I have no hesitation in stating it for purposes of legislative history—that there shall be no discrimination whatever in the selection of the boards.

The Senator understands, of course, that selections of draft board members are made by the President on the recommendations of the Governors of the several States. Dealing with the matter very frankly and clearly, so that nobody will be misunderstood, up until now, there have not been many of our Negro citizens on the draft boards. There are some being appointed at the present time.

I did ask Mr. Burke Marshall, who, as the Senator well knows, was head of the Civil Rights Section in the Department of Justice, if their examination—and they went into a large number of draft boards—revealed that there had been any racial bias in the selection of persons to be inducted. He testified before the committee that they had not found a single instance of it.

I do not say that that is any argument against having Negroes on the boards, but I can say it is a clear indication that they have not been abused in not being selected. He testified to that effect, as did all other witnesses before the committee.

Mr. JAVITS. The important thing to me is that the legislative history show that it is our intention that Negroes shall be fairly represented, and that whatever we can do within Congress, and certainly whatever the committee can do, it will do to see that that is the actual practice.

Mr. RUSSELL. The law provides that in the selection of persons for training and service; and, in the interpretation and the execution of the draft law, there shall be no discrimination against any person on account of race or color. In the last analysis, the President has to appoint the draft boards. But it is hard for me to believe that a man who has just appointed a Negro to the Supreme Court of the United States would hesitate to request a State Governor to give him the name of a Negro to serve on a selective service board.

Mr. JAVITS. With all respect for the Senator's views—which I know well—on the civil rights issue, I also know the Senator's views about the military. May we have some indication of the feeling of the committee, as the Senator sees his committee, that it will do its utmost to see that this present law is honored?

Mr. RUSSELL. Mr. President, I would not deceive the Senator from New York. I do not think that we have any jurisdiction in the matter. The Department of Justice might have some, because it in-

volves the enforcement of a law. But I have stated the legislative intent as clearly as I know how, and I know of nothing else that this committee can do. The committee does not select the draft boards.

Mr. JAVITS. There is nothing in this conference report that changes that situation?

Mr. RUSSELL. There is nothing in the conference report that changes the law that in the selection of persons for service and that in the execution and administration of the law there shall be no discrimination on the basis of race or color.

Mr. JAVITS. I thank the Senator.

Mr. KENNEDY of New York. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. KENNEDY of New York. As I recall from reading the Marshall Commission report, only about 1½ percent of the total membership of the draft boards in the United States is Negro.

Mr. RUSSELL. Perhaps the Senator from New York is correct. If the Senator goes back to about the time the draft was originated, he will find that there were not then many Negroes holding local office in certain sections of the country. If he wishes to thrash all of that old straw here, he is at liberty to do so.

People have been trying to adapt themselves and comply with the new order and conform, whether they believe in it or not.

I say that there has been an improvement.

I am perfectly willing to agree with the Senator's statement that until very recently there was a very small percentage of Negroes on draft boards. And I do not think such a condition was limited to the South. May I say that the State of New York was just about as bad with reference to abusing that provision of the law as was any Southern State.

Mr. KENNEDY of New York. I did not mention anything about a Southern State.

I said that the situation existing in the United States was that about 1½ percent of the membership of the draft boards was Negro.

The reason I brought the matter up is that because we are fighting a war and people are being killed, and it seems to me quite important that particularly at such a time, all people ought to have equal representation on the draft boards.

My colleague raised a question as to why the conference report should provide that there should be no discrimination based on sex.

I do not know why we did not also include a provision that there should be no discrimination based on color or religion. It strikes me as strange.

Mr. RUSSELL. It was only recently that we passed a law that there should not be any discrimination in employment because of sex.

Mr. KENNEDY of New York. I am not talking about that part of it.

Mr. RUSSELL. The world moves on, and I doubt if it serves any useful purpose to condemn us for things that might have happened in the past. I think it is much better to encourage movement forward in the future.

Mr. KENNEDY of New York. That is why I raised the question.

Mr. RUSSELL. That is not any new condition. We had the Selective Service Board during World War I and World War II and down to this good hour. It is no new condition. With respect to the composition of these draft boards, it has been more or less national in its aspect. This is something to which consideration should be given.

The President of the United States has the power to reject any recommendations for board membership made by any Governor in the United States.

Mr. KENNEDY of New York. I understand also from the Marshall report—and I have not read it for a month or so—that about 60 percent of the Negroes eligible for the draft are drafted which is much higher than the percentage for white people.

Mr. RUSSELL. I think that is very deceptive. I think it is a very unfair statement to be made without any footnote or explanation. The reason it is misleading is that a relatively smaller percentage of the Negro population qualifies mentally and physically for induction.

Some complaints have been made about the number of Negroes in the paratroop outfits and other organizations of that kind.

The number of Negroes in some combat units is disproportionate to their composition of the total population. However, many of these are volunteer organizations. It is a very natural thing to have many volunteers for units that receive extra pay for combat and hazardous duty.

Negroes have had less difficulty in advancing in the Army than in civilian life. That is the reason that there was a higher percentage of Negroes in those organizations.

However, if we take the overall military composition, including the Navy, Negro membership is roughly proportionate to the total Negro population of the United States.

Whether that is a condemnation of the Navy or an exaltation of the Army, the Senator can draw his own conclusion. That is a fact.

Mr. KENNEDY of New York. Am I correct in my understanding that approximately 22 percent of our casualties in Vietnam have been Negroes?

Mr. RUSSELL. I think that is a little high. I think it is about 20 percent. It may be over 20 percent if the elite combat units such as the 1st Air Cavalry, are considered. For example, I observed that outfit when it was trained before being sent to Vietnam. It had a very high percentage of Negroes, particularly among the noncommissioned officers.

I believe that over half of the noncommissioned officers in that outfit were Negroes. I am sure that is true for one of the paratroop brigades, which was heavily involved in the fighting in Vietnam and suffered very great losses.

The hard core of the Army that did the first fighting certainly had a much higher percentage of Negroes than the total number of Negroes in this country bore to our total population.

It was not, therefore, unusual that they suffered a higher percentage of the casualties there.

Mr. KENNEDY of New York. I appreciate the courtesy of the Senator.

I raised the question because it struck me, as it did other Senators, that we had in the conference report a provision that there should not be any discrimination based on sex. The conference report left out a provision with respect to race.

The question has been raised in the United States as to why so many of those who were casualties in Vietnam have been Negroes. There was question as to whether there was discrimination against them by the draft boards.

I believe it might be a very helpful provision if we were to provide the same provision with respect to race and religion.

I have the same reservations as does the Senator from Massachusetts about some of the other provisions of the bill.

Mr. RUSSELL. The committee was not unaware of this. Some of this concern has been expressed in good faith. And some of it has been as a result of demagoguery.

We went into the subject very fully. Mr. Marshall himself testified, as I stated a moment ago, that there was no discrimination against the Negro in the operation of the Selective Service law. That is what we are dealing with here now.

If the Senator wishes, we could pass a law that people could not enlist in the Army out of proportion to their racial composition of the total population.

I ask unanimous consent to have printed at this point in the RECORD the testimony of Mr. Burke Marshall with respect to this issue and also an excerpt from the Marshall report on page 22, beginning with: "The Negro does not serve in the Armed Forces out of proportion to his representation in the population as a whole—" and going down to and including the end of that paragraph on page 26.

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

The Negro does not serve in the Armed Forces out of proportion to his representation in the population as a whole. But far greater percentages of Negroes than whites are rejected for service.[1] Department of Defense estimates showed that of all those examined almost 50 percent of nonwhite men aged 26–29 years in 1964 had been found unfit for service as opposed to almost 25 percent of the white male population of the same age group.[2] (See chart 6.) The percentage of Negroes considered qualified for service was thus considerably smaller than the similar percentage of whites. Nevertheless, 30.2 percent of that qualified Negro group was drafted, whereas only 18.8 percent of the qualified whites were. (See chart 7.) This is primarily because of two factors: (1) Fewer Negroes are admitted into Reserve programs. The 1965 study showed Reserve duty experience for 2.8 percent of all nonwhites in the age group reviewed, and 5.4

[1] This is primarily because of written test failures; physical rejections among Negroes are actually lower than those for whites.

[2] The estimates cited here are based upon overall disqualification rates, including experience of both volunteers and draftees. The disqualification rates for those called for induction alone have been consistently higher than these overall rates.

percent of those qualified for military service, compared with 15.5 percent of all comparably aged whites, and 20.6 percent of the whites qualified. (The Reserve problem is discussed later in this report.) (2) Fewer Negroes get into officer programs—little more than 0.2 percent of that total nonwhite group and less than 0.4 percent of those qualified, contrasted with 3.3 percent of all the whites and 4.3 percent of the qualified whites in the group studied.[3]

Enlistment rates are about equal for qualified white and Negro men. However, Negroes already in the service reenlist at a substantially higher rate than do white servicemen—their first term reenlistment rates have been more than double that of whites in recent years, according to Department of Defense figures. The Report of the U.S. Commission on Civil Rights in 1963 concluded that this "suggests that Negro servicemen believe on balance that the Armed Forces offer them greater career opportunities than they can find in the civilian economy." The Negro soldier has a record of heavy volunteering in elite combat units. (Some airborne divisions, which rely exclusively on volunteers, are 24 percent Negro.) The possible attractiveness of a relatively nonsegregated society which primarily measures ability cannot be said, however, to be the sole reason for the Negro's heavy representation in combat units. The same educational deficiencies which disqualify the Negro for service in such large numbers continue to work their effect inside the service as well; fewer Negroes even among those eligible for service are admitted to jobs requiring technical skills; sometimes the path leading to an infantry division is the only one entirely open. Approximately 20 percent of all personnel assigned to combat occupations throughout the Army are Negro.

The overall proportion of Negroes in relation to all enlisted personnel in Vietnam is only 11 percent; but their percentage in the Army units there is 14.5 percent; and their representation in Army combat units is, according to the Defense Department, "appreciably higher" than that. Current figures are not available, but as of late 1965, 22.8 percent of the enlisted men in combat units in Vietnam were Negro. The casualty figures reflect this. During the first 11 months of 1966, Negro soldiers comprised 22.4 percent of all Army troops killed in action.

The Commission considers that there is reason to believe that many of the statistics relating to the Negro would be comparable for some other minority groups, although specific information to establish this is not available.

Senator INOUYE. My third and last question, Mr. Chairman. I have seen statistics which seem to indicate that on a proportionate basis, there are more Negroes in the U.S. Army, there are more Negroes serving in Vietnam, there are more Negroes on combat assignments.

In fact, I read stories about certain battalions being 40 percent Negro and 60 percent non-Negro, and as a result I have seen several statements issued by prominent Americans charging that there was some discrimination involved. I would like to know if there is any validity to this. I would like to have your views, sir.

Mr. MORRIS. I would be very happy to respond to this, sir. The average intake into the military services for years has been running in the area of 10 to 12 percent nonwhites. This represents approximately the percent that the Negro represents in population.

It is true that nonwhite accessions into the Army are greater than in other services, and the consequence is today that those members of the Army forces in Vietnam tend to run higher than their general proportion to the military population.

For example, as of September 30, 1966, in Vietnam 14.5 percent of Army enlisted men were Negro, and 3.8 percent of the officers, for an overall average of 13.3 percent. But in some units, and particularly the airborne units, the percent runs much higher—up to 22 percent is the highest figure that I have seen in any total unit. This is not a disproportion as we see it for these elite units, such as the airborne, since those men who enter those units do so as volunteers. They desire that type of service.

Senator INOUYE. I notice that there is some, as you say, disproportionate statistics for 14 to 22 percent.

Mr. MORRIS. Yes, sir.

Senator INOUYE. How do the percentages run? This is for enlisted personnel, is it not?

Mr. MORRIS. 14.5 percent is Army enlisted. The overall percent of all Army personnel is 13.3 percent in Vietnam.

Senator INOUYE. What is the percentage of officers?

Mr. MORRIS. 3.8, sir.

Senator INOUYE. Thank you very much.

Senator JACKSON. To follow up on Senator Inouye's point, which is one that concerns us naturally, Mr. Secretary, I wonder if you could give us a breakdown as to percentages first as to those who come in either on their first enlistment or are inducted, what percentage of the total are Negro or nonwhite, and then the percentage of those who are in after the 24 months of service, who come in and reenlist?

Is it not a fact again, generally, I am just guessing, but it is my impression that quite a substantial percentage of Negroes, more in proportion to the population, reenlist?

Mr. MORRIS. That is correct, sir, and I can furnish that.

Senator JACKSON. And make it a career.

Mr. MORRIS. That is correct, sir. In calendar year 1965, for example, the reenlistment rate in all services of white personnel was 17.1 for first term personnel, for Negroes it was 45.7, two and a half times as great.

Senator JACKSON. So the significant point it seems to me would be that they have voluntarily increased their percentage.

Mr. MORRIS. Correct, sir.

Senator JACKSON. In relation to the white population.

Mr. MORRIS. Correct, sir.

Senator JACKSON. Especially after they have served the 24 months as a draftee. I think this is a point that has not been properly brought out in the press. The Negroes themselves have found the service desirable. They have wanted to stay in, and they have manifested that fact by volunteering.

Mr. MORRIS. That is correct. I would like if we may, to furnish a full statement of these statistics for the record.

(The above information follows:)

"The following statistics on overall Negro participation in the Armed Services and on Negro participation and casualties in Vietnam are provided, based upon latest available reports.

"Negroes as percentage of total military personnel on active duty, officer and enlisted, by service, selected years, 1949–65

	DOD	Army	Navy	Marine Corps	Air Force
Total personnel:					
1949	7.0	11.2	4.2	1.9	4.5
1954	8.7	12.7	3.2	6.0	7.6
1962	8.2	11.1	4.7	7.0	7.8
1964	9.0	12.2	5.1	7.9	8.7
1965	9.5	12.8	5.2	8.3	9.2
Enlisted:					
1949	7.8	12.4	4.7	2.1	5.1
1954	9.3	13.7	3.6	6.5	8.6
1962	9.2	12.2	5.2	7.6	9.2
1964	10.1	13.4	5.8	8.7	10.0
1965	10.5	13.9	5.8	9.0	10.7
Officers:					
1949	.9	1.8	----------	----------	.6
1954	1.5	3.0	.1	.1	1.1
1962	1.6	3.2	.2	.3	1.2
1964	1.8	3.4	.3	.4	1.5
1965	1.9	3.6	.3	.4	1.6

"Percent nonwhite among enlisted accessions to active duty, fiscal years 1961–65

Fiscal year	Total DOD	Army		Navy	Marine Corps		Air Force
		Inducted	Enlisted		Inducted	Enlisted	
1961	8.2	14.4	8.2	2.9	----------	5.9	9.5
1962	9.7	15.3	9.0	4.1	----------	6.5	8.6
1963	10.6	18.5	11.2	4.3	----------	5.5	10.5
1964	10.7	14.2	12.2	5.0	----------	8.7	9.1
1965	12.2	16.3	14.1	5.8	----------	8.4	13.1
1966 [1]	9.9	13.0	11.2	3.4	12.5	8.6	8.0

"[1] In fiscal year 1966, the Navy inducted 2,503 men and the Air Force 20 men. These personnel were not included in this computation.

"Reenlistment rates by race, calendar year 1965

Service	1st term		Career	
	White	Negro	White	Negro
Army	13.7	49.3	80.7	96.9
Navy	24.2	44.8	89.6	93.4
Marine Corps	18.9	38.9	87.7	92.3
Air Force	19.1	39.2	88.9	92.2
DOD total	17.1	45.7	86.4	94.2

[3] Statistics relating to the Negro serviceman are contained in the tables in sec. V of the appendix.

"Negro personnel in Vietnam, Sept. 30, 1966

	Enlisted men		Officers		Total	
	Negro	Percent Negro	Negro	Percent Negro	Negro	Percent Negro
Army	24,868	14.5	804	3.8	25,672	13.3
Navy [1]	5,469	6.4	28	.4	5,497	5.9
Marine Corps	4,340	7.5	29	.7	4,369	7.1
Air Force	4,448	11.3	77	1.5	4,525	10.2
Total DOD	39,125	11.0	938	2.5	40,063	10.2

"[1] Including offshore elements of 7th Fleet.

"Enlisted fatalities due to hostile action in Vietnam, total and Negro, 1961–66

	Total	Negro	Percent Negro
Army	3,682	815	22.1
Navy	114	1	0.9
Marine Corps	1,933	216	11.2
Air Force	65	3	4.6
Total DOD	5,794	1,035	17.9

"Note.—The higher fatality rate among Negroes in relation to their percentage of total enlisted strengths in Vietnam is attributable to the relatively high proportion of Negroes in primary combat units in Vietnam (Infantry, Air Cavalry and Airborne) which have borne the brunt of the combat casualties. For example, in November 1965, the percentages of Negroes among enlisted men in selected primary combat units were as follows:

	Percent Negro
101st Airborne Brigade combat units	29.6
173d Airborne Brigade combat units	26.2
1st Air Cavalry Division combat units	22.4

"These contrast with an overall percentage of Negroes in relation to total Army enlisted personnel in Vietnam in November 1965 of 15.9 percent. The higher proportion of Negroes in these high risk combat units is a result of individual choice and demonstrated skills. For example, the Negro soldier has traditionally volunteered for airborne units, where the increased pay, prestige of personal leadership and opportunity to demonstrate his natural abilities are most attractive. Additionally, many Negroes do not have the necessary skills upon induction or enlistment for assignment to the more technical specialties."

Senator INOUYE. I am very happy to hear this testimony. In other words, you are saying there is no validity to the charge of discrimination.

Mr. MORRIS. No, sir.

Senator INOUYE. I thank the chairman for his assistance on this.

Senator JACKSON. Right on that point, the report of the National Advisory Commission on Selective Service I think has made a very good statement on page 9, that it might be well to read into the record as a summary of it. I quote:

"The Commission gave careful study to the effect of the draft on its fairness to the Negro. His position in the military manpower situation is in many ways disproportionate, even though he does not serve in the Armed Forces out of proportion to his percentage of the population. He is underrepresented, 1.3 percent, on local draft boards. The number of men rejected for service reflects a much higher percentage, almost 50 percent of Negro men found disqualified, and of whites 25 percent, and yet recent studies indicate that proportionately more, 30 percent Negroes of the group, qualified for the service are drafted than whites, 18 percent, primarily because fewer Negroes are admitted into Reserve or officer training programs. Enlistment rates for qualified Negroes and whites are about equal, but reenlistments"—

And this was your point?

Mr. MORRIS. Yes, sir.

Senator JACKSON (reading):

"Reenlistments for Negroes are higher. The Department figures show the rate of reenlistments is now more than double that of white troops. Negro soldiers have a high record of volunteering for service in elite combat units."

You have covered that by reference to the airborne.

Mr. MORRIS. Yes, sir.

Senator JACKSON. The airborne units.

"This is reflected in but could not be said to be the sole reason for the Negroes' overrepresentation in combat in terms of his proportion of the population. Although Negro troops account for only 11 percent of the total U.S. enlisted personnel in Vietnam, Negro soldiers comprise 14.5 percent of all Army units, and in Army combat units the proportion is according to the Department of Defense 'appreciably higher than that.' During the first 11 months of 1966 Negro soldiers totaled 22.4 percent of all Army troops killed in action."

This relates to the percentage again I assume that are in combat units.

Mr. MORRIS. That is correct, sir.

Senator JACKSON (reading):

"There are reasons to believe, the Commission finds, that many of the statistics are comparable for some other minority groups, although precise information is not available. Social and economic injustices in society itself are the route of inequities which exist. It is the Commission's hope that the recommendations contained in this report will have the effect of helping correct these inequities."

Mr. MORRIS. May I add just one footnote, please?

Senator JACKSON. Yes.

Mr. MORRIS. We outlined in our statement, and General Clark referred to our program known as Project 100,000, under which we are prudently revising our standards so as to make sure they are not discriminatory.

It is of interest that men who are now being admitted who were formerly disqualified, do represent a much higher percent of those, both draft and volunteers, in the Negro ranks. We think that as the Marshall Commission recommended, we are moving properly in the direction they outline.

Chairman RUSSELL. I have a number of other questions, but I know other members have them too. There is one question I would like to ask. As a southerner I am perhaps somewhat suspect for asking this question, but I have seen many statements in the press that have not been justified by my observations of our Armed Forces over a period of years as to the racial balance of the Armed Forces. I have read your report and I see it indicates that Negroes do not serve in the Armed Forces out of proportion to their composition of the population, is that correct?

Mr. MARSHALL. That is correct, Senator.

Chairman RUSSELL. And the Negro soldiers have a record of heavy reenlistment and volunteering in elite combat units, such as the paratroopers, making a career of the armed services.

Mr. MARSHALL. That is correct, Senator. Their casualty rates right now are proportionately high for that reason.

Chairman RUSSELL. Did you in your study find that there had been any noticeable discrimination for racial reasons in connection with the selective service boards?

Mr. MARSHALL. No, Senator. We have some statistics on the composition of the local boards, which show that proportionate to the population Negroes are underrepresented. I suppose that you could show that about other groups. We didn't have statistics on other groups, and there are lots of reasons for that, Senator, that aren't discriminatory.

Chairman RUSSELL. I didn't have as much reference to the boards as I did to those that they selected for service.

Mr. MARSHALL. We thought—Senator, there was no evidence before the Commission that racial discrimination, direct racial discrimination, accounted for the statistics which we referred to in the report with respect to the effect of the draft on the Negro. The statistics are that out of the eligible pool, some 18 percent of whites, I think, and 30 percent of Negroes are drafted, so that there is a higher proportion out of the eligible pool, and that is balanced by the rejection rate, which accounts for the fact that the total population mix is about even.

But we did not find, Senator, and we didn't have any evidence presented to us, that any of these factors were the result of racial discrimination. They are the result I think of other factors which have to do with education and poverty and other chances which may be related to racial discrimination, but we did not have any evidence of widespread or even significant racial discrimination within the operation of the Selective Service System, in the sense that a local board took Negroes and didn't take whites or anything like that.

Mr. KENNEDY of New York. Would that include all of the figures?

Mr. RUSSELL. Yes. It would.

Mr. KENNEDY of New York. It will include the draft board figures that I mentioned earlier?

Mr. RUSSELL. The Senator is correct. If they are not included there, I have no objection to the Senator from New York inserting them in the RECORD himself.

Mr. KENNEDY of New York. If they are not included, then I ask unanimous consent that they be printed at this point in the RECORD.

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

THE PERSONNEL

The national and state headquarters are heavily oriented toward the military. Commissioned officers of the Armed Forces occupy most of the executive positions at the national level. State directors and their key staffs are usually Reserve or National Guard officers on active duty.

The members of the local boards are all male (as the regulations now demand), mostly veterans and almost exclusively white: a 96.3-percent response to a Commission questionnaire in October 1966 indicates that only 1.3 percent of 16,632 local board members are Negro,[1] 0.8 percent are Puerto Rican, 0.7 percent Spanish American. There are 38 members (0.2 percent) who are Oriental, and 16 (0.1 percent) American Indians.

The average age is 58. One-fifth of all the board members are over 70, and of these, 400 are over 80; 12 are between 90 and 99.

Almost half have served on their local boards more than 10 years; 1,335—8 percent of those responding—have served more than 20 years.

The majority (67 percent) have served on active military duty—41 percent in World War II, another 17 percent in World War I, and the remainder in Korea and at other times.

As compared with the general population of the same age, local board members are well educated; about one-third of them are college graduates, contrasted with less than 10 percent of the population's comparable age group.

Seventy percent are in white-collar occupations. Of these, more than 20 percent are professional men. A majority (15 percent) of the rest are farmers. Craftsmen, service workers, semiskilled workers and laborers are represented on local boards in far smaller proportions (less than 25 percent) than their representation in the general population.[2]

[1] Responses to a December 1966 telegraphic inquiry by the Selective Service System show 261 Negro members out of 17,123 local board members, or 1.5 percent.

[2] Statistical information on the composition of local boards is shown in the tables in sec. 1 of the appendix.

THE PROBLEMS

When the 1940 Selective Training and Service Act was being deliberated the local board concept was described in congressional hearings in terms of its vitality and fairness: "An eligible citizen chosen to serve is selected by a board composed of his neighbors who live in the same community in which he lives." General (then Major) Hershey, testifying before the Senate committee, pointed out that "* * * we are only seeking * * * about 1 million out of 11,500,000, so there has got to be an equity decision. Somebody has got to decide which one of the 11 is to be taken, and I do want to impress upon all the fact that * * * the choice is being made by the neighbors of the man * * *" That concept was actually first envisioned in the period after the Civil War—which had seen violent public reaction to the draft—when a report recommended that future conscription be placed in the hands of local boards composed of "civilian neighbors." It has thus survived for a century. In its budget justification for fiscal 1967, Selective Service characterized the local boards as "little groups of neighbors on whom is placed the responsibility to determine who is to serve the nation in the Armed Forces and who is to serve in industry, agriculture, and other deferred classifications." And in one of its recent communications to local boards, the national office told them: "Because of its comparatively long association with a registrant and knowledge of what he has done, the local board is relatively well-qualified to evaluate his ability to perform."

However universally valid this personalized concept might have been in the past, only in rural areas does it appear to be true today. Urban board members usually work in anonymity—and indeed seem to look upon that anonymity as an advantage. Rarely it would seem do those on such a board actually know the men whom they are classifying on the basis of their records—and vice versa. After taking an extensive look into local board operations in one state, a team of researchers reported to the Commission: "Very little evidence exists to suggest that the fact of drafting by local boards has more than symbolic significance, if that, in urban settings."

A group of nine college students who took soundings on campuses across the country on matters relating to the draft met with the Commission to report their findings. The fallacy of the personalized concept of the local draft board was high on their list of topics of interest. Identity of local board members, one of them reported, "is one of the best guarded secrets in America." There was no doubt that he spoke the sentiments of his colleagues, although another expressed it more moderately: "The idea that the draft boards are a group of your neighbors sitting in judgment or consideration of your fate is not a workable real plan right now. No one seems to know who the members of his draft board are. The few exceptions the people who do know, tend to come from small towns." This anonymous character of the boards can of course be overstated. A registrant always has the right to request a personal appearance before his board—if, for instance, he wishes to seek a reclassification—so long as he makes his request within 10 days of his classification notice. But the point is clear that board operations are not usually intensely personal.

In utilization of office space, many urban boards themselves have moved away from the strictly "neighborhood" approach and toward an informal sort of consolidation. In Baltimore, the Commission learned, 17 boards operating in that area all keep their records and meet in one centrally located building. The eight boards in San Antonio do the same thing; in fact, this appears to be the practice among more than half the metropolitan boards of the country.

Each of these boards has its own clerk who handles the records for her board—although there is inevitably some sharing of the workload among them. The clerk is an important part of any board's operation. There is a tendency on the part of many young registrants to overestimate this importance, to assume, as one of the college students told the Commission, that "the draft board members are rubberstamp machines and the clerks actually have the power to say who gets what deferment, who is I-A, who gets inducted." The "anonymity" of the boards is perhaps one reason for this impression; even more likely however is the method of board operation. Many board members have heavy professional and business duties. They usually meet in the evening to make their classification decisions. A registrant seeking information by phone or in person would no doubt find the clerk the only person on hand. The more efficient she is, the more authoritative her answers may appear to the registrant. The assumption which results is understandable, but misleading. Evidence before the Commission indicates that board members around the nation are deeply aware of their responsibilities and conscientious in the discharge of them.

The fact does remain, however, that the clerk's role is a highly important one. Inevitably, much of a board's work is routine. (Some 17 percent of the boards responding to a Commission survey indicated that 90 percent or more of the classification decisions made in their September 1966 meeting were virtually automatic.)[3] Although the board itself does the classifying, a good clerk can make the board's job considerably easier. Perhaps the most important of her tasks—certainly from the registrant's point of view the most critical—is the routine preparation of cases for board review and decision, which in practical effect amounts to an initial classification. The clerks usually are highly regarded by their boards. Many of them also have long years of experience in and familiarity with the System, some dating from World War II days. Despite the importance of their work, however—and although they are subject to civil service rules—their salaries are set by the state directors and especially in smaller towns and rural areas are considerably below that of most Federal workers. (The woman who coordinates the work of all the clerks of those 17 Baltimore boards has been with the Selective Service System 21 years and her pay is the equivalent of that earned by a recent college graduate in the civil service with 2 years' experience.)

But there is a wide variation in the way in which local boards view the routine aspect of their work; it ranges from that previously noted 17 percent who say they actually have to review in detail only 10 percent of their cases, to another 7 percent who say they have to review virtually all cases in detail. This reflects the System's absence of uniformity as it operates throughout the country. The wide range in the workloads of local boards, determined by their size, obviously contributes to the lack of uniformity.

A good deal of the variation is dictated by social and economic factors.[4] For men with different educational backgrounds, there is substantial degree of difference in their chances of entering military service. Men with less than an eighth-grade education, and Negro high school dropouts are less likely to enter because more of them fail the written examination. On the other hand, graduate and professional students are much less likely to see active duty because many of them continue their student deferments until they are 26, fathers, or can receive occupational deferments. (See chart 5.)

High-income areas usually have a high proportion of students (II-S) deferments; a study in one state pursued this circumstance further and showed that boards in high-income areas had the lowest proportion of registrants serving or having served in the Armed Forces. Low-income slum areas have the greatest number of men rejected for service. And there is a direct relationship between those two statistics: In the state subjected to intensive study, the board with the highest percentage of rejectees also had the lowest number of student deferments. That area was also 50 percent Negro.

The Negro's position in the total military manpower picture—both his service and his ineligibility for service—is a matter deserving attention. His participation is in several ways inequitable. It is an inequity which is difficult to pinpoint specifically, for its manifestations are the results of the handicaps under which the Negro has struggled in this country, and reflect social and economic injustices which are older by far than the operation of the Selective Service System.

[3] See tables 7.5 and 7.6 of the appendix.

[4] See sec. II of the appendix.

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

Mr. RUSSELL. I yield.

Mr. JACKSON. Mr. President, I would like to say to the distinguished junior Senator from New York that the same questions he has put to the distinguished chairman of the committee, I saw fit to put to Mr. Burke Marshall. In general, it is that part of the testimony that I believe the Senator from Georgia has obtained permission to have printed in the RECORD.

Mr. RUSSELL. I also examined him.

Mr. JACKSON. And Mr. Marshall corroborated the position taken by the chairman of the committee.

Mr. KENNEDY of New York. I do not know whether the Senator from Washington was present at the beginning of the discussion.

I raised the question because the conference report states that there shall be no discrimination based on sex. I thought it very obvious that this would be a question that we might consider.

Mr. JACKSON. I think it is contained in the statute. I believe that the statute provides that there is to be no discrimination because of race or creed or color.

Mr. KENNEDY of New York. It only refers to sex in the conference report.

Mr. JACKSON. I refer to the statute.

Mr. RUSSELL. The conference report has added sex as an additional element to protect the women who want to get in the women's branch of the Armed Forces.

I am sure that the Senator from New York would not wish to discriminate against women.

Mr. KENNEDY of New York. Oh, no, certainly not. I join with the Senator from Georgia.

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

Mr. RUSSELL. I yield.

Mr. HOLLAND. Mr. President, is it not true that this matter of calling the men for any first year from the 19-year-olds beginning with the oldest and coming down to the youngest in that year,

applies to white, black, and everybody else exactly alike?

Mr. RUSSELL. The Senator is correct.

Mr. HOLLAND. There cannot be discrimination on the basis of race.

Mr. RUSSELL. The Senator is correct.

Mr. HOLLAND. I want the RECORD to show that in the 4 years that the Senator from Florida had some responsibility in this field, we found that not only was the number of men called in accordance with the population of the two races, but also that a much greater number of Negroes were found to be educationally not qualified or physically not qualified.

My own feeling after watching it for 4 years and trying my best to see that it was fairly handled, was that the members of the Negro race were being exceedingly fairly treated under our application of the draft. I think that will continue. And I think this law requires that it continue.

Mr. RUSSELL. Mr. President, I have only a few minutes remaining, and I reserve that time.

Mr. KENNNEDY of Massachusetts. Mr. President——

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. KENNEDY of Massachusetts. I do not intend to take much time. I yield myself 4 minutes.

Mr. President, during the past year and a half or 2 years, the Senate and the House of Representatives have been considering the entire question of the draft and the reform of the draft. The last time the Selective Service Act was extended, it was extended with only 15 minutes' consideration on the floor of the Senate.

During the past year, there have been debates and discussions in the universities. There have been various symposiums and national television shows dealing with the question of how we can best eliminate the inequities and deficiencies of the draft system.

I believe we all realize the tremendous amount of time that has been devoted to this question by the distinguished chairman of the committee. He is knowledgeable, he is understanding, and he has demonstrated not only on the floor of the Senate, but also on the various other occasions that he has concerned himself with this problem, that he is interested in draft reform, as we all must be.

Mr. RUSSELL. I thank the Senator.

Mr. KENNEDY of Massachusetts. The young people around the country are now looking to Congress, to whether we are going to act, and act responsibly, in trying to reform the draft system. Everyone in the Senate realizes that we cannot have a draft system which will be perfectly equitable. We understand that. No one is asking that. But I do believe that we in the Senate have a responsibility to attempt to eliminate as many inequities as possible.

Because of this, the President appointed a very distinguished panel, the Marshall Commission, a bipartisan panel, composed of people who have concerned themselves about the security of our Nation in a variety of ways. The House of Representatives appointed the Mark Clark Panel. The Defense Department interested itself in the study, and they have made a series of recommendations.

It is the opinion of these gentlemen, not only of the Senator from Massachusetts—it is the opinion of those who were most directly involved in the Advisory Commission report—that this conference report will preclude the opportunity for effective reform.

It seems to me that when we have the number of different questions that have been raised, in good faith, by a number of the agency heads—the Attorney General of the United States, the Secretary of Health, Education, and Welfare, the Director of the Peace Corps, and others—it raises very serious questions about the whole functioning and the operation of the conference report.

I need not reiterate that I supported the Senate report. I believe it was a good bill, and it could be and it should be supported. But there have been some dramatic changes. They are not small changes, but they are substantive changes; and I believe we owe the young people of this country the opportunity to give this the most careful consideration.

I believe that we should have an extension of just 1 year for this legislation. If it works well, if it can function, then I will join—and I know others will join—in seeing that it is extended for a period of time.

I voted against the amendment proposed by the junior Senator from Oregon providing for a 2-year extension. I voted against the proposed amendment for the same arguments that have been enunciated this afternoon—that is, that we should have something that is predictable over a period of time. The Senate bill did that, and I believed it should extend for 4 years.

But now, because of the various questions that have been raised and debated, because of the serious reservations that have been expressed, I hope we will send the report back to conference, with the understanding—and only this one instruction—that it be extended 1 year, and that we give what has been proposed and supported by the distinguished members of the committee the opportunity to function and to work. If it does, then we will be able to extend it. If it reveals the flaws that some of us believe quite sincerely it does contain, we will be able to act again and act responsibly on this critical issue.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD a tabulation of information relating to the numbers of health personnel on detail out from the Public Health Service.

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

Illustrative of Public Health Service programs in support of State and Local Health department activity is the following data:

Program	Total physicians assigned	Draft obligated	
		Number	Percentage
Communicable diseases	93	90	95
Tuberculosis control [1]	53		
Venereal disease control	11		
Epidemic control and immunization program [2]	23		
Other	6		
Chronic diseases	44	42	95
Heart disease control [3]	29		
Cancer control	6		
Neurological and sensory	6		
Other	3		
Community health services (general public health programs)	6	6	100
Medical care administration (medicare-medicaid)	10	8	80
Total	153	146	95

[1] Tuberculosis control officers are assigned in 26 States, the District of Columbia, Guam, and Puerto Rico which are areas of high incidence of the disease. Without these officers a reduction of 180,000 annual tuberculosis examinations in 60,000 persons in these geographic areas would result.

[2] In many instances this officer is the only capable medical epidemiologist and without his services epidemic calls may go unanswered and vaccination programs may not be carried out.

[3] The largest number of these officers are involved in rheumatic fever control and in many instances the only physician involved in such a program within the State.

Draft status of U.S. Public Health Service commissioned officers serving in State and local health departments, by State

	Total			Physicians			Others		
	Total	Obligated	Non	Total	Obligated	Non	Total	Obligated	Non
00 Washington metro	5	5		5	5				
01 Alabama	5	5		2	2		3	3	
02 Arizona	5	4	1	5	4	1			
03 Arkansas	5	1	4	2	1	1	3		3
04 California	13	11	2	12	11	1	1		1
05 Colorado	7	6	1	6	6		1		1
06 Connecticut	3	3		3	3				
09 Florida	28	12	16	6	6		22	6	16
10 Georgia	11	7	4	8	7	1	3		3

Draft status of U.S. Public Health Service commissioned officers serving in State and local health departments, by State—Continued

	Total			Physicians			Others		
	Total	Obligated	Non	Total	Obligated	Non	Total	Obligated	Non
11 Idaho	2	1	1	1	1		1		1
12 Illinois	3	3		3	3				
14 Iowa	1	1		1	1				
15 Kansas	4	3	1	3	3		1		1
16 Kentucky	6	3	3	3	3		3		3
17 Louisiana	6	3	3	2	2		4	1	3
18 Maine	1	1		1	1				
19 Maryland	5	5		5	5				
20 Massachusetts	2	1	1	1	1		1	1	
21 Michigan	2	2		2	2				
22 Minnesota	4	3	1	4	3	1			
23 Mississippi	9	7	2	7	7		2		2
24 Missouri	5	5		4	4		1	1	
25 Montana	2	2		1	1		1	1	
26 Nebraska	4	4		2	2		2	2	
27 Nevada	1	1		1	1				
29 New Jersey	7	6	1	5	5		2	1	1
30 New Mexico	4	3	1	2	2		2	1	1
31 New York	13	7	6	7	7		6		6
32 North Carolina	4	3	1	4	3	1			
33 North Dakota	1	1					1	1	
34 Ohio	5	5		5	5				
35 Oklahoma	11	5	6	6	4	2	5	1	4
36 Oregon	2	2		2	2				
37 Pennsylvania	6	5	1	5	5		1		1
38 Rhode Island	4	2	2	2	2		2		2
39 South Carolina	9	6	3	1	1		8	5	3
40 South Dakota	2	1	1	1	1		1		1
41 Tennessee	9	7	2	7	7		2		2
42 Texas	10	8	2	3	3		7	5	2
43 Utah	3	3		3	3				
44 Vermont	2	1	1	1	1		1		1
45 Virginia	1		1				1		1
46 Washington	3	3		2	2		1	1	
48 Wisconsin	5	5		3	3		2	2	
53 Guam	2	1	1	1	1		1		1
55 Puerto Rico	10	3	7	3	3		7		7
57 Virgin Islands	1		1				1		1
70 Hawaii	1	1		1	1				
90 Alaska	3	2	1	2	2		1		1
Total	257	179	78	156	148	8	101	31	70

Number of health personnel on detail from Public Health Service as of Dec. 31, 1966

Department of State:	
AID	30
Peace Corps	141
U.S. Coast Guard	95
Department of Commerce:	
ESSA	3
Maritime	3
Department of Labor (BEC)	4
Department of Justice (Bureau of Prisons)	103
Department of Agriculture	2
Department of the Interior (Federal Water Pollution and Control Agency)	70
Department of Housing and Urban Development	7
Department of Health, Education, and Welfare:	
FDA	155
WA	1
VRA	1
St. Elizabeths	16
Office of Economic Opportunity	12
National Aeronautics and Space Administration	2
Department of Defense	2
Appalachia health program	1

Mr. JACKSON. Mr. President, will the Senator yield for a point of clarification?

Mr. KENNEDY of Massachusetts. I yield 1 minute to the Senator from Washington.

Mr. JACKSON. Mr. President, earlier, the able junior Senator from New York propounded a question with reference to discrimination, in which he mentioned in the report that no citizen shall be denied membership on a local draft board on account of sex. I was under the impression at the time that the discussion was with reference to discrimination as to inductees. The statute provides, as I understand, that inductees shall not be discriminated against on account of race, creed, or color. However, that provision is not applicable, as I understand the law, to the selection of members of the draft board.

I was in error when I indicated that there was a provision in the law, as I understand it, which prohibits selection of members of the draft board on the basis of any discrimination as to race, creed, or color. I wanted to make the record clear on this as I understand the situation. If I am wrong, I wish to be corrected.

Mr. KENNEDY of Massachusetts. I yield back the remainder of my time.

Mr. KENNEDY of New York. The conference report says that there cannot be any discrimination based on sex.

Mr. JACKSON. That is correct. It is limited.

Mr. KENNEDY of New York. But the law still permits discrimination based on color or creed, in determining the composition of the 4,000 local boards.

Mr. JACKSON. Mr. President, I feel very strongly, and of course the provision that is applicable to inductees certainly should be applicable to the selection of members of the draft board.

Mr. KENNEDY of New York. I am sure we all feel very strongly about that. But the simple, uncontroverted fact remains: we are being asked to accept a report which prohibits discrimination against inductees by reason of race, color, or creed, but which prohibits discrimination in the composition of local boards only by sex.

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

The PRESIDING OFFICER. The Senator from Georgia has 3 minutes remaining. The Senator from Massachusetts has yielded back the remainder of his time.

Mr. RUSSELL. I yield 1 minute to the Senator from Iowa.

Mr. MILLER. I thank the Senator.

Mr. President, the senior Senator from Massachusetts has pointed out and laid great emphasis on the report of the President's Commission. We should make it very clear that the report of the President's Commission was not unanimous. There was a very substantial minority, and Mr. George Reedy undertook to represent this minority in extended hearings, in a statement before our committee.

I ask unanimous consent that a marked portion of hearings containing portions of Mr. Reedy's testimony be printed in the RECORD at this point, to make it clear that there was a split in the thinking between the majority and the minority, and the minority generally agreed with the unanimous report of the Clark Commission, which was established by the House Armed Services Committee.

Mr. KENNEDY of Massachusetts. Reserving the right to object, I would not object if the conclusions of the Marshall Commission are stated. They are very short—eight pages—and I would hope that they could be included in their entirety.

There being no objection, the statement and the Marshall Commission conclusions were ordered to be printed in the RECORD, as follows:

STATEMENT OF GEORGE E. REEDY, JR., MEMBER, NATIONAL ADVISORY COMMISSION ON SELECTIVE SERVICE

Mr. REEDY. Thank you very much, Mr. Chairman. I have a brief statement that I would like to make outlining the problems of the student deferment, as those of us who were the minority on the Commission saw it, and after that I will be happy to accept questions on any other part of the report.

