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

Master Gunnery Sergeant William Jones, soloist, presented *The Pledge of Allegiance to the Flag*, by Irving Caesar, ASCAP.

Mr. BROOKS. Mr. Speaker, at this time I would like to express my appreciation to the other members of the Flag Day Committee, the Honorable BILL NICHOLS, of Alabama; the Honorable DURWARD G. HALL, of Missouri; and the Honorable RICHARD L. ROUDEBUSH, of Indiana, for their hard work and dedicated efforts.

Mr. Speaker, the Air Force Choral Group, the "Singing Sergeants," directed by Captain Robert B. Kuzminski, will now present a medley of songs appropriate for this occasion.

The Air Force "Singing Sergeants," directed by Captain Robert B. Kuzminski, presented a medley of patriotic songs: "America," "This is My Country," and "America the Beautiful."

Mr. BROOKS. Mr. Speaker, today, Flag Day, 1967, is a day for all Americans to pledge their allegiance to the ideals and aspirations we share together as a united people. It is not a day for self-congratulations—but for self-reflection. For our Flag is but a symbol of our national purpose—and a nation can only be as great and just and humane as its people.

The Flag we honor stands for something unique in the world: A nation as strong as it is free; as productive as it is progressive; as brave as it is selfless.

It is not too fashionable in some quarters to be patriotic. Some so-called sophisticates openly scoff at those who show deep love of country.

I am sad for them. I believe in patriotism. I believe in the kind of patriotism that sustains our fighting men in Vietnam. We have some of those brave men here with us today. Each of them bears the scars of his devotion—and on behalf of the Nation, I salute them.

[Applause, the Members rising.]

Mr. BROOKS. I wish you gentlemen would now stand so that the Members might see you and appreciate more deeply your contribution.

(The veterans of the Vietnam war rose.)

[Prolonged applause.]

Mr. BROOKS. Mr. Speaker, I think the time has never been more ripe for the kind of patriotism these men have shown.

For the American citizen is no longer a frontiersman whose only concern is his personal life; who allows his country to take care of itself. The complexities of modern civilization demand our involvement in democratic life—and life today asks the best from us all.

Real patriotism—real love of country—is the driving force behind every citizen who is determined to leave to his children and to his neighbor's children more opportunity, more freedom, and more security than he himself enjoyed.

We should never be ashamed to say: Our country, right or wrong.

But neither should we be reluctant to say: When right, keep it right—when wrong, put it right.

John Gunther once wrote: "Ours is the only country deliberately founded on a good idea."

This idea is as simple as it is profound—namely, that freedom is not only a right, but a responsibility. And that those who value and defend freedom for themselves, will value and defend freedom for others.

On this Flag Day, this generation of Americans—perhaps more than any other—understands the responsibilities of freedom.

We are working today to extend the boundaries of freedom and opportunity for all Americans.

And we are fighting and dying in Vietnam to help defend the freedom of others who seek our help.

President Johnson has said: "The ultimate test of our civilization, the ultimate test of our faithfulness to our past, is not our goods or our guns. It is in the quality of our people's lives and in the character of the men and women our society produces."

Patriotism is a vital part of the American character. I mean a patriotism based not on blind self-righteousness but on a far deeper love that recognizes both our strengths and weaknesses, what we are, and what we are capable of becoming.

This is the kind of patriotism we celebrate on this Flag Day.

Our country is the measure of our hopes and aspirations. Its strength and greatness rest with our determination and spirit.

Let us be proud of what the American spirit has already accomplished. We live in the freest, most prosperous, and most compassionate nation the world has ever known.

And let us be worthy of the glories of our heritage—and the promise of our future.

I request the Members to rise, and invite the visitors in the gallery to join with the "Singing Sergeants," accompanied by the Marine Band, in singing *The National Anthem*, and request that everyone remain standing while the Colors are retired from the Chamber.

The Members rose and sang *The National Anthem*, accompanied by the Marine Band and the Air Force "Singing Sergeants."

The Colors were retired from the Chamber, the Marine Band playing *The National Emblem March*.

The Marine Band and the Air Force "Singing Sergeants" retired from the Chamber.

At 12 o'clock and 55 minutes p.m. the proceedings in honor of the United States Flag were concluded.

The SPEAKER. The House will continue in recess until 2 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock p.m.

Mr. BROOKS. Mr. Speaker, today we had the pleasure and honor of having with us men who have sacrificed greatly for our country. As I stated earlier in my remarks:

These men are symbolic of the highest form of patriotism.

These 19 members of the armed services who were wounded in Vietnam truly represent the pride of America.

On this Flag Day, 1967, we join with all Americans in honoring these noble young men. We also share with their families, their neighbors, and our Nation the pride in them and their accomplishments, their dedication and their service. These men are representatives of the many thousands of patriotric and heroic servicemen. The young men who were with us today are:

Robert C. Blake, private, first class, U.S. Marine Corps, Moundsville, W. Va.

John H. Buckner, corporal, Army, Knoxville, Tenn.

Paul C. Carpenter, sergeant, first class, Army, Valley Station, Ky.

Joseph H. Coffey, lance corporal, U.S. Marine Corps, Huntington, W. Va.

James E. Cohenour, sergeant, Army, Alderson, W. Va.

Taylor H. Cooper, corporal, U.S. Marine Corps, Mount Rainier, Md.

Frank Crawford, sergeant, first class, Army, Washington, D.C.

Robert A. Jackson, sergeant, first class, Army, Beverly, Mass.

Peter J. LaMonica, hospital corpsman, senior chief, Elkton, Md.

John R. Lucas, lance corporal, U.S. Marine Corps, Falls Church, Va.

James T. Padgett, sergeant, Army, Baltimore, Md.

Robert A. Currey, hospital corpsman, third class, Navy, Salem, W. Va.

Gary L. Franklin, specialist, seventh class, Army, Limestone, N.Y.

Lawrence L. Gerhard, sergeant, U.S. Marine Corps, Akron, Ohio.

William V. Henderson, private, first class, U.S. Marine Corps, New Martinsville, W. Va.

Carroll P. Pederson, first lieutenant, Army, Chicago, Ill.

Robert P. Taylor, major, Air Force, Wenatchee, Wash.

Freyre D. Vasquez, private, first class, Army, Carcada Mercedita, P.R.

Ronald R. Yerman, sergeant, U.S. Marine Corps, Cleveland, Ohio.

FLAG DAY

Mr. HALL. Mr. Speaker, I think it is entirely fitting that the House of Representatives take this special and unique notice of Flag Day by authorizing the ceremonies in the House Chambers today. I think this is a precedent which might well be followed even in "normal" times—if indeed, we ever experience normal times again.

But it is especially fitting in order to place in proper perspective the disgusting acts of flag desecration which occurred a few months ago at a so-called peace rally in New York City. For every person who would engage in such an act, there must surely be at least a million who honor everything our colors stand for.

A flag may be only a symbol, but it is the most important symbol of our national existence. Millions of Americans have suffered to protect and preserve it, untold numbers have died, others have suffered grievious wounds, and even today, others are suffering the indignities of confinement in Communist prison camps, as a living testimonial to their love of country and all she stands for.

Through our national emblem "Old Glory," they shall not be forgotten.

In a land composed of all races and creeds from every corner of the earth, the "Stars and Stripes" are a single unifying force, representing the ideals and principles which bind so many diverse peoples together.

I hope and pray our Nation never becomes so "sophisticated" that its people are embarrassed at the very thought of expressing their patriotism and love of country. There is no more appropriate time to do so than on Flag Day, though indeed we should be eternally grateful for every day that the Stars and Stripes fly over our beloved land.

Mr. NICHOLS. Mr. Speaker, it is an honor and a privilege for me, a freshman Congressman, to have been chosen to serve on the Flag Day Committee. While our primary purpose here is to make the laws of our country, one of our functions is to lead our citizens in patriotic endeavors such as this program. I am pleased to say that my State of Alabama is joining wholeheartedly in the observance of Flag Day. Gov. Lurleen Wallace has proclaimed today Flag Day in my State, as has the Alabama Legislature. Many municipalities and county governments in my Fourth District are planning special ceremonies to honor our flag today. Patriotism is not dead in Alabama. We have had no flag burnings, draft-card burnings, or antiwar demonstrations in our State. Instead, our students concentrate their energies in donating blood for our servicemen in Vietnam. My alma mater, Auburn University, recently donated 4,800 pints of blood in just 2 days to set a new world's record. American boys are fighting and dying for our flag in Southeast Asia. It is ironic to me that they are fighting and giving their lives so that the peaceniks and beatniks here at home can continue to demonstrate against the war. I wonder just how long an anti-Vietcong demonstration would last in North Vietnam, or how long an anti-Red Guard demonstration would last in Red China.

We will soon begin debate on the flag desecration bill, and I will support it 100 percent. Critics of the bill say you cannot legislate respect for our flag. I say this to those critics: Neither can you legislate respect for private property, yet we have laws prohibiting destruction of private property. Neither can you legislate respect for our country, yet we have laws against treason. Neither can you make people respectfully pay their taxes, yet we have laws requiring the payment of taxes.

We can not legislate respect for the flag by passing this antidesecration law, Mr. Speaker, but we can make the publicity-seeking flag burners think twice before burning another American flag. We can give millions of Americans, more than 99 percent of our people, I'd say, a better feeling just knowing it was against the law to burn their flag.

I was very impressed by an article sent to me by a good patriotic Alabamian. I do not know who the author is, but he has a message for all of us. It follows:

DO YOU REMEMBER?