I do not believe that any other major issue before the commission produced a more searching debate or a more narrow division than that of student deferment. Those of us who were on the minority believe that effectuation of the majority recommendations would cause serious administrative problems, would not be essential to the correction of past inequities, and would quite likely introduce a new inequity of "double jeopardy" into the Selective Service System.

Early in the deliberations of the commission, action was taken which in our judgment reduced the basic issues discussed in this section of the report to just one substantive question, and that is, should students be made vulnerable to military service before or after they have completed their undergraduate college work. The majority decided that the exposure to service should be prior to entering college, the minority proposed that exposure be after completion of the baccalaureate degree. It is difficult to discern a question of equity in either proposal per se, provided that vulnerability to service is assured and that the deferment is truly a deferment and not permitted to become an exemption, and we feel that the only considerations that are valid at this point involve the consequences that would follow from putting either course of action into effect.

In other words, what would be the effect upon the manpower procurement policies of the Defense Department in exposing stu-

dents to selective service before they begin college or after they leave college. As long as they are exposed, we felt that the problems of equity were resolved.

The minority feels strongly that a system which would expose students to service vulnerability before rather than after college would complicate and in some cases even jeopardize key personnel procurement programs which are related directly to combat effectiveness.

Modern military operations require a certain proportion of men who are college graduates. This problem presents itself in the most acute form in the medical corps. But it is also pressing in a number of other specialties and relates directly to the officer procurement program. The services get almost 80 percent of their new officers from college sources, and the service academies can supply only a very small percentage of the total need.

At the present time, and I think we have to be frank about this, the major stimulus to officer recruitment, just as it is the major stimulus to voluntary enlistment, is the Selective Service System. The majority proposal, once past the transitional period, would remove this stimulus and force the defense establishment to rely entirely upon voluntary methods for obtaining doctors, dentists, technicians, and officers generally.

I would like to raise one point here. As a general rule, when we speak of abolishing student deferments, we fail to realize that there is another side to that coin. To abolish student deferments means to relinquish any form of control over students in college, because all of the students in college, once their deferments are abolished, will either have served in the armed forces or will have gone through the random selection system, assuming that that system is approved, and will have not been selected. Consequently those in college will be, in effect, home, scot free.

The majority proposal recognizes this problem and seeks to meet it through programs of financial help that would be accorded to students who would contract to serve in the armed services for a period following their graduation. In effect, this would amount to a student deferment. And that is another point that I would like to make. Despite the language that has been used in discussing this problem, no member of the commission actually proposed the abolition of student deferments. The true issue here is the extent to which student deferments should be restricted, with the majority feeling that the student deferment should be restricted to the category of prospective ROTC officers, and the minority feeling that the student deferments should be permitted through the baccalaureate degree, but without any prospects of those deferments being pyramided, and thus permitting the deferments to become an exemption.

Moreover, the burden of selecting these students to be deferred under the majority proposal would be shifted from the Selective Service System to the Defense Department, which is a departure from present concepts. The Defense Department states that it could procure officers through such programs although they would be costly and difficult to administer. In effect, the Defense Department states, or stated, to the commission, that in the event student deferments were abolished, it would still be possible—it would not be insuperable, I believe was the exact language—it would not be an insuperable problem to recruit officer personnel through the ROTC deferment, and through various other programs in which they would try to supplement the income of college students. But such programs are of doubtful efficacy at best, and to my mind this raises the problem of whether we should do something just because the problems of doing it are not insuperable.

It seems to me that once the question of equity is resolved, and I believe we would resolve that question of equity, if we were to forbid the period of deferments, that the next consideration should be what is the most efficient policy, what is the most efficacious policy, what is the policy that best serves the interests of our country.

Now, to rely for officer recruitment on retaining the ROTC deferment only would mean in effect that we would rest our procurement policies upon contracts made with 18- or 19-year-old boys, many of whom would drop out, many of whom might turn out to be unsuitable at the time that they became available for military service four or five years later, and also many of whom might at that point regret the contract they had signed with the government when they were 18 or 19 years old.

Furthermore, the Defense Department itself states that for this system to be workable there would have to be a very heavy over recruitment of these ROTC cadets who would be selected and would be deferred so they could go through college.

It seemed to me, and it seemed to the members of the minority, that a far better system would be to permit the college deferment through the baccalaureate degree, and then make the college student vulnerable at that point, so the selective service would have a large flexible pool from which to draw the college-trained personnel that the Armed Forces need.

But there is one other problem. Regardless of the fact that the problems of procuring officers under such a system would not be insuperable, I have yet to hear an answer to the problems of recruiting doctors and dentists. I know of no educator who believes that prospective medical students can be identified when they are 18 or 19 years old. A man cannot very well become a medical or dental student until he has completed his baccalaureate degree, and consequently it is not a practical matter to grant deferments, which everybody admits must be granted to medical and dental students, to 18- or 19-year-olds.

On the other hand, if the student deferment is permitted to continue through the baccalaureate degree, at that point it is a very simple matter to grant deferments to those who have been accepted by medical or dental schools, and to permit them to continue their education, and there is no objection from any source to this particular deferment, for the simple reason that the likelihood of doctors and dentists serving in the Armed Forces is extremely high, probably higher than any other segment of the population.

If we do not do this, I think it is almost certain that somewhere along the line we are going to face the problem of double jeopardy, because the armed services must have medical personnel. There is no question about that. And since the supply of medical personnel—since the supply of doctors and dentists coming out of school is quite small, and there is no way of predicting the needs of the Armed Forces, they could go higher, and since the average has been running at 50 percent of all medical graduates, we are going to have to face the prospect of drafting some men twice.

Now, this does not involve a great number of men. I do not want to overstate this. The Armed Forces have been taking in about 5,000 medical personnel in terms of doctors and dentists a year. Nevertheless, however small a segment of the population, it is an extremely important segment of the population, and I believe it would present some serious difficulties to add to the burden of an already lengthy period of education that every doctor must undergo the prospect of having to serve not only after he completes his education but before he undertakes his education.

All of these considerations aside, however, the major problem, I believe, is that the programs that would be instituted to make up for the problems of abolishing student deferment fail to meet the basic requirement of a military manpower procurement problem. They simply do not assure the Defense Establishment that qualified men, men that are needed, can be brought into service at a time and a place when needed.

The concept of basing officer procurement policy upon contracts with 18- or 19-year-old men, contracts that would be cashed in 4 or 5 years later, is really workable only in a world where all contingencies can be foreseen well in advance, and I do not believe we can anticipate that kind of a world.

Obviously, no responsible Government can afford to gamble on the Nation's security, and if, after abolishing the student deferment program, we were to reach a situation where we needed those college-trained men, I think that what would happen is that the power would be retained to expose college graduates to military service even though they had been exposed before, and perhaps even though they may have served before. There would be here raised what I think is an unnecessary specter of double jeopardy.

This is especially clear in regard to doctors, but we cannot tell what the future demands will be for various skills in the population, and I think that it is a mistake, when we are dealing with what should be a continuing program, to introduce that factor of rigidity.

As far as the minority of the commission was concerned, the inequities of the present system—and there are inequities, there is no question about that—do not lie in the college deferment per se, but in the possibilities that are now afforded to pyramid deferments into an exemption, and these possibilities would end under the proposal which was agreed to unanimously by both the majority and minority members of the commission.

This proposal would grant the student deferment only to the baccalaureate degree, or to turn it around, it would abolish the deferment for graduate work, with the sole exception of medical and dental fields, and would withhold from the student the possibility of any other type of deferment other than extreme hardship. Obviously the extreme hardship concept must always apply. That is a practical matter that can be determined.

But under this proposal, students who were deferred through the baccalaureate degree would not be permitted to get further student exemption, except for medical or dental work. They would not be permitted to have marital deferments, occupational deferments, or any other type, upon the receipt of their baccalaureate degree, or at the conclusion of 5 years, whichever came earlier. They would go into the draft pool and would be equally vulnerable with everyone else, would have 1 year of maximum exposure.

We feel that as long as there is a year of maximum exposure, the particular time at which it takes place is not a matter of equity.

Now, it is true that at the present time you would have a situation where a man taking advantage of such a deferment could conceivably defer himself out of a period of trouble. He could just as easily defer himself into a period of troubles. I doubt very much whether men who took advantage of a college deferment in 1962 or 1963 regard that deferment as a privilege at the present time. If this were a world in which we knew that the entire Selective Service System would be wrapped around this one year, that this were the only trouble that our country would ever be in, and that that trouble was of a reasonable duration and that we could plot out the future as well as Nostradamus, I think that there might be a certain merit to the equity argument, but under the situation where we

are considering a permanent policy for the United States, a policy that is supposed to govern not just for this year and not just for the next year, but as long as there is any type of a need for manpower, I think that we have to retain the degree of flexibility.

The difficulties inherent in abolishing the deferment system are quite apparent from an examination of the so-called transitional machinery which the majority proposed in the report. In effect what this amounted to was that all students now in college would be permitted to retain their deferment until they had reached the degree for which they were working. This proposal was not placed into the report out of a feeling of sympathy for the students. It was placed into the report because an examination of the figures disclosed that immediate abolition of the student deferment would actually create a windfall in which a large number of college students who have been enjoying deferments would have seen those deferments turned into a permanent exemption, and their place would be taken by 19-year-olds. This may sound like something of a paradox, but one of the difficulties in discussing this entire selective service question is that it is usually discussed in terms of generalities, and the generalities when applied to the specific figures quite often have a totally different meaning.

I have a table, which I would like to leave for the committee, which illustrates this particular point, Mr. Chairman.

Chairman RUSSELL. We will be glad to have it.

(The table referred to follows:)

"Illustrative projections of draft lottery pool and of entrants to service by educational level under alternative student deferment policies, 1968–69 (assuming 1,000,000 annual entries to military service)

[In thousands]

	"1968		1969	
	Alternative A	Alternative B	Alternative A	Alternative B
Lottery manpower pool (19 years and over):				
1. Nonstudent pool, beginning of year	430	430	301	310
College graduates	70	70	----------	----------
Some college	80	80	40	40
No college	280	280	270	270
2. Entries to pool during year from student sources	580	1,290	670	850
College graduates	250	250	300	300
Some college	280	990	320	500
No college	50	50	50	50
3. Less new deferment or exemption	40	20	40	21
4. Total lottery pool (1+2−3)	970	1,700	940	1,140
College graduates	310	310	290	290
Some college	340	1,060	340	530
No college	320	330	310	320
Entrants to military service:				
5. Total required new entrants	1,000	1,000	1,000	1,000
6. Less volunteers under age 19	340	340	340	340
Some college	20	20	20	20
No college	320	320	320	320
7. Required new entrants from lottery pool (volunteers/draftees)	660	660	660	660
8. Percent of lottery pool required	68	39	70	58
9. Educational level of new entrants from pool:				
College graduates	210	120	200	170
Some college	230	410	240	310
No college	220	130	220	180
Total	660	660	660	660
10. Educational level of total new entrants into service:				
College graduates	210	120	200	170
Some college	250	430	260	330
No college	540	450	540	500
Total	1,000	1,000	1,000	1,000"

INTRODUCTION AND SUMMARY OF CONCLUSIONS

Sweeping changes have come to our society since the system for selecting men for induction into the Armed Forces was established a quarter of a century ago.

Among them are two which work with opposite effect on the manpower situation: A dramatic population growth has increased the supply of eligible men available for military service. But changes in military technology and transitions in strategic concepts have at the same time modified manpower requirements for national security. Of the nearly 2 million now reaching draft age each year, our Armed Forces are likely to need only from half to one-third of them, varying with the circumstances. And of those, only a portion must be selected for nonvoluntary induction. (The range in recent years has been from 10 to 40 percent, depending on the total size of the force level.) The problem which results, and which confronted this Commission, as one member expressed it for all the others, is: Who serves when not all serve?

It is an enduring problem, but floodlighted today by the war in Vietnam. The echo of American battle fire impels, as it always should, the hard probe for better solutions.

The Commission saw as its overriding obligation the necessity to search for a method of manpower procurement which would assure the Armed Forces' ability to acquire the men they need, under any circumstances, to protect the nation's security and meet its commitments; and at the same time function as uniformly and equitably as possible with due regard for the problems and the rights of the individuals into whose lives it must intrude.

Following the mandate of its charter, the Commission examined proposals ranging from elimination of all compulsory service to compulsion for all.

Aware of the spirit of social concern that animates much of young America today, the Commission considered whether other programs such as the Peace Corps and VISTA, elevating society and benefiting the participants alike, could be developed and serve as substitutes for military service.

It made a thorough study of the Selective Service System as it presently works—the entire system, from the policies that guide its nationwide operation to the actual functioning of its local draft boards; the procedures by which men are examined, classified, and readied for induction; the variety of deferments and exemptions, and the factors which influence them; the appeals machinery; the peoples' attitude toward the system itself.

It reviewed the administrative procedures governing enlistment into the Army Reserve and National Guard which have subjected those components to wide and often legitimate public criticism.

Its search directed Commission attention to serious defects in our national life. Of each group of men coming to draft age each year, from one-fourth to one-third of those examined are found ineligible for service because of educational or health deficiencies or both; almost 700,000 potential draftees were found unqualified to serve in the last fiscal year. A total of 5 million men between the ages of 18½ and 34 who have been examined for the draft are today considered ineligible to serve. The Commission studied the implication of these figures as they affect the national security and reveal weaknesses in our society.

In pursuit of the answers to all the questions it faced, the Commission sought to hear the nation's voice. It invited the opinions of more than 120 organizations across the country, reflecting every sector of the society; a group of college student leaders; some 250 editors of student newspapers; each of the more than 4,000 local draft boards and the 97 appeal boards; many prominent private citizens; every Governor, the head of every appropriate Federal department and agency, the mayors of a number of cities. Answers came from many of these sources. The Commission had access to and studied the testimony and data provided in Congressional hearings. Members conferred with political leaders and college presidents and representatives of the poor. Observers attended and reported on three national conferences on the draft. The Commission listened to specialists who spoke on particular points of law and military need, management procedures and the values of social programs. And finally it had letters, which it gratefully acknowledges, from people across the land who voiced their suggestions, their convictions, their resentments, and their hopes.

But seeking to know the national mind was not, of course, enough. In the diversity of its interests, the nation does not think with one mind, or speak with one voice. To meet its responsibility, the Commission had to find its own answers, based on its own comprehension of issues that involve both the national welfare and the rights of the individual.

After long and careful deliberation, those answers are presented here in summary form, and discussed in detail in the body of this report.

* * * * *

To provide a flexible system of manpower procurement which will assure the Armed Forces' ability to meet their national security commitments under all foreseeable circumstances, the Commission recommends:

1. Continuation of a selective service system. (See ch. II).

To make the controlling concept of that system the rule of law, rather than a policy

of discretion, so as to assure equal treatment for those in like circumstances, the Commission recommends:

2. A consolidated selective service system under more centralized administration to be organized and operated as follows:

A. National headquarters should formulate and issue clear and binding policies concerning classifications, exemptions, and deferments, to be applied uniformly throughout the country.

B. A structure of eight regional offices (aligned for national security purposes with the eight regions of the Office of Emergency Planning) should be established to administer the policy and monitor its uniform application.

C. An additional structure of area offices should be established on a population basis with at least one in each state. At these offices men would be registered and classified in accordance with the policy directives disseminated from national headquarters. (The Commission sees the possibility of 300–500 of these offices being able to answer the national need.)

(1) The use of modern data-handling equipment, as well as the application of uniform rules, would facilitate processing, registration, and classification.

(2) Under appropriate regulations, registrants would change their registration from one area office to another as they changed their permanent residence.

D. Local boards, composed of volunteer citizens, would operate at the area office level as the registrants' court of first appeal.

E. These changes should be made in the organization of the local boards:

(1) Their composition should represent all elements of the public they serve.

(2) The maximum term of service should be 5 years.

(3) A maximum retirement age should be established.

(4) The President's power to appoint members should not be limited to those nominated by the governors of the states.

(5) Women should be eligible to serve.

F. The entire appeals process should be made uniform and strengthened in the following ways:

(1) The registrant should be able to appeal his classification to his local board within 30 days instead of the 10 days presently stipulated.

(2) Local boards should put their decisions in writing so appeal boards will have the benefit of the record in making their decisions, and the registrant will be able to know the reasons for the decision.

(3) Appeal boards should be colocated with the eight regional offices, although operate independently of them. The National Selective Service (Presidential) Appeal Board would remain as presently constituted.

(4) Appeal agents should be readily available at the area offices to assist registrants in making appeals.

(5) An adequate number of panels should be established, above the local board level, for the specific purpose of hearing conscientious objector cases on an expedited basis. (See ch. IV.)

To remove widespread public ignorance concerning the operations of the Selective Service System, the Commission recommends:

3. Both the registrant and the general public should be made fully acquainted with the workings of the improved system and the registrant's rights under it, in these ways:

A. Easily understandable information should be prepared in written form and made available to all registrants each time they are classified.

B. An adviser to registrants should be readily available at the area office to inform and counsel registrants who need assistance with registration and classification problems.

C. Public information procedures regarding the entire system should be made more effective by national headquarters. (See ch. IV.)

To reduce the uncertainty in personal lives that the draft creates, and to minimize the disruption it often causes in the lives of those men who are called, the Commission recommends:

4. The present "oldest first" order of call should be reversed so that the youngest men, beginning at age 19, are taken first. (See ch. V.)

To further reduce uncertainty and to insure fairness in the selection of inductees from a large pool of eligible men, when all are not needed, the Commission recommends:

5. Draft-eligible men should be inducted into service as needed according to an order of call which has been impartially and randomly determined. The procedure would be as follows:

A. At age 18, all men would register, and as soon as practicable thereafter would receive the physical, moral, and educational achievement tests and evaluations which determine their eligibility for military service according to Department of Defense standards. (This universal testing would meet social as well as military needs).

B. Those found to be qualified for service (I–A) who would reach the age of 19 before a designated date would be included in a pool of draft eligibles. Those men reaching 19 after that date would be placed in a later draft-eligible pool.

C. The names of all men in the current draft-eligible pool would be arranged in an order of call for the draft through a system of impartial random selection.

D. For a specified period (a year, or possibly less), men in the pool would undergo their maximum vulnerability to the draft. Induction, according to the needs of the Department of Defense throughout that period, would be in the sequence determined by the impartial and random process.

E. When the specified period of maximum vulnerability had elapsed, an order of call would be determined for a new group of men, and the remaining men in the previous pool would not be called unless military circumstances first required calling all of the men in the new group. (See ch. V.)

6. No further student or occupational deferments should be granted, with these exceptions:

A. Under appropriate regulations which will safeguard against abuses, students who are in school and men who are in recognized apprentice training when this plan goes into effect will be permitted to complete the degrees or programs for which they are candidates. Upon termination of those deferments they will be entered into the random selection pool with that year's 18-year-olds.

B. Thereafter, men who are already in college when they are randomly selected for service would be permitted to finish their sophomore year before induction.

C. Men who undertake officer training programs in college should be deferred, provided they commit to serve in the Armed Forces as enlisted men if they do not complete their officer programs.

(These represent majority decisions; a minority of the Commission favors continued student deferment.)

D. Hardship deferments, which defy rigid classification but which must be judged realistically on individual merits, would continue to be granted.

7. Study should begin now to determine the feasibility of a plan which would permit all men who are selected at 18 for induction to decide themselves when, between the ages of 19 and 23, to fulfill that obligation. Inducements would be offered to make earlier choice more attractive, and the option of choice could always be canceled if manpower needs were not met. If the feasibility of this plan is confirmed, the plan should be put into effect as soon as possible. (See ch. V.)

To broaden the opportunities for those who wish to volunteer for military service, the Commission recommends:

8. Opportunities should be made available for more women to serve in the Armed Forces, thus reducing the numbers of men who must involuntarily be called to duty. (See ch. II.)

9. The Department of Defense should propose programs to achieve the objective, insofar as it proves practicable, of accepting volunteers who do not meet induction standards but who can be brought up to a level of usefulness as a soldier, even if this requires special educational and training programs to be conducted by the armed services. (See ch. VIII.)

To remove the inequities in the enlistment procedures of the Reserve and National Guard programs, the Commission recommends:

10. Direct enlistment into Reserve and National Guard forces should not provide immunity from the draft for those with no prior service except for those who enlist before receiving their I–A classification.

11. If the Reserves and National Guard units are not able to maintain their force levels with volunteers alone, they should be filled by inductions. Inductions would be determined by the same impartial random selection system which determines the order of call for active duty service. (See ch. VI.)

The Commission supports recommendations presented to it by the National Advisory Commission on Health Manpower and the Department of State:

12. A national computer file of draft eligible health professionals should be established to assist selective service area offices to place their calls for doctors and dentists and allied professions so as to cause minimum disruption in the medical needs of the community.

13. Policies governing the drafting of aliens in the United States should be modified in the following ways to make those policies more equitable and bring them into closer conformity with the country's treaty arrangements:

A. All nonimmigrant aliens should be exempt from military service.

B. Resident aliens should not be subject to military service until 1 year after their entry into the United States as immigrants.

C. One year after entry, all resident aliens should be subject to military draft equally with U.S. citizens unless they elect to abandon permanently the status of permanent alien and the prospect of U.S. citizenship.

D. Aliens who have served 12 months or more in the Armed Forces of a country with which the United States is allied in mutual defense activities should be exempted from U.S. military service, and credit toward the U.S. military service obligation should be given for any such service of a shorter period. (See ch. VII.)

* * * * *

In arriving at the recommendations presented herein, the Commission considered other propositions which it rejected. Among them were:

1. Elimination of the draft and reliance on an all-volunteer military force.

Although there are many arguments against an exclusively volunteer force, the decisive one, the Commission concluded, was its inflexible nature, allowing no provision for the rapid procurement of larger numbers of men if they were needed in time of crisis. (See ch. II.)

2. A system of universal training.

In the context in which the Commission studied it, universal training is a program designed by its proponents to offer physical fitness, self-discipline and remedial training to great numbers of young Americans—and

not a substitute for the draft. The Commission concluded that:

A. Such a program cannot be justified on the grounds of military need, and

B. Compulsion is not a proper means of accomplishing the worthwhile objectives of rehabilitation. (See ch. II.)

The problem of men rejected for service for health and educational deficiences, to which universal training is directed, is one which presents the country with a tragedy of urgent dimensions. Recommendations in this report will, the Commission hopes, help to alleviate this problem. The proposal to examine all 18-year-old men (recommendation 5A, p. 6) will help in identifying the problems and obtaining assistance for those rejected. (See ch. VIII.) The proposal to permit men failing to meet induction standards to volunteer for service and receive special training (recommendation 9, p. 7) will also be of value. But the larger part of this problem is imbedded in the conditions of the rejected men's lives, such as discrimination and poverty. It is essential to the future of the country that further steps be taken to correct those conditions before they can grow—as they are growing now—into a national shame and a threat to the nation's security. (See ch. VIII.)

3. A system of compulsory national service; and along with that,

4. Volunteer national service as an alternative to military service.

The Commission found first of all that there are difficult questions of public policy—and a lack of constitutional basis—involved in compulsory national service. Second, it concluded that no fair way exists to equate voluntary service programs with military service.

Volunteer national service must, then, be considered on its own merits as a separate program unrelated to military service. That there is a spirited interest in such service today is abundantly clear. But the needs which such service would meet and the way in which programs would be administered and financed are matters which are still inconclusive. The Commission received no clear or precise answers to the questions it raised concerning them. The Commission is sensitive to the spirit which motivates the desire for national service, and it suggests further research to define the issues more clearly, together with public and private experimentation with pilot programs. (See ch. IX.)

5. Recognition as conscientious objectors of those opposed to particular wars (instead of war in any form).

There is support within the Commission for this proposal. However, a majority of the Commission opposes it. The Commission majority believes, moreover, that the recent Supreme Court decision in *U.S.* v. *Seeger* offers sufficient guidance in defining the standards of the conscientious objector's position. That decision interprets the statute's requirement that conscientious objection be based on religious training and belief, to include "a given belief that is sincere and meaningful [and] occupies a place in the life of its possessor parallel to that filled by the orthodox belief in God of one who clearly qualifies for the exemption." (See ch. V.)

* * * * *

There remains another point to be made in this summary:

The Commission gave careful study to the effect of the draft on and its fairness to the Negro. His position in the military manpower situation is in many ways disproportionate, even though he does not serve in the Armed Forces out of proportion to his percentage of the population. He is underrepresented (1.3 percent) on local draft boards. The number of men rejected for service reflects a much higher percentage (almost 50 percent) of Negro men found disqualified than of whites (25 percent). And yet, recent studies indicate that proportionately more (30 percent) Negroes of the group qualified for service are drafted than whites (18 percent)—primarily because fewer Negroes are admitted into Reserve or officer training programs. Enlistment rates for qualified Negroes and whites are about equal, but reenlistments for Negroes are higher: Department of Defense figures show that the rate of first-term reenlistments is now more than double that of white troops. Negro soldiers have a high record of volunteering for service in elite combat units. This is reflected in, but could not be said to be the sole reason for, the Negro's overrepresentation in combat (in terms of his proportion of the population): Although Negro troops account for only 11 percent of the total U.S. enlisted personnel in Vietnam, Negro soldiers comprise 14.5 percent of all Army units, and in Army combat units the proportion is, according to the Department of Defense, "appreciably higher" than that. During the first 11 months of 1966, Negro soldiers totaled 22.4 percent of all Army troops killed in action.

There are reasons to believe, the Commission finds, that many of the statistics are comparable for some other minority groups, although precise information is not available. Social and economic injustices in the society itself are at the root of inequities which exist. It is the Commission's hope that the recommendations contained in this report will have the effect of helping to correct those ineqiuties.

Mr. RUSSELL. Mr. President, I was diverted and did not make a statement with respect to the deferment of apprentices.

I have in my hand a memorandum from the Selective Service System which confirms the statement I made on the floor on Monday that there is nothing in the bill or in the House or Senate provisions which would in any way contradict the recommendations in the report of the Senate Armed Services Committee that so long as a student deferment program is operating, apprentices should be deferred under similar condition.

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

Mr. RUSSELL. I yield.

Mr. JAVITS. We really should straighten out this draft board business. It is a fact that no discrimination based on sex is specified in the conference report and that the language in the statute is unclear.

For the legislative record, do the words in the statute which deal with the interpretation of the draft law, in the judgment of the Senator from Georgia, refer to the selection of members of those draft boards?

Mr. RUSSELL. I do not think they do. I think the decisions of the courts over the last several years, and every trend of that branch of the Government, makes it very clear that there should not be any discrimination. There is nothing in the statute that specifically requires the appointment of any particular class or category of persons.

Mr. JAVITS. Either way?

Mr. RUSSELL. That is correct. And no inhibition.

Mr. JAVITS. Either way?

Mr. RUSSELL. Either way.

Mr. JAVITS. But the Senator makes it as part of the legislative history that his understanding of the Supreme Court decisions and the general policy of our Government dictate there shall be no such discrimination?

Mr. RUSSELL. That is the trend. I do not agree with all of these Supreme Court decisions, may I say.

Mr. JAVITS. I understand.

The PRESIDING OFFICER. All time has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may proceed for 1 minute.

Mr. EASTLAND. I object.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to the conference report. On this question, the yeas and nays have been ordered; and the clerk will call the role.

The assistant legislative clerk proceeded to call the roll.

Mr. McGEE (when his name was called). Mr. President, on this vote I have a pair with the Senator from Alaska [Mr. GRUENING]. 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 Alaska [Mr. GRUENING] and the Senator from Indiana [Mr. HARTKE] are necessarily absent.

I also announce that the Senator from Hawaii [Mr. INOUYE] and the Senator from North Carolina [Mr. JORDAN] are absent because of illness.

The result was announced—yeas 72, nays 23, as follows:

[No. 141 Leg.]

YEAS—72

Aiken	Gore	Moss
Allott	Griffin	Mundt
Anderson	Hansen	Murphy
Baker	Harris	Muskie
Bayh	Hayden	Pastore
Bennett	Hickenlooper	Pearson
Bible	Hill	Prouty
Boggs	Holland	Proxmire
Brewster	Hollings	Randolph
Burdick	Hruska	Ribicoff
Byrd, Va.	Jackson	Russell
Byrd, W. Va.	Javits	Scott
Cannon	Jordan, Idaho	Smith
Carlson	Kuchel	Sparkman
Cooper	Lausche	Spong
Cotton	Long, Mo.	Stennis
Curtis	Long, La.	Symington
Dirksen	Magnuson	Talmadge
Dominick	McClellan	Thurmond
Eastland	McIntyre	Tower
Ellender	Miller	Williams, N.J.
Ervin	Monroney	Williams, Del.
Fannin	Montoya	Young, N. Dak.
Fong	Morton	Young, Ohio

NAYS—23

Bartlett	Hatfield	Morse
Brooke	Kennedy, Mass.	Nelson
Case	Kennedy, N.Y.	Pell
Church	Mansfield	Percy
Clark	McCarthy	Smathers
Dodd	McGovern	Tydings
Fulbright	Metcalf	Yarborough
Hart	Mondale	

NOT VOTING—5

Gruening	Inouye	McGee
Hartke	Jordan, N.C.	

So the report was agreed to.

LEAVE OF ABSENCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Pennsylvania [Mr. CLARK] may be officially excused from attendance in the Senate because of a death in his family.

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

THE DODD CENSURE RESOLUTION

ORDER FOR RECOGNITION OF SENATOR STENNIS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the morning prayer tomorrow, the distinguished Senator from Mississippi [Mr. STENNIS] be recognized.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent, now that the Senate has concluded its consideration of Senate Resolution 112 for the day, that there be a brief period for the transaction of routine business, under the usual limitation.

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

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.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

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

EXECUTIVE COMMUNICATIONS, ETC.

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

AMENDMENT OF AGRICULTURAL MARKETING ACT OF 1946

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to further amend the Agricultural Marketing Act of 1946 (with an accompanying paper); to the Committee on Agriculture and Forestry.

REPORT OF AUDIT OF EXCHANGE STABILIZATION FUND

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report of audit of the Exchange Stabilization Fund, for the fiscal year ended June 30, 1966 (with an accompanying report); to the Committee on Banking and Currency.

EXTENSION OF REGULATION OF MAXIMUM RATES OF INTEREST OR DIVIDENDS, HIGHER RESERVE REQUIREMENTS, AND OPEN MARKET OPERATIONS IN AGENCY ISSUES

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to extend for two years the authority for more flexible regulation of maximum rates of interest or dividends, higher reserve requirements, and open market operations in agency issues (with an accompanying paper); to the Committee on Banking and Currency.

THE WORLD FOOD PROBLEM

A letter from the Administrator, Agency for International Development, Department of State, transmitting, for the information of the Senate, a statement prepared for Congressional Committees reviewing the Agency for International Development program, relating to the world food problem (with an accompanying paper); to the Committee on Foreign Relations.

DESECRATION OF THE FLAG—RESOLUTION OF THE SENATE OF PENNSYLVANIA

Mr. SCOTT. Mr. President, I submit a resolution adopted by the Senate of the State of Pennsylvania, and ask unanimous consent that it be printed in the RECORD and appropriately referred.

The PRESIDING OFFICER (Mr. MONDALE in the chair). The resolution will be received and appropriately referred; and, without objection, the resolution will be printed in the RECORD.

The resolution was referred to the Committee on the Judiciary, as follows:

RESOLUTION

Many Pennsylvania citizens have expressed their concern and dismay about recent acts of desecration performed against the Flag of the United States of America at so-called peace rallies, while many of Pennsylvania's sons are dying on a distant battlefield in a valiant attempt to preserve and extend the rights and privileges of democracy, so fully enjoyed in the United States, to other peoples.

Pennsylvania has not been plagued with such activities directed against the Flag, probably because of its long-standing public policy, expressed by duly enacted legislation, against insult or desecration of the Flag; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania, to encourage a sense of unity between those at home and our country's fighting men overseas, memorialize the Congress of the United States to adopt legislation making desecration of the Flag a criminal act, punishable by fine or imprisonment or both; and be it further

Resolved, That a copy of this resolution be forwarded to the presiding officer of each House of Congress of the United States and to each Senator and Representative from Pennsylvania in the Congress of the United States.

Attest:

MARK GRUELL, Jr.,
Secretary, Senate of Pennsylvania.

The PRESIDENT pro tempore laid before the Senate a resolution of the Senate of the State of Pennsylvania, identical with the foregoing, which was referred to the Committee on the Judiciary.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

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

S. 1577. A bill to complement the Vienna Convention on Diplomatic Relations (Rept. No. 346).

THE 17TH ANNUAL REPORT OF THE SELECT COMMITTEE ON SMALL BUSINESS—MINORITY VIEWS (S. REPT. NO. 345)

Mr. SMATHERS. Mr. President, as chairman of the Senate Select Committee on Small Business, I submit the committee's 17th annual report, and ask that it be printed, together with minority views of Senators JAVITS, SCOTT, COTTON, DOMINICK, and HATFIELD.

The PRESIDING OFFICER. The report will be received and printed, as requested by the Senator from Florida.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. PASTORE, from the Joint Committee on Atomic Energy:

Wilfrid E. Johnson, of Washington, to be a member of the Atomic Energy Commission.

BILLS AND A JOINT RESOLUTION INTRODUCED

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

By Mr. METCALF:

S. 1942. A bill for the relief of Hyung-Shil Shin; to the Committee on the Judiciary.

By Mr. RANDOLPH:

S. 1943. A bill to amend the act of August 4, 1950 (64 Stat. 411), to provide salary increases for certain members of the police force of the Library of Congress; to the Committee on Rules and Administration.

By Mr. HOLLINGS:

S. 1944. A bill for the relief of Thomas H. Belser; to the Committee on the Judiciary.

By Mr. LONG of Missouri:

S. 1945. A bill to amend the antitrust laws to provide that the refusal of nonprofit blood banks and of hospitals and physicians to obtain blood and blood plasma from other blood banks shall not be deemed to be acts in restraint of trade, and for other purposes; to the Committee on the Judiciary.

By Mr. SPARKMAN:

S.J. Res. 90. Joint resolution extending for 4 months the emergency provisions of the urban mass transportation program; to the Committee on Banking and Currency.

ADDITIONAL COSPONSORS OF BILLS

Mr. DIRKSEN. Mr. President, I ask unanimous consent that, at the next printing of Senate bill 515, to prohibit desecration of the flag, the name of the junior Senator from California [Mr. MURPHY] be added as a cosponsor.

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

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from South Carolina [Mr. HOLLINGS], I ask unanimous consent that, at the next printing of the bill (S. 1796) to impose quotas on the importation of certain textile articles, the names of the following Senators be added as cosponsors: Mr. BENNETT, Mr. BIBLE, Mr. COTTON, Mr. CURTIS, Mr. FANNIN, Mr. PEARSON, Mr. EASTLAND, and Mr. TALMADGE.

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

NOTICE CONCERNING NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been re-

ferred to and are now pending before the Committee on the Judiciary:

Veryl L. Riddle, of Missouri, to be U.S. attorney, eastern district of Missouri, term of 4 years, vice Richard D. Fitzgibbon, Jr., resigned.

John C. Begovich, of California, to be U.S. marshal, eastern district of California, term of 4 years, to fill a new position created by Public Law 89–372, effective September 18, 1966.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Wednesday, June 21, 1967, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearings which may be scheduled.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, June 14, 1967, he presented to the President of the United States the enrolled bill (S. 1352) to authorize adjustments in the amount of outstanding silver certificates, and for other purposes.

INTERNATIONALIZATION OF WORLD WATERWAYS

Mr. THURMOND. Mr. President, one of the lessons which the Mideast crisis has emphasized for the world is the disastrous consequences of allowing important waterways to be operated under irresponsible control. For years Egypt has denied Isael transit privileges through the Suez Canal. Now the canal is closed completely at Egypt's pleasure. Some of the consequences of such a closure are detailed in Monday's edition of the National Observer.

At this point, I ask unanimous consent that the article, "How Shutdowns of the Suez Canal Affect Shipping Around the World," be printed in the RECORD at the end of my remarks.

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

(See exhibit 1.)

Mr. THURMOND. Mr. President, it is especially important, therefore, that the important waterways of the world be in responsible hands. I was disturbed to read over the weekend a column by Drew Pearson advocating international control of all world waterways. Pearson asserts that the Johnson administration is considering using the diplomatic break with Egypt as an excuse for the internationalization of world waterways, including the Suez Canal." If a faction of the Johnson administration is really advocating this action, then it is plain that Pearson is serving as a mouthpiece to drum up support, for he says:

> The United States, therefore, is in a justifiable position to move for the internationalization of Suez as a move toward stability and peace.

What Pearson does not say explicitly is that the United States would be forced to internationalize the Panama Canal, if we first advocated the internationalization of Suez. Our stake in Panama is many times greater than our stake in Suez. At the present time, negotiations are proceeding for new treaties with Panama concerning the operation of the canal. I reserve my right to comment on those treaties at the proper time, but at the moment I would like to point out that internationalization of the Panama Canal is one of the most extreme proposals that radicals have made with regard to the canal.

The reason is obvious. The United States is highly dependent upon the successful operation of the Canal. Any proposal that weakened U.S. control over the canal would increase the vulnerability of the United States. It is astonishing that Pearson could be ignorant of such a situation.

I ask unanimous consent that the Pearson column "U.S. Studies Internationalized Canal," Washington Post, June 10, 1967, be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. THURMOND. Mr. President, internationalization of the Panama Canal has been one of the prime goals of the international Communist movement since the very beginning. John Reed declared it so in Petrograd in 1918. On December 2 of that year, President Theodore Roosevelt answered him with an unequivocal statement:

> The Panama Canal must not be internationalized. It is our canal; we built it, we fortified it, and we will protect it, and we will not permit our enemies to use it in war. In time of peace, all nations shall use it alike, but in time of war our interest at once becomes dominant.

The same sentiments prevailed as late as 1956, when Secretary of State John Foster Dulles addressed himself to this very question of whether the status of the Suez Canal could affect the status of the Panama Canal. I quote from an article in the Washington Evening Star, August 29, 1956:

> The Secretary told a news conference in Washington yesterday the United States has all the rights in the Canal Zone which it would possess if it were the sovereign—to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, powers, or authority.

The account added further:

> Mr. Dulles got into the Panama question with a statement declaring the situations pertaining to the Suez Canal and the Panama Canal are "totally dissimilar in two vital respects." He said the Suez was internationalized by the Treaty of 1888, while the United States has rights of sovereignty over the Panama Canal.

I ask unanimous consent that this entire article, "Dulles Stirs Up Panama and Japan, All in 1 Day," be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 3.)

Mr. THURMOND. Mr. President, the strategic waterways of the world continue to be an essential element in the Communist plan for world domination. Internationalizing of the Panama Canal has been a key point in this strategy, just as is the Suez Canal and the Mideast oil region. An expert analysis of this plan has just come to my attention in an editorial from the February issue of Task Force. In the light of current Mideast developments, the reasoning in this editorial has already justified itself and proved its accuracy. I therefore also ask unanimous consent that the editorial, "Crisis in World Strategy: An Appraisal" be printed in the RECORD.

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

[From Task Force, February 1967]

CRISIS IN WORLD STRATEGY: AN APPRAISAL

The ending of World War II did not bring peace as was universally hoped but resulted in a wider struggle by predatory communist nations for world power through the process of gaining domination of key coastal areas and strategic water routes. What are some of the key geopolitical problems involved?

I. First, consider Soviet aims in the Suez-Red Sea area. In this, communist control of the Suez Canal through Nasser, largely induced by United States intervention, and the recent announcement of the British Labor Government of its intention to withdraw in 1968 from Aden, are of prime importance. As communist penetration in nearby nations convenient for taking over Aden is increasing, its conquest by Red power will complete the existing Soviet domination over the Suez Canal-Red Sea route to the Middle and Far Easts. Moreover, it will present Europe with the same situation it faced in 1453 when the Eastern Roman Empire fell to the Turks, thereby leading the Portuguese to seek a new route to India by the Cape of Good Hope.

II. Consider next the Soviet stake in Viet Nam. There, Red power, following the 1941 Japanese war plan for securing control of Southeast Asia and, ultimately, of the Malay Barrier, for oil, manganese, tungsten, tin, rice and other vital materials, has been engaged in an aggressive guerrilla war of conquest with Chinese and Soviet support. Though Viet Nam is far more strategic than Korea, the present war is being handled by our Government in the same ineffectual and timid manner under a phoney no-win policy called limited warfare as was the Korean War. Unfortunately, there is no MacArthur with keen strategic insight and power of expression to show our people the way out of the quagmire, with its mounting tolls of American lives and treasure.

III. Now, consider Soviet aims in Rhodesia and South Africa. The recent proclamation by the President of the United States directing mandatory economic sanctions against Rhodesia is, in effect, opening the back door to war with all of Southern Africa, the countries of which are strongly anti-communist and friendly to the West. Southern African sea and airports, occupied by Red naval and air forces, could well dominate the sea routes around the Cape of Good Hope, and close the alternate passage between the Atlantic and Indian oceans.

Recently, in line with Administration and UN policies, the tax-exempt Carnegie Endowment for International Peace, formerly fronted by Alger Hiss, has issued a general staff type of war plan for a UN land-sea-air assault on South Africa. This plan, prepared with the shameful assistance of United States citizens, including a member of the faculty of the U.S. Military Academy, estimates that military casualties among the assaulting forces would be between 19,000 and 38,000. Such a plan could not serve Red objectives better if prepared by Alger Hiss himself. The casualties no doubt would be Americans, for the United States would be the main tool used by the UN to attack Southern Africa for Soviet gains.

If successful, the operation outlined in this notorious war plan issued by the once great peace foundation would inevitably place Red power in position to control the ocean routes adjacent to Southern Africa by submarines and aircraft, thereby strategically isolating the sea transport of Western Europe and the United States from countries bordering the Indian Ocean.

IV. Lastly, consider Soviet aims at Panama. In that strategic crossroads, as the result of a series of ill-advised surrenders by our government to the mob dictated government of Panama, United States control over the Canal Zone and Panama Canal has been placed in the gravest danger, with successive U.S. Administrations having officially displayed the Panama flag over the Zone territory equally with that of the United States. Moreover, the present Administration has publicly announced its intention to cede sovereignty over the Canal Zone back to Panama. Meanwhile, Panamanian revolutionaries, many of them trained in Cuba, and other radicals, are standing by for the projected cession as the signal for over-throwing constitutional government in Panama.

Such overthrow would make Panama another Cuba, place Red power in control of the Canal Zone, and swiftly lead to the Free World's loss of the Panama Canal. This loss would undoubtedly encourage like communist revolutionary takeovers in other Latin American countries. Yet not one member of the United States Senate, which is the treaty ratifying agency of our government, has taken any significant step to prevent the long planned giveaway of the Panama Canal to the Reds or even studied the subject to the point of reasonable understanding.

The resulting world situation is one of unprecedented peril. The above enumerated focal points pose great issues requiring clarification and exposure, which can be accomplished only by Committees of the Congress. Those at the watch towers of freedom, especially members of the Congress, should not and cannot evade their responsibilities in making or avoiding, as our safety requires, critically important treaties, especially those of such far-reaching consequences as agreements affecting the Panama Canal. What can we do?

The following program for the Congress is suggested:

1. Study the immortal 1951 address by General MacArthur to the Congress, which is available in recordings as well as in the Congressional Record. If "Viet Nam" is substituted for "Korea", that address fits the present Viet Nam situation precisely and with even greater emphasis.

2. Investigate the tax-exempt Carnegie Endowment for International Peace for its role in preparing the general staff type war plan to attack South Africa and the parts played by officials or officers of our government.

3. Demand of the Executive Department that it exercise the power to veto in the UN Security Council the projected move to apply mandatory sanctions against Rhodesia.

4. Adopt joint resolution cancelling Executive Order No. 11,322 of January 5, 1967, and instructing the Executive to notify the UN that the United States will not honor UN sanctions against Rhodesia.

5. Investigate the flying of the Panama flag in the Canal Zone territory, the Administration's announced intent to cede United States sovereignty over the Zone back to Panama, and the grave implications of the loss of the Panama Canal on world strategy.

Be not deceived; the world is on fire and the future is dark. Today is timely; tomorrow may be too late. It is the solemn duty of our citizens to act immediately and effectively. Let all patriots write their members of the Senate and House to exercise their full strength and power in preventing the success of Red terror and dominance throughout the world. Send your Senators and Congressmen a marked copy of this issue of Task Force, and ask them to read it!

EXHIBIT 1

[From the National Observer, June 12, 1967]

SUPERTANKER TO THE RESCUE: HOW SHUTDOWNS OF THE SUEZ CANAL AFFECT SHIPPING AROUND THE WORLD

The closing of the Suez Canal for six months a decade ago sliced the jugular of world trade, badly damaging Europe's economy. By contrast, Egypt's closing of the canal last week during the latest Arab-Israel War was felt by world traders like an annoying pinch on a few capillaries.

Hardship results whenever the canal is closed, of course. Closing the strategic waterway raises some costs for private concerns, and it puts a drain on some European nations' treasuries. But the closing doesn't, as it did in 1956–57, force Europe into a buy-at-any-price corner in order to obtain the goods that normally travel through the 103-mile-long canal across the Egyptian desert.

"The present situation is uncomfortable, but far from grim," says one oilman. Making the situation more uncomfortable is the cutoff of oil shipments to Western customers. Soon after Israel attacked its Arab neighbors last week, several Arab nations embargoed oil exports, particularly those to the United States and Great Britain.

Nine Arab countries—Abu Dhabi, Algeria, Bahrein, Iraq, Kuwait, Libya, Qatar, Saudi Arabia, and the United Arab Republic—produce about 8,500,000 barrels of oil daily, or one-third of the Free World's supply. The effect of a cutoff on the United States is slight; the United States gets less than 5 per cent of its oil from Middle Eastern wells.

NO ALTERNATE MARKET

A cutoff policy in relation to Europe can't last very long, in all probability. Arab nations have no alternative market for their oil. Without Western customers, many of these nations would lack any major source of income.

By what route will the oil flow when the Arab nations resume their shipments? The Suez Canal likely will remain closed for some time, for Egypt disclosed last week that ships sunk by Israeli attacks now block passage in the waterway. As long as the canal remains closed, ships will have to travel around Africa's Cape of Good Hope. Gulf Oil Corp. last week, for example, radioed its tanker London Confidence to alter course and make the voyage to Philadelphia via the Cape of Good Hope.

Such decisions may push up shipping costs by a third or more. Already the U.S. Maritime Administration has approved a 25 per cent increase in shipping fees. The longer voyages around the tip of Africa are not the only factor adding to costs; insurance companies last week imposed higher, war-risk rates.

An immediate result of the higher costs was a decision by India to postpone buying a much-needed 1,865,000 bushels of U.S. wheat. India said charter rates were now too costly on the voyage from New Orleans to Bombay, which is 2,386 miles longer via the Cape than through the canal. India was willing to pay $16.32 a ton to the shipper; the best offer it received was $18.90 a ton, or $4.90 above the prewar price.

Europe, by contrast, will suffer fewer problems from the delays and the costs in the longer voyages around the Cape. When sunken ships blocked the Suez Canal in 1956, they cut off the route that supplied Europe with over 80 per cent of all its oil. That same route now supplies half of Europe's oil.

The canal's relative importance to Europe thus has diminished. Granted, the canal's traffic has increased. The United Arab Republic has deepened the canal, enabling ships up to 60,000 tons to use it instead of the decade-ago limit of 30,000 tons. As a result, 20,285 ships passed through the canal in the year that ended June 30, 1966, compared with 14,666 in 1955. Canal revenues over that period rose to $197,000,000 from $75,000,000.

Yet over this period, world trade has grown at a faster pace. Europe, for instance, now imports about four times as much petroleum as it did at the time of the 1956 Suez crisis. European oil companies have brought in oil fields in Algeria and Libya, on the western side of Suez; this area now provides one-third of Europe's oil.

Since 1956, many oil companies have begun shipping oil from the Middle East to Europe aboard supertankers, capable of hauling 100,000 tons or more of oil in a single trip. These ships can't pass through the canal, for they're too big. A typical tanker voyage to Northern Europe from the Middle East may take six weeks via the Cape, compared with three weeks via Suez. But British Petroleum Co., a major Middle East producer, estimates that a 200,000-ton supertanker can carry oil around the Cape for 40 per cent less per barrel than it costs a 50,000-ton tanker to haul it through the Suez.

Other factors diminish the importance of the closing of the canal. There is a 20 per cent unused tanker capacity among world shippers, leaving many vessels available for service to aid in the run around the Cape. Too, Europe has a three-month supply of oil on hand now, so any petroleum pinch won't be felt for some time yet. And summer is the period of the lightest oil usage, as there is no demand for heating oil.

CANAL'S MAJOR PRODUCT

Still, oil has remained the principal product moving through the canal. Before the closing last week, oil tankers accounted for 71 per cent of the canal's tonnage. Of the 55 ships that used the canal during a normal day before the latest Middle Eastern war, over half were oil tankers.

While oil remains the major product moving through the canal, other products as well will have to be rerouted at greater cost. The canal does a large business in rubber from Malaysia and Cambodia, wool from Australia and New Zealand, and jute from India and Pakistan. Nearly half the world's tin supply moves through it, much of it from Malaysia. About 40 per cent of Britain's butter and cheese travels through the canal from New Zealand.

The effects of a world temporarily without a Suez Canal could work to the benefit of many American companies. Some American oilmen, for instance, talk of the closing of Suez as a stimulant to the sluggish U.S. business of drilling new wells. If Europe can't get all the oil it needs from the Middle East, it will doubtless make up part of the slack in purchases from U.S. wells. U.S. producers believe they can quickly turn valves to raise domestic oil production by possibly 3,000,000 barrels a day.

Thus most world traders don't worry as much over the canal shutdowns as they once did. It just isn't as important as it once was.

EXHIBIT 2

[From the Washington (D.C.) Post, June 10, 1967]

UNITED STATES STUDIES INTERNATIONALIZED CANALS

(By Drew Pearson)

There's a backstage debate going on inside the Johnson Administration regarding the idea of using the present diplomatic break with Egypt, initiated by President Nasser, as the moment to move for the internationalization of world waterways, including the Suez Canal.

Twice Nasser has closed the canal to Western shipping on his own whim, once in 1956,

again in 1967. In 1955 he seized the canal from the French and British with no excuse other than pique over the fact that John Foster Dulles had decided not to finance the Aswan Dam.

It was President Eisenhower who in 1956–57 came to Nasser's rescue and demanded that the French, British and Israelis give the canal back to Egypt.

But today, despite Mr. Eisenhower's rescue of Egypt's precarious position in 1956 and despite five years of keeping the Egyptian people from starvation with $912 million of American grain, Nasser has falsely accused the United States of using planes from the Sixth Fleet to aid Israel. His accusation caused half of the Arab nations to break diplomatic relations, has endangered American lives all over the Near East and caused incalculable loss to American libraries, consulates and embassies.

The United States therefore is in a justifiable position to move for the internationalization of Suez as a move toward stability and peace.

NASSER'S BRAZEN ALIBI

Most brazen canard launched by any propaganda machine in years was Nasser's claim that the United States had intervened on the side of Israel.

Nasser of course was looking for an alibi for the complete rout of his troops. It was the third successive time the Egyptian army has collapsed before the Israelis: the first in 1948, when Nasser was almost taken prisoner; the second in 1956, when Israeli troops penetrated to the Suez Canal; the third, this week.

Nasser claimed this week that Israel was winning only because of help from airplanes from the Sixth Fleet. Real fact is that the nearest U.S. carrier, the Little Rock, was more than 350 miles from Egypt. Another carrier, the Saratoga, was more than 500 miles away. Not a single plane left the deck of either ship, as the Russians, whose destroyers had been shadowing both carriers 24 hours a day, fully knew.

Real fact is that President Johnson was more cautious than any other U.S. President except Mr. Eisenhower regarding the Near East. He kept Foreign Minister Abba Eban waiting all day before he finally saw him, then gave him no promises regarding Israeli ships through the Gulf of Aqaba.

Secretary of State Rusk told members of the Senate Foreign Relations Committee that no Israeli ships had gone through the gulf for two years, and implied that Nasser might be appeased by barring Israeli ships in the future.

In brief, the United States was about as neutral in the Near East crisis as it was possible to be.

Despite this, Nasser influenced the entire Arab world with false and damaging charges against the United States.

WHY THE FIGHT?

Reason why Israeli troops, surrounded by superior Arab numbers, were able to rout the enemy was very simple. The Israelis have something to fight for. The Arabs don't.

The Israelis are culminating a 2,000-year struggle to return to a homeland; and they fight with the memory of what happened to 6 million Jews, in the gas chambers of Hitler. They know that if they lost this battle, their fate at the hands of Nasser would be to get pushed into the sea.

Arab troops, on the other hand, serve in armies where there is no democracy, where the old caste privilege between officers and men still prevails.

Up until recently 90 Egyptian families controlled most of the nation's irrigated land; in Jordan, 50 Bedouin chieftains controlled most of the arable land. In Egypt the young officers get their imported scotch no matter what happens. Egyptian troops are lucky if they get their full quota of bread and rice.

In the Arab states today there is great wealth. Oil has made Saudi Arabia, Kuwait, Libya and Iraq among the wealthiest nations in the world. But there is also great poverty. Kuwait is the only country where the wealth of oil has been distributed among the masses.

In Israel there is very little individual wealth. Nor is there much individual poverty. You see no beggars on the streets as in the Arab states.

Israel is a middle-class, hard-working semi-Socialist state where there is no division between the wealthy and the poor. These are some of the reasons why Israeli soldiers fight, Arab soldiers don't.

EXHIBIT 3

[From the Washington (D.C.) Evening Star, Aug. 29, 1956]

DULLES STIRS UP PANAMA AND JAPAN, ALL IN 1 DAY

PANAMA, August 29.—Secretary of State Dulles' latest comparison of the Panama and Suez Canals today heightened a new flare-up of anti-U.S. feeling in Panama.

The Secretary told a news conference in Washington yesterday the United States has all the rights in the Canal Zone which it would possess if it were the sovereign—"to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, powers, or authority."

His statement landed squarely in the middle of one of the touchiest points in relations between Panama and the United States. Within hours Foreign Minister Alberto Boyd got out a statement taking issue with Mr. Dulles and outlining Panama's position.

Panama has steadfastly claimed sovereignty over the Canal Zone, as distinct from jurisdictional rights granted to the United States by treaty. Panama's position is that the rights given the United States were only for the purposes of construction, operation, maintenance and defense of the waterway.

Mr. Dulles got into the Panama question with a statement declaring the situations pertaining to the Suez Canal and the Panama Canal are "totally dissimilar in two vital respects." He said the Suez was internationalized by the treaty of 1888, while the United States has rights of sovereignty over the Panama Canal.

The second dissimilar aspect, he went on, involves the dependence of a large number of countries on the Suez and their fear that this lifeline may be cut.

"As far as I am aware," Mr. Dulles said, "no country anywhere in the world fears that its economy is jeopardized by our possible misuse of our rights in the Panama Canal."

Replying, Mr. Boyd pointed out the Panama Canal was built on Panamanian territory and said the provisions on neutralization and freedom of transit in the Constantinople convention of 1888, internationalizing the Suez Canal, are applicable to the Panama waterway.

U.S. COMMITTEE ON HUMAN RIGHTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 333, S. 990, that it be laid before the Senate and considered immediately.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 990) to establish a U.S. Committee on Human Rights to prepare for participation by the United States in the observance of the year 1968 as International Human Rights Year, and for other purposes.

The 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 an amendment on page 7, line 7, after the word "exceed", to strike out "$300,000" and insert "$275,000"; so as to make the bill read:

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

ESTABLISHMENT OF UNITED STATES COMMITTEE ON HUMAN RIGHTS

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

MEMBERSHIP OF THE COMMITTEE

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

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

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

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

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

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

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

COMPENSATION OF MEMBERS OF THE COMMITTEE

SEC. 3. Members of the Committee who are officers or employees of the United States shall serve without compensation in addition to that received for the service as such officers or employees. Members of the Committee appointed from private life each shall receive $100 per diem when actually engaged in the performance of duties vested in the Committee. Each member of the Committee shall be allowed travel expenses in the same manner as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

POWERS AND DUTIES OF THE COMMITTEE

SEC. 4. The Committee shall formulate plans for effective and coordinated participation by the United States in the observance of the year 1968 as "International Human Rights Year". In order to carry out the provisions of this Act the Committee is authorized to—

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

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

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

(4) take such other action and conduct such other activities as it may deem appro-

priate to provide a basis for the observance by the United States of International Human Rights Year.

COOPERATION WITH COMMITTEE BY EXECUTIVE AGENCIES

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

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

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

STAFF OF COMMITTEE

SEC. 6. (a) The Committee shall appoint an executive secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, prescribe his duties, and fix his compensation at a rate not to exceed the maximum rate payable under the General Schedule contained in section 5332 of such title.

(b) The Committee is authorized to appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and fix the pay in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, of such personnel as it deems advisable to carry out the purposes of this Act.

(c) The Committee may procure temporary and intermittent services to the same extent as is authorized for the departments by section 3109 of title 5, United States Code, but at rates not to exceed $100 per diem for individuals.

REPORT AND TERMINATION OF COMMITTEE

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

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

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

ACCEPTANCE OF DONATIONS; AUTHORIZATION OF APPROPRIATIONS

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

(b) There are authorized to be appropriated such sums, not to exceed $275,000, as may be necessary to carry out the provisions of this Act.

The amendment was agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that certain excerpts from the report accompanying S. 990, having to do with the provisions of the bill and the background, be printed in the RECORD at this point.

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

PROVISIONS OF THE BILL

S. 990 provides for the creation of an advisory and coordinating committee to be known as the U.S. Committee on Human Rights. It will be composed of 11 members—two from the House of Representatives (one from each party, appointed by the Speaker of the House; two from the Senate (one from each party), appointed by the President of the Senate; and seven members appointed by the President, one of whom he will designate to serve as Chairman of the Committee.

The powers and duties of the Committee will be to formulate plans for effective and coordinated participation by the United States in the observance of the year 1968 as International Human Rights Year. The Committee will be authorized to conduct studies and seminars for effective U.S. participation; to explore the role of the United States in defining, expressing, and expanding the application of human rights principles in the United States and abroad; to review past and present policies in this field; and to take any other action deemed appropriate to provide a basis for the observance by the United States of International Human Rights Year. There are provisions for cooperation with agencies of the executive branch and for staffing.

The Committee will be required to submit a report to the President for transmission to the Congress no later than September 1, 1967, together with recommendations as to the manner in which the most effective and coordinated participation by the United States in the observance of the International Human Rights Year may be accomplished. During the course of the Human Rights Year, the Committee will be continued as a coordinating center for U.S. activities. The Committee will cease to exist on December 31, 1968.

Finally, the bill, as reported by the Committee on Foreign Relations, will authorize the appropriation of $275,000 for the expenses of the U.S. Committee on Human Rights.

BACKGROUND

The General Assembly of the United Nations, in December 1963, designated 1968 as the International Year for Human Rights. At that time, it invited the specialized agencies and member states to participate with the United Nations Committee on Human Rights in a variety of activities to be undertaken during that year to call attention to the celebration of the 20th anniversary of the Universal Declaration of Human Rights.

This bill, except for minor drafting changes relating to the provisions for staff, is identical to S. 3101, which was passed by the Senate on October 17, 1966, by a voice vote. Although the House Committee on Foreign Affairs had reported favorably a companion measure, neither bill was finally acted upon during the days before adjournment on October 22.

The bill was reintroduced as S. 990 on February 16, 1967, by Senator Clark, for himself and Senators Brewster, Hart, Inouye, Long of Missouri, McCarthy, Morse, Moss, Pell, Proxmire, Randolph, Scott, Tydings, Yarborough, and Young of Ohio.

The Committee on Foreign Relations considered S. 990 on February 28 and again on June 8 at which time it was ordered reported favorably to the Senate, with the amendment referred to above.

SILVER PRICE AT LONDON PREVAILS

Mr. JORDAN of Idaho. Mr. President, the State of Idaho leads the Nation in the production of silver. For this reason we watch the fluctuations in silver stocks and market prices with great interest.

The evidence is now conclusive that the U.S. Treasury is no longer able to control the market price of silver by meeting market demands from silver stockpiles. With the world market price at about $1.70 an ounce for spot silver, producers are no longer willing to sell to the U.S. Treasury at the price of $1.29 an ounce.

A news item appeared in the June 8, 1967 issue of the Wallace Miner, published in Wallace, Idaho, under the headline "Silver Price at London Prevails," with a subhead "U.S. Treasury's $1.29 Price Abandoned by Local Operators."

I ask unanimous consent that this news item be printed in the RECORD.

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

SILVER PRICE AT LONDON PREVAILS—U.S. TREASURY'S $1.29 PRICE ABANDONED BY LOCAL OPERATORS

Inland Empire mine operators this week could get about $1.70 an ounce for their silver output, compared to the $1.29 price which the U.S. Treasury has been paying domestic producers since 1964.

In reply to a Spokane Chronicle query, a spokesman for the Bunker Hill Co. at Kellogg said Bunker Hill now is buying and selling silver based on the London market price.

This price Monday was reported at $1.71½ on ounce for spot silver.

Financial wire reports received at the Spokane Stock Exchange Monday said that American Smelting & Refining Co., the world's largest refiner of silver, has started purchasing domestic and foreign ores and concentrates and selling processed metal at the prices prevailing in London.

American Smelting's Inland Empire operations include operation of the Galena Mine (this country's second largest silver mine) in the Silver Belt between Kellogg and Wallace.

Cominco, major Canadian silver producer, also was quoted as saying it is basing its silver price on the London quotation.

American Metals Climax, Inc., was reported to have said it looks as if it would have to depart from its practice of pricing silver from its mines on the basis of the U.S. Treasury price.

The Wall Street Journal Monday reported that industry officials said the move by the major U.S. and Canadian silver refiners practically assures a "dual price structure" for silver.

They said the situation results from the action of the Treasury Department May 18 in banning exports of its silver stocks and limiting sales of Treasury silver to legitimate domestic industrial users.

In the meantime, Canada reportedly has restricted the export of silver to normal commercial shipments for which export permits will be issued.

Travelers will be restricted to taking $5 worth of silver coins out of the country, said the report received at the Spokane Stock Exchange.

The Canadian action was said to have been announced by Robert Winters, minister of trade and commerce, at Ottawa.

Winters said a recent similar export ban by the United States had resulted in abnormal movements of Canadian silver, silver alloys and chemicals containing silver, all of which are included in the new order.

Mr. DOMINICK. Mr. President, the statement which has just been made by the Senator from Idaho and the news article which he has placed in the RECORD are of extraordinary significance and back up the point I was trying to make on the recent silver bill.

At that time I pointed out that silver was going to be more important than silver certificates; that the certificates would be redeemed in order to get the silver to get a much higher price for it.

I also said at that time that for that reason I did not think we would have the stockpile of silver at the end of the year to take care of the national defense needs of this country.

It strikes me that my prediction has been confirmed by the fact that domestic producers are selling abroad, and not here, and that they are doing it because the price abroad is substantially higher than in the United States. At the same time our own industrial users here are still buying silver from the Treasury. We are losing silver to foreign markets day in and day out.

I would say—without any intent to exceed the limitation on routine business being conducted now—that unless we take adequate steps to make our defense stockpile inviolable and do it as soon as possible, we are not going to have enough silver for the defense needs of our country.

AMENDMENT AND EXTENSION OF THE DRAFT ACT AND RELATED LAWS

Mr. McCARTHY. Mr. President, in support of the effort made by the Senator from Massachusetts [Mr. KENNEDY], to have the draft law extended for only 1 year, a telegram was sent to me, signed by five members of the National Advisory Commission on the Draft, namely: Burke Marshall, Thomas S. Gates, Rev. John Courtenay Murray, John A. McCone, and Mrs. Oveta Culp Hobby. They objected to the fact that much of what they had recommended was not included in the draft extension which was the subject of the conference report and on which the Senate acted today.

There was another matter with which the Advisory Commission concerned itself in the course of its study and deliberations, which I had hoped would be the subject of continuous study by anyone responsible for the draft laws of the country during the next year. There would have been pressure to make this study had the 1-year extension been agreed to.

I am hopeful, in spite of the fact that the law has been extended beyond 1 year, that this matter will receive serious and continuing attention from everyone in the administration, outside the administration and here in the Senate who is responsible for developing a fair and equitable and a rational draft system for the country.

The particular proposition to which I wish to address myself to this evening is the so-called principle of selective conscientious objection which has developed as a new problem with relation to the drafting of men for the war in Vietnam and which may continue to be a problem for us as we face limited wars in the future.

Mr. President, I ask unanimous consent to have printed in the RECORD excerpts from the existing law, together with excerpts from court cases dealing with the problem, excerpts from the conference report, section 7, and a commentary on the effect of that conference report.

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

CONSCIENTIOUS OBJECTORS

1. Existing Law, Section 6(j):

"Nothing contained in this title shall be construed to require any person to be subject to combatant training and service in the armed forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form. Religious training and belief in this connection *means an individual's belief in a relation to a Supreme Being involving duties superior to those arising from any human relation,* but does not include essentially political, sociological, or philosophical views or a merely personal moral code."

2. Excerpt from *U.S.* v. *Seeger,* 380 U.S. 163 (1965):

"We have concluded that Congress, in using the expression 'Supreme Being' rather than the designation 'God,' was merely clarifying the meaning of religious training and belief so as to embrace all religions and to exclude essentially political, sociological, or philosophical views. We believe that under this construction, the test of belief 'in a relation to a Supreme Being' is whether a given belief that is sincere and meaningful occupies a place in the life of its possessor parallel to that filled by the orthodox belief in God of one who clearly qualifies for the exemption. Where such beliefs have parallel positions in the lives of their respective holders we cannot say that one is 'in a relation to a Supreme Being' and the other is not. We have concluded that the beliefs of the objectors in these cases meet these criteria . . ."

Excerpts from concurring opinion of Douglas, J.:

"If I read the statute differently from the Court, I would have difficulties. For then those who embraced one religious faith rather than another would be subject to penalties; and that kind of discrimination, as we held in *Sherbert* v. *Verner,* 374 U.S. 398, would violate the Free Exercise Clause of the First Amendment. It would also result in a denial of equal protection by preferring some religions over others—an invidious discrimination that would run afoul of the Due Process Clause of the Fifth Amendment."

3. Conference Report, Section 7:

"Nothing contained in this title shall be construed to require any person to be subject to combatant training and service in the armed forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form. As used in this subsection, the term 'religious training and belief' does not include essentially political, sociological, or philosophical views, or a merely personal moral code."

4. Effect of Conference Report:

To overrule *U.S.* v. *Seeger,* by eliminating the language in the existing law upon which the Supreme Court relied in deciding the case (the language eliminated is underlined).

5. The Senate bill did not upset the existing law.

Mr. McCARTHY. Mr. President, the principle of conscientious objection was carefully considered during the past year by the President's National Advisory Commission on Selective Service, but, in the end, it was rejected by the Commission, principally on these 5 grounds:

First, the majority of the members of the Commission believed it is one thing to deal in law with a person who believes he is responding to a moral imperative outside of himself when he opposes all killing, but quite another thing to accord a special status to a person who believes there is a moral imperative which tells him he can kill under some circumstances and not kill under others. Moreover, the majority argues that the question of "classical Christian doctrine"—I am not sure what that means—on the subject of just and unjust wars is one which would be interpreted in different ways by different Christian denominations and is therefore not a matter upon which the Commission could pass judgment.

Second, the majority holds that so-called selective pacifism is essentially a "political" question which should be resolved through recognized democratic processes. I assume by that we are asking for somewhat clearer definition in the law, or perhaps in the courts.

Third, legal recognition of selective pacifism, the majority felt, could open the door to a general theory of selective disobedience to law, which could quickly tear down the fabric of government.

I do not think this is a fair distinction, the difference between selective pacifism and pacifism which is recognized in the legal practices of this country, that this is selective disobedience of the law.

Fourth, the majority was unable to see the morality of a proposition which would permit the selective pacifist to avoid combat service by performing noncombatant service in support of a war which he had theoretically concluded to be unjust.

I can see some point in this if both actions were directly contributory to the conduct of the war. If there was some distinction or division, the action in one case could be separate, somehow, from the other, and if one were called upon to be put in noncombatant service, he would have to give demonstrable proof that he was serious about his pacifist position. Then the fourth point would be subject to reservation.

Finally, the majority felt that a legal recognition of selective pacifism could be disruptive to the morale and effectiveness of the Armed Forces.

I do not know upon what basis they added the fifth point. In any case, I would say it would be very difficult to have significant proof of it.

There was also a minority view submitted, which I think is deserving of

continued consideration. I quote directly from it.

First, they pointed out that—

The present statute incorporates the moral position of absolute pacificism, which holds that all uses of military force are inherently immoral. Although this moral view of war has occupied a time-honored place in American society it is a sectarian position and does not represent the moral consensus of the American people with regard to the uses of military force. Hence, though this moral view should continue to be honored in a revised Selective Service Act, it should not be accorded its present place of privilege as the legal doctrine which alone controls the issue of conscientious objection.

This, the first point made in the minority view with reference to selective conscientious objection, constitutes a challenge to the accepted position, which seems to be that if you can establish that you are against all wars, then you can be against any war or any involvement; but, on the other hand, that if you attempt to pass an overall judgment on particular actions or particular involvements, and attempt to make, as to any or all, a reasoned judgment on the facts in the light of the movement of history, at that point you are out of court and immediately disqualified.

Second, to quote again from the minority view:

The classical doctrine on war widely held within the Christian community has been based on the moral premise that not all uses of military force are inherently immoral. . . . In a word, a war may be just, it may also be unjust.

Third:

Although the decision to make war is the prerogative of duly constituted government, responsible to its people, and constitutes a presumption for the citizen in favor of the legitimacy of the war, the citizen still is personally responsible for his own moral judgments on matters of public policy. He may not abdicate his own conscience into the hands of government. . . . In particular cases, therefore, it can happen that the conscientious moral judgment of the citizen is in conflict with the judgments made by government, either with regard to the justice of the nation's cause or with regard to the measure and mode in which military force is to be employed in the defense of the nation's vital interests. In such cases the citizen should not be compelled by government to act against his conscience by being forced to bear arms. Government, however, may legitimately require of the citizen some manner of alternative service, either in a noncombatant or in a civilian capacity, as a duty of citizenship.

Mr. President, this minority report raises for our attention a most serious question. Each day, the movement of our own times and the complexity of current problems make it more and more difficult for individual citizens to respond within the limits, the direction, and the confines of authority called traditional or institutional practices. Second, Government could not eliminate all the pressure that will continue to bear upon the individual consciences of our citizens so far as the question of military service is concerned. It is our duty to try to lay down certain general guides, to set some limits, to establish some policies to make it somewhat easier for the most concerned and most sensitive of our citizens to come to a moral judgment, which will not necessarily be in conflict with the law when it considers the general good of the United States.

I ask unanimous consent to have printed at this point in the RECORD the text of an address given by John Courtney Murray on the vital question of "War and Conscience." This address was given at Western Maryland College in June of this year, 1967.

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

WAR AND CONSCIENCE

(Commencement address, Western Maryland College, June 1967, by Rev. John Courtney Murray, S.J.)

I take as my subject today the issue of selective conscientious objection, conscientious objection to particular wars, or as it is sometimes called discretionary armed service.

The theoretical implications of the issue are complex and subtle. The issue raises the whole question of war as a political act and the means whereby it should be confined within the moral universe. The issue also raises the question of the status of the private conscience in the face of public law and national policy. In fact, the whole relation of the person to society is involved in this issue.

Moreover, the practical implications of the issue are far reaching. Selective conscientious objection, as Gordon Zahn has pointed out, is an "explosive principle."

If once admitted with regard to the issue of war, the consequences of the principle might run to great lengths in the civil community.

I cannot today discuss the issue in all its complexity. I shall be content to make some comments on it, which are directed, for reasons that will appear, both to the academic community, especially the student community, and also to the political community, itself and in its representatives.

A personal note may be permissible here. During the deliberations of the President's Advisory Commission on Selective Service, on which I was privileged to serve, I undertook to advocate that the revised statute should extend the provisions of the present statute to include not only the absolute pacifist but also the relative pacifist; that the grounds for the status of conscientious objector should be not only religiously or non-religiously motivated opposition to participation in war in all forms, but also to similarly motivated opposition to participation in particular wars.

This position was rejected by the majority of the Commission. No Presidential recommendation was made to the Congress on the issue. There is evidence that the Congress is not sympathetic to the position of the selective objector and is not inclined to accept it.

This does not mean that the issue has been satisfactorily settled. The public argument goes on and must go on. It is much too late in the day to defend the theory of General Hershey that "the conscientious objector by my theory is best handled if no one hears of him." The issue is before the Country and it must be kept there.

It is true that the issue has been raised by a small number of people, chiefly in the academic community—students, seminarians, professors, not to speak of ministers of religion. But this group of citizens is socially significant. It must be heard and it must be talked to.

I recognize that in many respects the issue has been raised rather badly, in ways that betray misunderstandings. Moreover, mistakes have been made about the mode of handling the issue.

Nevertheless, the student community is to be praised for having raised a profound moral issue that has been too long disregarded in American life.

The American attitude towards war has tended to oscillate between absolute pacifism in peacetime and extremes of ferocity in wartime. Prevalent in American society has been an abstract ethic, conceived either in religious or in secularized terms, which condemns all war as immoral. No nation has the *ius ad bellum*. On the other hand, when a concrete historical situation creates the necessity for war, no ethic governs its conduct. There are no moral criteria operative to control the uses of force. There is no *ius in bello*. One may pursue hostilities to the military objective of unconditional surrender, and the nation may escalate the use of force to the paroxysm of violence of which Hiroshima and Nagasaki are forever the symbols, even though they were prepared for by the fire bomb raids on Tokyo and by the saturation bombing of German cities. And all this use of violence can somehow be justified by slogans that were as simplistic as the principles of absolute pacifism.

These extreme alternatives are no longer tolerable. Our Nation must make its way to some discriminating doctrine—moral, political, and military—on the uses of force.

Perhaps the contemporary agitation in the academic community over selective conscientious objection may help in this direction. It has contributed to a revival of the traditional doctrine of the just war, whose origins were in Augustine which was elaborated by the medieval Schoolmen and further by international jurists in the Scholastic tradition and by others in the later tradition of Grotius.

This doctrine has long been neglected, even by the churches, for reasons on which I cannot delay here.

Now we begin to witness its revival. We are also beginning to realize that it is not a sectarian doctrine. It is not exclusively Roman Catholic; in certain forms of its presentation, it is not even Christian. It emerges in the minds of all men of reason and good will when they face two inevitable questions. First, what are the norms that govern recourse to the violence of war? Second, what are the norms that govern the measure of violence to be used in war? In other words, when is war rightful, and what is rightful in war. One may indeed refuse the questions, but this is a form of moral abdication, which would likewise be fatal to civilization. If one does face the questions, one must arrive at the just war doctrine in its classical form, or at some analogue or surrogate, conceived in other terms.

The essential significance of the traditional doctrine is that it insists, first, that military decisions are a species of political decisions, and second, that political decisions must be viewed, not simply in the perspectives of politics as an exercise of power, but of morality and theology in some valid sense.

If military and political decisions are not so viewed the result is the degradation of those who make them and the destruction of the human community.

My conclusion here is that we all owe some debt of gratitude to those who, by raising the issue of selective conscientious objection, have undertaken to transform the tragic conflict in South Vietnam into an issue, not simply of political decision and military strategy, but of moral judgment as well.

The mention of South Vietnam leads me to my second point. The issue of selective conscientious objection has been raised in the midst of the war in Southeast Asia. Therefore, there is danger lest the issue be

muddled and confused, or even misused and abused.

In South Vietnam we see war stripped of all the false sanctities with which we managed to invest World War I and World War II, and to a lesser extent even Korea. The South Vietnamese war is not a crusade. There is not even a villain of the piece, as the Kaiser was or Hitler, or Hirohito. Not even Ho Chi Minh or Mao Tse Tung can be cast in the role of the man in the black hat. We have *no easy justifying* slogans. We cannot cry, "On To Hanoi," as we cried, "On To Berlin" and "On To Tokyo." This war does not raise the massive issue of national survival. It is a limited military action for limited political aims. As we view it in the press or on television it almost seems to fulfill Hobbes's vision of human life in the state of pure nature, "nasty, brutish, and short"—only that the war in South Vietnam will not be short. In the face of the reality of it, all our ancient simplisms fail us. The American people are uncomfortable, baffled and even resentful and angry.

To state the problem quite coldly, the war in South Vietnam is subject to opposition on political and military grounds, and also on grounds of national interest. This opposition has been voiced, and voiced in passionate terms. It has evoked a response in the name of patriotism, that is also passionate. Consequently, in this context, it is difficult to raise the moral issue of selective conscientious objection. There are even some to whom it seems dangerous to let the issue be raised at all.

At this juncture I venture to make a recommendation in the common interest of good public argument.

The issue of selective conscientious objection must be distinguished from the issue of the justice of the South Vietnam war. If this distinction is not made and enforced in argument, the result will be confusion and the clash of passions. The necessary public argument will degenerate into a useless and harmful quarrel.

The distinction can be made. I make it myself. I advocate selective conscientious objection in the name of the traditional moral doctrine on war and also in the name of traditional American political doctrine on the rights of conscience. I am also prepared to make the case for the American military presence and action in South Vietnam.

I hasten to add that I can just about make the moral case. But so it always is. The morality of war can never be more than marginal. The issue of war can never be portrayed in black and white. Moral judgment on the issue must be reached by a balance of many factors. To argue about the morality of war inevitably leads one into gray areas.

This is the point that was excellently made by Mr. Secretary Vance in his thoughtful address to the Annual Convention of the Episcopal Diocese of West Virginia on May 6th.

It is evident here that our national tradition of confused moral thought on the uses of force does us a great disservice. It results in a polarization of opinion that makes communication among citizens difficult or even impossible. As Mr. Vance said, "In America today one of the greatest barriers to understanding is the very nature of the dialogue which has developed over the issue of Vietnam. It is heated and intolerant. The lines on both sides are too sharply drawn." I agree.

By the same token rational argument about selective conscientious objection will be impossible if public opinion is polarized by all the passions that have been aroused by the South Vietnam war. The two issues, I repeat, can and must be separated.

Another difficulty confronts us here. The issue about conscientious objection seems to have been drawn between the academic community and the political community—if you will, between poets and politicians, between scientists and statesmen, between humanists and men of affairs, between the churches and the secular world.

It is, therefore, no accident that the dialogue at the present moment is in a miserable state. One may seek the reason for the fact in the differences in the climate of thought and feelings that prevail in the two distinct communities, academic and political.

In consequence of this difference in climate, each community, in a different way, can become the victim of the intellectual and moral vice that is known as the selective perception of reality. This, however, is too large a subject for discussion here. I shall simply make several comments.

It has been observed that the commitment of the intellectual today is not simply to the search for truth, but also to the betterment of the world—to the eradication of evil and to the creation of conditions of human dignity, first among which is peace. One might say that he has assumed a prophetic role, not unlike that of the churches. This is most laudable. The danger is lest the very strength of the moral commitment—to peace and against war—may foreclose inquiry into the military and political facts of the contemporary world—the naked facts of power situations and the requirements of law and order in an imperfect world, which may justify recourse to the arbitrament of arms.

The problem is compounded if the so-called "norms of nonconformism" begin to operate. In that case opposition to war becomes the test of commitment to the ideals of the academic community.

On the other hand, the politician is no prophet. He may and should wish to shape the world unto the common desire of the heart of man which is peace with freedom and justice. But he is obliged to regard the world as an arena in which historical alternatives are always limited. He must face enduring problems, which may seem intractable, and which demand continuing decisions and acts. His actions cannot be based on absolute certainties or on considerations of the ideal, but on a careful balancing and choosing between the relativities that are before him.

In a word, for the prophets and for the intellectual, war is simply evil. For the politician it may well appear to be the lesser evil. This too is a conscientious position, but it is very different from the prophetic position, even though the choice of the lesser evil is part of the human pursuit of the good. In any event, it is not surprising that the politician and the prophet fail to communicate.

It must also be remembered that the politician creates the situation within which the prophetic voice may be safely heard. There is much wisdom in the statement of Professor Paul Ramsey: "The right of pacifist conscientious objection can be granted for the fostering of the consciences of free men, only because in national emergencies there are a sufficient number of individuals whose political discretion has been instructed in the need to repel, and the justice of repelling, injury to the common good."

I might add a practical point. The intellectual, whether he be student or professor, sets a premium on being provocative. His task is to challenge all certainties, especially easy certainties, and therefore to challenge the authorities on which certainties may depend. He wants evidence, not authority, and he sets a high value on dissent. All this is excellent and necessary. But there is danger in thrusting this scale of evaluation into the political community. It is not merely that the intellectual provokes reaction; he provokes an over-reaction on the part of the representatives of the political community, and thus he may easily defeat his own cause.

The advocacy of selective conscientious objection in the midst of the South Vietnamese war is provocative, and the political response to it has been an over-reaction. If you want the evidence you need only read the record of the hearings in the Congress, both Senate and House, on the revision of the Selective Service Act, when the issue of conscientious objection was brought up. The claim that the selective objector should be recognized was met with the response that all conscientious objection should be abolished.

All this amounts simply to saying that we face a most difficult issue. I thought it might be of some value to try to locate some of the sources of the difficulty.

I should like to continue in this practical vein. Strictly on grounds of moral argument, the right conscientiously to object to participation in a particular war in incontestable. I shall not argue this issue. The practical question before all of us is how to get the moral validity of this right understood and how to get the right itself legally recognized, declared in statutory law. (I leave aside the question whether the right is a human right, which ought to receive sanction in the Bill of Rights as a constitutional right.)

I have made one practical suggestion already. The issue of selective conscientious objection must be argued on its own merits. It is not a question of whether one is for or against the war in Vietnam, for or against selective service, much less for or against killing other people. The worst thing that could happen would be to use the issue of conscientious objection as a tactical weapon for political opposition to the war in Vietnam or to the general course of American foreign policy. This would not be good morality and it would be worse politics.

Perhaps the central practical question might be put in this way. Do the conditions exist which make possible the responsible exercise of a right of selective conscientious objection? The existence of these conditions is the prerequisite for granting legal status to the right itself.

There are two major conditions. The first is an exact understanding of the just war doctrine, and the second is respect for what Socrates called "the conscience of the laws." Let me explain.

Not long ago a young man in an anti-Vietnam protest on television declared that he would be willing to fight in Vietnam if he knew that the war there was just, but since he did not know he was obliged to protest its immorality. This young man clearly did not understand the just war doctrine and he did not understand what Socrates meant by the "conscience of the laws."

Similarly, in a statement issued by a Seminarians Conference on the Draft held recently in Cambridge there appears this statement: "The spirit of these principles [of the just war doctrine] demands that every war be opposed until or unless it can be morally justified in relation to these principles."

Socrates would not have agreed with this statement nor do I. The dear seminarians have got it backwards.

The root of the error here may be simply described as a failure to understand that provision of the just war doctrine which requires that a war should be "declared." This is not simply a nice piece of legalism, the prescription of a sheer technicality. Behind the provision lies a whole philosophy of the State as a moral and political agent. The provision implies the recognition of the authority of the political community by established political processes to make decisions about the course of its action in history, to muster behind these decisions the united efforts of the community, and to publicize these decisions before the world.

If there is to be a political community, capable of being a moral agent in the international community, there must be some way of publicly identifying the nation's decisions. These decisions must be declared to be the decisions of the community. Therefore, if the

decision is for war, the war must be declared. This declaration is a moral and political act. It states a decision conscientiously arrived at in the interests of the international common good. It submits the decision to the judgment of mankind.

Moreover, when the decision-making processes of the community have been employed and a decision has been reached, at least a preliminary measure of internal authority must be conceded by the citizens to this decision, even by those citizens who dissent from it. This, at least in part, is what Socrates meant by respect for the "conscience of the laws." This is why in the just war theory it has always been maintained that the presumption stands for the decision of the community as officially declared. He who dissents from the decision must accept the burden of proof.

The truth, therefore, is contrary to the statement by the seminarians. The citizen is to concede the justness of the common political decision, made in behalf of the nation, unless and until he is sure in his own mind that the decision is unjust, for reasons that he in turn must be ready convincingly to declare.

In a word the burden of proof is on him, not on the government or the administration or the nation as a whole. He does not and may not resign his conscience into the keeping of the State, but he must recognize that the State too has its conscience which informs its laws and decisions.

When his personal conscience clashes with the conscience of the laws, his personal decision is his alone. It is valid for him, and he must follow it. But in doing so he still stands within the community and is subject to its judgment as already declared.