Hello! Remember me? Some people call me Old Glory, others call me the Stars and Stripes; also I have been referred to as the Star-Spangled Banner. But whatever they call me, I am your Flag, or as I proudly state, the Flag of the United States of America. There has been something that has been bothering me, so I thought that I might talk it over with you. Because it is about you and me.

I remember some time ago—I think it was Memorial Day—people were lined up on both sides of the street to watch the parade. The town's high school band was behind me and naturally I was leading the parade. When your daddy saw me coming along waving in the breeze, he immediately removed his hat and placed it against his left shoulder so his hand was directly over his heart. Remember?

And you—I remember you. Standing there as straight as a soldier, you didn't have a hat but you were giving the right salute. They taught you in school to place your hand over your heart. Remember little sister—not to be outdone, she was saluting the same as you. I was very proud as I came down the street. There were some soldiers home on leave and they were standing at attention giving the military salute. Ladies as well as men paying me the reverence that I deserve.

Now I may sound as if I am a little conceited. Well I am. I have a right to be. Because I represent the finest country in the world, the United States of America. More than one aggressive nation has tried to haul me down but they all have felt the fury of this freedom-loving country. You know. You had to go overseas and defend me.

What happened? I'm still the same old flag. Oh, I have a couple more stars added since you were a boy. A lot more blood has been shed since the Memorial Day so long ago. Dad is gone now. The old town has a new look. The last time I came down your street I saw that some of the old landmarks were gone, but in their place, shining majestically in the sun, were a number of new buildings. Yes, sir, the old town sure has changed.

But now I don't feel as proud as I used to. When I come down your street, you just stand there with your hands in your pockets and give me a small glance and then turn away. When I think of all the places I have been, Anzio, Guadalcanal, Korea—and now, Vietnam. Then I see the children running around and shouting. They don't seem to know who I am. I saw one man take his hat off and then look around. He didn't see anybody else with theirs off so he quickly put his back on.

Is it a sin to be patriotic any more? Have you forgotten what I stand for? Have you forgotten all the battlefields where men fought and died to keep this nation free? When you salute me you are actually saluting them.

Take a look at the Memorial Honor Roll sometime. Look at the names of those men that never came back. Some of them were relatives and friends of yours. Probably went to the same school with some of them. That's what you are saluting. Not Me.

Well it won't be long until I'll be coming down your street again. So when you see me, stand straight, place your hand over your heart, and you'll really see me waving back my salute to you. And I'll know that you remembered.

I also include, Mr. Speaker, this copy of Gov. Lurleen Wallace's Flag Day proclamation in the RECORD:

MONTGOMERY, ALA.—Gov. Lurleen B. Wallace has designated Wednesday, June 14 as "Flag Day" in Alabama.

In her proclamation of the occasion which is supported by the American Legion she called for citizens of the state to display the national emblem on that day.

Her proclamation stated:

Whereas, the Flag of the United States of America is a symbol to all mankind of the costly attainment of precious freedoms and the recognition of individual dignity; and

Whereas, the Flag should always be held in reverence and respect by all Americans as the living symbol of our great Nation; and

Whereas, the display of a Flag of presentable appearance is an expression of sincere loyalty, dedicated patriotism, and positive support of our Nation's cause; and

Whereas, Americans everywhere should take time to renew and revitalize their faith in that which the Flag symbolizes, and to increase their knowledge of its history; and

Whereas, the Flag should be displayed by every home and business firm on Flag Day, June 14, and other appropriate occasions;

Now, therefore, I, Lurleen B. Wallace, Governor of the State of Alabama, do hereby proclaim June 14 Flag Day in Alabama, and encourage the citizens of Alabama to display the living symbol of our great Nation on this day, and on other appropriate occasions."

On behalf of the Flag Day Committee, I want to express our appreciation to the American Legion for furnishing the small flags that each Member of the House and our guests are wearing today. Two years ago, the Legion began "Operation Show Your Colors." Since then, 25 million flags have been distributed throughout the country. This morning, the Legion presented the Speaker with the 25 millionth flag. This is a most worthwhile project, and I hope that each of you will continue to "show your colors," not just on Flag Day, but every day of the year.

Mr. ROUDEBUSH. Mr. Speaker, today's observance of Flag Day here in the Chamber was without a doubt one of the most impressive ceremonies it has been my privilege to witness.

I know that I join with all Members of this body when I compliment the Speaker for his foresight and awareness of the appropriate in scheduling the ceremony.

I am equally sure that all of us present today received a surge of patriotism and rededication to the principles of our wonderful Nation.

There was an almost visible atmosphere of emotion in the Chamber as representatives of our various military branches, together with our Vietnam veterans, participated in the brief but impressive ceremony.

I only wish that every American in this United States could have been present. Because all Americans would have thrilled to this display of patriotism which is the wellspring of our national heritage and purpose.

The exhibition in the Chamber today reflects the real attitude of Americans toward the Nation, rather than the shabby, overemphasized displays of anti-American behavior so obnoxious to our people.

I wish to pay particular respect and homage to the wonderful performance of the U.S. Marine Corps Band, the Air Force "Singing Sergeants," and the Color Guard representing each of the branches of the U.S. Armed Forces.

Their participation highlighted the program and they performed in perfect style and grace.

The medley of patriotic songs by the "Singing Sergeants" was a beautiful rendition of our traditional music so beloved by all Americans.

The Color Guard performance was flawless and a fine exhibition of the precision and execution of drills by our military units.

Our colleague, the Honorable JACK BROOKS, of Texas, deserves warm praise for his wonderful remarks pertaining to the occasion.

His brief but eloquent presentation summed up very well the beliefs of the vast majority of Americans who still regard reverence for the flag and all it implies, as a privilege and duty of American citizenship.

It was a distinct honor for me to serve on the committee for Flag Day together with Representative BROOKS, chairman of the event, and the Honorable BILL NICHOLS, of Alabama, and DURWARD G. HALL, of Missouri.

I believe the program was arranged with taste, dignity, and brevity to display with unmistakable clarity the high regard and deep devotion that we all possess for the U.S. flag and the country it symbolizes.

Again, Mr. Speaker, my sincere thanks for your leadership in authorizing and scheduling the beautiful and moving ceremony we witnessed today.

Mr. PATMAN. Mr. Speaker, with a great feeling of pride as an American, yet with humility as an individual, I am privileged today to join with my colleagues in voicing our respect and allegiance to the flag of the United States. Throughout the years of our generation, Mr. Speaker, we have seen the problems of our Nation and the world multiply in number and increase in complexity almost beyond human control. The issues with which we contend have been, I think, too often surrounded by a murky fog of intellectual sophistication that obscures and even distorts the fundamental principles that have guided our Republic through two centuries of great national growth.

It seems to me, Mr. Speaker, that too many well-meaning people have come to the sad conclusion that right and wrong have been abolished by an ever-widening and pervasive area of gray. In this context I ask for a return to the pure and simple patriotism that comported so well with the lucid intelligence of men like Benjamin Franklin, Thomas Jefferson, and Abraham Lincoln. It is not given to each mortal to be so richly endowed in intellect and vision as were these great Americans, who have their counterparts among the great leaders of today, but we, all of us, can share their faith in America and their allegiance to the flag which they revered. As a symbol our flag has remained constant, although there are now more stars upon its field of blue.

This House will soon have under consideration legislation which has been spontaneously evoked by acts of desecration committed against our national standard by the mistaken few, whether they are seekers of notoriety, arrogant intellectuals, victims of foreign ideologies, or just crazy mixed-up kids. There used to be a saying: "Stand up and be counted." But nowadays it is the off-beat youngster whose dissenting views are sought after and given wide publicity, while the great majority of our responsible young people are ignored. It might be said, therefore, that today you have to lie down to be counted.

It is not inappropriate, Mr. Speaker, for the Congress to entertain legislation which would establish a minimum standard of public behavior with respect to our flag. The separate jurisdictions and sovereign rights of the 50 States are strengthened, not weakened, when we clarify our fundamental legal concepts. It has often been stated by men of good judgment that we cannot legislate morality, and this I am sure extends to patriotism; but there are some offenses that are such a gross affront to the sensibilities of the observer that they have been proscribed in all jurisdictions. I place the deliberate desecration of our flag in this category. In this connection I might suggest that whereas section 4(j) of Public Law 829, 77th Congress, provides that when the flag, by reason of its condition, is no longer a "fitting emblem" for display, it should be destroyed "in a dignified way, preferably by burning." Note that the flag is not to be burned in an undignified manner—certainly not by those who are so obviously themselves a glaringly unfit "emblem" of our youthful citizenry, the great majority of whom are loyal Americans.

In order to avoid questionable circumstances that might otherwise be involved in any act of destruction by burning, it might be worth while to consider authorizing Post Office officials, such as a postmaster, to accept from the public flags which are no longer serviceable for destruction in accordance with an appropriate and fitting ceremony. Again, Mr. Speaker, let me emphasize the positive point that patriotism is as alive and vibrant today in our America as it has indeed flourished in our historic past, and I cite a thousand letters from my constituents, expressing horror and repugnance at recent acts of desecration against the Stars and Stripes. There has been in fact a great resurgence of interest, reaching the proportions of a patriotic revival, in all the great events of our history, illuminated as they are by the countless acts of heroism of our Armed Forces in Vietnam, who at this hour are as splendid in their valor as were our defenders at Valley Forge.