Only if conceived in these terms, can the inevitable tension between the person and the community be properly a tension of the moral order. Otherwise, it will degenerate into a mere power struggle between arbitrary authority and an aggregate of individuals, each of whom claims to be the final arbiter of right and wrong.

This is the line of reasoning which led me to argue before the National Advisory Commission on Selective Service, that one who applies for the status of selective conscientious objector should be obliged to state his case before a competent panel of judges. I was also following the suggestion of Professor Ralph Potter of Harvard that the concession of status to the selective objector might help to upgrade the level of moral and political discourse in this country. It is presently lamentably low.

On the other hand, Professor Paul Ramsey has recently suggested that the matter works the other way round. "A considerable upgrading of the level of political discourse in America is among the conditions of the possibility of granting selective conscientious objection. At least the two things can and may and must go together." He adds rather sadly: "The signs of the times are not propitious for either." I agree.

My conclusion here is that those who urge the just war doctrine as the ground for selective conscientious objection must understand the doctrine itself. They may not naively or cynically employ it as a device for opting out from under the legitimate decisions of the political community, or as a tactic for political opposition to particular wars. Rightly understood this doctrine is not an invitation to pacifism, and still less to civil disobedience.

There is a further requisite for legal recognition of selective conscientious objection. It is the prior recognition of the difference between moral objection to a particular war and political opposition to a particular war. This seems to be the sticking point for the political community. It brings into question the whole ethos of our society in the matter of the uses of force.

Historically, we have been disposed to regard the intuitive verdict of the absolute pacifist that all wars are wrong as having the force of a moral imperative. The same moral force is not conceded to the judgment of the conscientious man, religious or not, who makes a reflective and discriminating judgment on the war in front of him. The general disposition is to say that objection to particular wars is and can only be political and, therefore, cannot entitle anyone to the status of conscientious objector.

Here again there is a misunderstanding of the just war doctrine. In fact there seems to be a misunderstanding of the very nature of moral reasoning.

The just war doctrine starts from the moral principle that the order of justice and law cannot be left without adequate means for its own defense, including the use of force. The doctrine further holds that the use of force is subject to certain conditions and its justice depends on certain circumstances. The investigation of the fulfillment of these conditions leads the conscientious man to a consideration of certain political and military factors in a given situation. There is the issue of aggression, the issue of the measure of force to be employed in resisting it, the issue of probable success, the issue of the balance of good and evil that will be the outcome. The fact that his judgment must take account of military and political factors does not make the judgment purely political. It is a judgment reached within a moral universe, and the final reason for it is of the moral order.

There is some subtlety to this argument. But that is not, I think, the reason why the political community refuses to assimilate or accept it. The reasons are of the practical order.

The immediate reason is the enormous difficulty of administering a statute that would provide for selective conscientious objection. The deeper reason is the perennial problem of the erroneous conscience. It may be easily illustrated.

Suppose a young man comes forward and says: "I refuse to serve in this war on grounds of the Nuremberg principle." Conversation discloses that he has not the foggiest idea what the Nuremberg principle really is. Or suppose he understands the principle and says: "I refuse to serve because in this war the United States is committing war crimes."

The fact may be, as it is in South Vietnam, that this allegation is false. Or suppose he says, "I refuse to serve because the United States is the aggressor in this war." This reason again may be demonstrably false. What then is the tribunal to do?

Here perhaps we come to the heart of the difficulty and I have only two things to say. First, unless the right to selective objection is granted to possibly erroneous consciences it will not be granted at all. The State will have to abide by the principle of the *Seeger* case, which does not require that the objection be the truth but that it be truly held. One must follow the logic of an argument wherever it leads.

On the other hand, the political community cannot be blamed for harboring the fear that if the right to selective objection is acknowledged in these sweeping terms, it might possibly lead to anarchy, to the breakdown of society, and to the paralysis of public policy.

Second, the reality of this fear imposes a further burden on the consciences of those who would appeal to freedom of conscience. Selective objection is not a trivial matter. As Professor Ralph Potter has said: "The nation is ultimately a moral community. To challenge its well established policies as illegal, immoral and unjust, is to pose a threat, the seriousness of which seems at times to escape the critics themselves, whether by the callowness of youth or the callousness of usage." It must be recognized that society will defend itself against this threat, if it be carelessly wielded.

The solution can only be the cultivation of political discretion throughout the populace, not least in the student and academic community. A manifold work of moral and political intelligence is called for. No political society can be founded on the principle that absolute rights are to be accorded to the individual conscience, and to all individual conscience, even when they are in error. This is rank individualism and to hold it would reveal a misunderstanding of the very nature of the political community. On the other hand, the political community is bound to respect conscience. But the fulfillment of this obligation supposes that the consciences of the citizens are themselves formed and informed.

Therefore, the final question may be, whether there is abroad in the land a sufficient measure of moral and political discretion, in such wise that the Congress could, under safeguard of the national security, acknowledge the right of discretionary armed service.

To cultivate this power of discretion is a task for all of us.

JUSTICE WILLIAM O. DOUGLAS WRITES OF TEXAS' VANISHING WILDERNESS, AND OF THE BIG THICKET IN EAST TEXAS

Mr. YARBOROUGH. Mr. President, we have on the Supreme Court of the United States today a man who is a student, and a concerned one, of conservation. I speak of Justice William O. Douglas, who has recently published an excellent, if alarming, book on the disappearance of some of the fabulous wilderness areas in my State of Texas. The book is called "Farewell to Texas, the Vanishing Wilderness," and I urge all Senators to read it and consider it well in connection with their own States, because it is a book on the state of the Union, the first of a series of books by Justice Douglas on this subject.

This morning, Mr. Justice Douglas was interviewed for nearly half an hour, on the "Today" show on television, and he described the various vanishing wilderness areas of my State, particularly the Big Thicket, consideration of which forms the first chapter of his book. Mr. President, that is the area of which I am trying to preserve a part through the pending bill, S. 4, the proposed Big Thicket National Park bill.

Mr. Duncan Spencer wrote a concise and warm review of Justice Douglas' book for the Evening Star here in Washington on Tuesday, June 13. I ask unanimous consent to have printed in the RECORD his review, published in the Washington Star, of Tuesday, June 13, 1967, of the book, "Farewell to Texas," written by Justice William O. Douglas.

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

[From the Washington Evening Star, June 13, 1967]

A BOOK FOR TODAY—CONSERVATION IN TEXAS

(By Duncan Spencer)

("Farewell to Texas." By William O. Douglas. McGraw-Hill. 242 pages. $6.95.)

Justice William O. Douglas' 21st book tells the melancholy tale of conservation in the wilderness areas of Texas.

It is the first volume of "The American

Wilderness Series," of which Douglas is general editor. "Farewell" takes the reader on a guided tour of the remaining primeval forests, mountains and plains of the Lone Star state, spelling out in flat prose what was there, what is there now, and what won't be there very much longer.

Douglas is a heartfelt enemy of private enterprise, the lumberman, developer, rancher, dammer, miner. "They see a tree and think in terms of board feet. They see a cliff and think in terms of gravel. They see a mountain and think in terms of excavations." The answer, he believes, is federal ownership, strict National Park Service control.

In making his case for preservation, Douglas concentrates on desert, mountain, forest—areas of isolation which the entrepreneur has begun to touch only after all the more easily exploitable land has been used. These are the Big Thicket of East Texas, the Big Bend country of the Southwest, the central hill country (where LBJ lives), and the mountains and canyons of the Rio Grande and Pecos Rivers. In all these places, with the polite exception of the President's surrounds, conservation is under assault by what Douglas calls "Modern Ahabs" (Ahab the biblical king of Samaria, not Melville's captain).

But Douglas has a couple of heroes, too. First, of course, is the land itself, which he catalogues with a loving and knowing eye, even supplying the reader with a catalogue of fern and orchid species. Others include Sen. Ralph Yarborough, Lyndon Johnson, and the few Texans who have donated lands to the park service.

Douglas' subject is a good one. His treatment of it is in part polemical, in part botanical, interspersed with personal and local anecdotes. Instead of singing praises, he lists species. But because he is who he is, clumsiness looks like ruggedness.

EDITORIAL TRIBUTE TO FORMER PRESIDENT HARRY TRUMAN BY WASHINGTON, MO., CITIZEN AND DIBOLL, TEX., FREE PRESS

Mr. YARBOROUGH. Mr. President, Mr. Harry S. Truman, one of the finest men who has ever held the Presidency of the United States, turned 83 years old recently. On that occasion, the Washington, Mo., Citizen—a weekly newspaper, ran a fine tribute to him in its May 14 edition. I did not see that article, but fortunately one of the better Texas weeklies, the Free Press of Diboll, Angelina County, in east Texas, reprinted that article.

Mr. President, I ask unanimous consent to have printed in the RECORD the editorial, as reprinted in the Diboll, Tex., Free Press, of June 8, 1967, entitled "History and Harry Truman," originally published in the Washington, Mo., Citizen of May 14, 1967.

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

[From the Diboll (Tex.) Free Press, June 8, 1967]

HISTORY AND HARRY TRUMAN

They had a birthday party in Kansas City last Monday for former President Harry S. Truman, but Mr. Truman wasn't present to hear them sing "Happy Birthday." It was his 83rd birthday.

Mr. Truman doesn't get out much these days, and hasn't been in his office in the Truman Library in Independence for many months. He isn't as spry as he used to be a few years ago, but probably reads more now than ever before. Age has a way of creeping up on all of us.

The only Missourian ever to be president of the United States guided this country through the most critical period in this nation's history—and he did an excellent job of it!

The burdens that he inherited when he took office were enormous. World War II was still going on. He had to finish that, and after it was finished, he had to lead the nation back into normalcy.

And before he was finished with that, he had to stop communism in its tracks in Korea, and for his entire seven years in the White House, he was faced with a cold war that threatened to get hot any moment! He kept it cold!

During all of his years in the White House, he didn't have the best Congress to work with. It went along after a fashion, but whatever was done had to be done by the man from Missouri, who certainly didn't have everybody's respect at the time. Today the respect for him is growing in every corner of the land.

Harry Truman was first of all an honest man with a lot of Missouri common sense. He had some bad men around him, but no President has ever escaped from that. The opportunists, the moochers, grafters, and fakers are always around, like flies around a lump of sugar!

Korea wasn't the only place in the world where Harry Truman stopped communism in its tracks. He also stopped it in Greece, and in Turkey, and Western Europe probably would not be what it is today if it hadn't been for the man from Missouri—the man with the sharp tongue. He fathered the Marshall plan in Western Europe, the North Atlantic Treaty Organization in Europe, as well as a similar alliance in Southeast Asia.

Probably no other President in the history of this country did more than Mr. Truman, and probably no other President had such fluctuations in popularity. He was riding the crest of the polls one day and when he went down a week later, he came right back up.

This, by the way, brings up an interesting point about a poll of historians taken a few years ago in the early sixties on how they thought Mr. Truman would end up in history.

This poll included 75 of the nation's historians. They ranked him as one of the near great Presidents. No poll has been taken since then, but the chances are Mr. Truman would end up today in the group of Great Presidents, and probably will go down in history with Abraham Lincoln, Thomas Jefferson and George Washington.

It must be remembered, of course, that historians are people, and the whims of people are beyond the understanding of other people. But there is one thing they can't take away from this man in Independence—he called a spade a spade, and wouldn't stand for any tomfoolishness!

And he probably had more courage than any other man that ever served in the White House. The power of other nations in Mr. Truman's time was awesome. Destruction could come swiftly and completely. He used this power to end World War II. He has mentioned that that was the most difficult decision he has ever been called on to make—the decision to use the A-bomb!

He knew that many innocent people would be killed, and others crippled for the rest of their lives. It was a decision that only a great man could make. Maybe history will blame him for that, but history can never blame him for bringing the bloodiest war the world has ever known to an end with that one act.

WASHINGTON (MO.) CITIZEN.

MAY 14, 1967.

TEXAS LEGISLATURE REPORTS TEXTILE INDUSTRY'S CONCERN

Mr. YARBOROUGH. Mr. President, I send to the desk for printing in the RECORD a concurrent resolution of the Legislature of the State of Texas, adopted May 29, 1967, concerning the importance and the present depressed state of the domestic textile industry in the United States.

The PRESIDING OFFICER. Without objection, the resolution of the Texas Legislature will be received and printed in the RECORD.

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

SENATE CONCURRENT RESOLUTION 92

Whereas, The Legislature of the State of Texas understands and accepts the need for a substantial volume of international trade in textile products; and

Whereas, Current trade policies, however, have generated imports into this country in a volume at a rate of growth that seriously threatens the economic stability of the cotton farmer, of the primary U.S. textile industry, the apparel industry, the wool producer and the chemical and machinery industries, and many other industries which supply and serve the U.S. textile industry; and

Whereas, Texas future well-being depends heavily on the economic stability and confidence of these industries; and

Whereas, Texas is one of this nation's leading producers of cotton. In 1966 more than 30 per cent of the nation's cotton crop was produced in Texas. Texas cotton farms employ about 160,000 persons and provide an annual payroll of more than $120-million; and

Whereas, The apparel and primary textile industries of Texas employ 30,000 persons and have a combined annual payroll of more than $100-million. Including employment in gins, cotton seed oil mills, farm and gin machinery manufacturing and transportation, more than 230,000 Texans are dependent on cotton and cotton textiles for their livelihood; and

Whereas, Aside from cotton, Texas is the country's leading producer of wool and mohair, and the Texas petrochemical industry is a leading supplier of materials used in the production of synthetic fibers; and

Whereas, Texas heavy dependence on textile and related industries is such that this legislature cannot ignore the tremendous flood of cotton, wool and man-made fiber textile goods that are devouring this country's domestic market; and

Whereas, Ten percent of the United States cotton textile market in 1966 was absorbed by imports of more than 1.8 billion square yards of cotton textile goods. And imports in 1967 are running 11 percent ahead of last year's record total.

Whereas, In 1966, 10 per cent of this country's made-made fiber textile market was absorbed by imports of almost 800-million square yards of man-made fiber textiles. Man-made fiber textile imports have increased more than 600 per cent since 1961, and this year are running 25 per cent ahead of last year's total; and

Whereas, Twenty-five per cent of the United States wool market has been absorbed by wool textile imports amounting to more than 179-million square yards; and

Whereas, It has been estimated that cotton, wool, and man-made fiber textile imports have replaced jobs in the United States for 200,000 to 250,000 persons directly in textile, plus another 100,000 to 150,000 in those industries which supply materials and services to textiles; and

Whereas, The rapid and sharp increase in textile imports demonstrates clearly that present policies governing imports of textile products do not provide for the development of orderly trade; rather, they create extreme disruption in U. S. textile markets and deprive hundreds of thousands of employment. The textile tariff reductions negoti-

ated during the recent Kennedy Round of the Geneva Agreement on Tariffs and Trade can only invite further increases in imports and resulting unemployment; now, therefore be it

Resolved, That we strongly urge the executive and legislative branches of the United States government to recognize the immediate urgency of the textile imports situation and move promptly to impose meaningful quantitative controls on imports of cotton, man-made fiber and wool textile imports, and that copies of this Resolution be forwarded to the President of the United States, the Secretary of State and the Texas delegation to the United States Congress.

PRESTON SMITH,
Lieutenant Governor, President of the Senate.

BEN BARNES,
Speaker of the House.

I hereby certify that S. C. R. No. 92 was adopted by the Senate on May 27, 1967.

CHARLES SCHNABEL,
Secretary of the Senate.

I hereby certify that S. C. R. No. 92 was adopted by the House on May 29, 1967.

DOROTHY HALLMAN,
Chief Clerk of the House.

Mr. YARBOROUGH. Mr. President, the problem of textile imports is one of increasing concern to my State. The Texas Legislature, in its session just concluded, has pointed out the great importance of the textile industry in Texas. Texas is the Nation's leading producer of wool and mohair; Texas produces more than 30 percent of the Nation's cotton. Increasing imports of foreign textiles therefore have the potential for great harm to the economy of Texas, and proposed tariff changes can contribute to such a result.

THE ROLE OF THE PRIVATE PERSON IN AMERICA

Mr. HOLLINGS. Mr. President, on June 3, 1967, Dr. A. G. D. Wiles, president of Newberry College, one of South Carolina's finest institutions of higher learning, delivered the commencement address at the Citadel, my alma mater in Charleston.

In this address, entitled "The Role of the Private Person in America Today," Dr. Wiles exhorted us all to become involved in the affairs of our Nation. This exhortation was tempered with a warning that to become involved, we must become informed, that we should become a nation of readers.

Dr. Wiles pointed out—and rightfully so—that the individual should not criticize any segment of our everyday life until he has become thoroughly informed on this particular segment, and he further said:

> Our form of government is dependent upon the individual responsibility of each of us, and we are not keeping ourselves up to the task.

Mr. President, I found Dr. Wiles' speech to be very well prepared and thought provoking. I should like to recommend it to each and every Member of this body and ask unanimous consent that the entire context be reprinted in the RECORD.

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

THE ROLE OF THE PRIVATE PERSON IN AMERICA TODAY

(By A. G. D. Wiles, president, Newberry College)

Harvard University's Douglas Bush has recently cried out, "O, that we were a nation of readers"; and *The Saturday Review of Literature's* editor Norman Cousins has said in an essay:

"We [Americans] have everything we need, . . . except the most important thing of all—time to think and the habit of thought. We lack time for the one indispensable for safety of an individual or a nation."

Both these highly regarded thinkers are saying the same thing: Let us read significant works seriously and think seriously if we are to save our nation; and, indeed, the world, leadership of which has been thrust upon us. They are saying that very critical questions are before us, both at home and abroad, and that we are ill-equipped to deal with them because we have not read seriously and thought seriously about them. Indirectly they are saying that our form of government is dependent upon the individual responsibility of each of us, and that we are not keeping ourselves up to the task.

Looked at closely, their argument can stir little objection in us. It is essentially true. Deep down, too many of us have not a reasoned, thoughtful view about federal aid to education, the legal barrier to prayer and Bible reading in the public schools or to indictment of an alleged criminal on the basis simply of his own confession, about the Anti-Poverty Bill, the national debt, Vietnam, foreign aid to underprivileged countries, peaceful coexistence with Communism, or the vast window-dressing of our own present culture and society, to mention just a few of the critical issues before us.

It is not sufficient for us to squawk like chickens in a chicken yard at feeding time. Our government operates by the consent of the governed, and it will fail unless that consent is based on our sound knowledge derived from sound reading and thinking.

Where do we find the sound reading? Not generally in the daily newspapers, which are usually not sound by the very fact of being "daily"! Nor generally in the alluring paperbacks in every air port and drug store! We must find the sound reading through going to original materials where available, and through inquiring of learned, thoughtful friends and of selective and descriptive bibliographies.

May I, as a humble and limited observer and reader, give you some hand-ups in advance?

(1) In an effort to find out whether federal aid to education—in the form of loans and grants—is on the level and is or is not advisable to bolster local and private aid, in the light of the swift rise in high school and college population and in the light of rapidly changing and expanding areas of knowledge, let us read and study the government bills themselves granting federal aid, and the outlook on the bills by such creditable organizations as the American Council on Education, which is governed by our finest college and university presidents, private and public.

(2) To find out whether daily Christian prayer and Bible reading in the public schools were injurious to the sensitivity of minority religious groups, or whether they are objectionable mainly to the nonreligious and the atheistic impulse, we might read the plaintiff's pleas before the Supreme Court, the Court's decision, and the objections of such thoughtful men as Senator Everett Dirksen.

(3) To discover whether police methods with apprehended criminal suspects have been generally so undemocratic and brutal as to require the Supreme Court's decision that a suspect's confession is invalid unless there is clear evidence that he has been informed of his right to have a lawyer present during questioning, we should read the plaintiff's plea before the Supreme Court, the Court's decision, and the comments of such men as J. Edgar Hoover and highly respected police chiefs across the land. This is a very critical matter because out of the Court's decision has come the dismissal of a number of indictments against persons who had allegedly confessed rape and murder.

(4) To find out whether the Anti-Poverty Bill, and numerous related bills implementing the Great Society, actually boomerangs and becomes, in many instances, "Anti-Work," we must read the bills themselves, and check carefully on local organizations of local citizens set up to implement them.

(5) To come to some grips with the question of whether the seemingly vast national debt of $365,000,000,000 and interest rate thereon as well over $1,000,000,000 a month is defensible, we must go to the economists and take into account our gross national product of over $700,000,000 annually, and the credits and debits to us from high government spending, including aid to education and to roads and to the aged and to the unemployed, and the debit side, of course, of high taxes. Abba Lerner's little book *Everybody's Business: A Re-examination of Current Assumptions in Economics and Public Policy* (Michigan State University Press, 1961) will be helpful on this subject in its later chapters, as it will also be on the subjects of inflation and taxes.

(6) To find out whether the nation has taken a justifiable course in Vietnam, we should read the SEATO pact of 1955, to which we are signatory, and which brought South Vietnam under it and guaranteed her decent treatment; and we can read the evidence on who first conspired against and invaded whom in Vietnam.

(7) To determine whether the great sums in foreign aid to underprivileged countries are justifiable—not an easy task!—we should read thoughtfully books like Robert Heilbroner's *Great Ascent,* and even Lederer and Burdick's *Ugly American.*

(8) To check whether enduring peaceful coexistence with Communism is at all likely, or whether we are doomed to the freeze of cold war or the threat of hot war *ad infinitum,* we should first read key writings of the shapers of world Communism—Marx, Engels, Lenin, Stalin, Mao Tse Tung—and troubled and discouraging going it is!—and then read our own authors who have been closely associated with Communism, such as J. Edgar Hoover in *Masters of Deceit,* and our own Mark W. Clark in *From the Danube to the Yalu.*

(9) Finally, we should read books like Daniel J. Boorstein's *The Image* to keep a weather eye on this country's present tendency toward false pride and false images and false, or untrue, gods. Boorstein points out that we have the tendency to talk too big in windy labels and slogans and images, that give us a gaudy, bogus exterior. Maybe we should have done with the constant use of such terms as New Deal, Fair Deal, New Frontier, Great Society, the soap that cleanses both body and soul without the use of water, the cigarette that freshens the air you breathe, the Madison Avenue man, the *greatest, greatest, greatest* on earth movie, drama, game, vacation, hotel, newspaper, magazine, perfume, girl, man, the only living politician's politician, etc., etc. This is the mental and emotional smog we live in, and possibly it is more unhealthy than the material smog of the big cities. Wouldn't it be pleasant again, as in older days, to vote for, work for, live with a plain, quiet, ordinary man who will do his best?

Only by such reading and thinking, enjoined upon us by two of our finest thinkers (Douglas Bush, and Norman Cousins), will we find the path to safety, and honor, and decency for our country. We must not kid

ourselves that we are too busy to read, to think, because this is kidding ourselves to defeat. We need all hands on deck, and all hands able seamen.

If I were leading cheers, I would say to you young men of the long blue-grey line: "Come on, guys, let's get behind this country, *the best in the world, IF we will understand and do our part.*"

HAWAII SAYS ALOHA TO ALLAN J. McGUIRE

Mr. FONG. Mr. President, I should like to take this opportunity to honor the memory of a dear son of Hawaii. He is Allan J. McGuire, a member of a prominent family of Hawaii and a family which has contributed materially to the building of the Hawaii we know today.

Death came to Mr. McGuire last Friday after a long and useful life in the economic, recreational, and social structures of the community. Mr. McGuire was among those who had to go to work early in life in order to help provide a widowed mother with the necessities of life.

Mr. McGuire's entire professional life—spanning nearly 50 years—was in the newspaper business. He rose from a menial job on the Honolulu Advertiser to become a cost accountant, a business department executive, assistant treasurer, treasurer, head of a subsidiary of the company, and finally a director of the Hawaii Newspaper Agency; an agency formed in 1963 to manage and coordinate the mechanical production facilities of the consolidated Honolulu Advertiser and Honolulu Star-Bulletin.

Through his long association with the Honolulu Advertiser, Mr. McGuire worked ceaselessly toward the economic and political development of the islands. He and other members of his family are widely recognized for the active roles they have played in the achievement of statehood for Hawaii and in the promotion of the 50th State as a tourist destination area.

The late Mr. McGuire was indeed among the "builders of Hawaii." To his family, Mrs. Fong and I extend deepest condolences in its hour of sorrow, and we join the community in bidding aloha to a dear son of Hawaii.

RIGHTS OF YOUNG OFFENDERS

Mr. RIBICOFF. Mr. President, a scholarly and eloquent plea for the rights of youthful offenders in the juvenile courts was made recently by Chief Judge David L. Bazelon of the U.S. Court of Appeals for the District of Columbia.

In an address at Harvard University, April 14, Judge Bazelon pointed out that the justification for the juvenile court system is that youngsters should not be tried—or punished—as adults for crimes but, instead, should be given treatment and rehabilitated, and cared for.

But not all—in fact, not many—teenagers in trouble are so fortunate, particularly those who come from lower income families.

Judge Bazelon cited example after example of youngsters brought before juvenile courts, who are tried, convicted, and sentenced in proceedings blatantly unconstitutional.

The availability of treatment and rehabilitation is the basic reason for juvenile courts. But all too frequently, young people in need of help do not receive it.

One passage in the talk is worthy of special attention. It relates to our Nation's Capital—the city to which we in the Congress have a unique responsibility. In the words of the speech:

In the District of Columbia, for example, the juvenile court is overloaded with work. We have too few judges, too few supporting personnel, too few public institutions and too few dollars. Last year, 10,000 delinquent children had their cases heard by a juvenile court judge in Washington. We have only three of these judges, so each judge had about 3,500 cases, about 14 a day. You can readily understand why 85 percent of the children "waived counsel" and "acknowledged" their involvement. With a caseload of 14 per day, the juvenile judge simply cannot take the time to hold trials.

Life magazine, in a thoughtful editorial of May 5, commented upon Judge Bazelon's speech and called for "a reexamination of juvenile justice."

I ask unanimous consent that the text of Judge Bazelon's talk and the Life magazine editorial be printed in the RECORD at this point.

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

THE PROMISE OF TREATMENT

The legal profession has been engaged in more than one revolution during the past decade. And a new one is beginning now. The spark was Morris Kent, a seriously disturbed Negro boy of sixteen, who in 1961 was picked up for housebreaking, robbery and rape. He was brought before the then only juvenile court judge in Washington who, according to the statutes and cases in my jurisdiction, was supposed to give Morris "care," "concern" and "adequate and suitable treatment." But these fine principles sound false in the real world of the nation's capital. The juvenile court judge was in an impossible situation. Here was a lad "seriously disturbed," desperately in need of professional care and treatment, and yet, as Judge Lawson, who was appointed to our Juvenile Court after the *Kent* case, was later to say, we simply "don't have a place in the community for this type of child." Well, this was the problem for the juvenile court judge in the *Kent* case. And he chose a rather ingenious solution. He washed his hands of the whole sorry mess and "waived" his jurisdiction to the adult criminal courts.

Morris stood trial as an adult criminal and the jury found him guilty of the housebreaking and robbery charges although it acquitted him by reason of insanity on the rape charges. The criminal court judge sent him to a mental institution until he recovered his sanity, after which he was to serve a sentence of thirty to ninety years.

My own Court of Appeals affirmed the conviction and sentence even though, as one of my colleagues frankly put it, "it [was] a fair inference from the record before us that one of the reasons why the Juvenile Court waived jurisdiction was because [Morris] was seriously disturbed and the Juvenile Court lacked facilities adequately to treat him." To me, it was "shocking that a child was subjected to prosecution and punishment as a criminal because he was thought to suffer from a serious mental or emotional disturbance."

At first, Morris's lawyer asked my Court of Appeals to rehear the case, but then he decided to seek immediate review by the Supreme Court. At the time, observers thought his chances were rather slim. Since Illinois established the nation's first juvenile court at the turn of the century, the Supreme Court had never reviewed a case coming from any children's court. But the Supreme Court agreed to hear Kent's case. For the first time in more than sixty years of juvenile courts, the Supreme Court of the United States decided to look into the record of a juvenile proceeding. The justices opened the door cautiously, and, judging from their opinion, they recoiled from what they saw within.

"While there can be no doubt of the original laudable purpose of the juvenile courts, studies and critiques in recent years raise serious questions as to whether actual performance measures well enough against theoretical purpose to make tolerable the immunity of the process from the reach of constitutional guarantees applicable to adults. . . . There is evidence, in fact, that there may be grounds for concern that the child receives the worst of both worlds: that he gets neither the protections accorded to adult nor the solicitous care and regenerative treatment postulated for children."

And that is what I want to discuss today—"the solicitous care and regenerative treatment postulated for children"—what I have called, "the promise of treatment."

I

There is no need to detail for the audience the history of the juvenile courts. I do think that we may profit by spending a few minutes discussing the legal justifications for our juvenile court system. All of us know those two latin words "parens patriae." But what does that phrase really mean? Black's Law Dictionary—the Noah Webster of my profession—tells us that *parens patriae* refers to "the sovereign power of guardianship [of the state] over persons under disability such as minors, and insane and incompetent persons." I suppose that is a good dictionary definition, although it does not help us solve any of the difficult problems in this area of law. Unfortunately, for sixty years courts have been using that phrase as if it were the answer. The judge closes his eyes, waves his magic gavel, intones the magic phrase, and the problems go away. Well, they don't.

A chief difficulty with discussing the justification for juvenile courts is that they deal with so many different kinds of children: children who have committed anti-social offenses; children who are neglected or abandoned; children who are disturbed or "beyond parental control," and the like. There are nine different categories in the District of Columbia. Some jurisdictions provide different labels for these categories. New York, for example, classifies children as "neglected," "delinquent" or "in need of supervision." The law of the District of Columbia makes no distinction whatsoever although, in practice, the juvenile court classifies children as "dependent" or "delinquent." It is understandable, then, that judges and scholars have suggested different justifications for society's right to deal with the child at all. At the risk of oversimplification, I will talk about three of the more prevalent justifications. You must remember that I am oversimplifying, although I hope I am not drawing a caricature.

First, there are those who think that the function of a juvenile court is to punish. According to these people, a child, like an adult, who commits an anti-social act, should be held responsible for it unless he can show that he has some kind of mental condition which excuses him from responsibility. This is the position taken by Justice Oliphant of the New Jersey Supreme Court. Let me read to you from one of his opinions:

"A peaceful citizen has the right to be protected by his government, and to have a spade called a spade, and if young hoodlums

are mentally incapable of a criminal intent they should be put to the burden of establishing that proposition in a court of law under established rules and are only entitled as a matter of right to the constitutional guarantees afforded to other citizens." [*State* v. *Monahan*, 15 N.J. 34, 104 A. 2d 21, 40 (1954) (dissenting opinion)].

I do not say that a juvenile court cannot or should not ever undertake to "punish" children, although I think that is an extremely narrow view of the problem. And, of course, it completely ignores the neglected child or the child who is "beyond parental control"—children who may be deeply disturbed but who surely are not "young hoodlums." But regardless of whether juvenile courts should sometimes punish children, it is evident that punishment is not the central justification for the juvenile courts as they exist today. If it were the central concern, we wouldn't need juvenile courts at all. We would need only a few more criminal court judges and some extra cells in the adult jails.

There are others who suggest that our juvenile courts exist to protect society. In the large view, I cannot quarrel with this concept. If we succeed in helping the child, we will have made our society safer also. Unfortunately, too much talk about protection ignores the element of treatment and rehabilitation. Then protection means nothing more than getting the child out of the way, getting him off the streets. If we are going to follow Justice Oliphant's advice and call a spade a spade, I'd like to call this particular spade preventive detention. Without discussing the constitutional or moral objections to preventive detention, I think I can assert with some confidence that it is not, nor does anyone claim it is, the only or even the primary purpose of our juvenile courts. Here, again, if removal from the streets were the goal, the criminal courts could provide the solution just as quickly and perhaps more effectively than a juvenile court, which is restricted to essentially nonpunitive processes and whose jurisdiction is limited by the happenstance of the child's birthdate.

It is only when we turn to the treatment and rehabilitation of the child that we approach a satisfactory justification for our juvenile courts, at least as they exist today. I do not mean that punishment and safety are not factors to be considered, but I do claim that standing alone they do not and cannot provide suitable underpinning for our present system. The central justification for assuming jurisdiction over a child in an informal, non-adversary proceeding is the promise to treat him according to his needs.

II

There is a promise of treatment. There was a time when we might have been proud of it. But now we know too much. We look around us and see the promise broken at every turn. It is full of cant and hypocrisy. And yet, it is made to do double duty. It is used to justify the informal non-adversary procedures of the juvenile court; used again to justify the child's confinement.

The Supreme Court now has a case dealing with a boy from Arizona, Gerald Gault. Gerald and a friend were supposed to have made a lewd telephone call to a neighbor. While his mother was at work, a probation officer took him into custody and questioned him. His mother returned home that evening, and neighbors told her that her son was "detained." She went to the detention home where the officer told her that a hearing would be held the following day. The hearing was held in the judge's chambers and no record of the proceedings was made. There was no lawyer. The neighbor did not testify, although, seemingly, Gerald admitted placing the call. When asked what section of the law Gerald had violated, the officer stated, "we set no specific charge in it, other than delinquency." There is considerable doubt about the judge's ultimate determination. At one point, he thought Gerald's phone calls amounted to a breach of the peace, elsewhere he said Gerald was "habitually involved in immoral matters"—a phrase used in Arizona's juvenile court statute—and again he stated there was "probably another ground, too."

Probably not a single justice of the peace in this country would permit an adult to be convicted in such a proceeding. According to the briefs and allegations in the Supreme Court, almost every ingredient of the civilized procedures and safeguards which we refer to as due process of law was missing: Gerald did not have adequate notice of the charges, he did not have an opportunity to confront and cross-examine the witnesses against him, he did not have counsel, he was not warned of any privilege against self-incrimination, no appellate review was provided, and the lack of a transcript made subsequent review of what actually happened virtually impossible. I understand that juvenile proceedings are not criminal proceedings and that these procedures and safeguards are not necessarily applicable. It is important to notice, though, that the Arizona Supreme Court sought to justify these shortcuts because of the promise to treat the child. This is from the Arizona court:

"We are aware of the tide of criticism inundating juvenile proceedings. The major complaint deals with the informal, non-adversary procedure for determining delinquency rather than the treatment rendered after a finding of delinquency. On the other hand, juvenile courts do not exist to punish children for their transgressions against society. The juvenile court stands in the position of a protecting parent rather than a prosecutor. It is an effort to substitute protection and guidance for punishment, to withdraw the child from criminal jurisdiction and use social sciences regarding the study of human behavior which permit flexibilities within the procedures. The aim of the court is to provide individualized justice for children. Whatever the formulation, the purpose is to provide authoritative treatment for those who are no longer responding to the normal restraints the child should receive at the hands of his parents."

I do not find it objectionable to deprive the child of some procedural safeguards if the "individualized" treatment he is supposed to get requires the sacrifice and if the new procedures are reasonably fair. We should not blind ourselves, though, to what "individualized" treatment in our juvenile courts really is.

In the District of Columbia, for example, the juvenile court is overloaded with work. We have too few judges, too few supporting personnel, too few public institutions, and too few dollars. Last year, 10,000 delinquent children had their cases heard by a juvenile court judge in Washington. We have only three of these judges, so each judge had about 3,500 cases, about fourteen a day. You can readily understand why 85% of the children "waived counsel" and "acknowledged" their involvement. With a case load of fourteen per day, the juvenile judge simply cannot take the time to hold trials.

If our blindness extended only to these formal procedural matters, our juvenile court system would probably be in decent shape. But, in fact, blindness and insensitivity pervades the whole system. A short while ago, a Negro girl named Betty Jean from the slums of Washington was brought before the Juvenile Court. Her attorney asked for a psychiatric examination. He submitted the following facts: His client had commenced sexual relations at the age of ten; she was the mother of an illegitimate child; she was raped by a neighborhood boy at the age of sixteen; she had nightmares and saw people staring at her when the lights were out. A physician who had treated her from time to time added the opinion that Betty Jean was "known . . . to have been a disturbed child since early childhood" and that she needed "nothing short of a complete psychiatric study." The juvenile judge recognized that, under the law, he had discretion to provide for such an examination and that the community had hospitals available for this purpose. But he did not. Here is why: (These are his own words.)

"Such experiences are far from being uncommon among children in her socio-economic situation with the result that the traumatic effect may be expected to be far less than it would be in the case of a child raised by parents and relatives with different habits and customs."

So, sexual activity at the age of ten—rape at sixteen—are "far from being uncommon" in the slums, and Betty Jean's experiences would not touch her as deeply as they would others, and so the judge can deny her access to a psychiatrist.

I do not deny that different people may be affected differently by the same experiences. But the insensitivity of the judge's statement and similar statements amazes me. And the statement contains an internal contradiction which wrenches the whole system.

This young girl came from the slums—a subculture which, according to the judge, insensitizes her and makes it impossible for her to respond to experiences which would traumatize the rest of us. Yet if Betty Jean could not respond to the rape, why the assumption that she could respond to other external stimuli—for example, the rules of behavior in our society. The judge never asked the question and with good reason. Its answer would undermine his confidence in the system which incarcerates Betty Jean.

For the purpose of denying her a psychiatrist, the judge saw that Betty Jean was a Negro from the slums; but for the purpose of putting her away, he did not, or would not, see the same thing. For that purpose Betty Jean might as well have been a white, middle-class child from the suburbs, for it was white, middle-class suburban values to which the judge was asking her to respond. You and I know that suburban children do not appear regularly before our juvenile courts. It is not that there is no delinquency in the suburbs, or that these children have no problems. But they have families and communities which are interested. And effective or not, at least they care and make the attempt. They know where the Judge Baker Clinics are in this country.

Betty Jean is the kind of girl we must deal with in the courts. And if we recognize that she is what she is for some purposes, how can we ignore that fact for other purposes? It has always seemed to me that this kind of compartmentalization is a sign of deep and serious illness in the system.

I do not mean to present answers to these questions. I mean only to point out that there are questions and problems—serious ones—and that at present we are refusing to face them because we are mollified by the promise of treatment, a promise which is being broken.

I do not know how to make that promise a reality, and perhaps nobody does. But I do know that the first step is to awaken our consciousness to the fact that there is a promise. We must first know that there is a moral and legal obligation. As it is now, we are confused about what our obligations are. The people who are on the inside, running our receiving homes, and training schools, and prisons and hospitals, know that things are radically wrong, but they will not speak out. And the people on the outside do not want to see the truth, so they go through elaborate rituals in order to blind themselves.

When I was in California recently, I listened to a number of officials involved in the correctional process complain about the in-

adequacy of their facilities. And yet not one of these people had ever spoken out.

It is as if they thought they were required to accept what was given to them. Everyone, from the guards to the psychologists, had become society's janitor's fixing a pipe here and there, sweeping the floor, making sure the heat was on, but never once suggesting that the structure was faulty. I know it is not easy to call one's own usefulness into question. But the structure *is* faulty.

I don't mean to sound supercilious about you workers in the helping professions for I believe you are attempting to do your jobs honestly and sincerely. And in any event, it ill-becomes me to criticize another profession on this score, since my profession is undoubtedly the worst offender. We judges are a resourceful lot, and there are numerous legal doctrines we can use, and do use, every day to avoid seeing what is before us. Not many months ago, a federal judge in California received a handwritten complaint from a prisoner in a state institution. Such complaints are common and often without foundation in fact. And courts have adopted a shorthand method of ridding themselves of such matters. In the ordinary judicial opinion one reads that such complaints touch matters of "internal discipline" and that the courts cannot deal with these problems. Something in this particular pleading struck the judge and he ordered an evidentiary hearing. This is what he found: The prisoner was confined in a windowless cubicle, deprived of the basic rudiments of civilized existence including functioning toilet facilities so that his concrete box was filled with the stench of human excrement. The judge quickly forgot about "internal discipline" and ruled that the prisoner was being subjected to "cruel and unusual punishment" and directed the prison officials to remedy the situation immediately or else release the inmate.

I hope that there would be the same shock if judges would allow themselves to know what was happening to juveniles. But we don't. The other day, a severely disturbed seventeen-year-old sought a judicial hearing on his claim that he was being illegally held in our District of Columbia Receiving Home for Children without receiving any psychiatric assistance. He had been at the Home for eight months awaiting disposition of a pending charge in the juvenile court. The judge did not hold a hearing to learn what the facts were—because, in his opinion, whether or not the child was receiving psychiatric assistance "was not germane to the lawfulness of [the juvenile's] confinement." I can scarcely imagine anything more "germane" to the "lawfulness" of the child's confinement than a claim—a claim incidentally which the attorney for the superintendent of the institution candidly conceded was true—that he was receiving no treatment at all, although he was desperately in need of it, and although the promise of treatment was the justification for holding the boy.

The fact that we are judges makes this deliberate blindness even more serious. A child comes before us and claims that he is being held illegally. The society asks us to say whether or not he is correct. There are some judges who think that they need only approve the way in which the juvenile home got custody of the child; that is, were the proceedings proper, was the order of confinement signed by the right person, and so forth. Even if this were the extent of our duty, and I do not think it is, society perceives that we are doing much more—namely deciding, in effect, that everything about the child's confinement is legal, the proceedings, the place of confinement, the conditions of confinement. The appearance becomes the reality, and, in effect, we are putting our stamp of approval on his confinement and on the whole system under which he is held. When we refuse to discover the facts, we are participating in society's fraud—worse, we are the high priests in black robes who soothe society into thinking there is no fraud.

These comments apply to all judges but most particularly to the juvenile court judges themselves since they are the ones charged with administering the statutes. I say "administering the statutes" advisedly. I do not mean administering the juvenile homes. The juvenile court judges need not muckrake by going into the homes and telling the administrator how to do his job. However, before the judge approves the system he should know what the system is.

Appellate judges play a very different, and I might say much more limited role. We must merely make sure that the juvenile court judge knows all the relevant facts and exercises an intelligent judgment within a wide range of permissible discretion. For us this task is not essentially different from reviewing any federal administrative agencies which deal primarily with property values as opposed to personal ones. For example, we do not allocate air routes or issue television licenses. We do, however, require the Civil Aeronautics Board and the Federal Communications Commission to discover all the relevant facts and base their decisions on those facts. We do not purport to, nor can we, make the judgments themselves but we do make sure that the agency exercises its judgment intelligently. I am fully willing to acknowledge that juvenile judges have a great deal of expertise in their area. But expertise and discretion are meaningless without a factual basis.

Having discretion, of course, does not mean that it is being exercised. For example, suppose the juvenile court judge had before him one hundred children, each with different needs and different problems. And suppose for each of the children the judge made only one of two decisions, either to release him or to send him to the one inadequate institution which the community provides. In a recent juvenile court record I studied, the disposition order was pre-printed with two boxes: probation to the parents or commitment to the Department of Public Welfare. I would not call that an exercise in discretion. There are, after all, other things which can be done ranging from provision of foster care to more assistance for the child's parents, from community programs to sending the child to a private institution. And I think that an imaginative juvenile court judge with an imaginative staff could provide for some of these alternatives without further statutory authority. To be fair, I must say that it is not simply a failure of imagination which limits the search for alternatives. It is also a lack of staff, of time, of public understanding, and of money.

Saying that the juvenile court judge has discretion does not mean that it is not being abused. And I'm sure you will not be surprised to hear that it is being abused all too often, as it was in Betty Jean's case.

I think a court is justified in acting in this area simply on the basis of the most traditional notions of what a court must do when litigants come before it. However, I need not rely completely on the inherent responsibility of courts, for the legislature has not been silent. For example, our District of Columbia Code requires the Juvenile Court Act to be construed so that "the child shall receive such care and guidance, preferably in his own home, as will serve his welfare and the best interests of the District" and that, when a child must be removed from his home, the "court shall secure for him custody, care, and discipline as nearly as possible equivalent to that which should have been given him by his parents." How, then, can a court avoid this responsibility?

Where does this all lead? Suppose the judges and the psychiatrists and the correction officials begin to see that the promise of treatment is a fraud? I suppose I share in some degree the lawyer's faith that if we know all the facts, just decisions will follow naturally and the treatment will become a reality. But I doubt if this faith is justified. In May of 1966 the Juvenile Court for the District of Columbia adopted a new policy memorandum outlining the factors which must be considered before a juvenile is waived to the adult court. It is now the Juvenile Court's stated policy that if treatment is not available the child should be waived. The question raised by this new policy is clear: Are we to punish someone because the community has not provided the means and facilities for his treatment and, perhaps, cure?

I have advocated the first step—learning the facts—on the assumption that once faced with reality we would be jolted into action. Here we have a situation, though, in which the exposure of the lack of treatment will prompt not treatment—but punishment. I am puzzled. Perhaps we have more deeply ingrained escape mechanisms than I had imagined. I must say that I have a certain amount of sympathy for the escape. None of us wants to be faced with the possibility of failure and none of us wants to have our usefulness called into question. If the juvenile court judges require treatment, they would have had to face the possibility that treatment itself is a ruse, at least when we are talking about mental and emotional disorders particularly associated with the slums. Why should they subject themselves to the frustration of impotence? This possibility of failure must prompt escape in this whole area, not only by the judges, for if the judge feels threatened by the fact that treatment may be an illusion, how much more threatened must the doctors and social workers feel? If the courts and the legislatures provided a psychiatrist for each disturbed child then, the burden of failure would shift to you.

I do not mean to end on a negative note, but I have all these doubts, and I want to share them with you. Perhaps these doubts will lead us to a realization that we can never be satisfied with treating the individual unless we also treat his society. But whatever the solution, individual treatment or social revolution, the situation is not hopeless. The hope comes from a secret weapon, the same one which the Israeli Ambassador told me about in 1948 when the Arabs were pushing the Israelis into the sea. The secret weapon was no alternative. They simply could not contemplate the alternative of failure, and neither can we.

[From Life, May 5, 1967]

BROKEN PROMISE TO JUVENILES

It is possible for an American citizen to be tried secretly and convicted of a crime without ever hearing the charges against him; with no chance to face his accusers or to have a lawyer represent him; and with no right to a jury trial when the sentence may mean years behind bars. All this can happen if the accused happens to be, legally, a juvenile.

At the turn of the century adults, with the best of intentions, took away some substantial civil rights from youth. In exchange, they wrote into a series of state laws the premise that juveniles in trouble or abandoned become the wards of the court. And in return for that surrender of rights, the courts, and the state welfare agencies, would take responsibility for treating, rehabilitating or simply caring for the juvenile.

In some states and cities the bargain has worked out well. But there are important exceptions, according to Chief Judge David Bazelon of the U.S. Circuit Court of Appeals for the District of Columbia. He says, "We look around us and see the promise broken at every turn. It is full of cant and hypocrisy."

The worry about juvenile justice is part of the increased concern about juvenile crime (youths of 15 to 17 have the highest arrest rate of any age bracket). The increase is greatest in the slums, but even the wealthiest suburbs have more and more delinquency problems.

What happens to those who get into trouble? Often, the juvenile judge has no place to turn for the treatment that he should be guaranteeing to the youth in his charge. Deserted children and others who require psychiatric help are lumped in with hard-core delinquents. There never seems to be enough money for the facilities or the people to help them. Worst off of all are those jurisdictions that simply have no place to treat juveniles. Youths are either released to their parents or the judge "waives" his guardianship and passes the youth along to an adult court. Last year some 600,000 youths appeared before juvenile courts. And 100,000 of them are now doing time in adult prisons—a good way to guarantee that many of them will be in and out of jails for the rest of their lives.

Judge Bazelon and the growing number of critics of the juvenile court system may soon get a prestigious ally. Last year the Supreme Court ruled on an appeal stemming from a juvenile court case—the first time in the 68-year history of juvenile courts that the Supreme Court has agreed to look into and to review their actions.

Justice Fortas, speaking for the majority of the Court, found that "While there can be no doubt of the original laudable purpose of juvenile courts, studies and critiques in recent years raise serious questions as to whether actual performance measures well enough against theoretical purpose to make tolerable the immunity of the process from the reach of constitutional guarantees applicable to adults. . . . There is evidence, in fact, that there may be grounds for concern that the child receives the worst of both worlds: that he gets neither the protections accorded to adults nor the solicitous care and regenerative treatment postulated for children."

The Supreme Court is expected soon to rule on the case of Gerald Gault, an Arizona boy serving six years of detention for allegedly making lewd phone calls (a crime for which the maximum adult sentence is two months). He was found guilty after a series of maneuvers that violated every definition of "due process." Answering the state's plea that the boy, then 15, had not been convicted of a crime but detained for delinquency, Justice Fortas commented, "You can call it a crime or a not-crime, or you can call it a horse. He's still deprived of his liberty."

If the Supreme Court rules in favor of the Gault boy, juvenile court justices will be on notice that they must uphold their end of the bargain that is implicit in juvenile law. And the justices will also have to insist that their states provide proper facilities for their charges.

Too many youths in difficulty are convinced that the adult world wants only to "get" them—or, at best, to hide their problems and consider them solved. Injustices in the name of justice create in their victims a lasting grudge against society. A re-examination of juvenile justice won't solve all problems of delinquency, but it is an essential place to start.

PROBLEMS OF FOOD PRODUCTION

Mr. HATFIELD. Mr. President, Mr. Herbert Halzman, Assistant Administrator for Private Resources of the Agency of International Development, sent me a very thoughtful letter and bulletin concerning the problems of food production which confront much of the world's population. In order that the scope and severity of this problem be better understood, and the efforts of this agency known and appreciated, I would like to share his letter with the Senate and ask unanimous consent that it be printed in the RECORD.

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

DEAR SENATOR HATFIELD: Present world food production must be more than doubled in little more than the next three decades if mass starvation is to be avoided.

This impending crisis is of primary concern both to the Legislative and Executive branches of the U.S. Government, but a solution can only be realized by full utilization of the food production processes and distribution capabilities of the private agricultural business communities in the United States.

The Agency for International Development, through its office for War on Hunger and its office for Private Resources, is working closely with the Departments of Agriculture, Commerce, and State to recruit the participation of the private business community in this decisive struggle.

The enclosed bulletin (*The War on Hunger: A Challenge to Business*) has been prepared to help identify the opportunity and programs for implementing this effort. If you would care for additional copies to distribute to your constituents in agricultural industries, they will be available upon request.

If you would care to discuss this vital and timely subject in your newsletter or on television or radio reports to your constituents, we will be pleased to be of assistance to you.

We appreciate your help with this problem and welcome any suggestions you may have as to how we can better produce the concerted effort that is essential if we are to meet this serious need.

Sincerely,

HERBERT SALZMAN,
Assistant Administrator for Private Resources.

SLAVERY EXISTS TODAY—SENATE SHOULD RATIFY HUMAN RIGHTS CONVENTION ON SLAVERY—LXXXVIII

Mr. PROXMIRE. Mr. President, as I speak today to urge the Senate to ratify the human rights conventions, I wish to emphasize that these conventions are not merely academic or theoretical exercises. These human rights conventions proscribe real practices, tragic practices. The Convention on Slavery is a perfect example.

Slavery, in all its forms, can have no part in civilized society. Many persons in the Western World are surprised to learn that slavery still exists in some Middle East territories and in parts of Asia and Africa. But the United Nations General Assembly has again and again had its attention drawn to the actual details of this hideous institution.

This history of the international fight against slavery is a continuous one and several antislavery conventions have been adopted. In 1926 the League of Nations adopted such a treaty, and the U.S. Senate consented to ratification by the U.S. Government some 3 years later. The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions, and Practices Similar to Slavery was adopted on September 25, 1956, to amend the 1926 convention. This more recent attempt to stifle the actions of those who would exploit their fellow man outlaws debt bondage, serfdom, the purchase of brides, and the exploitation of child labor.

On July 25, 1957, the International Labor Organization adopted the Convention Concerning the Abolition of Forced Labor, under which each of the countries which become parties to this treaty must undertake to suppress any form of forced labor for political reasons, for economic development, as a means of labor discipline, as a punishment for having participated in strikes, or as a means of racial, social, national, or religious discrimination.

Mr. President, these are not mere quixotic attempts to transform our society into a utopia overnight. These are pragmatic undertakings, which if successful, will bring about a situation which should be, but unfortunately is not, existent without these treaties. The Antislavery Society of London reports that 2 million slaves exist today, in 1967. I contend that by becoming a party to the Conventions on Slavery and Forced Labor, the United States can really help to alleviate this dreadful burden upon the world.

Our ratification would encourage other nations to adhere to these conventions and implement their provisions in their own territories. Furthermore, ratification would place the United States in a much better legal and moral position to protest the existence of slavery in countries which have ratified the conventions but which fail to fulfill their obligation in practice. There is no reason, Mr. President, that the United States should not become a party to these treaties, and there are so many reasons why we should.

I call upon the Senate today to reinstate our country to a position of leadership in the worldwide fight against slavery. President Abraham Lincoln drew our domestic misdeeds in this field to a halt 105 years ago. Let each of us do our share in bringing this inhuman practice to a halt throughout the world. Let 1967 be the year in which we ratify the Supplementary Slavery Convention and the Convention Outlawing Forced Labor, as well as the Human Rights Conventions on Freedom of Association, Genocide, and Political Rights of Women.

JOSEPH CARDINAL RITTER

Mr. LONG of Missouri. Mr. President, the death of Joseph Cardinal Ritter in St. Louis last weekend is a great loss not only to the Roman Catholic archdiocese over which he presided for more than 20 years, but to the entire St. Louis community. Cardinal Ritter, who celebrated his 50th year as a priest April 29, was a strong advocate of human rights, justice, and ecumenism.

Less than a year following his appointment as archbishop of St. Louis, he ordered an end to segregation in the Catholic schools in his jurisdiction. To insure compliance, a pastoral letter was issued warning of automatic excommunication to anyone resorting to outside au-

thority in order to resist the order. Soon afterward, discriminatory practices were ended in all Catholic hospitals in the archdiocese.

Cardinal Ritter established his Archdiocesan Commission on Human Rights in August 1963. Its purpose was "to formulate programs of action that will overcome the obstacles that now impede the *use of God*-given rights."

The cardinal participated enthusiastically and influentially in the Second Vatican Council. During the deliberations, he was in the forefront of the movement absolving Jews of blame in the death of Jesus. In March 1964, his Archdiocesan Commission on Ecumenism was established.

I knew Cardinal Ritter personally and I know I speak for all Missourians when I say how much we will miss him and his great work among us.

Mr. President, I ask unanimous consent that two editorials which appeared in the St. Louis Post-Dispatch and the St. Louis Globe-Democrat concerning the record of Cardinal Ritter be inserted at this point in the RECORD.

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

[From the St. Louis Post-Dispatch, June 12, 1967]

CARDINAL RITTER

Cardinal Joseph Ritter was a powerful influence for good in the St. Louis community as well as in the Roman Catholic archdiocese over which he presided for more than 20 years. Beyond that, he was known and admired in many parts of the world, for his participation in mission endeavors but most of all for his advocacy of liberal attitudes in the second Vatican Council, in which he took a leading part.

The Cardinal came to St. Louis from Indianapolis as a man of strong will but of generally conservative bent in religious matters. He was profoundly influenced by Pope John XXIII, however, and began the development of progressive policies that made the St. Louis archdiocese outstanding. Though tempered with a native caution, his ability to recognize the necessity for change at an age when most men cling to settled ideas testified to his resiliency of mind and spirit.

In the ecumenical movement initiated by Pope John and the Council, Cardinal Ritter became an advocate of religious tolerance and co-operation, not only by his own example but in the freedom he gave his associates. The late Msgr. Daniel Moore, for example, was encouraged to become the foremost St. Louis clerical advocate of ecumenism, and also to develop the *St. Louis Review*, of which he was editor, into the foremost diocesan newspaper in the United States.

Although he was completely committed to the welfare of the Catholic school system, Cardinal Ritter invariably supported whatever measures the city undertook to assist the public schools. Although he directed the collection of large sums of money for Catholic charities he gave strong support to the United Fund and other community welfare endeavors. As is well known, he integrated the archdiocesan schools years before the Supreme Court outlawed segregation in the nation's public schools.

Withal, the Cardinal was a pious, unpretentious and kindly person, as Mayor Cervantes said, "a man of God who not only believed in the fatherhood of God but likewise the brotherhood of man." He lived a full life and left much for which he will be remembered, and surely would not have asked for any more than he had.

[From the St. Louis Globe-Democrat, June 12, 1967]

JOSEPH CARDINAL RITTER

St. Louis and the nation have lost a citizen of sterling quality in the death of Joseph Cardinal Ritter.

In a brilliant career in the church and in a wide variety of community projects stretching back more than half a century since his ordination in a country parish in Indiana, Cardinal Ritter has always been a monumental man.

Successively Bishop and Archbishop of Indianapolis, Archbishop of St. Louis since 1946 and made a cardinal in 1961, Cardinal Ritter followed in the spirit of saintly Pope John who gave him his red hat.

During all of the more than two decades he has resided in our city, Cardinal Ritter has fought the good fight for understanding, peace and love in his own church and in the wider community beyond.

He desegregated the parochial schools 20 years ago, as he had done in Indianapolis. He took the side of the Jews in their efforts to establish a new Temple Israel in Creve Coeur. He was always in the forefront among those in the Vatican Council in Rome who sought to modernize the church and give the laity a broader role in church affairs.

He was awarded an honorary degree by Eden Theological Seminary and was the first Catholic leader in America to approve joint marriage ceremonies between Protestants and Catholics.

In 1965 he was given the Humanitarian Award as that citizen whose whole life had truly been lived in the spirit of the Fatherhood of God and the Brotherhood of Man.

The citation stated that he was "beloved of his own flock and of all faiths for his wisdom, his vision, and for his compassion for all the family of God . . . His whole life has been testament to his love of all mankind."

This great and noble man who, with all the honors which came to him, always retained his humility and his abiding love of all the children of God, has as his monument a career of service which will be a beacon to others to follow for all time.

THE FIGHT FOR CLEAN AIR

Mr. BOGGS. Mr. President, the June issue of the AFL–CIO Federationist carries an article by George Taylor which summarizes well the urgency of combating the air pollution problem.

Public understanding of how air pollution adversely affects them is essential in combating this menace to our health and prosperity.

The Federationist performs a valuable public service in carrying such an informative and readable article.

I ask unanimous consent that this article, entitled "The Fight for Clean Air," be inserted at this point in the RECORD. There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE FIGHT FOR CLEAN AIR

(By George Taylor)

(NOTE.—George Taylor is an economist in the AFL–CIO Department of Research.)

When the right circumstances conspire, air pollution can turn into a deadly mass killer.

In 1930, there were 60 people killed when a deadly smog settled in over the industrial Meuse Valley in Belgium.

In 1948, the steel and chemical town of Donora, Pennsylvania, was visited by a fog and a temperature inversion which left 20 dead.

In 1950, a tank of poisonous hydrogen sulfide was accidentally released to the atmosphere from an oil refinery in Mexico City. The toll: 22 dead and 320 hospitalized.

In 1952, a "black fog" hung like a shroud over London for four days and took 4,000 lives.

Ten years later, both London and New York City suffered through serious smogs.

And just last November—as if to publicize the National Conference on Air Pollution about to open in the nation's capital—the elements conspired to form a temperature inversion over New York City. Preliminary estimates put the number of deaths at 80, a toll expected to rise when the death rate is checked against mortality tables over a longer period.

These dramatic instances of smog disasters serve as periodic reminders that the city air we breathe is unclean. Air pollution is taking its toll of people's health every day in every city in the United States. It is a problem which most people are aware of by now and to which they seem to be adapting.

Unfortunately, it may take a major air pollution disaster to crystallize support for strong regulatory action.

President Johnson attempted to point up the critical urgency of the problem when he sent a special message on air pollution to Congress earlier this year. The President declared:

"We are not even controlling today's level of pollution. Ten years from now, when industrial production and waste disposal have increased and the numbers of automobiles on our streets and highways exceeds 110 million, we shall have lost the batttle for clean air—unless we strengthen our regulatory and research efforts now."

The superficial aspects of air pollution are widely evident. People are aware of the offensive smell, the dirt deposited on clothing and curtains, the corrosion of metal and stone, the lack of visibility on roads and the damage to bathing areas.

But the dangers from air pollution are far broader and more insidious. The longterm effects of air pollution begin to work on the human organs from the day of birth. Increasing numbers of Americans are becoming afflicted with respiratory conditions—everything from the common cold to lung cancer—which are aggravated by breathing polluted air.

One of the fastest growing causes of death in the United States is emphysema, a progressive breakdown of air sacs in the lungs caused by chronic infection of the bronchial tubes. In 1962, over 12,000 persons died of emphysema. Each month, 1,000 or more workers are forced to retire prematurely because of this disease.

Other diseases of the lungs and air passages which are worsened by breathing polluted air include bronchial asthma, chronic restrictive ventilatory disease and even the common cold.

The death rate from lung cancer has been rising. Research points to a variety of causes. However, the incidence of cancer is twice as high in urban as in rural areas and appears to be related to population density as well. This is the basis for speculation that air pollution may be a contributing cause of lung cancer.

The first public concern over pollution involved the smoke nuisance in the 1940s. Public indignation focused on offenders responsible for dirtying the community. Antismoke ordinances were adopted in such large cities as St. Louis and Pittsburgh. The changeover from coal-burning to diesel locomotives and the increasing use of natural gas for home and office space heating helped to reduce much of the smoke nuisance in many urban areas.

Now the concern and danger is only partially with smoke. The newer industrial processes and many of the older ones are expelling a wide range of gases and minute

particles. These pollutants often overload the ability of the atmosphere to disperse them and they produce effects which are sometimes unpleasant, sometimes unhealthy and, on occasion, disastrous.

The basic causes of the air pollution problem are well-known. They involve an increasing population which is becoming more and more concentrated in urban areas. The U.S. population will grow to an estimated 225 to 250 million by 1980. About 200 million people will be living in cities.

These urban area people will be driving more cars, consuming more electric power, buying more manufactured goods, creating more wastes. The overall result will be an ever-rising amount of air pollution.

The main trends are apparent.

In 1960, 60 million automobiles in the United States burned 40 million gallons of gasoline. By 1980, over 110 million automobiles are expected to be on the road, almost doubling the gasoline being burned and emitting most of the pollutants into urban areas.

More solid wastes are dumped each year, most of it combustible. In 1960, the per capita amount of combustible waste was 1,100 pounds. Even if the per capita figure does not increase, which is unlikely, this nation will be producing 175 million tons of combustible waste by the year 2000, enough to bury a city the size of Pittsburgh or Boston, or Washington, D.C. under a 30-foot mountain of trash.

By 1980, use of electric power may have increased threefold over present demand. Most of it will be generated by fossil fuels—coal and oil—although nuclear energy will be rapidly moving to the fore in the next decade. As of 1966, generation of electricity is one of the major sources of air pollution.

The growth of industrial production—iron and steel, non-ferrous metals, chemicals, petroleum, paper and allied products—is expected to double or triple over the next decade or so. These are the major industries which share responsibility for atmospheric pollution.

There is also the clear danger created by a constantly changing technology. By the end of the century, the annual expenditure by industry and government in industrial-oriented research may reach as high as $70–$80 billion. Increased research and development already has contributed to the introduction of dozens of new materials, many releasing airborne contamination to the environment, the effects of which are yet unknown.

The principal pollutants released to the air total about 125 million tons per year at present, according to a 1966 report by the National Academy of Sciences.

Automobiles, trucks and buses powered by internal combustion engines are the major emitters of carbon monoxide, oxides of nitrogen and hydrocarbons. Generation of electric power by burning coal and oil produce most of the oxides of sulfur. Industrial production is the chief contributor to the atmosphere of particulate matter and miscellaneous pollutants.

The data clearly show that moving sources of pollution spew six of every ten tons of pollutants into the air. Thus the nation's motor vehicles constitute the number one air pollution problem.

Industry, including electric power generation, is the next greatest offender, contributing nearly four of every ten tons of polluting materials emitted.

People do not die immediately from foul air, even though it may affect their health adversely when pollution of the air they breathe is chronic, which is true in nearly every large city.

But sometimes a smog disaster strikes. Such disasters occur when there is a prolonged temperature inversion and takes place in localities where there is a great volume of toxic materials being emitted into the atmosphere from industrial emitters, automobiles and homes and offices burning soft coal.

A "temperature inversion" is a meteorological situation that occurs when the normally cool upper layers of air become warmer than ground air. In a situation when the air mass is not moving on the back of a prevailing wind, or rain comes to the rescue, the cool upper air stays put and prevents the dirty air at ground level from circulating up and out. Los Angeles is the prime example of a metropolis with a chronic inversion situation. But they can take place anywhere. When they happen suddenly and remain for several days where there is a great deal of emission of pollutants, people who are well get sick, the sick get sicker and some of the sick and some of the older people die.

The burden of principal pollutants is expected to double by the year 2000. Over the great metropolitan areas of the West Coast, the Great Lakes and other regions, inversions are expected to become more and more lethal, together with the kind of "ordinary" air humans breathe between inversions, which merely takes longer to infect individuals with chronic respiratory diseases and possibly lung cancer, but produces few headlines.

In the long-range view of the situation, the steady increase in the release of pollutants to the atmosphere, in addition to what is already there from natural and man-made causes, can work what may very well become a permanent change of the world's climatic cycles. It is a well-known phenomenon that temperatures in large metropolitan areas are consistently warmer than in the countryside and fogs are more frequent. This is an example of local modification.

The bulk of the air resource is in a relatively shallow envelope six miles in depth (the troposphere). There are global regional and local air movements within the troposphere which make up nature's ventilation system, modified by topography, climate and latitude.

If the mass of air pollutants continues to build up, the global capacity of the wind systems to disperse pollutants may be seriously impaired.

Thus modern man in the United States and other industrialized nations has created a menace. It lurks in the very air he breathes and takes an increasing toll in lives, health and the economy. It is seriously disturbing the delicate balance that has existed in the environment, of which man is becoming a ruthlessly disrupting factor. He worships at the shrine of personal cleanliness, creature comforts and new techniques while surrounding himself with an environment of ugliness, filth and poison.

What has been done in recent years to clean up America's polluted air?

The federal government did not move into the picture until 1955, when legislation was enacted creating a federal program.

The Public Health Service of the U.S. Department of Health, Education, and Welfare was authorized to conduct research on the problem and provide technical assistance to state and local governments.

The 1960 amendments to the basic federal act provided for a special study of motor vehicle pollution. The federal program under this law brought more scientific knowledge to bear on causes and effects. The public attention was becoming more aware that polluted air was a national problem, was damaging to the public health and welfare, and that control of many of the larger sources of poison was feasible.

Although knowledge about the causes, effects, scope and control techniques was steadily advancing, there was little done by local, state or federal levels of government to clean up the air. The federal program was research-oriented. Outside of Los Angeles and the state of California, there were few local or state programs. Those in existence were basically ineffective.

The federal Clean Air Act of 1963, however, broadened the scope of the federal program. It authorized federal grants-in-aid directly to state and local air pollution control agencies to establish or improve their programs and empowered the federal government to take necessary action to abate interstate air pollution situations.

The Clean Air Act also expanded research, technical assistance and training activities of the U.S. Public Health Service. It directed the Service to do research and development on motor vehicle and sulfur oxide pollution from coal and oil burning in power generation and other industries, and to develop criteria on air pollution effects on human health and property.

The 1965 amendments to the Clean Air Act authorized the Secretary of HEW to establish standards to control emissions into the air from new motor vehicles and to investigate and develop methods of controlling new air pollution problems.

In 1966, further amendments enlarged the grants-in-aid program to states and localities to assist in maintaining control programs. The Congress also established a three-year authorization of $46 million for fiscal 1967 and $66 million and $74 million for fiscal years 1968 and 1969, respectively.

Between 1955–63, federal funds expended on air pollution control programs had risen slowly from $2 million to about $11 million a year. But in the 1963–66 period, the total rose to $35 million a year.

WHAT HAVE THE STATES DONE

Fifteen years ago, the first state law dealing with air pollution was passed. Until 1963, when the Clean Air Act was passed, only 13 more states had enacted such laws. Since then, 11 more states have acted, so there are now 25 out of the 50 states with anti-air pollution statutes on the books.

In 1961, the budgets for state air pollution control programs totaled only $2 million, of which California alone accounted for 57 percent. There were 148 full-time and 29 part-time personnel working in the control programs of all the states.

By 1966, the states were budgeting an aggregate $9.2 million, $2 million of which was in the form of federal grants-in-aid. There were 406 full-time and 81 part-time personnel working in these programs.

While there was an improvement of state resources applied to the problem, the situation is still far from satisfactory in this respect. Moreover, there is wide variation among the states in the kind of agency assigned program responsibility, in standards and regulations, in enforcement and compliance procedures and punishment of wilful offenders by fines, jail or both.

While the Clean Air Act encourages the formation of interstate compacts to aid in the control of air pollution, very few states have acted. New York and New Jersey were inspired to act after last year's serious smog over the New York City metropolitan area. Illinois and Indiana are negotiating a compact and so are West Virginia and Ohio.

The New York-New Jersey compact, which is furthest along, seeks legislative authority to set air quality standards and to make and enforce regulations. An innovation in this proposed compact would provide for both local and federal representation.

WHAT HAVE THE CITIES DONE?

Since the late 1800s, there have been many local smoke abatement ordinances passed by hundreds of communities, dealing with this aspect of air pollution as a nuisance. Beginning with Los Angeles, recent years have seen a greater community effort to attack poisoned air, not merely smoke.

In November 1965, according to the U.S.

Public Health Service, there were about 130 city, county and multi-jurisdictional air pollution regulatory agencies in operation and located in 35 states serving 63 million people.

The total 1965 budget for all these local administrative areas was about $14.3 million, of which $3.6 million was in federal grants-in-aid. This represented a sizable rise over the $2.6 million budgeted in 1952.

The largest single local agency budget was that of Los Angeles County—$3.7 million. Control agencies in California made up 38 percent of total 1965 local air pollution control budgets in the nation. The seven largest agencies made up 58 percent of the total local air pollution control budget for the nation.

While the towns and cities are now doing more about the problem than a decade ago, much of the larger urban areas still lack programs. There are manpower problems, both in funds available to hire personnel at adequate salaries and trained manpower. The U.S. Public Health Service estimates that at least a fourfold expansion of programs is required to do a reasonably good job in terms of money and staff.

Moreover, there is a lack of definition of the full range of pollutants to be monitored and controlled. There is less than adequate support by local officials for a sustained all-out air cleanup effort. As with the states, regulations are too permissive, enforcement is weak or lacking and long-range planning is neglected.

Thus the federal government, the states and the cities are making a tentative beginning to face up to the air pollution crisis in the United States.

President Johnson's air pollution message of 1967 contained legislative recommendations for strengthening the federal air pollution control program by means of the Air Quality Act of 1967, which was introduced by Senator Edmund S. Muskie (D-Maine) and 20 co-sponsors of both parties.

This legislation would expand the federal air pollution control program to carry out the following:

1. Designate interstate industries which are nationally significant contributors to air pollution and establish industry-wide emission levels, allowing the state to equal or exceed federal levels, but stepping in with a federal enforcement program where a state fails to do this.

2. Establish Regional Air Quality Commissions which cut across state lines and enforce pollution control in so-called regional air-sheds, where air characteristics and flow are generally consistent in pattern over a multi-state area.

The Secretary of HEW would not have to wait for states to move, but could designate interstate regions where control programs were needed and, after consultation with the states and localities involved, appoint a Commission composed of two persons from each state and a federal representative named by the Secretary.

The Commission would be responsible for setting safe air quality and emission levels and could enforce them by means of present statutory authority under the Clean Air Act.

3. State inspection of 1968 and later model vehicles with carburetor and exhaust control devices, by means of assistance from federal matching grants.

4. Improved enforcement procedures.

5. Mandatory registration of all fuel additives with the Secretary of HEW.

6. A broadened research program into emittants from motor vehicles, including diesel engines, alternative methods of motor vehicle propulsion, sulfur dioxide pollution and low-sulfur or sulfur-free substitutes. This program would raise authorized research funds from $12 million in fiscal 1967 to $18 million proposed for fiscal 1968. It proposes the program include direct activities by the federal government and contracts or grants-in-aid to private industry, universities and other groups.

7. The total financial resources proposed in the Muskie bill calls for an increase from the presently authorized $74 million in fiscal 1968 to $80 million for that year and such sums as may be determined by Congress for the following four fiscal years.

The AFL–CIO Executive Council last February called for stronger enforcement of the Clean Air Act. The AFL–CIO agreed with the President's proposal to establish federal air-shed commissions and empower the Secretary of HEW "to set air quality criteria over all sources of industrial pollutants released into the atmosphere, not merely those by automobile as provided by the present act."

By these means, it is possible to move in with federal, state and local programs to control poisoned air emitted from stationary sources, factories, power stations, oil refineries and the like.

The AFL–CIO policy statement had this to say on the problem of automobile combustion and air pollution:

"Expanded use of electric-powered vehicles would sharply reduce the largest and most rapidly-growing source of air pollution. Any federal program to develop an economically feasible electric-powered vehicle should provide public domain ownership of all federal patents and a searching assessment by a national commission, with labor representation, of the social and economic impact of a largescale changeover to the electric automobile."

In a recent statement to a special Senate joint committee considering legislation to authorize a federal research and development program for electric-powered vehicles, AFL–CIO Legislative Director Andrew J. Biemiller said:

". . . present control technology and that likely in the near future is not adequate to reduce the continually mounting load of contaminants emitted to the atmosphere from the automobile in its various forms. The sheer increase in numbers of cars, trucks and buses, even if equipped with all control devices required under the Clean Air Act, will inexorably add to the aggregate environmental burden of carbon monoxide, hydrocarbons and other harmful chemicals released into the air."

The electric car is not new. It was used years ago and some probably are operating in the form of commercial vehicles in most large cities.

The problem is to find an energy source, either a battery or fuel cell which operates on chemicals, which will enable faster pickup and higher speeds and allow the driver to cover 100 miles or more before recharging the battery at a station or exchanging it.

While industry is grudgingly accepting the disagreeable inevitability that there will be some kind of control over air pollution, it wants a major voice in setting the terms.

Industry wants federal activities restricted to research and development, and it seeks federal tax writeoffs as well as state and local financial incentives for air pollution control equipment. Such tax breaks and incentives are strongly opposed by organized labor.

Recently, the chairman of the board of Humble Oil Refining Company said to a meeting in Houston, Texas, that if industry did not voluntarily clean up its own mess ". . . in the near future our actions in this area will be spelled out by congressional legislation."

Uniform federal standards, equitably applied, would enable industries to become socially responsible and also to maintain their respective positions in the marketplace. This is what is provided for in the proposed Clean Air Act of 1967 now before Congress. Without such standards, industries would be enticed to relocate in a more lenient regulatory climate where, among other incentives, a relaxed attitude toward air pollution could be maintained by the state or local enforcement agency.

The battle lines are now being manned in the halls of Congress. But where the fight will be finally won or lost is in the cities, towns and villages of this nation, when the citizens have decided that they have had enough and, as President Johnson has said, ". . . through their elected representatives, demand the right to air that they and their children can breathe without fear."

CITIES WITH MOST SEVERE AIR POLLUTION PROBLEMS [1]

Five areas having most severe problems: Chicago, Cleveland, Los Angeles-Long Beach, New York, Philadelphia.

Five areas ranking second in severity: Boston, Detroit, Newark, Pittsburgh, St. Louis.

Ten areas ranking third in severity: Akron, Baltimore, Cincinnati, Gary-Hammond-East Chicago, Indianapolis, Jersey City, Louisville, Milwaukee, Washington, Wilmington.

FROM THE WAR'S RUBBLE, BUILD A SCHOOL

Mr. NELSON. Mr. President, for the many Americans who have forgotten the basic purpose of our military involvement in Vietnam the students of William Horlick High School in Racine, Wis., have provided an inspiring reminder. Under the leadership of a student council committee, headed by Norm Goodman, they are enthusiastically raising funds to build a school in a poor village in the Vietnam highlands.

The project grew out of a letter from Capt. William Hermanutz who is currently serving with the 1st Cavalry Airborne Division in Vietnam. Captain Hermanutz, a 1950 graduate of Horlick High School in Racine, described the plight of the Vietnamese villagers and their determination to educate their children despite the ravages of war.

At an all-city high school dance "Mission Possible," the Horlick students raised $1,100. The Racine community, responding to the students' imaginative efforts, has donated more than $700. The "from the rubble, build a school" fund now stands at more than $1,800, well over the students' original goal.

I think we can all be proud of what these high school students are doing. Through their efforts the Vietnamese people may one day give their children the vital education they are now unable to provide. I ask unanimous consent that an article by Tex Reynolds in the Racine Journal-Times, an article by Owen Levin also from the Racine Journal-Times and an editorial from the Horlick Herald be inserted in the CONGRESSIONAL RECORD.

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

[From the Racine Journal-Times, Mar. 29, 1967]

LEGACY FROM SENIOR CLASS—HORLICK PLANS TO BUILD SCHOOL IN VIETNAM

(By Owen Levin)

Each year the graduating class of a high school tries to leave a legacy behind for

[1] Source: The National Center for Air Pollution Control, Public Health Service, Department of Health, Education, and Welfare.

future classes. Often this legacy is only a reputation or story told around a campfire or at a reunion.

But this year the Horlick High School senior class has taken on a project of magnitude—it is seeking to raise enough money to build a school in a hamlet in South Vietnam.

The idea was born in Horlick's Student Council and coordinated by student Norman Goodman, 3100 Chatham St., who has been corresponding with a 1960 Horlick graduate, Capt. Robert J. Hermanutz, now stationed in the central highlands of Vietnam.

Hermanutz is with the 1st Cavalry Airmobile Division. In his letters he pointed out that the villages in the area he is stationed are mostly poor farmers who have suffered much at the hands of the Communists.

HAD SOUGHT SUPPLIES

American soldiers already have helped establish one three-room school and Hermanutz wrote to Horlick, his alma mater, asking if the students could contribute supplies for the school.

The Student Council decided that it could do more than just supply the school. It was decided that Horlick has the potential to raise enough funds to build another badly needed school.

Goodman said that rather than merely ask for student contributions a battle-of-the-bands contest will be sponsored in the future to raise money.

Summing up the feelings of students involved in the planning, Goodman said:

"At a time when war causes so much destruction it is important for Americans to replace that destruction with something better. Too often we become concerned only in the number of 'reds' killed.

"Destruction is only a very small part in the entire purpose of war. To merely destroy and kill, is senseless. It is illogical from any standpoint. Unless the people get something out of the war, something tangible, there is no meaning to the fight between Communism and Americanism. An ideological struggle that affects too few of the common ordinary people."

WRITES FROM VIETNAM

Goodman said Horlick students will be seeking the support of all interested persons in the school-building project.

"What started as a dream can now become reality," he said.

Hermanutz is the son of Mr. and Mrs. A. J. Hermanutz, 7056 Highway 31. He left for Vietnam June 25.

Hermanutz wrote:

"I have found the Vietnamese somewhat reserved and very polite. The villagers are warm and friendly with people they like, and they are co-operative and helpful. They have great respect for virtue and knowledge . . .

"Our villagers are mostly poor farmers. They have suffered much at the hands of the Communists. This was once a Viet Cong stronghold and the inhabitants of this region were held in slavery and forced to grow food to feed the Red armies that were trained here. Churches and temples were closed, schools were destroyed, and teachers were executed.

"Soon after our arrival and the general disappearance of the communist soldiers, one of the first things our villagers did was to start building a school. These parents, having very little education themselves, wanted desperately to improve the lot of their children. Every day the mothers and fathers would spend 10 or more hours working in the rice paddies with primitively crude tools. At night they would congregate at the school site and, with the aid of torchlights, work for six hours or more so that their children might have a 'number one' school.

"In the tradition of American charity towards those less fortunate than themselves, would you please help fulfill the dream of our poor villagers to educate their children. You will be helping a staunch people in a most critical period of history . . ."

[From the Horlick Herald, Jan. 1967]

FROM WAR'S RUBBLE, BUILD A SCHOOL

At a time when war causes so much destruction it is important for Americans to replace the rubble with something better. Too often we have become more interested in the number of "Reds" killed than what has been done to improve the Vietnamese way of life. Too often we have been intent upon destroying rather than attempting to construct and build the foundations of the life we think is so much better.

Recently Student Council received a letter from Capt. Robert Hermanutz, a 1960 graduate of Horlick, who is now serving in Vietnam. His letter relates how the Vietnamese cherish education and how, with the aid of U.S. soldiers, they built a school. He also explains their desperate need for school supplies and farm materials.

Now Horlick has the opportunity to build from the rubble. Student Council and the students of Horlick can work to obtain the supplies they need. The choice is ours.

"GOOD KIDS" EMBARK ON MISSION WHICH DESERVES SUPPORT

(By Tex Reynolds)

I'm weary of the trite observation that "though the minority of teenagers get the bad publicity, the overwhelming majority are decent, intelligent kids." But nevertheless, it does an adult good now and then to meet some outstanding representatives of the majority and observe what they're doing.

Students at Horlick High School have embarked on a highly commendable undertaking. They call it "Mission Possible." What they propose to do is raise funds to build a school for a poor village in the highlands of Vietnam. The inspiration for this came in a letter from a 1960 graduate of Horlick—Capt. William Hermanutz, with the 1st Cavalry Airborne Division—describing the plight of the Vietnamese villagers and their determination to provide education for their children despite the poverty and other obstacles in an area subject to the ravages of a long war.

Norman Goodman is the chairman of the Student Council committee sponsoring the project. With him are Tony Rondone and Gary Swoboda as they visit this office to explain what the students are trying to do, and to frankly seek a "plug" in this column. Rather than merely ask for cash contributions from students and others, they plan also to work for what they need. Thus they are going to have a "battle-of-the bands" in the Horlick Field House on April 21. That is, "rock and roll" dance combinations, which will donate their services and vie for the approval of the dancers, who will ballot to decide the first prize winner, invitations and posters are being sent to all of the high schools in Racine. Hopefully, those working under the slogan, "From the Rubble Build a School," expect to raise $500 from the affair. But also hopefully, they are inviting adult groups and individuals to match this amount, and have arranged for contributions to be received by Mrs. Gene Schemel, cashier at the North Side Bank. With the total fund raised, they expect that materials can be purchased to build a one-room school (with the villagers and American servicemen doing the work), and also provide the necessary equipment and supplies.

Besides being a praiseworthy channel for the energy of these high school students, projects like this probably can do more for the "image" (for want of a better, less tired word) of Americans in Asia than all the speeches of all the diplomats—including the President of the United States.

Incidentally, Mr. and Mrs. A. J. Hermanutz, 7056 Highway 31, have picture slides of the Vietnam area, and its people, where their captain son is stationed. And groups can arrange showing of these slides, with a commentary, by calling either the Hermanutz home or Norman Goodman at Horlick.

THE CASE FOR A TAX INCREASE STILL NOT CLEAR

Mr. PROXMIRE. Mr. President, there has been a growing revival of support, in the press and elsewhere, for the President's proposed increase in personal and corporate income taxes.

The basis for this support is not the state of the economy. A tax increase tends to slow down the economy. But initially every economic indicator shows that the economy has already greatly slowed down from its rapid growth of the first three quarters of 1966.

Right now, on the basis of available economic evidence, there is no economic case—I stress "no economic case"—for a tax increase. But there is a case, a prospective budgetary case, for a tax increase. Last week I documented that case, the grim prospect that there may be a huge administrative budget deficit, possibly a $25 billion or $30 billion deficit, the biggest in our Nation's history by far, except in World War II. A tax increase is said to be necessary to reduce that deficit.

Now is the time when, some argue, such a deficit would surely be inflationary; that it would require heavy Federal borrowing and drive up interest rates.

On the other hand, there is a real prospect that even with a large deficit the economy, with its overhanging inventories, its immensely expanded productive capacity, its recent record-smashing years in the bellwether auto industry—there is a real prospect that the economy, even with this deficit, may still be moving and growing too slowly. Anyone who thinks that that is impossible should put that deficit in perspective.

First, the administrative budget does not represent the full impact of the Federal Government on the economy. The national income accounts budget does that.

The administrative budget excludes the immense impact of the trust funds on the economy. The national income accounts budget includes the full, the total impact of all Federal spending.

The prospective administrative budget deficit was as high as $30 billion. The national income accounts deficit would be $17 billion. Of course, that is still a large amount. But our economy has grown so vast in the past 30 years, to a level of $750 billion, that the national income accounts deficit would be, therefore, not the 25 percent we suffered in World War II, but only about 2½ percent.

In a recent article published in the New York Times, Mr. M. J. Rossant makes an excellent analysis of the issues involved in the tax debate. Mr. Rossant concludes, in part, by saying:

> Indeed, it would be a great mistake to raise taxes just when demand is picking up speed. * * *
>
> The Treasury will not benefit if the recovery is nipped in the bud by increased taxes. The deficit in the budget might even widen because a lower level of economic activity would mean smaller tax receipts.