Mr. Speaker, our flag carried "aloft and free" is the symbol of America, and America is the symbol of hope for humanity.

Mr. SCHADEBERG. Mr. Speaker, today we observe Flag Day throughout our land and on the following day this House will convene to vote on legislation which would make it a Federal crime to desecrate the American flag.

That it has become necessary to even introduce such legislation—and I have supported it with a bill of my own—is lamentable. It bespeaks of a breakdown somewhere along the line that has resulted in a failure to give honor to those who fought and died so the flag could continue to fly over the "land of the free and the home of the brave." When we recall the valorous deeds of men, long dead, to keep Old Glory flying, we are shamed by the thought that some Americans think so lightly of their country and flag that they stoop to commit acts of dishonor that bring our status as a nation to new levels of disrespect among the nations that make up our world community.

Today I present for the RECORD my thoughts on what Flag Day should mean to all who are grateful that there were those who so loved freedom that they were willing to lay down their lives that others might have the opportunity to pursue it. I urge my colleagues to read these remarks.

DEDICATION AND THE FLAG

Mr. Speaker, Henry Ward Beecher once said:

> A thoughtful mind, when it sees a Nation's flag, sees not the flag only, but the Nation itself; . . . the principles, the truths, the history. . . .

The flag of the United States is the most beautiful among national symbols. I suppose a person must actually leave this country for a spell and return to it to appreciate the full significance of the Stars and Stripes. A person has to give something of himself to a "cause" before he learns to appreciate the value of that cause. In the 25 years I spent in the pulpit of the parish ministry I never stressed financial needs in speaking to the congregation. Naturally we discussed these needs in meetings of the various working boards of the church but never before the congregation. I stressed stewardship in terms of the giving of one's time to the church and the larger task of building of God's Kingdom and the record proves that when the people of the church were busy giving themselves they gave generous support to the cause toward which they spent their labors. The same is true of the Nation. Those who give part of themselves for their nation are by and large those who more fully appreciate what their nation is and what it is striving to be.

I was one of those young men who began my adult responsibilities during the depression years of the early 1930's. I recall an incident which happened while I was in college. I was finding it difficult to secure the necessary food on a regular basis. My fiancee had a birthday which I did not wish to have pass by without notice. I purchased a modest present for her. When I gave the present to her, she appreciated it but rebuffed me for buying her the present because she knew that I had to go without several meals to pay for it and she did not want me to do that.

You see, Mr. Speaker, what I am trying to say is that we have to give part of ourselves to our Nation before we can fully appreciate what the Nation means to us. This is what the late President Kennedy alluded to when, in his first inaugural message, he said, "Ask not what your country can do for you, ask what you can do for your country."

On Wednesday of this week we will be observing what I personally believe to be one of the most significant days of the year. I have a suspicion that it will go by almost unnoticed by the vast majority of Americans who find themselves too busy to tear themselves away from their favorite TV program, first, long enough to take a look at what their forefathers have given them from the past; second, long enough to realize what is stealthily

being taken from them as more and more they turn to Government to assume responsibilities for which they, by virtue of being created by God were personally endowed; and, third, long enough to understand what tomorrow is going to bring them if they insist on living in the make-believe world that Government can give them things for nothing much as God dropped down manna from heaven to the Israelites in the wilderness.

Flag Day ought to stir us into a deeper appreciation of what this Nation means to us and what it can, if we will it, mean to freedom-loving people all over the world. Frankly, Mr. Speaker, I am greatly concerned about the future—not the distant future, but the immediate future—for we are witnessing here in America chaos and violence; a disregard for constitutional principles; a lack of leadership; a grasping for personal power and vain glory; and a breakdown in respect for our historic traditions and institutions which must be appalling to all serious students of our national history and utterly distasteful to any man or woman in whose veins flow the blood of patriotism and in whose breast there breathes the fresh air of freedom's cause.

Time today will not permit me, I am sure, to say all I want to say or I feel needs be said but frankly, Mr. Speaker, I would be derelict in my duty as a citizen, a Congressman, and a clergyman, if I did not lay the cards on the table and tell you frankly and honestly and without fear of being misunderstood that the chips are down and the kind of nation you and I knew a decade ago and loved and appreciated and stood ready and are still ready to live for, and if needs be, to die for, may not long continue to be the kind of a nation which has brought us to our great accomplishments.

It is becoming corrupted by those who believe we must keep moving even if it means going in the wrong direction because they believe that making change must take precedence over solidifying the good we have been bequeathed from the past. Obsessed with their own intellectual capacity and impressed with their own accomplishments yet being also utterly devoid of that more sterling quality of being able to make commonsense judgments based on practical realism, there are those who are willing to lead this country backward along collectivist and politically authoritarian trails to new frontiers on which are nothing more than ghost towns abandoned by those in the past who felt progress could not be made until the human spirit was freed of its political and authoritarian chains.

They do not question the integrity or sincerity of those who actually believe that the only way they can bring the rest of the world to share our level of standards is to bring us down to their level and thus narrow the economic and social and cultural, yes, and political, gulf that separates us—bringing with it a golden age of peace. But I do question their judgment.

They miss the mark made by our great, yet relatively short, national history, first, because peace is the goal not freedom; second, because peace at any price is to them preferable to freedom with honor—some have come to the false conclusion that our Constitution is no longer adequate for the challenge of our age; third, some have lost faith in the capacity of the individual citizen to decide his own destiny and accept responsibility for himself and his own; fourth, they insist that interdependence with the Soviet bloc nations in Europe is the key to perfect peace for a world hell-bent toward the abyss of collectivism. We are indeed victims of a strange social disease that makes us finance our own destruction.

Too many have swallowed the propaganda bait that Marxism is the "wave of the future" and so we find ourselves in the strange role of supporting the causes of collectivist dictators throughout the world who are accomplishing their ends with the use of mere slogans that are appealing to the ear and strike a responsive chord in the emotional character of the finer nature of man. We are partners in a strange game of international roulette in which every bullet chamber is filled with the means by which freedom can be destroyed.

I left my pulpit in Burlington, Wis., which I served for just short of 15 years, to become a candidate for Congress, not because I had tired of the parish ministry but because I felt deeply that time was running out for freedom—for all that which our flag symbolizes—and that I might make a contribution to my Nation and my God that would be of value in these trying and difficult days—a contribution I would not make in the pulpit but which can be made only in the Halls of Congress.

I am of the firm conviction that from a theological point of view socialism is not compatible with the Judeo-Christian philosophy because socialism rests upon the philosophy of humanistic materialism, with its sole emphasis on the material man and the fulfilling of his material needs. Humanitarianism is not the answer to fulfilling the needs of man. It can keep men alive but it does not give them anything for which to live. The Judeo-Christian philosophy is that man is "more than flesh and blood and his body; more than raiment." He is indeed a spirit created in the image of God who is a Spirit.

Unless man is challenged and is made responsible for his own welfare and that of his loved ones, unless, of course, he does not have the strength or capacity to do so; unless he is set free to roam the vast frontier of unexplored ideas and is not thwarted in his attempt to find a better life by others who insist that he must operate within guidelines set by those who would sacrifice the pioneer "for the common good," man is reduced to the mere level of the animal of the field. He will be provided with pasture and shelter and a trough for food to which he can come when he gets hungry, but will be destined to serve only the ends of his beneficent or ruthless master, as the case may be.

Should we continue in our present direction we will become, from within, victims of the very evil we seek to avoid through an over $60 billion a year expenditure for military protection. In just plain words, it is this: we talk like free men but we act like apologists for collectivism and we will end up under a Marxist yoke. It is high time we realize that freedom is not secure even with nuclear subs guarding the moat that separates our front door from the enemy if we leave the rear window ajar that borders on the fertile plain of socialism.

Now it is not important that you either agree or disagree with me. It is important that you sift the facts upon which you make judgments: if freedom is what we want, we still have it within our means to save it. If socialism is what we want, we merely have to sit and wait. It will fast overtake us. There is no middle road. There are only those who desire freedom and those who desire to collectivize our national institutions.

While I am concerned, I am not frustrated nor am I discouraged. We in America are glancing out upon a horizon of an utterly fantastic age. No generation of people has more to gain by success nor more to lose by defeat than we here in America who live in the year of our Lord 1967. The challenge is ours as is the responsibility.

I return you for a moment to my opening quote:

> A thoughtful mind, when it sees a Nation's flag, sees not the flag only, but the Nation itself, . . . the principles, the truths, the history. . . .

Wednesday we will observe Flag Day. I wonder what it will mean to the great people of our land?

Our Stars and Stripes came into being and was born amid the strife of battle. It became the standard around which a free people struggled to found a great nation. Its spirit is fervently expressed in the words of Thomas Jefferson:

> I swear before the Altar of God eternal hostility to every form of tyranny over the mind of man.

Lest we forget, I remind you that it was the Stars and Stripes which in 1941 flew over the U.S. Capitol on December 8, when we declared war upon Japan and on December 11, when we declared war upon Germany and Italy. It proved to be the flag of liberation. Our flag flew over Pearl Harbor on December 7, 1941, and was the same flag which flew atop the White House on August 14, 1945, when the Japanese accepted surrender terms.

While those Stars and Stripes were waving majestically over the White House on August 14, 1945, I stood at attention looking at the same Stars and Stripes, which were battle-worn and weathered, flying in a gentle breeze on the flag staff of a heavy cruiser aboard which I served in the closing year of the war.