Mr. President, I ask unanimous consent that Mr. Rossant's entire article be printed in the RECORD.

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

THE TAX-RISE DEBATE: SUPPORT GROWS FOR REIN ON ECONOMY ALTHOUGH PICKUP HAS NOT YET BEGUN

(By M. J. Rossant)

The notion that tax increases are needed to restrain a resurgent and inflationary economy is winning fresh support even though symptoms of a new inflationary upsurge or of a dramatic snapback in activity are conspicuously absent.

The fact is that the economy is still in a transitional period caused by too rapid growth followed by overly tight money last year. Washington had predicted a slowdown in the rate of advance during the first half, but so far there has been no advance at all.

But the Administration appears confident that the second half will see a different story. Its economists believe that business will soon begin picking up and that the economy will be in high gear again by the fourth quarter.

ARGUMENT PRESENTED

They argue that tax increases will then be necessary to avoid a recurrence of tight money and inflation—the combination that brought the expansion to a halt last year.

But because the adjustment process has been longer and more pronounced than the Administration had expected, it is legitimate to question whether the expected upturn will come as quickly or be as strong as the official script calls for.

There is little reason to doubt, though, that an upturn is on the way. The massive reversal in credit policy and the vigorous expansionary measures taken by the Administration, along with the continued rise in defense spending, have not merely insured that the "mini-recession" would not become a more obvious and disruptive decline. These stimulative moves will produce recovery.

The biggest tonic of all has been the unexpected sharp rise in military oulays for Vietnam, which was not really part of the Administration's antirecession package. But, without it, the current pause would have been painful and prolonged and recovery would have been delayed indefinitely.

Yet, recovery cannot take place until the adjustment has been completed.

As the National Industrial Conference Board notes, "the second quarter of 1967 now bears the same appearance as the first quarter; business conditions continue sluggish and mildly recessionary in the face of mounting stimulus from the Federal Government."

Even when the sluggishness is shaken off, it is doubtful that there will be a surge of demand great enough to take up all the slack now present in the economy. And, while there may be some inflationary pressures because of the big budget deficit, they should be controllable without tax increases.

Indeed, the available evidence suggests that the upturn will lack the vigor of the earlier expansion. For one thing, it will be starting from a higher base. But, given the excessive inventories that have had to be worked down, there is little prospect that businessmen will begin building up stocks in rapid fashion. Nor are they likely to spend heavily on new plant and equipment, now that production facilities are not fully utilized.

The adjustment, according to the Pittsburgh National Bank, is also "reaching the employment market and thus people's main source of income and spending power." The bank goes on to explain that there is slack in employment that will "give public policymakers latitude to operate with less fears of inflation."

So, when the turn comes, it may turn out to be a slow and orderly improvement that will not at first strain the economy or warrant an early resort to fiscal restraint.

TIMING IS IMPORTANT

Indeed, it would be a great mistake to raise taxes just when demand is picking up speed. A policy of reducing purchasing power—and profits—under such conditions would mean a resumption of sluggishness and fresh complications for Washington policy makers.

The Treasury will not benefit if the recovery is nipped in the bud by increased taxes. The deficit in the budget might even widen because a lower level of economic activity would mean smaller tax receipts.

With slack still present in the economy, the Federal Reserve will probably continue its easing of credit. It takes time for easing to have an effect—the Chase Manhattan Bank points out that the postwar record suggests that there is a lag of some six months between an easing in money and an upturn in business—so there is no real fear of an early tightening.

The Administration is apparently stung by its past mistakes. It waited too long in 1966, permitting the expansion to get out of control, before it applied restraint. But there appears to be just as much risk in acting too early, applying restraint before the upturn has really got under way.

PETITION BY WOMEN STRIKE FOR PEACE ORGANIZATION, PHILADELPHA, PA.

Mr. HATFIELD. Mr. President, several weeks ago I received petitions containing 3,000 signatures collected by the Women Strike for Peace organization in Philadelphia. These signatures were collected within 2 hours, and the petitioners asked the President to find a solution to the war in Vietnam.

Mrs. Ethel Taylor, who sent the petitions to me, said:

People were eager to sign it—eager to show their opposition to this war.

Mrs. Taylor asked me to make the President aware of the dedication to peace of these 3,000 people. I have sent the petitions to him but wanted all Senators to see this evidence of opposition to the war in Vietnam. To those of us who dissent from the President's policies in Vietnam, these signatures represent that a great many other people share our concern that our current course of action in Southeast Asia will not bring us closer to peace in this part of the world.

KENNETH K. BURKE OF THE HARTFORD TIMES

Mr. RIBICOFF. Mr. President, Kenneth K. Burke, the publisher of the Hartford Times, recently announced his retirement.

Mr. Burke, whose entire career has been with the distinguished Gannett group of newspapers, will retire after 5 years as publisher of the Times, and after 34 years in the newspaper profession.

I know that his colleagues on the Hartford Times—as well as newspapermen throughout Connecticut—join with me in expressing regret at his departure as publisher of the Times, one of the most important newspapers in New England.

Mr. Burke's work took him to six newspapers in three States, and his industry, dedication, wit, intelligence, and sense of public service will be sorely missed.

The Hartford Times of June 9 published an editorial about Mr. Burke and a summary of his newspaper career. I ask unanimous consent that they be printed in the RECORD.

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

[From the Hartford Times, June 9, 1967]

PUBLISHER BURKE OF TIMES RETIRING

Kenneth K. Burke today announced his retirement as publisher of The Hartford Times, Inc.

Robert R. Eckert, general manager, will succeed Burke as operating head of the newspaper.

Paul Miller, president of The Hartford Times, Inc. and of the Gannett Newspapers, praised Burke's service to The Times and to the Greater Hartford area. "Ken Burke has held positions of responsibility on several Gannett newspapers. Active in civic and cultural affairs, he and Mrs. Burke have won friends and respect in every city in which they have lived."

Burke moved to Hartford as The Times' general manager in April, 1960, after five years as general manager of the Niagara Falls Gazette. He succeeded the late David R. Daniel as The Times' publisher in 1962.

A native of Rochester, N.Y., Burke is a graduate of Mt. Hermon Preparatory School and of Colgate University. He began his newspaper career in 1933 in the retail advertising department of Rochester's Democrat and Chronicle, later joining the general advertising department serving both the Rochester Times-Union and the Democrat and Chronicle. He was national advertising manager of the Albany Knickerbocker News from 1936 to 1940.

His entire newspaper career has been spent on Gannett newspapers. From 1941 to 1951 he was business manager of the Saratoga Springs Saratogian, except for three years of Navy service in which he rose to lieutenant, senior grade. He is a trustee of the National Museum of Racing at Saratoga Springs.

From 1951 to 1955 he was general manager of the Danville (Ill.) Commercial-News.

A year ago, Burke received the Charter Oak Leadership Medal of the Greater Hartford Chamber of Commerce "for leadership in shaping the policies and performance of one of this region's effective media . . . for his important leadership role in the creation and first three years' operation of the Community Renewal Team which he served as first chairman. . . ."

Burke is a past vice president of the Chamber in which he has been very active for several years.

He has also been a leader in organizations of the newspaper industry, including the presidency of the Connecticut Daily Newspaper Association.

In 1963, Burke was named to the board of trustees of Mechanics Bank, and more recently a director of the Hartford National Bank and Trust Co.

Burke's other affiliations include: Director of the Connecticut State Chamber of Commerce, Greater Hartford Community Chest, YMCA of Greater Hartford, American Red Cross, Children's Zoo of Greater Hartford.

His clubs are: Rotary, University, Hartford, Hartford Golf and Farmington Country Clubs.

He is married to the former Mildred Fischer of Albany. Mr. and Mrs. Burke have one daughter, Susan, who is 20.

[From the Hartford Times, June 9, 1967]

KEN BURKE RETIRES

The retirement of Kenneth K. Burke as publisher of the Hartford Times will prompt tributes of respect and affection from all who worked with him in business and civic affairs. He was notable in his zeal for the improvement of this newspaper and for the advancement of the prosperity and human relations of Greater Hartford.

He saw to it that The Times, in its tradition, stood as champion of progressive movement and liberal thought. He brought here a vigorous spirit and personality that were appreciated in a community that was hitting a new stride.

At its start he sparked the Community Renewal Team with an energy that won him a rather unusual honor: His home was firebombed because he dared exert leadership in the fields of civil rights and social justice. We at The Times, it must be said, were proud of his misfortune.

In his association with the business powerhouse of the region—the Greater Hartford Chamber of Commerce—he was an expansionist, with a pride and certainty in the ability of this area to maintain a top position in the nation economically.

In journalism, both on the business and news sides, he was highly regarded in Connecticut and was honored with election to posts of leadership.

So it isn't easy to see his qualities transferred from us by retirement.

We are certain he knows how very many of us will miss his cheery help and guidance.

All who have enjoyed friendship with Ken Burke will join us in wishing him well.

MEAT IMPORTS AND THE CONSUMER

Mr. JAVITS. Mr. President, during the Senate consideration of the investment tax credit legislation an amendment was included which would have reduced by one-third the maximum annual foreign shipments of beef, lamb and goat meat into the United States. The amendment was dropped in conference. However, many of its features have been incorporated in a bill, S. 1588, which is presently pending before the Finance Committee.

In considering this legislation, unfortunately, little attention is being paid to the effects of import quotas on the American consumer. The bulk of the meats imported go into the production of hamburgers, frankfurters, and other meat products widely consumed by American families and which constitute an important share of their regular expenditures. The National Cattlemen's Association and the National Livestock Feeders Association both readily admit that their support for S. 1588 would have the effect of increasing consumer prices. It is clear that the American cattle industry is faced with a problem of overproduction which has affected the prices of meat. They are entitled to Federal assistance as much as any other American industry in trouble, but I submit that it is entirely unfair and improper to blame the cattle industry's troubles on meat imports.

I strongly urge the Senate Finance Committee in considering a solution to the problems of the American cattle industry to bear very clearly in mind that the imposition of additional quotas on meat imports would have an adverse impact on millions of American consumers without being of material assistance to the cattle industry.

I ask unanimous consent that excerpts from a statement on the meat import situation sent to me by the Meat Importers Council be printed in the RECORD at the conclusion of my remarks.

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

STATEMENT OF POINTS IN OPPOSITION TO S. 1588 FROM THE MEAT IMPORTERS COUNCIL, NEW YORK, N.Y.

"Clout The Consumer"?: Why do we term this an attempt at *"Clout The Consumer"* legislation?

Millions of American families rely on hamburgers, frankfurters and other convenience foods for their basic meals. Any proposal that would tend to increase the cost of these important, reasonably-priced food items is a *"Clout The Consumer"* Bill.

Hamburgers, Frankfurters and Other Convenience Foods: These low-cost popular food products, so important to the vast number of American consumers, are made of so-called manufacturing meat—a lean meat, produced by grass-fed cattle. Imports of such meat are primarily from Australia, New Zealand and Ireland.

U.S. Production: The U.S. cattle industry concentrates on sending its animals to feedlots to be grain-fed and to become "fat" cattle of higher grade and cost, destined for steaks, chops and other high-priced cuts. Use of this more costly grain-fed cattle meat for hamburgers and frankfurters would raise the prices of these foods so drastically as to price them out of the economic reach of the lower-income families.

If a "subsidy" is the true objective, would it not be more forthright to ask the Congress for that help without resorting to subterfuge in the form of a *"Clout The Consumer"* Bill?

If the U.S. cattle and livestock feed industries are indeed in trouble, as they claim, we favor doing everything practical to assist them. But this isolated attack on meat imports, without first having *all* the facts, seems hardly a practical or sound way to solve the problem.

When the facts are brought to light, they will clearly disclose these relevant points: (1) Imports consist of entirely different types of meat than are produced in sufficient quantity within the United States; (2) they are not competitive with the vast amount of grain-fed U.S.-produced meat; (3) further meat import limitations will in no way solve the real economic problems of the U.S. cattle and feeder industries but will result only in penalizing the vast number of families who eat hamburger and frankfurters etc., at their main meals since such meat imports are used for these basic nutritious consumer products; (4) further import limitations will mean sharp and severe price rises, making the cost of hamburger and frankfurters prohibitive for millions of lower-income U.S. consumers; (5) proponents readily admit that consumer price rises are their primary purpose.

Our Position: We stand ready to rely on the facts.

The cattle and livestock feeder industries deserve to be helped *if* they have serious economic troubles. An objective effort to diagnose and to isolate the real cause of the cattlemen's "ailment" seems to be a reasonable request.

Therefore, we urge the Congress to order a full and objective inquiry into *all* of the facts, including realistic reasons for the current plight of the U.S. cattlemen and livestock feeders. The appropriate method is to order public hearings, conducted by appropriate Committees of both Chambers of the Congress and by the U.S. Tariff Commission. Both sides deserve a chance to be heard. Major consumer organizations of the nation should be given an opportunity to know the true facts and to present their views.

CIVIL RIGHTS ACT OF 1967—RESOLUTION OF BOARD OF CHOSEN FREEHOLDERS OF ESSEX COUNTY, N.J.

Mr. CASE. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution dated June 8, 1967, adopted by the Board of Chosen Freeholders of the County of Essex, N.J.

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

A resolution concerning the civil rights bill of 1967—recommendation for immediate passage in the Board of Chosen Freeholders of the County of Essex, N.J.

"Whereas, Senate Bill 1026 and H.R. Bill 5700, known as the Civil Rights Bill of 1967, have been referred to the Judiciary Committee respectively in the United States Senate and House of Representatives; and

"Whereas, this Board has always supported the proposition of equal opportunity and equal rights for all men and women regardless of race, color or creed; now, therefore, be it

"Resolved, that this Board hereby petitions the United States Senators representing the State of New Jersey and the Representatives of the 10th, 11th and 12th Congressional Districts from the State of New Jersey to have these bills released from committee and recommends the immediate passage of the Civil Rights Bill of 1967 in the best interest of the public; and, be it further

"Resolved, that a certified copy of this resolution be forwarded to the Honorable Harrison A. Williams and Honorable Clifford P. Case, United States Senators from the State of New Jersey and the Honorable Peter W. Rodino, Jr., Honorable Joseph G. Minish and Honorable Florence Dwyer, Representatives of the 10th, 11th and 12th New Jersey Congressional Districts."

Attest:

CHARLES A. MATTHEWS,
Director.

HARRY DUDKIN,
Clerk.

The foregoing resolution having been duly presented to me on June 8, 1967, I hereby approved the same June 8, 1967.

WALTER C. BLASI,
County Supervisor.

Returned and filed June 8, 1967.

HARRY DUDKIN,
Clerk.

TRUTH IN LENDING ON THE WAY

Mr. PROXMIRE. Mr. President, a significant victory for the American consumer was achieved on June 8, when a Senate Subcommittee reported unanimously the Proxmire truth-in-lending bill. For 7 years this measure, which was originated by former Senator Paul H. Douglas, had been bottled up in the Committee on Banking and Currency.

I believe we have reported a bill which is fair to the consumer and workable to the credit industry.

We have made a number of changes in the bill to improve its workability; however, the essential features of the bill remain intact. Creditors would be required to disclose the full cost of credit both in dollars and as an annual rate. In this way the consumer will obtain all

the facts about credit and will be able to compare the cost of credit among different lenders.

One of the most controversial elements of the bill was revolving credit. The department stores made a substantial argument that revolving credit ought to be excluded from stating an annual rate. We did not accept this recommendation entirely.

Instead, we covered the extended payment revolving credit which is commonly used for financing large purchases such as refrigerators, furniture, household appliances, and the like.

These extended payment plans would disclose the annual rate of their finance charge. On the other hand, those revolving credit plans which are most commonly used to finance small items on a short-term basis would not be required to compute the annual finance rate, but would be required to specify the monthly rate and all the credit terms.

We have also added a new provision to cover credit for agricultural purposes, thus protecting farmers as well as consumers.

I believe the bill represents a significant advance for consumer interests. Although revolving credit is partially exempted, 95 percent of consumer credit would be fully covered by the bill, and there is a possibility that the full committee will extend this coverage. The bill would provide protection where the consumer needs it most.

It includes provisions which will make the bill workable to the industry while still giving the consumer the information he needs to shop wisely for credit. I am hopeful that with the unanimous report of the subcommittee the truth-in-lending bill will be speedily enacted into law.

Mr. President, I ask unanimous consent to have printed in the RECORD an article about the bill, published in the Wall Street Journal of June 9, 1967; a summary of the bill; and the text of a committee print reflecting the changes made by the subcommittee.

[From the Wall Street Journal, June 9, 1967]

TRUTH-IN-LENDING BILL VOTED BY SENATE UNIT AFTER PROPONENTS MAKE CERTAIN CONCESSIONS

WASHINGTON.—"Truth-in-lending" legislation scored a major breakthrough, though its proponents made important concessions to obtain unanimous approval by a Senate subcommittee.

Certain exemptions and changes in the bill approved by the subcommittee are designed to appease department stores, the housing industry, bankers and small businessmen in general. Moreover, the legislation, if finally enacted by Congress, wouldn't become effective until July 1, 1969, to give business time to prepare for it.

Basically, however, the subcommittee retained the essence of the bill sponsored by Sen. Proxmire (D., Wis.) and backed by the Johnson Administration. For most consumer credit, the legislation would require disclosure of "approximate" annual interest rates in percentage terms and the total cost of finance charges on an itemized basis.

SENATE BANKING COMMITTEE

Truth-in-lending legislation has been bottled up in the Senate Banking Committee for six years, but now that a nine-man subcommittee has given a compromise bill solid support it may finally be on its way to enactment. The full committee probably will take up the bill late this month, Sen. Proxmire said, and he predicted it will pass with little or no change. Most of those involved in the extended Banking Committee fight over the bill believe that the legislation's consumer appeal will insure its passage if it reaches the Senate floor. There's some concern by the bill's proponents, however, about the House outlook. The House Banking Committee hasn't done any work yet on a bill.

The legislation, long opposed bitterly by lenders and retailers, is needed, in the view of its advocates, so buyers can shop wisely for credit and be protected against sales schemes that disguise huge interest costs. The measure would, in effect, end long-standing lending and retailing practices by which credit terms on most transactions are stated in percentage rates well below the "true" annual rate.

STATEMENT FOR BUYER

The bill would require that before a sale is completed a buyer be given an "approximate" statement of annual interest, except in these important cases:

—"Revolving credit" charge accounts, offered by almost all department stores, would be exempt from the requirement to disclose annual interest rates in percentage terms. For such accounts, a store would have to state only the monthly interest rate. For example, a store would be able to say it charges 1.5% a month instead of 18% a year on purchases charged to a revolving account.

—First mortgages given to home buyers by a lending institution would be exempt from the annual interest rate disclosure and the requirement to state total finance charges over the life of the loan. Sen. Proxmire said interest rates on mortgages already are stated in annual percentage terms and that to require the statement of finance charges for, say a 25-year mortgage would result in a "frightening figure" without much meaning since many buyers sell their house long before they have lived in it long enough to pay off the mortgage.

—All retail transactions involving a total finance charge of less than $10 would be exempt from the disclosure requirement. This is intended to ease problems for small businessmen.

DIFFICULT ISSUE

Revolving credit was the most difficult issue in the subcommittee. The majority flatly opposed the original proposal to require disclosure in annual percentage-rate terms for charge accounts, arguing that it would be misleading because department store customers usually pay off purchases in a short time.

Proponents of the plan, however, feared that a flat exemption for revolving accounts would open a loophole encouraging many lenders to change over to such credit transactions so they could avoid disclosure of annual rates.

The compromise reached, while exempting typical department store revolving accounts, attempts to safeguard against a switch to open-ended credit arrangements in other transactions. It requires that the "approximate" annual rate must be furnished to a credit purchaser when the seller retains title of the merchandise until it is fully paid for.

The intent is to force annual-rate disclosure on sales of such "big ticket" items as refrigerators and television sets, which many retailers sell under installment contracts rather than under revolving charge accounts. This rule also is intended to discourage such retailers as auto dealers from switching to credit arrangements that would avoid disclosure of "true" annual interest.

However, this disclosure rule wouldn't apply if terms of the credit transactions specified that the buyer was to pay 60% or more of the total cost within a year. Sen. Proxmire said the Banking Committee plans a public hearing on this aspect of the bill before voting on the legislation because the final compromise wasn't discussed during previous public hearings.

Revolving credit accounts for only about 3% of consumer debt. But it's the fastest-growing segment of credit transactions and the American Bankers Association has predicted that within several years such transactions will account for a large part of overall credit.

Sen. Proxmire said he wasn't entirely satisfied with the compromise on revolving credit. His proposal to require annual-rate disclosure on all purchases of $100 or more lost in the subcommittee, 5 to 3. But he said he may offer that plan again when the full Banking Committee considers the bill.

The subcommittee bill also attempts to allay concern, expressed particularly by bankers, that disclosure of "true" annual interest rates might place lenders in at least technical violation of usury laws in some states. Accordingly, until Jan. 1, 1972, the bill would give lenders the option of stating annual finance charges in terms of "dollars-per-hundred" instead of a percentage rate.

But if this option is taken, the bill specifies that dollar disclosure must be based on the declining balance of the loan outstanding rather than on its face value.

This would effectively bar the "add-on" method used by many lenders in which the cost of the loan is stated at, say, $6 a $100, while the interest may total, say 10% because the borrower won't have the full $100 available over the full term of the loan. The optional method would require disclosure of the $10 a $100 cost in such an instance.

CREDIT LIFE INSURANCE

Under another provision softening the original bill, lenders wouldn't have to state the full cost of credit life insurance as a finance charge. In cases where such insurance is required, only the commission, if any, for the seller or lender would have to be disclosed.

The panel extended the terms of the bill in one respect: Credit extended to farmers, up to $25,000, would be covered by truth-in-lending rules. The original bill excluded farm loans in the general exemption for business credit transactions.

The bill provides civil and criminal penalties for failing to comply with disclosure requirements. A court could find a creditor liable to his customer for $100, or twice the amount of the finance charge in a transaction up to a maximum of $2,000. The maximum penalty for "knowing and willful" violations would be $5,000 and a year in prison. The Justice Department would be charged with enforcement.

The subcommittee specified, however, that a creditor able to prove "unintentional error" couldn't be held liable to a customer.

The Federal Reserve Board would write detailed regulations to put truth-in-lending into effect.

[Committee Print]

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

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That this Act may be cited as the "Truth in Lending Act".

DECLARATION OF PURPOSE

SEC. 2. The Congress finds and declares that economic stabilization would be enhanced and that competition among the various financial institutions and other firms engaged in the extension of consumer credit would be strengthened by the informed use of credit. The informed use of credit results

from an awareness of the costs thereof by consumers. It is the purpose of this Act to assure a full disclosure of such costs with a view to promoting the informed use of consumer credit to the benefit of the national economy.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(a) "Board" means the Board of Governors of the Federal Reserve System.

(b) "Credit" means the right granted by a creditor to defer payment of debt or to incur debt and defer its payment, where the debt is contracted by the obligor primarily for personal, family, household, or agricultural purposes. The term does not include any contract in the form of a bailment or lease except to the extent specifically included within the term "consumer credit sale".

(c) "Consumer Credit Sale" means a transaction in which credit is granted by a seller in connection with the sale of goods or services, if such seller regularly engages in credit transactions as a seller, and such goods or services are purchased primarily for a personal, family, household, or agricultural purpose. The term does not include any contract in the form of a bailment or lease unless the obligor contracts to pay as compensation for use a sum substantially equivalent to or in excess of the value of the goods or services involved, and unless it is agreed that the obligor is bound to become, or for no other or a merely nominal consideration has the option of becoming, the owner of the goods upon full compliance with the provisions of the contract.

(d) (1) "Finance charge" means the sum of all the charges imposed directly or indirectly by a creditor, or payable directly or indirectly by an obligor, as an incident to the extension of credit, including loan fees, service and carrying charges, discounts, interest, time price differentials, investigators' fees, costs of any guarantee or insurance protecting the creditor against the obligor's default or other credit loss, and any amount payable under a point, discount, or other system of additional charges.

(2) If itemized and disclosed under section 4, the term does not include amounts collected by a creditor, or included in the credit, for (A) fees and charges prescribed by law which actually are or will be paid to public officials for perfecting or releasing or satisfying any security related to a credit transaction; (B) taxes; (C) charges or premiums for insurance against loss of or damage to property related to a credit transaction or against liability arising out of the ownership or use of such property; or (D) if a clear and specific statement is furnished to the obligor that such insurance is optional and is not required as a condition for obtaining the credit, credit life and accident and health insurance. If credit life or accident and health insurance is required as a condition for obtaining the credit, such term shall include any part of the amount required to be paid for such insurance which represents a fee or commission payable, directly or indirectly, to the creditor or for the benefit of the creditor.

(3) Where credit is secured in whole or in part by an interest in real property, the term does not include, in addition to the duly itemized and disclosed costs referred to in clauses (A), (B), (C), and (D) of paragraph (2), the costs of (i) title examination, title insurance, or corresponding procedures; (ii) preparation of the deed, settlement statement, or other documents; (iii) escrows for future payments of taxes and insurance; (iv) notarizing the deed and other documents; (v) appraisal fees; and (vi) credit reports.

(e) "Creditor" means any individual, or any partnership, corporation, association, cooperative, or other entity, including the United States or any agency or instrumentality thereof, or any other government or political subdivision or agency or instrumentality thereof, if such individual or entity regularly engages in credit transactions, whether in connection with the sale of goods and services or otherwise, and extends credit for which the payment of a finance charge is required.

(f) (1) "Annual percentage rate" means, for the purposes of sections 4(b) and 4(c), the nominal annual rate determined by the actuarial method (United States rule). For purposes of this calculation it may be assumed that:

(A) The total time for repayment of the total amount to be financed is the time from the date of the transaction to the date of the final scheduled payment.

(B) All payments are equal if every scheduled payment in the series of payments is equal except one which may not be more than double any other scheduled payment in the series.

(C) All payments are scheduled at equal intervals, if all payments are so scheduled except the first payment which may be scheduled to be paid before, on, or after one period from the date of the transaction. A period of time equal to one-half or more of a payment period may be considered one full period.

(2) The Board may prescribe methods other than the actuarial method, if the Board determines that the use of such other methods will materially simplify computation while retaining reasonable accuracy as compared with the rate determined under the actuarial method.

(3) For the purposes of section 4(d), the term "equivalent annual percentage rate" means the rate or rates computed by multiplying the rate or rates used to compute the finance charge for any period by the number of periods in a year.

(4) Where a creditor imposes the same finance charge for all balances within a specified range, the annual percentage rate or equivalent annual percentage rate shall be computed on the median balance within the range for the purposes of sections 4(b), 4(c), and 4(d).

(g) "Open-end credit plan" means a plan prescribing the terms of credit transactions which may be made thereunder from time to time and under the terms of which a finance charge may be computed on the outstanding unpaid balance from time to time thereunder.

(h) "Installment open-end credit plan" means an open-end credit plan which has one or more of the following characteristics: (1) creates a security interest in, or provides for a lien on, or retention of title to, any property (whether real or personal, tangible or intangible), (2) provides for a repayment schedule pursuant to which more than 60 per centum of the unpaid balance at any time outstanding under the plan is not required to be paid within twelve months, or (3) provides that amounts in excess of required payments under the repayment schedule are applied to future payments in the order of their respective due dates.

(i) "First mortgage" means such classes of first liens as are commonly given to secure advances on, or the unpaid purchase price of, real estate under the laws of the State in which the real estate is located.

DISCLOSURE OF FINANCE CHARGES

SEC. 4. (a) Each creditor shall furnish to each person to whom credit is extended and upon whom a finance charge is or may be imposed the information required by this section, in accordance with regulations prescribed by the Board.

(b) This subsection applies to consumer credit sales other than sales under an open-end credit plan. For each such sale, the creditor shall disclose, to the extent applicable—

(1) the cash price of the property or service purchased;

(2) the sum of any amounts credited as downpayment (including any trade-in);

(3) the difference between the amounts set forth in paragraphs (1) and (2);

(4) all other charges, individually itemized, which are included in the amount of the credit extended but which are not part of the finance charge;

(5) the total amount to be financed (the sum of the amounts disclosed under (3) and (4) above);

(6) the amount of the finance charge (such charge, or a portion of such charge, may be designated as a time-price differential or as a similar term to the extent applicable);

(7) the finance charge expressed as an annual percentage rate, if the amount of such charge is $10.00 or more;

(8) the number, amount, and due dates or periods of payments scheduled to repay the indebtedness; and

(9) the default, delinquency, or similar charges payable in the event of late payments.

Except as otherwise hereinafter provided, the disclosure required by this subsection shall be made before the credit is extended. Compliance may be attained by disclosing such information in the contract or other evidence of indebtedness to be signed by the obligor. Where a seller receives a purchase order by mail or telephone without personal solicitation by a representative of the seller and the cash price and deferred payment price and the terms of financing, including the annual percentage rate, are set forth in the seller's catalog or other printed material distributed to the public, the disclosure shall be made on or before the date the first payment is due.

(c) This subsection applies to extensions of credit other than consumer credit sales or transactions under an open-end credit plan. Any creditor making a loan or otherwise extending credit under this subsection shall disclose, to the extent applicable—

(1) the amount of credit of which the obligor will have the actual use, or which is or will be paid to him or for his account or to another person on his behalf:

(2) all other charges, individually itemized, which are included in the amount of the credit extended but which are not part of the finance charge;

(3) the total amount to be financed (the sum of items (1) and (2) above);

(4) the amount of the finance charge;

(5) the finance charge expressed as an annual percentage rate;

(6) the number, amount, and due dates or periods of payments scheduled to repay the indebtedness; and

(7) the default, delinquency, or similar charges payable in the event of late payments.

Except as otherwise hereinafter provided, the disclosure required by this subsection shall be made before the credit is extended. Compliance may be attained by disclosing such information in the note or other evidence of indebtedness to be signed by the obligor. Where a creditor receives a request for an extension of credit by mail or telephone without personal solicitation by a representative of the creditor and the terms of financing, including the annual percentage rate for representative amounts of credit, are set forth in the creditor's printed material distributed to the public, or in the contract of loan or other printed material delivered to the obligor, the disclosure shall be made on or before the date the first payment is due.

(d) (1) This subsection applies to open-end credit plans.

(2) Before opening any account under an open-end credit plan, the creditor shall disclose to the person who seeks to open the account—

(A) the conditions under which a finance charge may be imposed, including the time period, if any, within which any credit ex-

tended may be repaid without incurring a finance charge;

(B) the method of determining the balance upon which a finance charge will be imposed;

(C) the method of determining the amount of the finance charge (including any minimum or fixed amount imposed as a finance charge), the percentage rate per period of the finance charge to be imposed if any, and, in the case of an installment open-*end credit* plan, the equivalent annual percentage rate; and

(D) the conditions under which any other charges may be imposed, and the method by which they will be determined.

(3) For each billing cycle at the end of which there is an outstanding balance under any such account, the creditor shall disclose—

(A) the outstanding balance in the account at the beginning of the billing period;

(B) the amount and date of each extension of credit during the period and, if a purchase was involved, a brief identification (unless previously furnished) of the goods or services purchased;

(C) the total amount credited to the account during the period;

(D) the amount of any finance charge added to the account during the period, itemized to show the amount, if any, due to the application of a percentage rate and the amount, if any, imposed as a minimum or fixed charge;

(E) the balance on which the finance charge was computed and a statement of how the balance was determined;

(F) the rate, if any, used in computing the finance charge and, in the case of an installment open-end credit plan, the equivalent annual percentage rate;

(G) the outstanding balance in the account at the end of the period; and

(H) the date by which, or the period (if any) within which, payment must be made to avoid additional finance charges.

(e) Written acknowledgment of receipt by a person to whom a statement is required to be given pursuant to this section shall be conclusive proof of the delivery thereof and, unless the violation is apparent on the face of the statement, of compliance with this section in any action or proceeding by or against an assignee of the original creditor without knowledge to the contrary by such assignee when he acquires the obligation. Such acknowledgment shall not affect the rights of the obligor in any action against the original creditor.

(f) If there is more than one obligor, a creditor may furnish a statement of required information to only one of them. Required information need not be given in the sequence or order set forth in this section. Additional information or explanations may be included. So long as it conveys substantially the same meaning, a creditor may use language or terminology in any required statement different from that prescribed by this Act.

(g) If applicable State law requires disclosure of items of information substantially similar to those required by this Act, then a creditor who complies with such State law may comply with this Act by disclosing only the additional items of information required by this Act.

(h) If information disclosed in accordance with this section and any regulations prescribed by the Board is subsequently rendered inaccurate as the result of a prepayment, late payment, adjustment, or amendment of the credit agreement through mutual consent of the parties or as permitted by law, or as the result of any act or occurrence subsequent to the delivery of the required disclosures, the inaccuracy resulting therefrom shall not constitute a violation of this section.

(i) Whenever a creditor is required under this section to disclose a finance charge which includes any fee or commission for credit life or accident and health insurance, he shall, under procedures to be prescribed by the Board, disclose—

(1) the amount by which such finance charge is increased as a result of the inclusion of such fee or commission; and

(2) the total cost of such insurance.

(j)(1) Subject to paragraph (2)—

(A) whenever an annual percentage rate is required to be disclosed by this section, such rate may be expressed either as a percentage rate per year, or as a dollars per hundred per year rate of the average unpaid balance; and

(B) whenever a rate other than an annual rate is used to compute a finance charge and is required to be disclosed under subsection (d), such rate may be expressed either as a percentage rate per period of the balance upon which the finance charge is computed, or as a dollars per hundred per period rate of such balance.

(2) On and after January 1, 1972, all rates required to be disclosed by this section, shall be expressed as percentage rates.

REGULATIONS

SEC. 5. (a) The Board shall prescribe regulations to carry out this Act, including provisions—

(1) describing the methods which may be used in determining annual percentage rates under section 4, including, but not limited to, the use of any rules, charts, tables, or devices by creditors to convert to an annual percentage rate any add-on, discount or other method of computing a finance charge;

(2) prescribing procedures to ensure that the information required to be disclosed under section 4 is set forth clearly and conspicuously; and

(3) prescribing reasonable tolerances of accuracy with respect to disclosing information under section 4. (b) In prescribing regulations with respect to reasonable tolerances of accuracy as required by subsection (a)(3), the Board shall observe the following limitations:

(1) The annual percentage rate may be rounded to the nearest quarter of 1 per centum for credit transactions payable in substantially equal installments when a creditor determines the total finance charge on the basis of a single add-on, discount, periodic, or other rate, and such rates are converted into an annual percentage rate under procedures prescribed by the Board.

(2) The use of rate tables or charts may be authorized in cases where the total finance charge is determined in a manner other than that specified in paragraph (1). Such tables or charts may provide for the disclosure of annual percentage rates which vary up to 8 per centum of the rate as defined by section 3(f). However, any creditor who willfully and knowingly uses such tables or charts in such a manner so as to consistently understate the annual percentage rate, as defined by section 3(f), shall be liable for criminal penalties under section 7(b) of this Act.

(3) In the case of creditors determining the annual percentage rate in a manner other than as described in paragraph (1) or (2), the Board may authorize other reasonable tolerances.

(4) In order to simplify compliance where irregular payments are involved, the Board may authorize tolerances greater than those specified in paragraph (2). (c) Any regulation prescribed hereunder may contain such classifications and differentiations and may provide for such adjustments and exceptions from this Act or the regulations thereunder for any class of transactions, as in the judgment of the Board are necessary or proper to effectuate the purposes of this Act or to prevent circumvention or evasion of, or to facilitate compliance by creditors with, this Act or any regulation issued hereunder. In prescribing exceptions, the Board may consider, among other things, whether any class of transactions is subject to any State law or regulation which requires disclosures substantially similar to those required by section 4.

(d) In the exercise of its powers under this Act, the Board may request the views of other Federal agencies which in its judgment exercise regulatory functions with respect to any class of creditors, and such agencies shall furnish such views upon request of the Board.

(e) The Board shall establish an advisory committee, to advise and consult with it in the exercise of its powers under this Act. In appointing such members to such committee the Board shall seek to achieve a fair representation of the interests of sellers of merchandise on credit, lenders, and the public. Such committee shall meet from time to time at the call of the Board, and members thereof shall be paid transportation expenses and not to exceed $100 per diem.

EFFECT ON STATE LAWS

SEC. 6. (a) This Act shall not be construed to annul, alter or affect, or to exempt any creditor from complying with, the laws of any State relating to the disclosure of information in connection with credit transactions, except to the extent that such laws are inconsistent with the provisions of this Act, or regulations issued thereunder, and then only to the extent of the inconsistency. This Act shall not otherwise be construed to annul, alter or affect in any manner the meaning, scope or applicability of the laws of any State, including, but limited to, laws relating to the types, amounts or rates of charges, or any element or elements of charges, permissible under such laws in connection with the extension or use of credit, nor to extend the applicability of such laws to any class of persons or transactions to which such laws would not otherwise apply, nor shall the disclosure of the annual percentage rate in connection with any consumer credit sale as required by this Act be evidence in any action or proceeding that such sale was a loan or any transaction other than a credit sale.

(b) The Board shall by regulation exempt from the requirements of this Act any class of credit transactions which it determines are subject to any State law or regulation which requires disclosures substantially similar to those required by section 4, and contain adequate provisions for enforcement.

(c) Except as specified in section 7, nothing contained in this Act or any regulations issued thereunder shall affect the validity or enforcibility of any contract or obligation under State or Federal law.

CIVIL AND CRIMINAL PENALTIES

SEC. 7. (a)(1) Any creditor who, in connection with any credit transaction, knowingly fails in violation of this Act, or any regulation issued thereunder, to disclose any information to any person to whom such information is required to be given shall be liable to such person in the amount of $100, or in any amount equal twice the finance charge required by such creditor in connection with such transaction, whichever is the greater, except that such liability shall not exceed $2,000 on any credit transaction.

(2) In any action brought under this subsection in which it is shown that the creditor disclosed a percentage rate or amount less than that required to be disclosed by section 4 or regulations prescribed by the Board (after taking into account permissible tolerances), or failed to disclose information so required, there shall be a rebuttable presumption that such violation was made knowingly. Such presumption shall be rebutted if the creditor shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted

to avoid any such error: *Provided,* That a creditor shall have no liability under this subsection if within fifteen days after discovering the error, and prior to the institution of an action hereunder or the receipt of written notice of the error, the creditor notifies the person concerned of the error and makes whatever adjustments in the appropriate account as are necessary to insure that such person will not be required to pay a finance charge in excess of the amount or percentage rate so disclosed.

(3) Any action under this subsection may be brought in any court of competent jurisdiction within one year from the date of the occurrence of the violation. In any such action in which a person is entitled to recover a penalty as prescribed in paragraph (1), the defendant shall also be liable for reasonable attorneys' fees and court costs as determined by the court.

(4) As used in this subsection, the term "court of competent jurisdiction" means either any Federal court of competent jurisdiction regardless of the amount in controversy, or any State court of competent jurisdiction.

(b) Any person who knowingly or willfully gives false or inaccurate information or fails to provide information required to be disclosed under the provisions of this Act or any regulation issued thereunder, or who otherwise knowingly and willfully violates any provision of this Act or any regulation issued thereunder, shall be fined not more than $5,000 or imprisoned not more than one year, or both. The responsibility for enforcing this subsection is hereby assigned to the Attorney General.

(c) No punishment or penalty provided by this Act shall apply to the United States, or any agency thereof, or to any State, or political subdivisions thereof, or any agency of any State or political subdivision.

(d) No person shall be subject to punishment or penalty under this Act solely as the result of the disclosure of a finance charge or percentage which is greater than the amount of such charge or percentage required to be disclosed by such person under section 4, or regulations prescribed by the Board.

EXCEPTIONS

SEC. 8. The provisions of this Act shall not apply to—

(1) credit transactions involving extensions of credit for business or commercial purposes, or to governments, or to governmental agencies or instrumentalities; or

(2) transactions in securities or commodities in accounts by a broker-dealer registered with the Securities and Exchange Commission;

(3) credit transactions, other than real property transactions, in which the total amount to be financed exceeds $25,000; or

(4) transactions involving extensions of credit secured by first mortgages on real estate.

REPORTS

SEC. 9. Not later than January 3 of each year commencing after the effective date of this Act, the Board of Governors of the Federal Reserve System and the Attorney General shall, respectively, make reports to the Congress concerning the administration of their functions under this Act, including such recommendations as the Board and the Attorney General, respectively, deem necessary or appropriate. In addition, reports of the Board of Governors of the Federal Reserve System shall include the Board's assesment of the extent to which compliance with the provisions of this Act, and regulations prescribed thereunder, is being achieved.

EFFECTIVE DATE

SEC. 10. The provisions of this Act shall take effect upon July 1, 1969; except that section 5 shall take effect immediately upon enactment.

SUMMARY OF CHANGES MADE IN S. 5, THE TRUTH IN LENDING BILL, BY THE SUBCOMMITTEE ON FINANCIAL INSTITUTIONS, JUNE 8, 1967

1. *Revolving Credit:* Open-end or revolving credit plans would be exempt from the annual rate requirement except for "installment open-end credit plans." Such plans are ordinarily used to finance large purchases and are distinguished from ordinary revolving credit by the extended length of time permitted for repayment and the maintenance of a security interest in the merchandise. Such plans would be covered if 60% or less of any amount of credit was payable in one year, or if the seller maintained a security interest, or if accelerated payments are applied to future payments.

The purpose of this amendment is to eliminate any incentive to convert closed-end installment credit to revolving credit merely to escape annual rate disclosure. The amendment also provides greater comparability between installment open-end credit plans and installment closed-end credit plans. Smaller merchants who extend credit through installment contracts can compete on a comparable basis with the larger stores who use extended payment revolving credit.

Because testimony was not heard on this amendment, the full Committee will hold open hearings on June 20 to hear such testimony.

2. *Exemption for Small Retail Credit Transactions:* Any retail credit transaction would be exempt from the annual rate requirement if the finance charge was less than $10. The purpose of this amendment was to simplify compliance, and particularly for small retail businesses.

3. *First Mortgage Credit:* First mortgage credit was exempted from the entire bill. The Subcommittee felt that there were no abuses in this area and that consumers were already receiving adequate information.