As a chaplain on active duty in the Navy in World War II and in the Korean crisis, I was aboard the U.S.S. *Louisville*, the flagship of the Cruiser Bombardment Division operating in the South Pacific which figured actively in the liberation of the Philippines and Okinawa. Less than 1 month after I assumed the chaplain's responsibility aboard her she received a direct hit from a Japanese kamikaze plane during the

prelanding bombardment in the Lingayen Gulf.

We retired under cover of darkness to lick our wounds and to repair what we could of the damage. The admiral felt that though we were missing three of our nine 8-inch guns and had suffered the loss of only two 40-millimeter quads we should lead the fleet into the Lingayen Bay the following morning to resume our task of helping to prepare for the coming landings of the American liberation troops. Again we suffered another hit from a second suicide plane. Suffering some 65 killed and 150 wounded in varying degrees of seriousness we retired from the foray and when opportunity permitted, 10 days later, we began our journey back to the States for major repair and overhaul.

Overhaul completed, we returned to the fleet in time to help in the Okinawa campaign. Again we suffered yet a third direct hit from a suicide plane and retired to Pearl Harbor, for repairs, after burying the dead and taking care of the wounded. It was in the final testing stage of our newly repaired guns that the Japanese surrendered. Upon receiving official notice of surrender I requested permission from the captain to give a prayer of thanksgiving for peace from the bridge and suggested he might like to give a word of "Well done" to the men. We pulled into the harbor and tied up alongside the dock. It was there that the word came to the men that the war was over and that they were to be congratulated by a grateful nation for their sacrifices.

I shall always remember the scene from the vantage point of the bridge. Looking down I saw the men as they reacted to the news. Some could not contain themselves and shouted and jumped for joy. Some knelt in prayer; others seemed stunned by the news as if it were too good to be true while others sat or stood quietly in mute meditation.

After the captain's word and the prayer, a Navy band appeared on the dock and, after playing a stirring march, sounded off with "The Star-Spangled Banner." I can never forget standing there on that ship's bridge, at attention, under a beautifully blue Hawaiian sky, dotted by puffs of white cloud tinted with the reflection of a golden sun with tears streaming unashamedly down my cheeks as I stood at attention before the flag that was a rallying symbol through the battles and long dark nights of fearful waiting and anticipation.

I discovered the real meaning of the Stars and Stripes. I saw there not just red, white, and blue bunting but I felt again first, the cold hands of those I held as I said a parting prayer as they lay dying on the scorched deck of the cruiser; second, I heard again the fainting whisper of a young lad who asked me to "tell Mom it's all right;" third, I saw the men to whom the cost of battle was personal as I helped transfer their torn bodies, minus limbs, to hospital ships or tried many times in vain to bring comfort to their tortured and twisted minds which could not take more of the chaos and hell of battle; fourth, I recalled the dying words of the admiral who told me on his deathbed, having lived 3 days after his lungs were seared by the blast of an incendiary bomb which exploded near him: "Chaplain, we must pay a big price for big gains and I am willing to be part of the cost."

And, Mr. Speaker, I knew that freedom does not come cheap. It is costly to attain and equally costly to keep. You and I are free men because others died to buy us the time that we might pursue it, and God forbid—God forbid you and I should be too busy—too indifferent—too cowardly—to live for that cause for which others were willing to die.

That is why I say, Mr. Speaker, that this flag which is indeed the symbol, not only of freedom, but of the cost of keeping freedom is not to be ignored.

Every time we hear our national anthem, or see our flag go by, our hearts should swell up with humble pride. If to love one's country; if to respect our flag; if to pledge allegiance to that flag is superpatriotism; if to salute our flag is being a 110-percent American, then I stand convicted and I make no apologies for it—and I hope you will not either.

On Wednesday of this week I plead with you to put up your flag—and take the hands of the members of your family and sing together the national anthem. I urge you to look out upon your world in which we cry "Peace, Peace" but in which we know there is no peace.

Finally, may I suggest that you learn for yourself and teach your children the last stanza of our national anthem, for it bespeaks of the full extent of what America means to free men. It clearly sounds the warning to all that God is indeed the author of liberty and the flag the symbol of a Nation molded out of that faith:

Oh! thus be it ever, when free men shall stand
Between their loved homes and the war's desolation!
Blest with victory and peace, may the heav'n rescued land
Praise the power that hath made and preserved us a Nation.
Then conquer we must, when our cause it is just,
And this be our motto: "In God Is Our Trust."
And the star spangled banner in triumph shall wave
O'er the land of the free and the home of the brave!

Mr. LONG of Louisiana. Mr. Speaker, Flag Day this year means a great deal to Americans throughout the world, for it gives us another opportunity to commemorate the adoption by the Continental Congress of the original Stars and Stripes on June 14, 1777. Despite the bitter memory of recent attempts by the thoughtless and unwise to desecrate the flag, the great principles which it symbolizes still hold true for the present generation of Americans and free men everywhere.

It has been 190 years since our flag's adoption, and it is apparent to all reasonable men that it has stood the test of time. Today millions of Americans are flying the flag proudly because it is the symbol of strength and freedom and hope. Today, as much as ever, we need an untrammeled symbol to remind us daily that we do indeed have cause to be patriotic and steadfast.

Although we do not all agree to the exact procedures by which our system of government should operate, we do acknowledge the fact this Flag Day that we are a great nation, a nation in which we are free to worship, to work, to rest, to save, to invest, to own, to think, to vote, to travel, to learn, to teach, to preach, to agree, to disagree, to praise, to condemn, to serve, to create, to write, to speak, to play, to love, to be humble, and to be proud.

We have much to be thankful for in these troubled times, but more than any other we can be thankful for those principles of justice and liberty for which the American Flag waves so proudly today. I take very great pleasure in joining our fellow Americans in paying our respects to Old Glory and to that Nation for which she stands.

Mr. POLANCO-ABREU. Mr. Speaker, it is proper that we set aside one day each year to give particular reverence to our national flag, which is the symbol of the cohesiveness of all the people over whom it waves. The flag which we display today represents our identity as U.S. citizens, united against all outsiders if need be, but always united together, each one to all the others.

Flag Day 1967 takes on a special significance, because today one can scarcely think of honoring the flag without revering also our half-million youths in Vietnam who are undergoing indescribable hardships and who stand ready to make the contribution of limb and life if need be, that our cohesiveness, our togetherness, our strength in unity may endure. They are doing so that we as a nation, symbolized by this flag, may always champion, with the necessary strength to champion, the causes of man's freedom and dignity and the preservation of democracy as a way of life for all who despise aggression and slavery.

It is fitting also, I think, that the Congress is devoting its attention to Federal legislation to insure that the flag be treated with deserving respect. I am happy to say that Puerto Rico has one of the strongest penal code provisions to punish acts of disrespect or desecration to the flag. This law will be vigorously enforced whenever needed but, happily, the miserable fad of protest via flag desecration has not reached our island. Perhaps it is because of the mature and affectionate respect for meaningful traditions on the part of the Puerto Rican people.

Mr. DOLE. Mr. Speaker, I wish to take this opportunity to congratulate my colleagues who served on the Committee for Flag Day for the outstanding job they have done in arranging the impressive program we have just witnessed.

This day, which commemorates the adoption of the Stars and Stripes as our Nation's symbol, has always held special significance to the world's oppressed and has been a beacon light of freedom to millions who have come to our shores to seek a new life.

It has been my pleasure and privilege only within recent weeks to send a flag which was flown over this Capitol to one

of our gallant fighting men in Vietnam who had requested it on behalf of his comrades and himself to properly display in their billet. Only yesterday I received a letter from a soldier in Vietnam telling me how proud he is to be serving our country and decrying the fact there are some who engage in acts which betray their efforts.

Mr. Speaker, the flag is more than just an emblem. It is the symbol of sovereignty of this great land, and the hope of countless millions throughout the free world.

Let this special day, which was so designated by act of Congress and approved by President Truman on August 13, 1949, take on greater significance each year it is commemorated. May Old Glory continue to wave in triumph "over the land of the free and the home of the brave."

Mr. BRASCO. Mr. Speaker, each and every day throughout the school year, millions of American children stand quietly beside their desks, and, with their hands over their hearts, "pledge allegiance to the flag of the United States of America." But as we grow older, and move from the world of school, all too often the words and pledges of the classroom grow distant and faint.

It is for that very reason that today, from coast to coast, we celebrate Flag Day. This is one day, set aside from all others, when we are reminded of the rich heritage and history that stand behind our flag.

For in itself, any flag is meaningless. One rectangle of cloth, variously colored, has no intrinsic meaning. It assumes, rather, only those meanings and symbols that we, as well as our forefathers, can give it.

It was the first President, George Washington, who described the first flag of our small, new Nation:

> We take the stars from heaven, the red from the Mother Country, separating it by white stripes, thus showing that we have separated from her; and the white stripes shall go down to posterity representing liberty."

This, then, is our flag. It is the flag that inspired Francis Scott Key, the flag that preceded our forces in two World Wars, in pursuit of liberty, justice, and equality for all.

The sum of our history, the sum of our achievements, the sum of our ideals are found in that flag. It tells of men not content to be ruled by others, who struck a blow for freedom two hundreds years ago that forever altered the course of world events. It tells of a people determined to make this bold new experiment in freedom a success. It tells of a nation that has risen to greatness on the strength and power of her ideals.