4. *Civil Penalties:* The bill was amended to permit a creditor to defend against a civil action by proving the failure to disclose was an unintentional error. However, the burden of proof would be on the creditor, and he would have to establish, by a preponderance of evidence, that such error was unintentional. The amendment also permits a creditor to escape liability for an error if the creditor discovers it first and makes whatever adjustments are necessary to insure that the consumer will not pay a finance charge in excess of the amount or percentage rate actually disclosed.

5. *Effective Date:* The effective date of the bill was postponed to July 1, 1969. The purpose of the change is to permit the States to amend their usury statutes in those cases where the disclosure of an annual percentage rate might possibly cause a legal problem. In addition, the later date permits the States to pass similar disclosure legislation, thereby securing an exemption from the Federal law.

6. *Form of Rate Statement:* The Subcommittee amended the bill to permit a rate statement either in percentage terms or as dollars per hundred per year. In all cases, however, the rate would be on the declining balance of credit. For example, if the effective annual rate, as measured by the actuarial method was 12%, the creditor could either disclose 12% per year or $12.00 per hundred per year. This option will terminate on January 1, 1972. After that date, all creditors would use the percentage form of expressing the rate.

The purpose of this change is to minimize any possible conflict with State usury laws in those States where the percentage form of rates expression might cause a legal problem for some creditors. However, all creditors will be required to use the percentage form after July 1, 1972, on the belief that any such problem will, by that time, be largely solved.

7. *Credit Life Insurance:* The Subcommittee amended the bill to require that the dollar cost of such insurance be disclosed in all cases, whether such insurance was mandatory or not. The original bill required dollar disclosure only if such insurance was optional. If such insurance was mandatory, the original bill would have considered it to be a finance charge, the cost of which would be included in calculating the annual percentage rate. The Subcommittee also amended this provision by requiring that only the commission on such insurance paid directly or indirectly to the creditor would be included in the computation of the annual percentage rate.

8. *Credit Reports on Real Estate Transactions:* Such costs would not be included in the annual percentage rate. Under the original bill they would.

9. *Credit for Agricultural Purposes:* The Subcommittee amended the bill to include credit for agricultural purposes. The original bill would have only covered credit for "personal, family, or household purposes." The principal effect of this change would be to cover credit for farm machinery and equipment.

10. *Overstatement of the Annual Rate:* Creditors would be relieved of any civil or criminal penalty by overstating the annual percentage rate. The original bill provided for such an exemption from civil penalties only if the overstatement was due to an "erroneous computation." There was some doubt about the meaning of this phrase. The original bill also had no such exemption under the criminal penalties section.

11. *Other Amendments:* Other amendments of a technical and clarifying nature were adopted.

ERIE CANAL BOAT MUSEUM

Mr. JAVITS. Mr. President, as one of the sponsors and longtime advocates of the Federal Arts and Humanities Foundation Act, I am glad to bring to the attention of the Senate a laudable innovation sponsored by the New York State Council on the Arts.

This summer, between July 1 and Labor Day, the council will present the Erie Canal Sesquicentennial Exhibition, commemorating the 150th anniversary of the canal. A two-deck, display, canal boat, featuring multimedia exhibits on the history and operation of the canal, will visit approximately 30 communities between Albany and Buffalo. This celebration furthers the purpose of the Federal act, which is to bring the best in arts and culture to the smaller communities of the Nation.

As the canal was an important step in the development of New York State, the council hopes all persons having access to the exhibition, which will be free of charge, will be able to appreciate the historic role the canal has played, and continues to play as the New York State Barge Canal System.

Begun in 1817 and opened in 1825, the Erie Canal was one of the largest public works projects to have been undertaken in its day. Opening a direct water route to the western frontiers, the canal established New York as the leading economic center of the period.

The display boat will comprise a motion-picture tour of the canal; printed materials on the construction and early operation of the canal; working models of a canal lock and boats; an arrangement of technical inventions inspired by

the canal, and photographs of the system today.

The announcement is as follows:

THE NEW YORK STATE COUNCIL ON THE ARTS ANNOUNCES ERIE CANAL SESQUICENTENNIAL EXHIBITION TO TRAVEL FROM ALBANY TO BUFFALO ON CANAL BOAT

The Erie Canal made New York the Empire State. Construction of the Erie Canal began 150 years ago. This summer, between July 1 and Labor Day, the New York State Council on the Arts will commemorate this historic event with a multi-media exhibition housed in a two-deck display boat to visit approximately thirty canal communities between Albany and Buffalo. The Council's Erie Canal Sesquicentennial Exhibition, organized by Allon Schoener, Visual Arts Director, is planned to focus attention on the Canal's role in shaping the history of the state and its continuing operation today as the New York State Barge Canal System. The Council's exhibition boat will be open to the public on July 1, in Rome, where the first spade of earth was turned in 1817.

EXHIBITION

The top deck of the exhibition boat will contain: a large collection of early 19th century printed broadsides and other material illustrating the construction of the Canal and its early years of operation; a continuous four-minute audio-visual tour of the Canal in the 1830's based on authentic travellers' journals; prints of canal towns and city scenes dating from 1800 to 1850; an operating scale model of a canal lock and scale models of canal boats; plus over one hundred photographs dating from 1870 to 1920 describing operation of the waterway, daily life, canal commerce and associated industry. The lower deck includes: an additional fifty photographs of life on the canal between 1900 and 1950; technical inventions inspired by the canal; building of the Barge Canal System; and a four-minute color slide trip along the canal today created by photographer Eric Hartmann with narration by Captain Frank Godfrey. A thirty-minute recording of folk songs and fiddlers' tunes of the 19th Century related to the Erie Canal will be heard over loudspeakers outside the exhibition boat. This tape was recorded by Dr. Bruce Buckley of the New York Historical Association.

Interior exhibition space and the exterior appearance of the display boat were designed by George Nelson and Company. Exhibition panel layout and printed materials were designed by Martin Moskof.

ITINERARY AND ACTIVITIES

The Council's exhibition boat will be towed by tug to each canal community. Final arrangements are pending; however, it is anticipated that the exhibition boat will spend between one and five days in Albany, Schenectady, Fonda, Amsterdam, Herkimer, Little Falls, Ilion, Rome, Baldwinsville, Seneca Falls, Clyde, Lyons, Newark, Palmyra, Rochester, Fairport, Spencerport, Brockport, Albion, Medina, Lockport, North Tonawanda and Buffalo. Community participation in a variety of events such as parades, marching bands, folk singers, fiddlers, square dances, and picnic suppers will be encouraged. The Council's Special Projects Director, Ken Dewey, has advised on these events and Meyer Braiterman, Exhibition Manager, will work directly with local communities in planning them. A final schedule of dates and locations is being prepared and will be available by June 1.

HISTORY

Before the Erie Canal was completed in 1825, New York City competed fiercely with Boston and Philadelphia for economic leadership. By opening a direct water route to the expanding western frontier, the canal established New York's dominance over both cities. New York City became the nation's dominant manufacturing and commercial exchange center as well as principal immigration port. Upstate cities such as Albany, Schenectady, Utica, Rome, Syracuse, Rochester and Buffalo flourished during the peak of the canal period. Large Italian and Irish minorities in upstate New York can trace their origins to the canal. The Irish came in the early 19th century to build the Erie and the Italians came in the early 20th century to build the Barge Canal. Railways and motor highways—the two most recent transportation systems—have followed the canal's original route. Although it is now used extensively for transportation of large quantities of petroleum and for individual pleasure boats, the canal is no longer the central thread in the fabric of New York life as it once was.

Construction of the Erie Canal—forty feet wide, four feet deep and covering 363 miles—was one of the largest public works projects ever to have been undertaken. The canal began to function in 1825. During the first year of operation, 19,000 boats used it; 40,000 immigrants traveled west over the canal. Tolls in 1826 amounted to three quarter of a million dollars; in 1830 they passed the million marker. In the first eight years of operation, the canal earned more than initial cost, plus maintenance. Within the first five years, land values rose $100,000,000. Towns doubled their population almost overnight. Before construction began, Rochester counted 331 people; by 1822 it had 2,700, by 1823, 4,274; by 1828 it became the greatest flour milling center in the world, with a population of 11,000.

OTHER COMMEMORATIONS

A new stamp commemorating the sesquicentennial of the Erie Canal will be issued on the 4th in Rome. The Erie Canal Sesquicentennial Committee of the City of Rome has been designated the official sponsor of this commemorative stamp by the Postmaster General. Governor Rockefeller has appointed a New York State Commission to Commemorate the Start of Construction of the Erie Canal.

BACKGROUND AND INVOLVEMENT OF COUNCIL—CONTRIBUTORS

The fifteen member New York State Council on the Arts, chaired by Seymour H. Knox of Buffalo, was originated seven years ago to foster an interchange between the cultural resources of New York City and the rest of the state. During this period, the Council has created an outstanding two-way network embracing the visual and performing arts—theater, dance, poetry, music, opera, painting, architecture and film—which engenders the enthusiasm of both artists and performers, and upstate audiences. John B. Hightower is Executive Director.

Speaking of the Erie Canal project, Allon Schoener said: "The Erie Canal Sesquicentennial celebration provided the Council with a wonderful opportunity to introduce a multi-media exhibition conceived as an interpretive communications experience to upstate communities. It is a prototype project which involves a new scale and new techniques. The Council's Erie Canal Susquicentennial Exhibition and its associated events will recreate understanding of the period in which the canal was built and how it affected the lives of millions of people in New York State during the last 150 years. The exhibition will serve the purpose of education and pleasure."

Admission to the exhibition is free. Hours will be from 10 a.m. to 9 p.m. in some communities and 4 p.m. to 9 p.m. in others.

This project was planned in cooperation with the New York State Department of Public Works. The Canal Society of New York is one of the principal lenders to the exhibition and its Executive Secretary, Richard N. Wright, has served as consultant. The exhibition research staff included Louise Broecker, Sam Holmes, Cynthia Jaffee and Leslie Roth.

Documentary photos (1870–1950), recent photos by Eric Hartmann, and bibliography are available.

THE FARM PROBLEM—SOLVED

Mr. McGOVERN. Mr. President, I know that many Members of Congress are gravely concerned, as I am, over the depressed condition of agriculture.

Subparity farm prices—now 74 percent of parity—endanger our own food supplies and impair our ability to conduct a successful international world food effort.

Distressingly low farm returns are diminishing economic opportunities in rural areas and are hastening the concentration of more and more millions of Americans in the cities.

Federal, State, and local jurisdictions are spending many billions of dollars to deal with the problems of congested humanity—crime, air and water pollution, crowded housing, mass transportation and traffic tangles, unemployment, and a host of others. At times these problems seem beyond solution; certainly our efforts to date have been inadequate.

Yet by tolerating per capita farm income of little more than two-thirds of the income of other Americans, we are allowing a fundamental cause of these problems to go unchallenged.

In his book on the New York slums, "The Airtight Cage," author J. P. Lyford questioned this default when he asked—

> Why, for instance, must huge concentrations of unemployed and untrained human beings continue to pile up in financially unstable cities that no longer have the jobs, the housing, the educational opportunities, or any of the other prerequisites for a healthy and productive life? Why do we treat the consequences and ignore the causes of massive and purposeless migration to the city?

In an effort to reverse the trend, our Government has undertaken programs to improve the rural environment—education, water systems, job training, resources development, and numerous others. But these activities, important as they are, still only nip at the fringes of the root problem of dwindling economic opportunity. The outmigration from rural areas will continue as long as productive, gainful employment in farming declines, no matter how good the schools or the water systems.

Perhaps the fact that the population flow from country to city has been relatively gradual accounts for our failure to halt it. If the 7.5 million people who have left the farm since 1929 had all left in 1 year, I have no doubt that the resulting emergency would have prompted quick action to strengthen the farm economy. Yet the end result in terms of where our population is and what it is doing is essentially the same.

Because it may serve to provoke the kind of thought and concern about future trends in farm population that we so desperately need, I welcomed a recent article in the Dakota Farmer in which South Dakota writer Dana Close Jennings carried our past experiences to their logical conclusion.

Mr. Jennings envisions a global one-

farm agriculture, with the population moved to the "seaboard ring cities." The interior of the United States, for example, has a permanent resident population of only five families.

"The Farm Problem—Solved" is an entertaining piece, but it is also a frightening one. It is a fanciful account, but certainly we cannot call it fiction just yet, while we are losing some 600,000 in farm population a year and already have some 70 percent of our population crammed onto only 1 percent of the land.

Because of the importance of its message, and also because I believe Mr. Jennings has also caught the mood of farmers' reaction to the state of affairs they find themselves in today, 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:

[From the Dakota Farmer, Apr. 1, 1967]

THE FARM PROBLEM—SOLVED

(By Dana Close Jennings)

Gnarled fingers, the nails blackened by transmission grease and hammerblows, flew over the keyboard punching out tape-programmed instruction to the once-over plow-harrow-packer-planter-fertilizer-sprayer:

"Lay out land 50 miles long and 40 miles wide in former Brown and Day counties in the former state of South Dakota. Drop seed for a final plant population, as computer-corrected for germination rate and wireworm infestation, of 96,973 plants per acre. Return to Chicago's Service Center for restocking bins and tanks, recharging batteries and insertion of a new tape program."

The world's farmer thought to himself: I wonder if that new once-over machine really will put in 750 sections of crop a day like the salesman said? That steel control grid just under the plowsole ought to help—I hope it does—cost me $3,785.64 per acre. But if it works it'll be worth it—then I can do away with two people—the crop tender in the East River sector and the other one in the West River sector.

He sighed and walked over to the window where, far below, the tip of the Empire State building barely poked above the battery-acid smog.

He coughed, turned the air purifier up another notch and picked up the USDA and Consumers Yield Order for Crop Year 1987. They wanted 17,345,967,456.5 bushels of corn this year. Damn bureaucrats! Can't they understand that while we control the weather and insects, the plant geneticists just can't breed seed that precisely? We've still got biological variable. I suppose there'll be another Congressional hearing if I overproduce 0.0001 percent like I did last year.

The videoprinter telenews bell jangled with its usual insistence. He tore off the printout and scanned the usual headlines:

"Bread Riots in Paris; Government Dumps Wheat in Seine; Food Riots in India; Starving Mobs Storm Government Bins Bursting With Grain."

He walked to the Weather Selector console and dialed a 2-inch rain for the Sahara section, and switched on "warm, drying winds" for the haylands covering the former Andes, now leveled. His secretary popped in.

"Yes, Miss Metro?"

"You're on TV in one minute, two-and-a-quarter (a little timer on her bosom went BONG) seconds."

"I am? What'd I do wrong this time?"

"It's your annual Meet the World program, sir, the USDA and Consumers' yearly effort at public relations, when high school and college classes all over the world join the TV hookup to ask you questions. But—" she seemed embarrassed.

"Yes, what is it?"

"Well, sir, your rating is falling off. Agriculture always has ranked at the very bottom, and now you're farther down than ever. Only three college classes in Zanzibar, one high school class in India and one in Washington are hooking on this year. The computerized audience projection is only for six billion viewers, less than 1 percent of the world population. A new low."

"Yes, I know. Agriculture's image has been slipping for as long as I can remember. But I bet if I fell short a few billion bushels one year, there'd be lots of interest.

"Turn 'em on."

Five TV screens glowed. A bright young high school type appeared on the Washington screen. Red veins in his eyeballs sparkled in the unnatural studio lighting.

The faces on the India screen had long black hair tumbling over the eyes like—who was it—those singing insects that had such a short, sharp whirl of popularity way back there in '66. Damn the Sixties! That was when the government's cheap food policy reached its first interim goal—reduced 3.5 million farmers to 1 million.

The Master Screen lit up and Hinkley Brunkley, dean of the world's 3½ million agricultural commentators, appeared, giving forth the greeting that made him famous:

"Hell-low there, World! This is Hinkley Brunkley in Washington modernating the annual Farmer Meets the World world-wide telecast. We'll give Zanzibar the first question. Come in, Zanzibar!

Zanzibar (sounding tinny through the bonded solid-state stereo translator): "We don't understand, sir, when one man—yourself—owns and controls the entire world food production, you have the gall to expect the rest of us to carry your mountainous surpluses. Why can't you tailor supply to demand, or else store the stuff yourself?"

Brunkley (cutting in the audio): "As background to your very fine, well-thought-out question, Zanzibar, perhaps we should ask the farmer to give us a thumbnail sketch of how he operates, for the benefit of those of our small, select audience of only six billion viewers. Take it, farmer!"

Farmer (apologetically): "Well, actually it isn't a completely one-man operation. I'm just the one guy they jump on every time yields exceed needs by a few thousandths of one percent.

"The field work is all done by automation, naturally.

"While I actually operate the entire plant through programmed tapes myself, I do have a technical staff of 50 scattered all over the world to watch crops, check performance, to make micro-adjustments, etc. All field operations are tape-programmed. While most of my equipment is automated to the point of self-service, self-repair and even to signal by radio when obsolescence approaches, we still need the man on the land.

"The world is all laid out in sectors best adapted to certain crops. For example, the entire midsection of the U.S. raises corn, while from the 98th meridian west wheat is the only crop. My wheat field is 1,000 miles wide and 2,000 miles long without a single stop or deviation for top efficiency. The Southeast, of course, grows cotton; fruits and vegetables in the Mohave. Tobacco covers what used to be called Canada, rice in southeast Asia and olives in the historic Fertile Crescent at the east end of the Mediterranean.

"All interior farmsteads, homes, towns and cities were bulldozed and plowed under 16 feet deep. Nothing gets in the way of my machinery. That's why even the red flag marking the former site of Moscow is supported in mid-air by a helicopter. The once-over machine, for example, takes 17,543.3567 acres just to turn around. That's efficiency.

"All populations of all continents have been—and it took a terrible fight in the World Congress to accomplish this—moved to the seaboard Ring Cities.

"Today you find every land mass such as North and South America, Euro-Asia and so on ringed by one huge megalopolis, with the interiors devoted entirely to agriculture. The interior of the former United States, for example, has a permanent resident population of five families—my two checkers and three professional cuckleburr-hunting guides to direct expeditions in their search for the now nearly extinct and therefore priceless cuckleburr. The interiors, except for diverted areas in the new Cropland Adjustment Program such as the former state of Kansas, the former nation of Germany and so on, are developed entirely to agriculture, and all are barren of any human habitation except for the exceptions noted.

"I'm assisted by my very able secretary, Miss Metro. We have a 10-man machine service center where Chicago used to stand before we plowed it under. There's a checker in the East Forty—that's the fun-name given the former United States area east of the Mississippi to the Alleghenies, and one checker on the West Forty, from the Mississippi across the low ridge, where the Rocky Mountains used to rise, right up to the Pacific megalopolitan fringe, now popularly called SmogAngeles.

"And in Washington I have a staff of 1,148 checker-checkers checking on my two field checkers. We have a service center similar to the Chicago unit in the heart of each of the other continents, with one to three checkers on each continent to make sure the equipment is operating efficiently and that the automatic conveyer belts are transporting harvested crops to the seaboard population belts."

Zanzibar (testily): "But you're evading my question on surpluses!"

Farmer (meekly): "Surpluses? How can there be food surpluses in a world in which a billion people drop dead every day of starvation?"

Brunkley (interrupting): "This is neither the time nor the place for splitting philosophical hairs!"

Zanzibar: "But with just one man—yourself—owning and controlling the entire world food and fiber production, why can't you control these surpluses until the political machinery can be set up for equitable distribution?"

Farmer (wearily): "An overproduction of 0.001 percent looks awful big when you pull it into one big pile. Think what a donnybrook there'd be if I underproduced that much one year. In this biological business, you just can't shave it that thin."

Zanzibar (out of patience): "But Industry does."

Farmer: "You can turn off a drill press or lay off a factory full of workers. You can't turn off a cow for a week or tell a corn field to stop growing until Dec. 1, then turn it on again."

Brunkley: "India has a question. Come in, India."

India: "Sir, the rice and wheat surpluses here are extremely inconvenient and expensive. They overflow the bins and excite our starving masses. Can't you do something about these unwanted, burdensome surpluses?"

Farmer: "Yes, I'll admit that a one-week reserve of rice and wheat is a bit much. We tried dumping it in the ocean one year, but it caused a terrible water pollution problem. Burning pollutes the air. The USDA and Consumers are working on it."

India: "Speaking of USDA and Consumers subsidy, how can you justify a department of over 400,000 employees looking after the business of just one man—yourself? Another staggering subsidy to you."

Farmer: "I don't try to justify it. That's bureaucratic growth for you. It started in '33

and has been growing ever since. I didn't ask for them. Matter of fact, I think we could get along with half that many."

Zanzibar: "How can you justify, economically, the existence of your agricultural plant at all?"

Farmer: "It isn't easy. Still, when you count all the people engaged in manufacturing, repairing and servicing my equipment, manufacturing the fertilizers and chemicals I need, processing and distributing and transporting and retailing the world's food, four out of every 10 jobs are agriculturally-related."

India: "One thing that worries us is, with the entire world's food and fiber production owned by a single individual, and with your personal deviationistic free-enterpirse sympathies, why can't you divert supplies from the market, demand exorbitant prices like 5 cents a pound for steak and 1 cent a quart for milk? We did some figuring and found that if you did this across the board, it would cost the average family a thundering big 4½ percent of their take-home pay just to eat."

Farmer: "I can best explain that if you'll let me go back a few years and trace the development of the present trend.

"Twenty years ago in the then United States alone there were over three million farmers. I know it's an unbelievable figure. The government, seeing more votes in the cities, officially inaugurated a cheap food policy and starved 2½ million farm families off the land. Then the cities, as they existed in that time, became choked with unemployed people seeking relief.

"The government decided that farmers must get more efficient, and to get efficient, they should get bigger, so another half-million farmers were starved off.

"This didn't solve the problem, either, so the government kept on starving farmers off the land. Thus every remaining farmer got bigger and therefore more efficient.

"The government was so in love with this fewer farmers/bigger farms philosophy that it carried it out until only two of us were left—myself and Joe Cotton in South Africa.

"Joe and I decided that if we farmers would just stick together we could present a united front to the World Congress and make them meet our demands for fair prices. But Joe and I couldn't agree on what we wanted. He demanded one thing and I demanded something else.

"Then good old Joe got knocked under his tractor by a spent rocket casing so I bought out his widow and here I am—the only farmer in the world—the logical ultimacy of the bigger farms/fewer farmers philosophy.

"The farmer can't get much fewer, and the farm can't get any bigger.

"I thought then that since I owned and controlled the world's entire food supply, I could exercise some bargaining power. But the Congress said the Capper-Volstead Act of 1923 applied only to farmers' groups, and I'm not a group. Then they threw the Sherman Anti-Trust Act at me.

"Although I have the responsibility of feeding all the billions in the world, I still have no bargaining power. My income is still only one-third that of the factory hand."

Zanzibar: "We thought you'd be rich. You mean you're not making enough to live on?"

Farmer: "I'm staying alive only by living up my capital and exploiting my wife and kids. My wife teaches a 10-room school, the kids work for nothing here in the computer room, and I tend bar on weekends to pay for the privilege of farming."

India: "What are your personal qualifications to be the world's farmer? Background? Education?

Farmer: "Well, my father was president of General Motors, General Electric, General Foods, General Farms and General Dynamics (all incorporated) and U.S. Senator from Brooklyn and chairman of the Senate Consumer Affairs committee."

India: "Certainly your childhood equipped you ideally for a career in agriculture. And your education?"

Farmer: "I have PhDs in accounting, agriculture, agronomy, business administration, biology, botany, chemistry, chemical engineering, computer design, dramatics, electrical engineering, electronic engineering, entomology, geology, geography, geophysics, forensics, choreography and zoology."

India: "What explanation can you give for the fact that surpluses are as high now as they were during the Great Famine of 1967 when half the people in my country starved to death? Your country then had a mountainous surplus of 2½ pounds of meat per person. Why have you not been able to reduce that?

Farmer: (His burly hands playing swiftly over the computer console keyboard, like those of a concert pianist's): "I'll have that information for you in 16 manoseconds. (He tears the printout from the computer). Here it is the red meat surplus as of (bong) this moment is exactly the same as it was Jan. 31, 1967: 2.50000001 pounds per person, enough to last 48 hours 13 minutes 12.6573 seconds. Projected against scheduled births and deaths, this will result in a net per capita meat reserve as of midnight, Dec. 31, 1987, of 2.4949494948 pounds per capita.

"I retired the entire former state of Kansas last year, and will divert the two former Dakotas next year.

"Biological variables and political interference are the reasons for this poor showing on my part."

Brunkley: "We haven't heard from Washington yet. Washington, you're close to the Capitol scene. What is the feeling of the World Congress on this matter of surpluses?"

Washington (smugly): "Yes, I am rather close, since my father, Sen. Urban is chairman of the supremely powerful Senate Agriculture Committee. They are meeting today to decide what to do about this vexacious surplus problem. The committee is completely out of patience with the whole agricultural mess and I think will take drastic, decisive and final action today."

Washington: "Now, a technical question. My father, Sen. Urban and may I remind you he is the chairman of the all-powerful Senate Agricultural Committee—asked me to check a technical point: there seems to be some production step behind the carton of milk that is delivered to our electro-cooler each morning via pneumatic tube from the former state of Wisconsin. He mentioned some biological entity—I think he called it—he wasn't quite sure himself—is the term KO?"

Farmer: "I think you'll find the correct technical term is cow, a female mammalian quadruped of the ruminant class, family Bovidae, genus Bos, whose hyper-developed lacteal glands in the ventral epithelium have been bred up, through many generations, to secrete this nourishing fluid, Nature's most nearly perfect food. The typical milk-type weighs 1,000 to 1,200 pounds, is fed a high-energy, high-protein ration of urea, wood yeast and fat-rich dehydrated algae and bacteria fortified with synthetic vitamins, minerals and antibiotics."

Washington (incredulously): "You mean the milk we drink comes from an *animal*?"

Farmer: "That's right." (The face on the Washington screen turns a glowing fluorescent green and topples into the camera; the screen goes blank.)

Brunkley: "Thank you, farmer, for your revolting admission. I'm sure the Senate Agriculture Committee will act instantly upon this information, already relayed by videotype to the chambers. And that's all the time we have left on Agriculture's Meet the World this year. Tune in next year, same time, same station. Meanwhile, Goodbyyyyye, World!"

The farmer sighed and turned back to his computer programming. The *attention* bell of the videotype printer rang more insistently than usual. He tore off the printout and read:

Farm problem solved: Washington—With a single push of the signature button, Sen. Urban moments ago solved a problem with which Congresses have unsuccessfully grappled for 52 years—the farm problem. Said the tall, distinguished Sen. Urban, chairman of the powerful Senate Agriculture Committee, as he pressed the button making the new Agricultural Adjustment Act of 1987 law:

"We, my colleagues and I, have solved the seemingly insoluble problem of surpluses, subsidies and an agriculture forever jerking at the hem of the Congressional garment.

"With this Act, we hereby and forthwith abolish agriculture."

WOMEN'S CLUBS SUPPORT TRUTH IN LENDING

Mr. PROXMIRE. Mr. President, at the 76th Annual Convention of the General Federation of Women's Clubs, this excellent organization passed a most encouraging resolution on truth in lending. The organization, representing 800,000 members, decided to go on record in support of the truth-in-lending bill. I ask unanimous consent that the resolution be printed in the RECORD.

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

GENERAL FEDERATION OF WOMEN'S CLUBS,
Washington, D.C., June 7, 1967.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: At the 76th annual convention of the General Federation of Women's Clubs which is still in progress here in San Francisco, the delegate body, representing 800,000 members, today voted in favor of a strengthening amendment to our 1965 resolution entitled "Credit and Installment-Buying". Because the Senate Banking and Currency Committee is soon to meet in executive session to consider your "Truth in Lending" bill, we hasten to make our views known to you and hope you will consider this letter a statement in support of this legislation.

Our resolution, as amended, follows:

"Whereas, The extensive, continuing increase of consumer credit and installment-buying is playing a crucial role in our national economy; and

"Whereas, Many families spend significant amounts of their income for the use of consumer credit; and

"Whereas, The actual amount of the purchase price, entire amount of interest, additional carrying charges, insurance and other charges often are not clear to the buyer; and

"Whereas, Unwise buying with excessive consumer credit costs can be promoted by unscrupulous credit operators; therefore

"Resolved, That the General Federation of Women's Clubs urges its member clubs to promote legislation in all states that have not already enacted such comprehensive laws for consumer protection and at the federal level requiring that all credit buying contracts or written statements issued by lenders and sellers shall clearly and separately state the exact figures showing (1) the cash price of items purchased, (2) total interest, (3) carrying charges, (4) insurance, (5) annual percentage rate, and (6) any other charges made."

We do hope that this legislation will be reported out by the Banking and Currency Committee and that it will soon be approved by the Senate.

Respectfully yours,

CAROLYN L. PEARCE,
President.

TRIALS AND TRIBULATIONS OF VOLUNTEER PUBLIC SERVICE

Mr. HATFIELD. Mr. President, it was my pleasure recently to read an article presented to the National School Boards Association convention in Portland, Oreg., on April 24, 1967.

The article reflects the trials and tribulations of a family who became involved in volunteer public service. But more than that, it reflects, I believe, the desire of one family to improve the community in which they live. It represents involvement in our democratic process.

It is with pleasure that I ask unanimous consent that this article be printed in the RECORD.

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

After the initial shock wore off resulting from the phone call from the National School Boards Association asking me to participate in this clinic, I hurriedly sent for Dr. Knowles' speech, as originally my role was to be a reactor—imagine the surprise when the mail came with instructions for a panel arrangement. In all fairness to you, my search never ceases for the answers to the question "what courses of action will make our role easier and lessen the stress on normal family life?"

Former conventions have been very helpful to me in the sharing of experiences. The causes and effects upon our lives may run parallel with some of yours.

My background is a bit similar to Donna Densley's in one respect—our parents were both teachers and fathers were superintendents.

When we first moved to Oregon, we bought a house in the country, (we thought), 17 years ago. That area is the East Multnomah County area adjacent to Portland which now is bursting with a population of 150,000 people which, if incorporated, would be second largest city in the state. Needless to say, this tremendous population increase in so short a period brought forth a multitude of problems, and in order of occurrence, I will attempt to relate how one thing leads to another.

When our #1 and #2 sons were small, our yard soon became the Bureau of Parks and Recreation for the entire neighborhood, and somehow didn't quite fill the bill for a baseball diamond or football field, so when PTA was looking for a Parks and Recreation Chairman, I was volunteered and when we discovered we had to go before the School Board and Superintendent in order to establish a summer recreational program at the school, my husband was easily briefed and cajoled into being our spokesman (a man communicates always more convincingly to men).

Before we knew it, he was coaching an 8th grade ball team, then Cub Scout Pack Chairman, and next someone asked him to run for the School Board of the elementary district. Well—we had met some wonderful people through our experiences with the board and administration, so it wasn't difficult to say yes "mutually" although we had no idea of the responsibilities and challenges to come.

Being on a local school board broadens your area of concern, you begin to realize that what happens to all children, directly affects your own children, and this changes some ideas you may have previously had on policy and needs in education. The next wall you bump into is how to explain the "why" to your fellow neighbors and taxpayers. This is where the wife enters in. She can take one of two positions, either be sympathetic and listen to complaints and direct persons to the right sources of information, or answer questions she is knowledgeable about, and I firmly believe she can thus lighten some of the burden on her husband.

My husband is handicapped resulting from polio contracted while serving in the Marine Air Corps during World War II. He was starting his own insurance business at this time and this all may have some bearing on my "pitching in" when needed. About two years ago, my husband figured out that he had given a total of one year of working hours in a five year period to education, and he is still going strong.

We work as a team. He studies and makes the decisions and I do the cheer leading and supporting, and make every effort to be informed about the issues all persons in the district should be informed about.

In our area, the School District is our identity, our Parks and Recreation Dept., our Adult Education, our cultural outlet through drama and music and art, and our sports outlet. More students are involved and more variety of activities offered because the schools are the only governmental agency we can identify with. Consequently, we have had tremendous barriers to overcome—those who were living here 20 years ago resented those who moved in, and all the problems they brought with them. In 1960 the Chamber of Commerce stated that East County was the fastest growing area in the United States.

Let me briefly give you a bird's eye-view. In 1959 under the new reorganization law, we became the 1st large school district in Oregon to unify grades 1 through 12. Three elementary districts were involved. The majority favored reorganization, but by a slim margin. Several minority groups organized and were heard from loud and clear, and became frighteningly powerful at this time. In our young political experiences, we had never encountered this type of organized opposition before. We had been looking at the world through rose-colored glasses. We knew how apathetic and complacent the public was in its political thinking and action. What we didn't know was, how aroused that same public could become when it had been fed misleading facts and figures by a small vocal minority, whose goal was to go back to the 3Rs, the little red schoolhouse, etc.

What followed the next five years made it impossible for us, a family of 6 (4 boys we have) to lead a normal family life. We soon learned to "roll with the punches", developed a sense of humor to deal with some of the problems, and a flexibility to cope with some of the challenges, a better understanding of people, and I believe these experiences actually strengthened our family relationships, and certainly strengthened our School District.

Our boys saw first hand "democracy in action" and they pitched in and learned what "division of labor" in the home means, too. Board members' children are never spared—one has double-shifted, one has attended 4 different elementary schools in the district, and had class in an attic, another morning-shifted and all four attending private kindergartens as Oregon has no public kindergartens on a state wide basis as yet.

Budgets passed, but bond issues were not quite so fortunate. Of course, when you have to go to the voters for money to complete a high school building, administration office, additions to two elementary schools, and completely build two new schools in a one-year period, the communications job is massive. Seven elections in an 18-month period, plus two board elections gives some idea of the problem.

One thing my husband learned is that sometimes it pays to invite "the enemy into your camp". He took time to personally call on persons who wrote letters to the editors whom he believed to be misinformed, also others that were spreading misinformation in different areas—some he encouraged to serve on budget committees and citizens committees, and they are now strong supporters of the District.

Minority groups seem to attract news media also, and we have all spent time and effort to see that reporters have the true facts. Board meetings were interrupted, tape recorders brought to meetings, hybernetics practiced in all communications areas. Misleading and false fact sheets, some with no signatures, others with wrong addresses, false names, etc. were distributed on cars in shopping areas, stuffed in mail boxes. We learned to combat this by getting out our own fact sheet following theirs on short notice with many signatures of well-known and respected citizens in the area. Our house was a kind of depot, information center and emergency center.

During this time we learned to testify on bills at the legislature, and learned well the governmental processes, and what government by the people really means. We had a brief resting period between 1961 and 1964 at which time the S.O.S. "Save Our Schools" organization was gathering strength throughout the state and busily harassing other school districts. They were successful in unseating candidates for several elections, infiltrated PTA's and political groups. We lent a hand, and my husband attended many meetings throughout the state during this time repairing the damages and preventing them when possible.

In 1964 we were lulled into a false sense of security—the day before the annual budget election, the minority group blanketed the area with unsigned and misleading fact sheets and down went the budget! We put it up for a 2nd vote, and missed passing it by one vote. Thirteen schools would close if it went down again. It was before the third vote that one of our minority leaders and my husband were interviewed over CBS by Charles Kerrault. This person actually admitted being opposed to all "public education" at this time, and my husband defended public education—the budget passed.

The tax base election came next and we breathed a sigh of relief—no opposition. My husband then ran for Mt. Hood Community College Board, whose temporary quarters are on Multnomah County Fair Grounds with trailer classrooms, but that is another tale to tell, as the Community Colleges are new to Oregon compared to most states.

As a closing thought—with picketing and strikes the present rage. How about the wives demanding "doubled" salary increase for Board member husbands $0.00 to $00.00?

MRS. SEDLEY N. STUART.

PORTLAND, OREG.

DEATH OF PAUL SCHUTZER AND TED YATES IN THE NEAR EAST

Mr. KENNEDY of New York. Mr. President, the tragedy of conflict in the Near East has claimed the lives of tens of thousands—Arab and Jew, soldier and civilian, men and women and children as well. We mourn all the dead; especially the 33 young Americans who died as a result of the mistaken attack on the U.S.S. *Liberty*.

But if all are to be mourned, two more deserve special mention: Paul Schutzer and Ted Yates. These were dedicated newsmen, professionals in the highest sense of the word—so dedicated to bringing news to the American people, and to the world, that they heedlessly exposed themselves to danger. This they had each done in many corners of the world. Last week, on the first day of fighting, on the two main fronts of the war, Paul

Schutzer and Ted Yates died. They will be missed.

I ask unanimous consent that articles about them—one, by Michael Mok on Paul Schutzer, published in Life magazine; the other, by Pete Hammill on Ted Yates, published in the New York Post—be printed in the RECORD as a reminder of their contributions.

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

A PHOTOGRAPHER'S DEATH—HIS LAST PHOTOGRAPHS

TEL AVIV.—This is the story of Paul Schutzer, Life photographer, and how he came to die in the first hours of the Arab-Israeli war. But it must begin with another war, the one in Vietnam. That time we were with a squad of American Marines inside an amphibian tractor, part of the first wave assaulting a Vietcong-held beach, the name of which everyone has likely long forgotten. Machine-gun fire was hammering away, and while the Marines gave their weapons a final check, Paul took off his steel helmet and put on a funny-looking hat, sort of like a sailor cap turned inside out, on which he had stenciled the Star of David. He explained it was a *kova tembel* (fool's hat) such as they wear on the *kibbutz* in Israel. "If I am going to die," Paul said, "I am going to die under my own colors." Then, just before the bow doors clanged down, he said, *"L'ha-im,"* which means "To life." This was the first Hebrew word Schutzer taught me. Since we survived the landing and what followed, it was not the last.

When the U.A.R. closed the Strait of Tiran, we went to Israel together. From the moment he arrived, Paul, who had been to Israel many times before, bent all his energy, influence and guile to have us assigned to an assault unit. The authorities, civil and military, were reluctant to give in because they feared for our safety should war break out. But Paul persisted, arguing like a Jesuit, or whatever the Jewish equivalent of a Jesuit may be. "Have you forgotten that, according to Mosaic law, 'for every battle there must be two witnesses—preferably two who are not directly involved'?" he said. "Look no further. Michael and I are your two witnesses." His listeners smiled at Schutzer's attempt to beat them into submission with the Bible itself. But they would not yield.

He appealed at last to Major General Moshe Dayan, his old friend who had just been appointed Minister of Defense. The general listened, made a couple of phone calls, and doors began to open. That is why last Monday, as the war flared on three fronts, Paul and I were sitting in the shade of a little wood with men from a battalion of mechanized infantry.

Their mission was to board halftracks and, supported by tanks, spearhead an armored column striking across the Negev Desert for the city of Gaza. While we waited, a fat cook gave us each a meat sandwich and a mug of very sweet coffee. "They are very small sandwiches," the cook apologized. We assured him they were the best we had ever tasted. We never finished the food because, unexpectedly, Brig. General Shlomo Goren, chief rabbi of Israeli armed forces, appeared to bless the troops going into battle and Paul had to have the picture. "Put on a hat," Schutzer yelled as we ran toward the rabbi. I didn't because I didn't have one, but I was very glad for the blessing all the same.

Paul insisted we ride in different half-tracks—"If you ride with me, that cuts off one camera angle. No one wants pictures of your ugly face." Schutzer, accompanied by a young lieutenant named Dov, who was the liaison officer assigned to us, mounted the lead vehicle carrying the battalion commander. I climbed into the second tractor, commanded by a lieutenant they called Yacob. The column began to roll. Schutzer gave the thumbs-up sign and shouted something I couldn't hear for the roaring of the engines. I got the message: it was *"L'ha-im!"*

We jumped off from a fortified *kibbutz* called Nahal Oz (which means "brave river") and less than 200 meters past the line of departure ran into heavy machine-gun and small-arms fire. Then mortar rounds came crumping in all around us. In my own half-track, the bursting shells first wounded the machine gunner, who sits in an elevated position up front. Blood welled down his face and made the stock of his weapon slippery, but he pressed it into his cheek and kept firing.

The driver, taking evasive action, maneuvered the heavy vehicle like a dodge-em car at a carnival. The tracks threw up clouds of Negev dust that choked and blinded the troops who were blazing away with their Uzi submachine guns at dug-in Egyptian soldiers, now firing on us from all sides. Yacob, the vehicle commander, was bleeding from two wounds, one in the arm and another just below the left knee. He continued directing fire, however, shouting *"Oyev!"* (enemy), and then would loose a short burst to pinpoint the target.

We were within grenade range now. One of our troopers cast aside his Uzi and, face contorted, lobbed grenade after grenade at enemy soldiers trying to rush our half-track. Some of the grenades burst so close I could hear their fragments whinging off the side of our vehicle. The driver, still maneuvering for our lives, suddenly jounced the car into reverse, landing us half in a cactus thicket. For a few instants, the war forgot us and I stood up to have a look around.

To our left front I could see one of our half-tracks had sustained a direct hit and was blazing. The fire soared skyward with a fierce cracking noise, and it was incredibly bright, brighter than the desert sun. "I hope Paul has a picture," I thought and then, "Good Christ, what if he is inside. . . ."

Come dark, the crippled half-track was still burning and we were busy securing a little airport that had signs in both English and Arabic saying "Welcome to Gaza." The boys used classic commando technique on the buildings: kick down the door, pitch in a grenade, rake the inside with a long burst and then have a look around.

After things quieted down—they were still mortaring our position but not very accurately—I went from tractor to tractor, looking for Paul. No one had seen him, no one knew where he was. Men who had chatted with us in the woods before the battle suddenly had forgotten how to speak English. They were the same men who could speak it before. I knew, as I recognized their silhouettes by the light of the desert stars and the red lines of outgoing tracers overhead. "Maybe he went out with the first lot of wounded," someone said finally. So I headed back with the next bunch. We loaded the casualties on a half-track, with the walking wounded riding in the command car.

We drove without lights but incoming mortar rounds had ignited acres of cotton and rye so we had no trouble finding our way. Two kilometers back, there was a large tour bus waiting for us. The civilian driver had volunteered it to fetch out the wounded. It was hard getting the stretchers through the windows and some of the badly wounded cried out, *"Adonai,"* which in Hebrew means "Lord." We had no morphine.

We went back through Nahal Oz, where it all started, pitch black now except for taped flashlights of *kibbutzniks* in fool's hats who pointed the way. Bouncing over potholes made the wounded men scream. We finally got to the forward aid station. No Paul, but I found Dov, who had been riding with him.

"Is that you Mike?" Dov asked. I was kneeling beside him. "Yes," I said.

"Mike, I don't want to tell you this but your friend is dead. Do you understand? Paul is out of it now . . ."