What are those ideals? The most basic is an abiding belief in the freedom of the individual. Our Constitution, our Bill of Rights, are both designed to insure liberty for each and every citizen. This was, in terms of history, a radical experiment. No other country had ever given and guaranteed such freedom. We built a democracy, in which everyone could participate, regardless of race, sex, or creed.

Coupled with that freedom, however, is a great deal of personal responsibility. The success of our way of life literally depends on the "man in the street" carrying out his responsibilities. Without his interest, without his vote, without his participation—democracy must fail.

This is why, in many senses, Flag Day is not one day at all. If we confine our patriotism to June 14 alone, then we have done little good. We should, rather, observe Flag Day every day. Our observance should be made of voting rather than parades, of meetings rather than speeches, and of interest rather than celebration. Only through such day-to-day commemoration of the importance and value of the flag, as well as all it stands for, are we doing justice to ourselves and our Nation.

There are some who think that in a modern world of jets and rockets, the values and meanings of a flag created hundreds of years ago have no relevance. But they are wrong. It is in these very times of peril, when we are challenged both at home and abroad to make freedom and democracy a working reality, that we need to cling to the ideals that have carried us to prominence. The emerging nations, the struggling nations, and the Communist nations, are all looking to us. It was President John F. Kennedy who proclaimed:

> Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and the success of liberty.

That burden, and that flag, are in our hands. It is up to present and future generations to meet the challenge of the new age, and carry forth the meaning of the flag into a new era. For it is in the flag of the United States that our belief in democracy and our love for America are given expression and permanence.

Mr. BERRY. Mr. Speaker, on this Flag Day, I would like to insert in the RECORD, portions of a letter which I received this week from Abraham Bordeaux of Rosebud, S. Dak. Abraham is a Rosebud Sioux Indian who speaks out for his people on desecration of our flag, as recently witnessed in the flag-burning demonstration in New York City. The Rosebud Sioux Indians are proud, patriotic people in the fullest sense of the word and Mr. Bordeaux's letter points out this fact very well.

I feel this letter should be read by all Members of Congress. I insert it as part of my remarks at this point in the RECORD:

A ROSEBUD SIOUX SPEAKS

> It is impossible for me to believe that some of our Rosebud Sioux took part in a demonstration in New York City where they burned an American flag and individuals burned their draft cards.
>
> We Indians were the first Americans. My ancestors were proud people. They did not like wars. They were peace loving people, but they always stood up for what is right. When they were called to take up arms to right a wrong they gave all they had. The Rosebud Sioux have lost men in World War I, II, Korea, and Vietnam.
>
> I am a veteran of World War II. When Uncle Sam called me I went proudly. Also I am proud because by the grace of God I have been given three sons who were in the service after me. One son is still serving and will soon be on his way to Vietnam. We all stand up tall and are proud of serving our country. The burning of draft cards and the American flag are crimes in our code of ethics and should be punished as such.
>
> You can see on Memorial Day or Flag Day throughout the reservation, our people proudly flying Old Glory with its red, white and blue colors which mean so much to us. You will never see Old Glory burned on the Rosebud Reservation. Woe be to the people who would dare to desecrate our flag of which we hold so dear. We have too many heroes buried throughout the Reservation who fought under Old Glory to protect our precious freedom.
>
> The Sioux Indians are proud of their patriotic people. We cannot find words to express how ashamed and sad we are that a handful of people who were Sioux Indians took part in the recent New York protest. These actions were pretty hard to stomach by all the Sioux Indians wherever they were. I think our handful of people who made this trip were misled. I know this, I would never be a part of burning Old Glory or my draft card.
>
> I am trying to right a wrong, the impression that has been made by a few of our Sioux Indians. I want the people who read this not to judge the Rosebud Sioux Indians by the action of twenty eight misguided people who took part in a demonstration. This whole disgusting thing makes sane people of all races sick.

Mr. DENNEY. Mr. Speaker, I would like to present the following remarks for the attention of my colleagues on this day of patriotism: Flag Day, 1967.

THE GREATEST NEED

At this crucial time in the history of America we are confronted with strife, turmoil, disregard for law and order, rioting, sit-ins, demonstrations, beatniks and draft-card burners on the domestic front and a fluid, changing world situation from the Far East to the Middle East, and in all our alliances, a general lack of respect for America in the capitals of the world. Some of these problems are brought on by a changing society where world travel has been shortened due to mastery of the air and an affluent society in America which has not reacted in the same manner to all American citizens.

As farsighted, progressive people, we should stand aside and look at ourselves to see what causes our shortcomings and then try to determine a remedy, based on lessons learned from the past, but not antiquated to the point of reverting to the past or remaining dormant.

In my opinion, there is a tremendous need on the domestic front for: First, respect for, belief in and pride in law and order; second, respect for, belief in, and pride in our form of government; and third, respect for, belief in and pride in the American people—all of the people.

Two weeks ago I had the opportunity to speak at a Memorial Day observance, and I am vitally concerned about the patriotic apathy among the adults as demonstrated by the fact that very few attended this memorial service. I noticed few flags flying in the residential or business areas, and a general attitude that Memorial Day should be observed by the patriotic organizations, but that the rest of our citizenry should spend their time watching the ball game or TV or enjoying some other recreational activity, as this day has become a holiday from work rather than a Memorial Day to honor

the approximately 1 million men who will no longer work or take a holiday, having given their lives in defense of our great American principles.

I am firmly convinced that if we respect the man in blue who is trying to protect you and me, our homes, our families, and our property, and if our courts would return, in their decisions, to recognizing the rights of the victim and the vast majority of good citizens rather than being so concerned with the rights of the minority, and if those decisions proclaimed to the potential criminal that if he commits a crime against his fellow man, justice will be swift and decisively brought to bear, and there will be no relief from the courts on minor technicalities, we would see a reversal of the rising crime rate to a downgrading of the crime rate. This can only be accomplished by a basic respect for belief in and pride in law and order.

I am proud to be a Member of Congress and to have a part in the vital decisions that concern our domestic and foreign problems, and I think it behooves all of us to speak with pride of our form of government and to recognize that, although there are a few that will take advantage of their high position in unjust enrichment, the great majority of men and women holding public offices are dedicated, honest, sincere citizens trying to establish rules for the benefit of our entire society. We must take pride in and have respect for and a constant belief in our process of government, and rise to the defense at all times against those who would try to tear down the basic beliefs and principles which have made the United States the greatest country in the world.

We must always keep in mind the principle of the "dignity of man." You and I are citizens under our Constitution. We have voluntarily agreed that we will be bound by and carry out our responsibilities for the good of all mankind, and one major responsibility, no matter what a man or woman's race, color, or creed, as long as they believe in our system and are doing their utmost to carry on, we must give them the dignity they deserve as being citizens under our form of government.

Finally, I strongly believe that we are fighting for a principle, and I would like to relate a true story which took place on the island of Okinawa during World War II. It was at the foot of Sugar Loaf Hill, and six times the Marines had assaulted Sugar Loaf Hill, which lies near the capital city of Naha. It had been raining for 12 days, and all the men were tired and bedraggled. As was the case with most military men when they get a break, we immediately began to brew a pot of coffee, which we were doing at the time a line of marines from another company who were being pulled in to make a seventh assault on Sugar Loaf Hill were passing by us.

As they were going by, I noticed a young marine. I knew he was young, as he had fuzz rather than a tough beard. His eyes had that horror-stricken glare that men in combat sometimes get when they have seen events which go beyond the most fertile imagination. Feeling sorry for him, I handed him a cup of coffee. As he took it, tears came to his eyes, and of course we all looked away because we did not want to see a man cry. He drank the coffee, thanked me, and then said, "Captain, what are we fighting for?" I said, "Son, we are fighting for our mothers, our fathers, brothers, sisters, wives, sweethearts, and for the principles of peace in the world, the dignity of man and the security and right of every individual to chart his own course. Our Nation has a great destiny, and we are here to help fulfill that destiny so that our fellow men can carry out their responsibilities."

Mr. KUYKENDALL. Mr. Speaker, there are some who say we should not be concerned with the burning and desecration of the American flag. A recent editorial in one of the Washington newspapers noted "the flag is merely a piece of cloth," and held that to desecrate it should be no more than misdemeanor. I cannot agree that the American flag is merely a piece of cloth without meaning or purpose. Rather I subscribe to the words of Henry Ward Beecher:

> A thoughtful mind when it sees a nation's Flag, sees not the Flag, but the nation itself. And whatever may be its symbols, its insignia, he reads chiefly in the Flag, the government, the principles, the truths, the history that belongs to the nation that sets it forth. The American Flag has been a symbol of liberty and men rejoiced in it.

So when wild demonstrators burn and destroy the American flag, they are tearing at the very roots of liberty. This flag has stood for freedom and justice for more than a century and a half. Wherever it has flown men have been inspired to a greater resolve to be free. This flag has never led a war of conquest. This flag has never been raised in defense of the enslavement of mankind. Rather, its bright stars and broad stripes have been carried to the far corners of the earth whenever man's freedom was imperiled. It has been stained by the blood of countless generations of Americans who prized freedom more than their own lives and fortunes.

What better way to destroy freedom than by destroying the symbol of that freedom. It is an historic truth that when you destroy respect for the banner of a nation, disrespect for the nation itself is inevitable.

Do you believe that those who burned the flag in Central Park a few weeks ago felt they were burning merely a piece of cloth? Of course not, they were expressing deep and violent hatred for America and for all the principles for which America stands. They were trampling into the dust freedom itself. They were spitting on the graves of all those who have given the last measure of devotion in defense of liberty from Bunker Hill to the hills of 881 in the jungles of Vietnam. Burning the American flag is just as much an act of treason as giving outright material aid to the enemy because the purpose is the same—the destruction of faith in our country and its ideals and its glorious tradition.

Desecration of the flag in the spirit in which we have seen it displayed in recent weeks is deliberately designed to weaken our national will to resist aggression even when that aggression threatens the freedom of a friendly people and the peace of the world. Desecration of the American flag at a time when Americans are fighting and dying is deliberately designed to give aid and comfort to the enemy and, Mr. Speaker, I submit that giving aid and comfort to the enemy is treason no matter how it is excused in newspapers' editorials or by radio and television commentators.

On this day when we honor the American flag may we here resolve that it shall ever remain a symbol of freedom so that men in the deepest moments of despair may draw from it new inspiration, new strength, new resolve that freedom, God's most precious gift to man will not perish from the earth. May we look upon our flag in a sense of rededication to those glorious words in the national anthem:

> Then conquer we must when our cause it is just,
> And this be our motto, "In God is our trust."

And, tomorrow, when we vote upon the bill to punish those who seek to destroy free America by desecration of the American flag, may this body unanimously endorse our fundamental beliefs in the right of all men to be free in a world that prizes freedom under God.

Mr. STEIGER of Wisconsin. Mr. Speaker, today marks the 82d year that Flag Day has been celebrated in Wisconsin's Sixth District. For other parts of the country this will only be the 50th year that such a celebration is held.

I am proud to join my colleagues in commemorating the anniversary of the date on which the original design of the American flag was approved by the Continental Congress in 1777. No more fitting a tribute could be made to this Nation and what it stands for than this celebration today in honor of our flag.

The flag does not stand for or represent one political party or another, one administration or another, or any segment of our Nation and its population. The flag represents this Nation as a whole and everything it stands for. It is a symbol of our past and a dedication to our future.

I think Bernard Cigrand realized these things when he originated the first Flag Day back in 1885. The patriotic teacher was only 19 when he was teaching at Stony Hill School in Ozaukee County, near the village of Fredonia and now the village of Waubeka. He and his pupils were the first in the Nation to hold a recognized observance of the birthday anniversary of the American flag.

Children in the class read essays on the flag and discussed its history and meaning. A small flag was displayed on the teacher's desk.

After that brief but historic ceremony, Cigrand began urging his countrymen in letters and speeches to set aside a day for the flag. In 1894, the first citywide Flag Day observance was held in Chicago after Cigrand and a group of veterans proclaimed it at a meeting in the old Grand Pacific Hotel. More than 100,000 persons attended Flag Day ceremonies that year in the city's parks.

In 1916, Cigrand saw the realization of his lifelong struggle. That year, President

Woodrow Wilson proclaimed June 14 as Flag Day. At long last the flag had a day of its own.

No better explanation of why we celebrate Flag Day exists than Woodrow Wilson's original Flag Day proclamation which stated:

The things that the flag stands for were created by the experiences of a great people. Everything that it stands for was written by their lives. The flag is the embodiment, not of sentiment, but of history. It represents the experiences made by men and women, the experiences of those who do and live under the flag.

For Sixth District citizens, June 14 is a double celebration and recognition. We join the rest of the Nation in the commemoration of the adoption of the American flag. At the same time, however, we remember Bernard Cigrand, an Ozaukee County schoolteacher who started this tribute to our flag and believed enough to convince an entire nation.

Mr. BROTZMAN. Mr. Speaker, I have been deeply moved recently by two reports of the damaging of American flags, and on this Flag Day, 1967, I would like to share my thoughts with my distinguished colleagues.

The storys of these two flags are as different as night and day and they represent, I believe, the opposite ends of the patriotic spectrum.

The first instance—a sorry spectacle—was the burning of an American flag in New York in April. I am sure all of us recall with distaste the photograph of a band of smirking demonstrators destroying our sacred national symbol to dramatize their disagreement with national policy.

The second story of a flag came to my attention only yesterday. One of my young friends, Sp4c. Richard L. Witherall, of Denver, Colo., wrote to me from Vietnam with regard to some comments I had made on Memorial Day about protection of the flag. I would like to quote part of that letter. He wrote:

Speaking of the American flag, when I came over here in December, I asked my parents to send me my flag . . .. I asked the Captain if I could put it up in the village where we were, and he said "Yes."

There were Vietnamese soldiers at one end of the village flying their flag and we were at the other end flying ours. It sure looked good! So far it is torn up a bit from the wind, and it has grenade holes through it from when we were up with the Marines. I had tied the flag to the antenna of the radio that I carry.

Mr. Speaker, the story of the first flag, shocking though it was, should not be disheartening. It proved two things—that this generation, like the ones before it, has its share of misfits and sensation-seekers, and that we must provide long overdue legislation to protect the flag from acts of vandalism.

I firmly believe, Mr. Speaker, that the story of the second flag captures the sentiments of the vast majority of the American people today.

It occurs to me, Mr. Speaker, that we in Congress should do everything possible to recognize the reverence toward the American flag displayed by Specialist Witherall. The world must know that we wholeheartedly support our flag and our fighting men.

For my part, I am sending Specialist Witherall an American flag which has been flown over our Nation's Capitol. I know that the flag I send—special though it may be—cannot compare with his in terms of sentimental and patriotic value, but it is my hope that he will lend me his flag so that I may display it in my office.

Mr. PATTEN. Mr. Speaker, our celebration of Flag Day will not be complete if we fail to look beyond the flag itself, to see what the flag symbolizes—for in this lies what makes the flag so great; this is why we commemorate the flag today.

Seldom do I walk into the Capitol of the United States without a deep sense of reverence when I see the flag flying overhead; similarly, it has given me a deep sense of pleasure to be able to make presents of flags which have been flown proudly over the Capitol dome to fine organizations in my district.

Yet, the flag is but a symbol of what has made this country great—of the 200 million Americans of all races and religions and ethnic backgrounds. When you think, you must wonder if we can fulfill the hope and promise which we have offered to all our people—that the whole Nation can live with freedom and justice for all.

As I scan this Chamber and see the Congressman from South Dakota who was born on an Indian reservation [Mr. REIFEL], the Congressman from Texas whose parents were original colonists of a Mexican state [Mr. GONZALEZ], the Congressman and lovely Congresswoman from Hawaii [Mr. MATSUNAGA and Mrs. MINK], and the Commissioner from Puerto Rico [Mr. SANTIAGO-ABREU], I realize that the American flag is wide enough to encompass them all and to give them all a feeling of pride and national devotion.

Sociologists have referred to America as the "melting pot" of nations and it is appropriate that this body, so representative of the Nation, be similarly composed. Under one roof and one flag, Congressman KLUCZYNSKI and PUCINSKI of Illinois, Congressmen DADDARIO and GIAIMO of Connecticut, Congressmen CELLER and FARBSTEIN of New York, Congressman GALIFIANAKIS of North Carolina and Congressman KYROS of Maine, Congressman NELSEN of Minnesota and Congressman OLSEN of Montana, Congressman ZABLOCKI of Wisconsin and Congressman VANIK of Ohio, Congressman DAWSON of Illinois and Congressman CONYERS of Michigan, Congressman O'NEILL and Speaker MCCORMACK of Massachusetts, and hundreds of others—of all backgrounds and from all national origins—have assembled to fulfill the dream of 200 million others with the same hopes and aspirations that my colleagues and their ancestors had when they decided first to make America their home and when they first saluted the American flag.

To these men and to all others in this Chamber and across this Nation whom they represent, the flag is more than just a cloth symbol—it truly stands for the untapped potential of the world's greatest democracy, seen throughout the world as a bastion of individual civil liberty and human freedoms. As one war rages in Southeast Asia and one hopefully draws to a close in the Mideast, we must consider the plight of the people of those war-ravaged countries and reflect how the American flag stands as a symbol to them too: of peace as an alternative to war, of prosperity as an alternative to poverty, and of justice as an alternative to oppression.

In his book "A Nation of Immigrants," the late President Kennedy quotes the poet Walt Whitman:

These States are the amplest poem,
Here is not merely a nation but a teeming Nation of Nations.

Although nearly two centuries have gone by since the American flag first waved, the basic desires and yearnings of the people of the world are little different now than then. As the flag represented hope and "the impossible dream" to the original colonists and the Founding Fathers so it represents the extension and fruition of that dream today for a future of world peace and understanding.

Mr. BLANTON. Mr. Speaker, history records from earliest times that man has identified with certain emblems or symbols. Celtic and Teutonic tribes that roamed the forests of what is now Western Europe, the small city-states of ancient Greece, the huge Roman Empire, the Crusades in the Holy Land, the exploration of the New World, and down to modern times, man has expressed his love of country or people, his obedience to its laws and his hopes in its ideals, through cloth banners we now call flags.

Americans have reserved today as a special time to salute our cloth banner. We are paying respect to the symbol of our heritage, to our present society, and to our future when we observe this "Flag Day."

We can recall our heritage by a mere glance at the flag when we see the 13 bold red and white stripes. These stripes are symbolic of the original 13 colonies which banded together as one in a common cause.

We can see the symbol of our present Nation when we gaze upon the 50 white stars on the field of blue. It is symbolic of 50 separate entities, united as one in a common purpose.

We can also look upon the future when we see our flag. For the flag is symbolic of the future dreams of America, tempered by a rich and proud heritage, and yet never remaining anchored—a Nation always progressing toward the good of its people.