I must have made some kind of noise because Dov reached up with a bulkily bandaged hand (the dressings used for burns are very awkward looking) and patted me on the head. "Don't feel so bad," he said. "Please don't feel so bad." I pushed on to Ashkelon hospital because somebody said Paul might have been taken there directly, bypassing the forward station. At the hospital I found another man who had been on Paul's half-track. He was burned all over and couldn't see. He recognized my voice. "Paul is dead," he said. "He was standing up taking pictures. They shot him through the head before the bazooka round hit us, before the half-track caught fire."

I saw the boys on their half-tracks coming out on Wednesday, after they had conquered the desert. I was waiting for them in Beersheba. Somewhere they had found blue and white Israeli flags to tie to the machine guns and the antennas of their cars. Their faces were gray from the dust of the Negev. Crowds cheered them all along the route. Some young girls tossed up bottles of bright orange sodapop which they glugged down. Underneath the layers of filth their faces were proud and fiercely joyful. They had no way of knowing, as I did, that one of the two witnesses to their battle was gone forever.

A MAN WHO DIED

So the little war is over. Nasser and his fellow buffoons have folded their little adventure, to scurry away again in a fog of lies and rhetoric. And the rest of it will go to the conference table, where they will sort it all out and decide who gets what and at what cost. I'd like to know who pays for Ted Yates.

Ted Yates was one of the best TV people this country has yet produced: a tough sardonic reporter, a fine film maker and a man capable of physical courage and moral outrage. He was in Jerusalem last week, in the lobby of the Intercontinental Hotel when the machine guns started hammering outside. Everyone ducked for cover except Yates. He was a reporter. He wanted to see what happened. A bullet slammed into his head.

"The thing about Ted was his incredible, endless curiosity and vitality," said Stuart Schulberg, the NBC producer who had worked with Yates for three years. "I think it was this strength he had, this physical quality he had that made his death so unacceptable to all of us."

For months Yates had been preparing two one-hour specials for NBC on the Middle East and when Nasser and his fellow adventurers heated things up, he considered himself fortunate.

"He said, 'Gee, what a stroke of luck,' as the war started developing on his schedule," Schulberg said. "Most people would think, God, there goes my nice, interesting summer following the Bedouin around in the desert. He thought it was luck. It was not that he enjoyed war. But he identified with men in battle. It was the Hemingway syndrome. He had a lovely wife, home, and career but he seemed to have a mystique about himself and his ability to survive. It always gets a bit sticky to talk about, a bit embarrassing, because it's this Hemingway thing again."

Schulberg and Yates shared adjoining offices, and the day Yates left for the Middle East, they talked again about being careful, avoiding recklessness.

"Whenever we mentioned that, he would put his head back and laugh this boyish laughter," Schulberg said. "He never would accept it. It was beyond his imagination. He had a kind of fatalism, a quality I don't quite understand. He went off with all the

fear and trepidation you and I bring to a New Year's Eve Party."

Yates was in Cairo for three or four days, in the midst of Nasser's carefully staged demonstrations and protests, but it was too tame. He wanted to be where the action was. He grabbed a plane for Israel. The five-man crew was petrified. Not Yates.

"He worked out of the tradition of a marine," Schulberg said. "He just shrugged off the danger, more like a professional soldier than a documentary film maker. The 'duty calls' tradition is more common to the professional soldier than to a married man, father of three, who labors for NBC News. Now he's dead and he's irreplaceable. He had certain ingredients that won't be put together again. First, he was a trained reporter; then a master film maker and documentary director; and then he had this absolute physical fearlessness."

Schulberg plans to ask the Directors Guild to create an annual Ted Yates Award for documentary films, to keep his name alive. "He hated eulogies and sham and obits of any kind," Schulberg said. "But he was so proud of his ability, I think he'd be pleased."

The other morning, Schulberg and his friends put together a farewell to Ted Yates, to appear on the Today show.

Once, just once, I would like to use this space to bury someone like Nasser. It never seems to work out that way.

CONFERENCE REPORT ON SELECTIVE SERVICE ACT

Mr. KENNEDY of Massachusetts. Mr. President, for more than a year now we have heard criticism of the draft law—criticism that it is an outdated system which works unevenly and unfairly. This outcry against the draft has not been confined to the campuses or to the academic community alone—leading spokesmen of business, labor, the clergy, minority groups, and other organizations have joined in the dissent. As a result, the President appointed a panel consisting of some of this country's most distinguished individuals. They have looked closely at the mutual criticism of the draft and they have confirmed its validity and recommended the many badly needed reforms.

Now the Nation expects the Congress to institute these reforms. Both those affected by the draft and those interested in equity have placed their reliances upon us in this matter. The Senate met its obligations clearly. But the bill produced in conference fails those who look to us, and it fails to meet the goals suggested by the President in this area of critical importance to our young.

We have been faced with an ever-rising lack of public confidence in the present system, because its impact is unfair, unpredictable and uneven. We have been faced with a growing cynicism, with our proud tradition of service in defense of the Nation, because some with the intellectual and financial means find ways to escape their obligation, while others less fortunate know they must bear the burdens of service. We have been faced with mounting alarm over its procedures because nearly half the casualties in Vietnam are draftees and they have been chosen by a system that responsible and dedicated men have labeled unfair.

The Senate Armed Services Committee, as I said on Monday, reported out a draft bill which met our responsibilities and which would have given the public renewed confidence in the draft system. It reflected careful judgments and measured deliberation. In light of the promised reforms announced by the President, I was both happy and proud to give it my full support.

I am now opposing acceptance of the conference bill because I consider its provisions worse than those in the existing law. It is a backward step. It is a regression, just at the time that our Nation expected enlightened reform. Acceptance of the conference bill will not reflect well on the Senate or the Congress. We would then have not a fair and predictable system, but a system which perpetuates loopholes and inequities; not a flexible system adaptable to changing circumstances, but an arbitrary and rigid system; not an orderly procedure for the expressions of individual conscience, but 4,000 different sets of rules.

Under the terms of the unanimous-consent agreement governing consideration of this report, we must vote on final passage no later than 6 tonight. I wish to be very clear in informing my colleagues that a vote against acceptance of the conference bill will not leave the Nation without a draft system; it will merely be a vote for one last attempt to bring reason to the House and equity to millions of young men.

Once the conference report is rejected, I intend to make a motion for a new conference, and move that the conferees be instructed to report back a bill with an extension of the induction authority limited to 1 year. This would insure that we would not freeze the provisions in the conference bill into law for 4 years—4 years in which our military manpower requirements may vary from what they are today.

I also want to make clear the fact that a vote against the conference bill is not a vote against the draft at this time of grave national involvement. It is a vote against the specific terms as produced in the conference, and nothing more. There is ample time—16 days—to complete the work of another conference.

I do not stand alone in my criticism of the conference report.

Mr. Burke Marshall, former Assistant Attorney General and now General Counsel of IBM; Mr. Thomas S. Gates, Jr., former Secretary of Defense and now chairman of the board of the Morgan Guaranty Trust Co.; Mrs. Oveta Culp Hobby, former Secretary of HEW and now editor and chief of the board of the Houston Post; Mr. John A. McCone, former Chairman of the Atomic Energy Commission and Director of the CIA and now with the Joshua-Hendy Corp. in California; and Rev. John Courtney Murray, S.J., professor of theology at Woodstock College—all these distinguished Americans, members of the National Advisory Commission on Selective Service, have today informed the Senate of their disagreement with the conference.

Mr. Kingman Brewster, Jr., president of Yale University and also a member of the National Advisory Commission, has informed all Senators his own views of the conference report.

In addition, representatives of labor unions, church organizations, minority groups, private industry, and other Americans have—by telegram—urged Senators to reject the conference report.

A number of departments and agencies in the executive branch have expressed their concern over the mischief the conference report would work. The Justice Department, the Defense Department, HEW, the Peace Corps, OEO—all these have serious reservations about the impact of the report. I have made copies of these letters available to all Senators.

So it is with the genuine concern of many informed Americans over the provisions in the report that I come to the Senate this afternoon and ask that the report be rejected.

On Monday I set out at length some of my objections to the conference bill, but I did not set them all out. I would like briefly to review them, taking them in the order in which they appear in the statement of the managers on the part of the House, in the conference report.

First, the National Security Council is required to advise the Director of the Selective Service System on the establishment of occupational deferments. Under existing law, the National Security Council is charged with advising the President on broad matters relating to national defense. Its staff of 50 comprise experts on foreign policy and national security. It simply does not have the staff nor the expertise necessary to weigh the manpower needs of specific industries or employers, and to process the many hundreds of petitions for deferment status. Policy on occupational deferments is presently made by an Interagency Advisory Committee, which has performed its task well and which has the resources to do so. I think it a most unwise precedent to require the National Security Council to concern itself with matters other than those broad issues of national security and defense which it has traditionally focused upon.

Second, random selection. The President cannot change the method of determining the induction without the passage of legislation authorizing him to do so. Thus the existing system, drafting the oldest first, will continue in force and effect. This would preclude adoption of a random selection system, which was recommended by the Marshall Commission, the Defense Department, the Selective Service System, and the President, as the House committee has consistently made its opposition to any random selection system very plain. Thus even if the Senate were to pass a bill approving a random selection system, we would—for 4 years—be faced with adamant refusal by the House to approve it. It is my understanding that the Director of the Selective Service System has already prepared regulations for implementing a random selection system.

Third, Public Health Service physicians. Presently, medical officers of the Public Health Service are deferred from the draft. Small numbers of Public Health Service doctors have in the past been "detailed out" to other Federal agencies, as this is the only way these agencies can be assured of a steady supply of able physicians and dentists. Un-

der the conference bill, only service in the Coast Guard, the Environmental Sciences Services Administration, and the Bureau of Prisons will constitute draft deferment for Public Health Service doctors "detailed out." This shuts off the supply of physicians to such agencies presently receiving them as the Peace Corps, OEO, the Food and Drug Administration, the Pan American Health Organization, the Department of Agriculture, the Department of Interior, and so forth. This is, I think, a very serious matter. To illustrate, the Public Health Service physicians assigned to FDA have been performing research and testing of new drugs, and they will have to curtail this vital activity if the flow of Public Health Service physicians is cut off.

Fourth, student deferments. There are two troublesome aspects of the conference bill's student deferment provisions. One is the mandatory provision for the deferment of undergraduate students; without any provision for apprentice or vocational students. In other words, those who have the means—intellectual and financial—to stay in any college are assured of a deferment. Those without these means, who may be engaged in on-the-job training, vocational skill training, are subject to the draft. I would only point out that both groups are learning to become productive citizens—but one group, the less privileged, has no protection from exposure to the draft.

The other troublesome provision concerns graduate deferments, the subject of the sharpest criticism in the national debate on draft reform. The conference bill continues the President's authority to prescribe graduate deferments, and thus continues the loophole which has generated the greatest cynicism. The bill contains a so-called antipyramiding provision, but it very plainly points out that the procession from college student to graduate student to occupational deferment, until the cutoff age of 35 is reached, will prove the route for many young men of means to beat the draft.

These two provisions are worse than the present law because present law gives the President wide discretion; the conference bill does not.

Fifth, conscientious objectors. Again there are two separate and objectionable provisions. One would overrule the 1965 Supreme Court decision, United States against Seeger, by striking from the statute the language upon which the Court relied. In its place, the statute requires that conscientious objection be based on "religious training and belief," not including "essential political, sociological, or philosophical views, or a merely personal moral code." This raises the prospect of denying conscientious objectors status to those not members of religious sects, which would raise the issue of equal protection.

The other objectionable provision eliminates the present requirement for a hearing by the Department of Justice whenever an appeal is filed against a local board's denial of conscientious objection status. This would terminate the procedure, in effect since 1940, whereby conscientious objection appeals are referred to the Department of Justice for FBI screening and investigation, hearing before a volunteer lawyer hearing officer, and written recommendation by the Department to the Selective Service appeal board. The purpose of eliminating this procedural step was announced as intended to reduce delays in prosecuting conscientious objection appeals. It has the effect, however, of giving each appeal board the authority and discretion to set its own rules, without uniformity, and without the investigative expertise of both the FBI and the Department of Justice.

Sixth, judicial review. The conference bill would prohibit judicial review of local board classification except as a defense to a criminal prosecution. In other words, no appeal lies against a classification—either as 1-A, student deferment, conscientious objector, or any other—until and unless the registrant has agreed or disagreed to report for induction. Thus, one can only petition for judicial review of an administrative decision—classification—as a criminal. There is no civil judicial remedy. This is surely an extraordinary situation.

Seventh, court procedures. There are two troublesome aspects of the conference bill's interference in Federal court procedures. One is a requirement that selective service cases—both trial and appeal cases—be given absolute precedence on the dockets of Federal courts. There is no room, under the terms of the bill, for the exercise of discretion by the courts. We can all be sympathetic with a desire to avoid delay in the decision of selective service cases, particularly in a time when we are engaged in combat operations. Yet to permit absolutely no flexibility, no discretion, to the courts in the management of their dockets seems most unwise. There are other cases—civil and criminal—which compete with the importance of selective service cases, and courts should have some breathing space.

This is particularly so when coupled with the other objectionable provision. This second would require the Department of Justice, on the Selective Service Director's request, to prosecute a given selective service case or advise the Congress, in writing, the reasons for its failure to do so. The judicial doctrine of prosecutorial discretion in the Federal courts has, down through our legal history, uniformly permitted U.S. attorneys absolute discretion both in bringing and dismissing criminal prosecutions. The reasoning is particularly applicable to this case: only experienced prosecutors can make the judgments on whether the evidence is sufficiently strong to merit the expenditure of public funds in the prosecution. This provision of the conference bill is a novel and virtually unprecedented interference with the court system. And I do not think it belongs in the law.

Eighth, discrimination on local boards. The conference bill would prohibit discrimination by sex in determining the composition of local boards. It does so in these words: "No citizen shall be denied membership on any local board on account of sex." Despite the fact that the issue of racial discrimination has already been raised in court cases and with the Justice Department, there is nowhere mentioned in the conference discrimination on account of race, or of religion, or of creed. Are we to interpret the positive legislative mandate against discrimination by sex to mean an implied neutrality of the Congress on discrimination in other ways? Surely, this should be clearly spelled out in the law, unless it is intended to preserve the composition of totally white local boards in States with populations 30- to 40-percent Negro—which have not one Negro on local boards—or similar discrimination against Spanish Americans, Puerto Ricans, and other minority groups.

I have just reviewed my eight specific objections to the provisions of the conference. Not one of these provisions was in the Senate-passed bill.

I know the House conferees were adamant. I know the pressure we are under to complete action on this bill by the end of the month. And I know the restrictions of other pending Senate business.

But the draft is a matter of the highest importance to many millions of young men and women in this country. In large degree it shapes their futures. I do not think we in the U.S. Senate should pass the bill before us, because it is a step backward and will hurt our young more than help them.

I urge the rejection of the conference bill.

RECESS UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 10 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 49 minutes p.m.), the Senate took a recess until tomorrow, Thursday, June 15, 1967, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate June 14 (legislative day of June 12), 1967:

IN THE AIR FORCE

Maj. Gen. Robert A Breitweiser, FR1406, Regular Air Force, to be assigned to positions of importance and responsibility designated by the President in the grade of lieutenant general, under the provisions of section 8066, title 10 of the United States Code.

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3298:

To be first lieutenants

Abel, Gene P., OF100055.
Adams, Doye W., O99538.
Adams, Johnnie R., OF100056.
Adamson, Robert W., OF100057.
Alden, William M., O98356.
Alt, Emil A., Jr., OF106481.
Amos, Albert R., Jr., O99539.
Anderson, Aggrey V., O99333.
Anderson, Dennis K., O99540.
Apuzzio, Louis R., O98008.

Armour, Richard J., OF100061.
Armstrong, William, O99542.
Austin, Norman T., OF100062.
Baggett, John A., OF100762.
Bagley, Philip J., O99541.
Bailey, Dalene G., OF100397.
Banta, Theodore S., O99037.
Barlow, Ronald B., OF100063.
Barrett, Richard A., OF103259.
Bartels, Dwayne A., O97389.
Bartholomew, Daniel, OF106051.
Bashore, John F., O98367.
Bates, Jared L., OF100064.
Baucum, Tommy A., OF100501.
Bauer, William L., O99422.
Baumiller, Charles, OF106054.
Bayer, William K., O99423.
Beil, Kenneth A., OF100067.
Benavides, Gustavo, O98371.
Bennett, Mary M., N003219.
Benson, Richard W., O99131.
Benson, Roger L., OF100068.
Berrong, Larry B., OF100069.
Berry, Donald K., O99425.
Besselieu, William, O99426.
Bidwell, Robert L., O99545.
Biller, James F., OF100070.
Bird, Lawrence M. Jr., O97401.
Black, Gorham L., O97403.
Black, Robert G., O99427.
Blakely, William M., O99546.
Bloodhart, Raymond, O99547.
Bluhm, Raymond F., OF100072.
Bly, Elihu A., Jr., O97406.
Boen, Boyd R., OF106503.
Bohm, John A., OF100073.
Bolden, Frank A., O99185.
Boukalis, Peter C., O97454.
Bourgault, Bruce A., OF100074.
Bowen, Jerry W., OF100075.
Bowman, Gary F., O99428.
Bowman, Thomas E., O98380.
Boyd, Clinton B., O99226.
Boyd, Cary A., OF100076.
Boyd, James P., O99429.
Boyd, Joel D., OF100077.
Boyd, Raymond D., OF100078.
Bradford, James C., OF104155.
Brake, Perry F., O99135.
Brandon, Ramey J., O99430.
Bridgewater, Gary L., OF100080.
Bright, Willard R., OF106515.
Brosnahan, Patrick, OF100081.
Brown, Harvey E., O98030.
Brown, James F., O97732.
Brown, Nolan H., O97414.
Brown, William C., O99432.
Bryan, Hardy W., III, O97436.
Bryant Earl W., O98033.
Buchly, Howard L., O98036.
Buck, John M., O97428.
Buckley, Kurt F., OF100084.
Burroughs, Bruce G., OF106071.
Cain, Carolyn H., L632.
Caldwell, Harold E., 098624.
Cardinali, Richard, OF100505.
Carlson, James R., OF101126.
Carroll, Brian, J., OF100087.
Caruso, Joseph G., OF100996.
Cassidy, Charles M., O97508.
Chadbourne William, OF104391.
Chambers, Howard L., O99435.
Chapman, Jesse L., OF100090.
Chase, Michael T., O97450.
Christensen, Marth, O99437.
Chubb, William A., OF103164.
Cidras, Joseph M., OF10092.
Clark, Ray K., OF102791.
Clausen, Linden E., O97523.
Clayton, Robert O., O99439.
Coble, George T., Jr., OF103227.
Coggeshall, John S., O99440.
Coke, Alfred M., O99441.
Coleman, John D., O97531.
Collar, William D., OF105360.
Collins, Charles E., OF100096.
Conner, Vernon L., O97462.
Coradine, Arthur J., O99443.
Cottman, Robert L., O99590.
Couch, Jacob B., O98401.
Couture, Paul E., OF100099.
Coyner, William L., OF103459.
Craig, David B., OF102441.
Critchfield, John B., OF106558.
Curtis, Danny D., O99445.
Cutshaw, Charles O., OF100564.
Czepiel, Ronald W., OF100565.
Dallow, Richard S., O97478.
Dansby, James C., O99151.
Darsey, Ralph O., O99446.
De Hanas, Jack M., O99447.
De Hart, Wallace K., O99448.
De Vivo, Ronald G., O97493.
Dean, Charles M., OF100953.
Deane, Peter J., OF100100.
Delora, Jo Ann, L641.
Dent, Dewitt R., OF105438.
Desfor Barry D., O97491.
Devin, Kathleen, N003283.
Dexter, Thomas H., OF100102.
Dobbs, John R., OF106571.
Dotson, George S., OF100103.
Doyle, David E., OF104551.
Drexler, Arthur J., OF108157.
Duckworth, Robert D., OF100104.
Duerr, Hans, O98410.
Duplessis, Troy L., O98412.
Durbin, Harlin N. Jr., O99450.
Durgin, Peter H., O98294.
Durham, George E., OF105381.
Dyer, Elbert W., OF100105.
Eason Lloyd J. Jr., OF106103.
Eason, Michael G., O98414.
Ecclestone, John S., O97539.
Eckland, James D., O98689.
Edgerly, David E., O98080.
Edwards, Carolyn L., N003244.
Eisaman, Robert R., O97801.
Elliott, Randall T., O99452.
Emigh, Donald B., OF100106.
England, William L., OF106587.
Engle, Benjamin J., O99160.
Estey, Melvin A., Jr., O97512.
Fadhl, Robert J., OF106107.
Fahle, Leroy D., O97858.
Familetti, Robert J., O99453.
Feistner, James P., OF100108.
Ferguson, James K., OF100640.
Fernandez, Carlos M., OF100642.
Fesmire, John A., OF105669.
Flaherty, Daniel J., OF105390.
Ford, David R., OF100109.
Foster, Frank C., Jr., OF100661.
Ford, Thomas J., Jr., O97528.
Fore, Calvin R., O98088.
Fornnarino, George, OF100110.
Franklin, Robert B., O99454.
Franklin, William W., O99555.
Freemyer, Norman D., O99557.
Friday, Vernon W., OF100111.
Fritz, Allan J., O97534.
Fulford, Ernest L., O98095.
Funderburk, Fred L., OF105997.
Galster, Robert W., O99558.
Galten, John W., O97405.
Gambolati, Ronald L., O99456.
Garber, Allen, O97540.
Garlock, Larry W., O98425.
Gaw, Michael T., O97444.
Gehring, Carl H., O97545.
Giblin, Daniel E., OF103580.
Gideon, Wilburn C., O98432.
Gilbert, Edwin J., O98433.
Giles, Raymond Chad, OF106118.
Gill, George W., O98296.
Gillham, John N., Jr., OF103832.
Gillette, Robert E., O97833.
Gilligan, Francis A., O97876.
Godfrey, Albert B., O98435.
Godfrey, Jeffrey H., OF100705.
Goff, Edward L., O99458.
Goldenberg, Frank G., O97552.
Gollnick, John P., OF100112.
Gore, William W., O99564.
Gosz, John P., OF103604.
Grantham, Norma J., N3198.
Graves, Harold R., O98112.
Graves, Scott A., O98113.
Greer, William B., O97510.
Gressette, Taum W., OR100113.
Grier, Tommy F., Jr., OF105685.
Griffith, Paul D., O98732.
Griffith, Willie E., O99461.
Griffitts, Richard, O98426.
Grose, William C., OF100114.
Groves, Lane H., O99462.
Guin, Jackie B., OF100116.
Haack, Duane G., OF100117.
Hasse, Harold W., Jr., O98224.
Haggerty, Edward D., OF100118.
Hagman, J. Michael, O98124.
Hailey, Gerald W., O99463.
Hall, George D., OF106128.
Hammann, Amy D., N3204.
Hankins, Guy L., OF100119.
Harris, James A., O99563.
Harrison, James M., O98133.
Hart, John L., O98445.
Hartzog, William W., OF103634.
Hatmaker, Ray G., OF103678.
Hawkes, Michael A., OF100122.
Herbert, Sherrill G., OF100748.
Heggie, Walter B., Jr., OF101935.
Heilig, Donald M., OF105422.
Hein, Clark D., O97572.
Helmbold, Richard F., 097975.
Henry, O. Marie M., N003223.
Herkenhoff, Walter, O99466.
Hery, Texat, L636.
Hill, Richard F., III, O99566.
Hocevar, August E., O98140.
Hodge, Warren F., O99467.
Hoherz, Melvin A., OF102025.
Holleman, Gerald W., O99468.
Hopkins, Clarence, OF106141.
Holscher, Richard W., O99568.
Holterman, Gordon C., O98764.
Houston, Jerry B., O97593.
Hoza, John T., OF105707.
Hrdlicka, Richard G., O99470.
Hubing, James N., O98147.
Humphrey, Clyde L., O97596.
Humphrey, Vernon W., OF102921.
Huntley, Edward G., OF106146.
Hurelbrink, Merle G., O99471.
Iannarino, Thomas E., O98150.
Ingram, Charles W., O99569.
Isaac, William T. Jr., OF100126.
Izzi, Alfonso J., OF105711.
Jackson, Ralph H., O97693.
Jackson, Robert H., O99474.
Jamieson, John D., OF100127.
Jamison, William S., O99475.
Jaworowski, Joseph, O98775.
Jencks, Harlan W., O98460.
Jenks, Melvin C., OF106664.
Jennings, Logan R., O98156.
Jensen, Bruce A., OF100128.
Jobe, James H., OF100129.
John, Jim P., OF100791.
Johnson, Julius F., OF100131.
Johnson, Lawrence, OF105182.
Joles, Robert J., OF105717.
Jones, Boyd A., OF106013.
Jones, Douglas E., OF106672.
Jones Melvin D., OF104134.
Jones, Michael C., OF106151.
Kaczor, George R., O99478.
Kaplan, Harvey T., O98468.
Kasik, James F., OF100132.
Kasprisin, John E., OF102068.
Kasprzyk, Richard C., O99769.
Katuzny, Walter E., O97786.
Keaton, Dickie G., OF100133.
Keener, Allan W., OF101950.
Keller, Clyde R., O99479.
Kem, Howard E., OF103636.
Kennedy, Condon P., OF100821.
Kephart, Judith G., L646.
Kepner, Richard B., OF100134.
Kidd, John C. II, O99192.
Kimenis, Visvaldis, OF100135.
Kincheloe, Lawrence, OF104186.
Kinnan, Donald P., O98259.
Kirila, Michael R., O98473.
Kishimoto Richard A., OF102311.
Knapp, Richard E., OF106158.
Knight, Phillip W., O97726.
Knotts, Lawrence E., OF100136.
Kocsis, Alexander S., OF100137.
Koenigsbauer, Herbert G., OF206335.
Korecki, Eugene M., O99570.

Korkin, Robert A., O97629.
Kramer, Charles H. R., O98172.
Kurtz, Richard G., O97631.
Kuypers, John C., O98178.
Kwieciak, Stanley, O99482.
Laing, John C., O97595.
Landin, Robert F., OF105459.
Langley, Samuel H., OF105695.
Lanpher, Michael J., OF100141.
Larremore, Joseph T., OF100143.
Larsen, James H., OF106164.
Laskoski, Richard D., O97638.
Leblang, Wayne A. G., OF105733.
Leckey, James G., O99571.
Lederer, Roger J., O99484.
Ledwin, Norman A., O98186.
Lee, John P., OF100144.
Leigh, Fredric H., O98187.
Lenius, Harlan J., OF100145.
Lessard, Paul A., O99572.
Letchworth, James R., OF106171.
Levinson, Philip J., O99573.
Lewis, Allen L., OF106173.
Lewis, Edgar C., OF106714.
Lindahl, Edward J., O99770.
Lindsay, David O., OF100875.
Lindsay, Edward E., OF100146.
Locker, William J., O98193.
Long, George M., OF106282.
Long, James B., Jr., OF105740.
Long, James G., OF100147.
Looney, Harold, Jr., O99487.
Lund, Robert R. OF100148.
Lupardus, Carl R., O99207.
Luton, John B., O99488.
Lychmanenko, Eugene, O98196.
Machina, Mark E., O97490.
Maino, Michael M., O98499.
Makarewicz, Theodore W., O99574.
Mallory, Reginald, OF100898.
Marcy, Richard C., Jr., O98202.
Marshall, Gail W., O97661.
Martin, William O., OF104493.
Mason, Gregory W., OF100152.
Massey, Ronald F., O97666.
Mathews, Paul H., Jr., O99208.
Maykuth, Paul B., O99492.
McAllister, Amos J., OF100154.
McCarron, Geoffrey, OF100155.
McCauley, William, O98504.
McCoid, Frederick, OF101072.
McConnell, James V., O97407.
McCormack, James W., OF100156.
McDonald, Benjamin, O99210.
McElwee, Vernon D., O99774.
McGrath, John, OF106272.
McGrath, Vincent A., O98211.
McGruder, John P., OF100160.
McHale, John L. III, OF100162.
McKiness, Douglas, OF102081.
McMillian, John W., O97671.
Mebane, William C., OF100163.
Meinke, Gary E., O99576.
Menig, David B., OF100943.
Meoni, Neil W., O97677.
Mercer, Lynne E., N003261.
Merritt, Gordon L., O99493.
Mertz, Wade M., Jr., O98032.
Miller, Gerald G., OF106190.
Miller, James W., O99218.
Minney, Robert W., OF100166.
Mitchell, Ralph M., O98850.
Mitchell, Richard S., O97686.
Mix, David J., OF105304.
Monroe, James W., O99577.
Mooney, Philip D., O98226.
Moore, Gary K., O99496.
Moore, James F., O97495.
Moore, William E., O99497.
Moreau, James G., OF105768.
Moreland, Harold D., O97556.
Morris, Charles T., O99220.
Morris, John F., O97694.
Morrison, Ronald E., OF100167.
Morse, Michael M., O98450.
Mortensen, Eugene P., O98229.
Muldoon, James J., OF106982.
Nash, Kenneth H., O99499.
Nevers, David G., O99776.
Newborn, James L., OF100169.
Newman, Lawrence J., OF100170.
Noble, Donald H., O98235.
Oakes, Henry M., OF100171.
O'Brien, Thomas J., Jr., OF105388.
O'Hall, Carl J., OF106199.
Oliver, John F., III, O98875.
Olmstead, James L., O99500.
Olson, Charlotte, N003262.
Olszewski, Walter A., OF100173.
Onstott, Billy M., OF100174.
Orlowski, Randolph, O98878.
Orsini, Fuldo E., OF100175.
Pahland, Richard C., OF106201.
Pahris, James M., O99580.
Palm, Harald E., Jr., OF100176.
Patterson, Bryce L., OF100177.
Pauler, Gerald L., OF105790.
Payne, Leslie, O97725.
Peeples, Hardy W., OF100179.
Pendleton, Richard, O98542.
Penn, Robert E., OF105792.
Penn, Ronald W., O98286.
Perez, Anthony R., O99581.
Perron, Owen F., O97821.
Peters, Donald G., OF100180.
Peters, Joseph F., OF100181.
Phelps, Harvey A., O97365.
Piechocki, John R., O98248.
Pierson, J. Terry, O99582.
Pinson, James W., OF100183.
Pittson, Eugene R., O99505.
Pleasants, James L., OF105917.
Porcreva, Michael A., O98252.
Pollard, David E., O98566.
Pongonis, James A., OF100184.
Poole, Barry G., O99583.
Porch, David B., OF105797.
Potter, Clifton A., O99506.
Powers, George E., O98255.
Powers, Frank, O98523.
Powers, Jerry H., O99233.
Powers, Robet Lee, O99507.
Prangley, Robert E., O98893.
Price, Edward R., O99508.
Pride, Cadwallader, O97866.
Prohaska, Thomas G., OF101047.
Propp, Carl R., OF101048.
Purcell, Jackson D., OF100186.
Ragsdale, Jack D., Jr., O99235.
Read, Philip J., O97742.
Rayburn, James L., OF106786.
Redish, Stephen, Jr., OF100188.
Redman, Michael C., O98527.
Reed, Donald J., O97766.
Reese, Thomas S., O99584.
Reid, Michael J., OF100189.
Reid, Tilden R., O98898.
Reinholtz, Richard, O98900.
Rerecich, John A., OF108282.
Reynolds, Howard I., O99133.
Rhodes, Dennis D., O99240.
Rice, Richard E., O97778.
Rich, John H., Jr., OF105524.
Richardson, Lawrence, OF100192.
Richardson, Stephen, O99509.
Ricketson, Don A., OF100193.
Rives, Charles M., OF106368.
Roberson, Carlton F., O98049.
Roberts, Donald B., OF100196.
Roberts, Terry R., O99585.
Robinson, Earl L., OF105810.
Rodgers, Richard L., O97756.
Rosenthal, Sidney D., O98070.
Rudy, James J., O99510.
Rush, Wayne A., O99244.
Sadberry, John R., Jr., O99586.
Sage, Terence F., O98917.
Samples, Watson L., OF103725.
Sasser, Howell C., OF103895.
Sauter, Fred F., OF100197.
Sawyer, John M., O99587.
Sawyer, Paul F., OF100198.
Schaaf, Clifford C., OF101105.
Schaible, Dennis J., O99161.
Scharf, Richard D., O98924.
Schenk, Stevens T., O97765.
Schmidt, George C., O99512.
Schweitzer, Jeffrey, O99588.
Scussel, James T., O99779.
Sedlock, Michael E., O99127.
See, Frederick W., O99513.
Segal, Herbert E., O99589.
Seip, Walter L., II, O97530.
Sessums, Robert B., O98431.
Severson, Richard W., OF106225.
Sheppard, Hugh P., O97782.
Shockey, Gilbert L., OF100203.
Shoemaker, David J., O99514.
Simmons, Richard P., Jr., OF100204.
Simpson, Larry W., OF100205.
Singer, George D., O98544.
Smith, Cecil C., OF108305.
Smith, Freddie G., O97376.
Smith, James L., OF100206.
Smith, Myles G., O99517.
Snider, Thomas H., O97797.
Sonricker, William, OF100207.
Spille, Robert M., OF100209.
Stafford, Billy W., O99591.
Steadman, Robert P., O99780.
Steinberg, Barry P., O99592.
Stepan, Jacob F., O99473.
Stephens, Jeffrey L., O97465.
Stephens, Robert F., O99593.
Stephens, Thomas E., OF106236.
Stevens, Lila C., N3206.
Stewart, George D., OF106833.
Stiglich, Gerald F., O97802.
Stone, Frank D., OF100210.
Streetmaker, John I., O99260.
Studdard, Walter C., O99519.
Surdu, Frank G., OF100211.
Suttle, Thomas H., Jr., O99520.
Sutton, Melvin J., O99594.
Swarthout, John E., O98302.
Taddy, Peter A., OF105838.
Tate, James L., O99521.
Taylor, Edwin L., O98553.
Taylor, John M., Jr., OF100212.
Tharp, William G., II, O98477.
Thomas, Robert M., OF105839.
Thomson, John M., O99522.
Timian, Robert C., OF100214.
Todd, Patrick R., OF105846.
Trader, Michael W., O98310.
Trimble, Richard S., OF105852.
Troxler, Robert C., O98313.
Tugwell, Tyler, OF105139.
Turner, Richard W., OF100215.
Tutton, Raymond F., OF100216.
Uecke, John W., OF100217.
Valencia, Romolo, O98316.
Veen, Robert A., OF105572.
Vesser, Thomas F., OF105348.
Vititoe, John N., OF100219.
Volk, George F., OF105858.
Volkman, Ronald L., OF100220.
Vorpahl, Kenneth W., O98323.
Wagner, Dale N., O98324.
Walker, Clyde E., OF100222.
Walker, Herbert A., OF105144.
Wall, Thomas D., OF102118.
Wallace, James C., OF100223.
Walter, David P., O99269.
Warner, John D., O99524.
Warvai, Harold E., O99595.
Waters, Henry J., O99596.
Weaver, John W., O88526.
Webb, William F., OF101232.
Weber, Gary L., O99527.
Wengert, Walter D., O99598.
Whitcomb, Richard G., O98246.
White, David E., O99781.
Whitley, Bobby, O99782.
Whitney, Douglas W., OF100225.
Wiener, William, OF100226.
Wilkerson, James V., OF101262.
Williams, Fontaine, OF100227.
Williams, Freddie W., O99275.
Williams, Gary E., OF101265.
Williams, George M., O97864.
Williams, Rowdy L., O99531.
Williams, Russell A., O99532.
Wilson, William W., OF101272.
Winch, Gerald J., O99599.
Winmill, John I., OF100229.
Wood, Jack E., OF100230.
Wood, Robert T., OF101283.
Wood, Samuel E., O98345.
Woods, Jackie W., OF105880.
Woods, Leroy, OF108335.
Worthington, Douglas L., O98346.
Wright, Frederick L., OF105980.

Wrenn, Robert W., O99231.
Wurm, Charles M., OF103786.
Yeager, Frederick J., O99033.
Zalaha, John W., O99283.
Zimmerman, Maryolou L., 637.
Zins, Linus P., O97877.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JUNE 14, 1967

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Thou hast given a banner to them that fear Thee, that it may be displayed because of the truth.—Psalm 60: 4.

God of our fathers, whose almighty hand hast made us a nation and preserved us as a people, we thank Thee for days like these when we lift up before our eyes the flag of our beloved country. Grant, O Lord, that this day may kindle in our minds a greater love for our United States and a deeper loyalty to the princely principles which are the foundation stones of our American way of life. Make us aware of our duties as citizens of this free land and help us to accept our responsibilities to keep this land strong and good.

Together may we endeavor to strengthen the moral and spiritual life of our people and do all we can to protect our free institutions, to preserve our liberty and to proclaim freedom to all the world.

Bless Thou this flag of our national life. May it now and always be the symbol of hope to the world and may it wave in glory and majesty over free people for all times.

So we pledge allegiance to the flag of the United States of America, and to the Republic for which it stands one nation, under God, indivisible, with liberty and justice for all. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 834. An act to amend section 5 of act of February 11, 1929, to remove the dollar limit on the authority of the Board of Commissioners of the District of Columbia to settle claims of the District of Columbia in escheat cases;

H.R. 1526. An act for the relief of Cecil A. Rhodes;

H.R. 2048. An act for the relief of William John Masterton and Louis Vincent Nanne; and

H.R. 4445. An act for the relief of Aurex Corp.

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

S. 118. An act for the relief of Dr. Amparo Castro;

S. 155. An act for the relief of Arthur Jerome Olinger, a minor, by his next friend, his father, George Henry Olinger, and George Henry Olinger, individually;

S. 163. An act for the relief of CWO Charles M. Bickart, U.S. Marine Corps (retired);

S. 445. An act for the relief of Rosemarie Gauch Neth;

S. 454. An act for the relief of Richard K. Jones:

S. 463. An act for the relief of Eladio Ruiz DeMolina;

S. 676. An act to amend chapter 73, title 18, United States Code, to prohibit the obstruction of criminal investigations of the United States;

S. 677. An act to permit the compelling of testimony with respect to certain crimes, and the granting of immunity in connection therewith;

S. 733. An act for the relief of Sabiene Elizabeth DeVore;

S. 747. An act for the relief of Dr. Earl C. Chamberlayne;

S. 762. An act to amend the District of Columbia Traffic Act, 1925, as amended;

S. 763. An act to amend the act approved August 17, 1937, so as to facilitate the addition to the District of Columbia registration of a motor vehicle or trailer of the name of the spouse of the owner of any such motor vehicle or trailer;

S. 764. An act to amend section 6 of the District of Columbia Traffic Act, 1925, as amended, and to amend section 6 of the act approved July 2, 1940, as amended, to eliminate requirements that applications for motor vehicle title certificates and certain lien information related thereto be submitted under oath;

S. 808. An act for the relief of Dr. Menelio Segundo Diaz Padron;

S. 863. An act for the relief of Dr. Cesar Abad Lugones;

S. 1108. An act for the relief of Dr. Felix C. Caballol and wife, Lucia J. Caballol;

S. 1109. An act for the relief of Dr. Ramon E. Oyarzun;

S. 1110. An act for the relief of Dr. Manuel Alpendre Seisdedos;

S. 1197. An act for the relief of Dr. Lucio Arsenio Travieso y Perez;

S. 1226. An act to transfer from the U.S. District Court for the District of Columbia to the District of Columbia court of general sessions the authority to waive certain provisions relating to the issuance of a marriage license in the District of Columbia;

S. 1227. An act to provide that a judgment or decree of the U.S. District Court for the District of Columbia shall not constitute a lien until filed and recorded in the Office of the Recorder of Deeds of the District of Columbia, and for other purposes;

S. 1258. An act for the relief of Ramon G. Irigoyen;

S. 1259. An act for the relief of Wouter Keesing;

S. 1269. An act for the relief of Dr. Gonzalo G. Rodriguez;

S. 1270. An act for the relief of Alfredo Borges Caignet;

S. 1278. An act for the relief of Dr. Floriberto S. Puente;

S. 1280. An act for the relief of Dr. Alfredo Pereira;

S. 1448. An act for the relief of Roy A. Parker;

S. 1465. An act to provide for holding terms of the District Court of the United States for the Eastern Division of the Northern District of Mississippi in Ackerman, Miss.; and

S. 1781. An act for the relief of Kyong Hwan Chang.

CALL OF THE HOUSE

Mr. JOELSON. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 136]

Anderson, Tenn.	Dow	Pelly
Arends	Foley	Pollock
Ashbrook	Fuqua	Rooney, N.Y.
Ashley	Herlong	St. Onge
Ayres	Ichord	Stephens
Battin	Karth	Tenzer
Berry	Leggett	Thompson, N.J.
Collier	Long, La.	Ullman
Conyers	Lukens	Vanik
Corman	Moorhead	Williams, Miss.
Derwinski	Morton	Young
	Patman	Younger

The SPEAKER. On this rollcall 398 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

The SPEAKER. Pursuant to the order of the House of May 25, 1967, the Chair declares the House in recess for the purpose of observing and commemorating Flag Day.

RECESS

Accordingly (at 12 o'clock and 34 minutes p.m.) the House stood in recess subject to the call of the Chair.

FLAG DAY

During the recess the following proceedings took place in honor of the United States Flag, the Speaker of the House of Representatives presiding:

FLAG DAY PROGRAM, UNITED STATES HOUSE OF REPRESENTATIVES, JUNE 14, 1967

The United States Marine Band, directed by Lieutenant Colonel Albert F. Schoepper, and the Air Force "Singing Sergeants" entered the door to the left of the Speaker and took the positions assigned to them.

The Doorkeeper (Honorable William M. Miller) announced *The Flag of the United States.*

[Applause, the Members rising.]

The Marine Band played *The Stars and Stripes Forever.*

The Flag was carried into the Chamber by Colorbearer and a guard from each of the branches of the Armed Forces, Sergeant David C. Insco, USA, NCO in charge.

The Color Guard saluted the Speaker, faced about, and saluted the House.

The Flag was posted and the Members were seated.

Mr. BROOKS of Texas accompanied by Honorable W. Pat Jennings, Clerk of the House of Representatives, took his place at the Speaker's rostrum.

The SPEAKER. The Chair recognizes the gentleman from Texas, Mr. BROOKS.

Mr. BROOKS. Mr. Speaker, the United States Marine Band with Lieutenant Colonel Albert F. Schoepper conducting will now accompany Master Gunnery Sergeant William Jones who will sing *The Pledge of Allegiance to the Flag.*

The Marine Band, accompanying