Today, there is a small, insignificant number of our people who look upon our flag as nothing more than a piece of cloth. These people would burn or tear this national symbol with no remorse. They are blind to both its heritage and the future it speaks for. Their actions are geared solely to the present.

Yet there are many more who today give their lives under this banner. They are proud young Americans who use this flag as a symbol of the past, present, and future, and who gallantly defend its purpose. Nearly a half million Americans daily look upon this banner as their source of comfort and strength as they trod through the jungles of a land far from our shores. They realize that Amer-

ica has its shortcomings, but its institutions offer the best hope for free men.

Let us never focus our attentions on the few who show no respect for our banner, when so many give their lives for it. For those who defend that banner defend the right to even criticize what it stands for. The meaning of the flag—the essence of what it stands for—this cannot be torn up by anyone. Too many millions of Americans today and throughout our infant history have labored to perfect that symbol, to defend that symbol, to make that symbol live in the manners and actions of each generation for almost two centuries. Indeed, the cloth can be burned, feet can trod over it, but because the eye cannot see it will not mean that what it symbolizes is not there. As long as Americans hold fast to the dreams that flag has, and still continues to inspire, the flag will be in our hearts as well as on the staffs.

The American flag represents the most powerful nation on the face of the globe. It symbolizes the most advanced civilization that human history has recorded. It symbolizes a people drawn from every nation, every race, every walk of life that exists on earth. And yet this is a humble symbol—a flag which has never been used in colonialization or to force others to live under it—things it could easily do if it desired.

And yet the enemies of this flag have forced our people to go to war to preserve its dignity, to keep its ideals from being crushed by forces alien to the individual freedom of man. Today we find ourselves preserving the symbolism of our banner on the other side of the world. It is not arrogance nor territorial conquests which sends our flag on such missions—but the hope that someday our enemies will finally realize that as long as America is called upon to defend those ideals, it will not tremble in the face of rocket rattling.

Mr. Speaker, America today does not merely salute a piece of cloth. It salutes ideals, heritage and dreams. It is good for each American to pause a few minutes this day to look at our symbol, and to be thankful that men of many years ago had the vision to carve its place in mankind, and to remember that to preserve it, we must always be conscious of what it stands for, as well as to defend it.

Mr. FASCELL. Mr. Speaker, it was the first President of the United States, George Washington, who is credited with giving this description of the flag of this country:

> We take the stars from heaven, the red from the Mother Country, separating it by white stripes, thus showing that we have separated from her; and the white stripes shall go down to posterity representing liberty.

Thus it was that George Washington, Robert Morris, and Col. George Ross—a committee appointed by the Congress—designed the original flag of America. Popular legend tells us that the design was made into reality by the skillful hands of Betsy Ross. And so the banner that we honor today first came into being.

The history of that flag is the history of this Nation. How it grew, to include the expanding territory being added to the Union; how it adorned the sites of many famous battles marking turning points in our drive toward both freedom and prominence; how it has spread over the globe as a symbol of our leadership of the free world. In essence, that flag has come to mean the United States to countless thousands, both at home and abroad.

What we commemorate here, then, is more than just an outward symbol of our existence as a nation. We commemorate the ideals and concepts that made this Nation, and consequently, its flag, what it is today. For by itself, any flag is meaningless. It is only significant when it is imbued with the meaning given by a rich and noble heritage such as ours.

What is that heritage? It is first a heritage of independence, of a people restive under bondage of any kind—physical or mental. This country was born in a revolution against tyranny, and our history is full of our struggle to end tyranny wherever we found it—in the factory, in the halls of state, or in the attempted conquests of enemy aggressors.

And our heritage is one of dedication to ideals. Obviously, this Nation could have never become a democracy without a deep and firm belief in the dignity of the individual person. Our mode of life, our form of government, all our freedoms are predicated on that fundamental conviction. As a result, this flag has followed us all over the world—not in search of colonial conquest, but in the quest for peace and freedom for all men.

And, as any history book will tell you, an essential ingredient in this heritage is courage. It takes the truest kind of courage to stand by such convictions as we profess; it takes immense bravery to endure and prevail in the face of hostile ideologies. Our Founding Fathers understood well the necessity for both kinds of courage—not only the spectacular heroics of the battlefield, but also the day-to-day heroism of bearing the responsibilities of citizenship.

All these ideals, all this history, meet in the flag. Perhaps it was President Woodrow Wilson, in 1917, who best phrased the meaning and significance of this flag and this day:

> We meet to celebrate Flag Day, because this flag which we honor and under which we serve is the emblem of our unity, our power, our thought, and purpose as a Nation. It has no other character than that which we give it from generation to generation. The choice is ours. It floats in majestic silence above the hosts that execute those choices whether in peace or war. And yet, though silent, it speaks to us—speaks to us of the past, of the men and women who went before us and of the records they wrote upon it. We celebrate the day of its birth, and from its birth until now it has witnessed a great history, has floated on high the symbol of great events, of a great plan of life worked out by a great people.

Mr. MINISH. Mr. Speaker, the stirring Flag Day ceremonies that have been conducted in the House Chamber today are a fitting expresison of what the flag and its hymn, the Star-Spangled Banner, mean to Americans. On this 190th anniversary of Flag Day, we salute the Stars and Stripes and the principles for which they stand. We pay homage to the valiant servicemen with us who have paid a high price for freedom, whose invincible patriotism merits our pride and gratitude.

On June 14, 1777, the Continental Congress adopted a resolution providing:

> That the flag of the thirteen United States be thirteen stripes, alternate red and white: That the Union be thirteen stars, white in a blue field, representing a new constellation.

As we gaze today at the flag, grown to 50 stars, we are filled with pride at our glorious history and with confidence that the grave challenges that beset us today will be successfully met.

To our polyglot population, composed of all races and creeds from all corners of the world, the flag is emblematic of our shared devotion to the ideal of America as "the land of the free and the home of the brave." Denis W. Brogan, the noted English author, has aptly described the significance of the American flag to our citizens, whether first or fifth generation Americans. He described the flag as the "regimental color of a regiment in which all Americans are enrolled."

In devotion to the flag all Americans are one. It signifies our unity, our strength, our purpose in upholding the principles and the ideals of our beloved Nation. Let us respect it and be faithful to the great values which it symbolizes.

Mr. HAGAN. Mr. Speaker, it is my conviction that Flag Day was most fittingly observed with the ceremonies we witnessed today in the House Chamber. I certainly was most impressed with the observance and I want to congratulate my colleague, the gentleman from Texas, the Honorable JACK BROOKS, and other members of the Flag Day Committee. The bands and units from the various armed services did an excellent job and I am sure that all my colleagues were as impressed as I was.

It is my sincere wish that more and more programs of this stirring and patriotic nature will take place not only in the Congress, but throughout the Nation.

Today's Flag Day observance will not soon be forgotten by those of us who were fortunate enough to have attended and participated in this fitting ceremony.

ACTION NEEDED ON ANTIRIOT LEGISLATION

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GIBBONS. Mr. Speaker, I have today filed a discharge petition to remove H.R. 5920, an antiriot bill, from the House Judiciary Committee and bring it up for House consideration.

My action today was necessary because of the growing threat of rioting and other civil disturbances throughout the country. Every responsible citizen is disgusted with the behavior of rioters. Prompt and effective corrective action is a matter of urgent national priority.

The antiriot legislation that I introduced earlier this year provides an important first step in corrective action in that it prohibits travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance. This is the same provision approved by the House last year in the civil rights bill, but it did not become law when the Senate failed to act.

Outside agitators have been major factors in several recent disturbances, and it is essential that these agitators are apprehended, prosecuted, and punished for violation of Federal law. The Federal Government has a responsibility to act under the interstate commerce clause. This responsibility has been shirked too long.

It is primarily the responsibility of State and local governments to suppress violent civil disturbances. But many of the riots during the last 3 years have occurred in cities in the East, West, North, and South. They have been similar in the weapons and guerrilla tactics employed. And they have been unprecedented in magnitude and destructiveness. It is highly probable that the same agitators bear responsibility for mass violence throughout the country.

Citizens in every part of the country are demanding action against rioting. Laws will never provide a total solution as long as some members of society live in disrespect of the law. However, until people change, new laws are our only alternative to the "law of the jungle."

TO REQUIRE THE ESTABLISHMENT, ON THE BASIS OF THE 18TH AND SUBSEQUENT DECENNIAL CENSUSES, OF CONGRESSIONAL DISTRICTS COMPOSED OF CONTIGUOUS AND COMPACT TERRITORY FOR THE ELECTION OF REPRESENTATIVES

Mr. CELLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2508) to require the establishment, on the basis of the 18th and subsequent decennial censuses, of congressional districts composed of contiguous and compact territory for the election of Representatives, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from New York? The Chair hears none, and appoints the following conferees: Messrs. CELLER, TENZER, CONYERS, MCCULLOCH, and MACGREGOR.

PRINTING OF PROCEEDINGS HAD DURING THE RECESS

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks today on the Flag Day ceremony, immediately after the expiration of recess.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PARIS AIRSHOW A SUCCESS

Mr. FRIEDEL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. FRIEDEL. Mr. Speaker, as chairman of the Subcommittee on Transportation and Aeronautics of the Interstate and Foreign Commerce Committee, I had the pleasure of attending the Paris Airshow last month and I can assure my colleagues that you would all have been proud of the U.S. representation at this important event.

In a statement welcoming foreign visitors to the U.S. pavilion at the Paris Airshow, President Johnson said:

> Our County's exhibition at this 27th International Aviation and Space Salon is a mutual endeavor of American private enterprise and the United States Government. It reflects the shared hope of our government and industry for international cooperation on this planet and in the exploration of outer space.

Some reports in the press were critical of Members of Congress and other Government officials who attended this show but press reports are nearly unanimous in declaring that the American exhibit has been a huge success. I should like to read some excerpts from an article in the Washington Daily News of June 6, 1967:

> Americans visiting this greatest of all international airshows were proud of the U.S. exhibit, assembled as a joint industry-Government effort, "in the spirit of Lindbergh."
>
> All you had to do was watch the crowds of excited, admiring French aviation enthusiasts—particularly the younger ones—to know that we were the hit of the show.
>
> The U.S. exhibit tracing the history of aviation, gave generous credit to other nations, but naturally emphasized our own considerable contributions. It was fortunate that the show almost coincided with the 40th anniversary of that most dramatic of all flights, Charles A. Lindbergh's solo hop from New York to Paris.
>
> The Russians wheeled out their biggest aviation artillery—the giant AN-22 cargo carrier and their TU-62 four-engine, 186 passenger jet. The British and French, of course, had a model of their supersonic Concorde. But the American exhibit was pre-eminent in sheer variety of equipment displayed and in articulate presentation.

I take this opportunity to call these remarks to the attention of my colleagues who may have missed the favorable comments. I think it is also important to remember that the United States must continue development of the supersonic transport if we are to compete with the French, British, and Russians in air transportation in the future.

ANOTHER MARSHALL TO GRACE THE SUPREME COURT

Mr. FRIEDEL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. FRIEDEL. Mr. Speaker, it is almost universally acknowledged by legal scholars that John Marshall was one of the greatest Justices of the Supreme Court of the United States. In his day he molded the constitutional law for our country and firmly established the great power and the finality of judgment of the Supreme Court.

Yesterday, the President nominated another Marshall to the Supreme Court and I commend him for this wise appointment and predict that Thurgood Marshall will add further luster to the name of Marshall.

As a Baltimorean, I feel particularly proud of this appointment because Thurgood Marshall was born in our great city in 1908 and attended its public schools. After he passed the bar, he opened a law office in our city where he displayed the outstanding legal ability that led to greater things for this distinguished man.

As a Representative in the Congress from the great State of Maryland, I also take justifiable pride in the fact that the present distinguished Solicitor General of the United States will become the first Supreme Court Justice from my State of Maryland since Roger B. Taney.

I thoroughly agree with President Johnson when he said that Thurgood Marshall has earned and deserves a place on the Supreme Court and is the man best qualified for this important position by reason of his training and wide experience. He argued and won 29 Supreme Court victories and his prior judicial experience on the U.S. Court of Appeals for the Second Circuit, as well as his excellent work as Solicitor General of the United States, gives him an ideal background and preparation to assume the high position as one of the Justices of the Supreme Court.

I have no doubt that the Senate will confirm this appointment and that after he becomes Mr. Justice Marshall, the country will have further reasons to view this appointment with great satisfaction. He has my very best wishes and my most heartfelt congratulations.

CALL OF THE HOUSE

Mr. SATTERFIELD. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. MILLS. 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. 137]

Anderson, Tenn.	Fuqua	Pool
Ayres	Hanna	Resnick
Brock	Hansen, Wash.	Rooney, N.Y.
Brown, Calif.	Hays	St. Onge
Brown, Mich.	Lukens	Stephens
Collier	McEwen	Tenzer
Conyers	Mayne	Thompson, N.J.
Corman	Nedzi	Williams, Miss.
Diggs	Ottinger	Willis
Dow	Patman	Young
Evins, Tenn.	Pelly	Younger
	Pollock	

The SPEAKER. On this rollcall 399 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

APPROPRIATIONS FOR PROCUREMENT OF VESSELS AND AIRCRAFT, AND CONSTRUCTION OF SHORE AND OFFSHORE ESTABLISHMENTS FOR THE COAST GUARD

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 5424), to authorize appropriations for procurement of vessels and aircraft, and construction of shore and offshore establishments for the Coast Guard, with Senate amendments thereto.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

On page 1, line 7, strike out "$98,776,000" and insert: "$97,776,000".

On page 3, lines 3 and 4, strike out "$39,662,000" and insert: "$37,663,000".

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

Mr. GROSS. Mr. Speaker, reserving the right to object—and I shall not object, I hope—can the gentleman tell me if all amendments made by the other body are germane to this bill?

Mr. GARMATZ. The Senate has taken out $1 million for the housing, and also a little over $1 million for other items.

Mr. GROSS. But are the amendments germane to this bill?

Mr. GARMATZ. Yes, sir.

Mr. GROSS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

MOTION OFFERED BY MR. GARMATZ

Mr. GARMATZ. Mr. Speaker, I move that the House concur in Senate amendment No. 1.

The SPEAKER. The question is on the motion offered by the gentleman from Maryland.

The motion was agreed to.

MOTION OFFERED BY MR. GARMATZ

Mr. GARMATZ. Mr. Speaker, I move that the House concur in Senate amendment No. 2, with the following amendment in order to correct a typographical error:

In lieu of "$37,663,000" insert "$37,993,000".

The SPEAKER. The clerk will report the amendment.

The Clerk read as follows:

Mr. GARMATZ moves that the House concur in the Senate amendment No. 2, with an amendment as follows:

"In lieu of '$37,663,000' insert '$37,993,000.' "

The SPEAKER. The question is on the motion offered by the gentleman from Maryland.

The motion was agreed to.

THE CHALLENGE OF ASSURING PEACE IN THE MIDDLE EAST

Mr. FARBSTEIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FARBSTEIN. Mr. Speaker, Israel has driven her attackers from the battlefield and won one of the classic victories in military history. It would be tragic if subsequent events in the diplomatic field left the Middle East in as volatile a state as ever. It would be absurd if stability did not emerge from the change in the status quo. We as a great power would be derelict if we did not use all our influence to end the threat of war in the Middle East.

I must admit to a certain anxiety to what is now transpiring in the area of diplomacy. The Arab States, having failed abysmally to make good their threat to destroy Israel, are now sobbing the tears of the aggrieved and are attempting by guile to win back what they lost in battle. They are being supported by an astonishing number of countries.

The leader of the group, of course, is the Soviet Union. I am most troubled, Mr. Speaker, that Russia learned no lesson in the recent war. The Kremlin is trying to restore the cold war to the Middle East, as fast as Israel knocked it out. It seems still bent on troublemaking, however inept its allies proved themselves to be in carrying out their assignments.

Mr. Speaker, this is the moment for greatness for American diplomacy. It is time for us to step in and show that we will not countenance a restoration of the old system of constant provocation, for the next war may well spill over the boundaries of the Middle East. We must not worry about Arab sensibilities or oil companies or so-called nonalined nations. We must rise to the challenge of assuring peace in the Middle East—for the sake of Russia, Israel, the Arab States, and ourselves.

SETTLEMENT OF THE CURRENT RAILWAY LABOR-MANAGEMENT DISPUTE

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 511 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 511

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 559) to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees. After general debate, which shall be confined to the joint resolution and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the joint resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.J. Res. 559 it shall be in order to take from the Speaker's table the joint resolution of the Senate (S.J. Res. 81) and to consider the same in the House.

The SPEAKER pro tempore (Mr. NATCHER). The gentleman from Mississippi is recognized for 1 hour.

Mr. COLMER. Mr. Speaker, I yield the usual 30 minutes to the minority, to the very able and distinguished gentleman from Illinois [Mr. ANDERSON] pending which I yield myself such time as I may consume.

Mr. Speaker, as the reading of the resolution reflects, it provides an open rule, with 3 hours of general debate, for the consideration of the joint resolution from the Committee on Interstate and Foreign Commerce.

Mr. Speaker, this is the so-called railroad strike legislation. It is a problem which I am sure the White House, the labor unions, and the Congress would like to see go away.

It is possibly the most controversial piece of legislation that has come before this House during this 90th Congress. Mr. Speaker, for those who are interested I would call attention to the main provisions of the bill.

No. 1, it would set up a five-man panel or a special board, which, of course, would be appointed by the President, to attempt to mediate this dispute that has been going on now for these long months between management and labor. This mediation could be carried on under the bill for a period of 30 days. Should mediation fail within 30 days, the board would hold hearings to determine whether the recommendation of the special mediation panel—which I understand is known as the Fahy Panel after Judge Fahy, who was the chairman—for a 6-percent increase for 18 months effective as of January 1, 1967, plus three 5-cent increments for journeymen and mechanics should be placed in effect or whether it should be modified.

The next step, after the special board has submitted its determination, is the intervention of another additional 30-day period which is provided to give the parties themselves an opportunity to reach an agreement.

Now, the fourth step is that if the parties fail to reach an agreement within this last 30 days, the findings of the special board would take effect. This would be the 91st day after the enactment of the pending joint resolution and would remain in effect for such period as the

special board may determine but not to exceed two years calculated from January 1, 1967. However, again, under this proposed legislation, the parties may modify this determination so arrived at at any time by agreement amongst themselves.

Fifth, during this 2-year-or-less period neither side may engage in a strike or a lockout.

Finally, if all of the provisions of the joint resolution are utilized, in the absence of some agreement along the line, the determination arrived at will remain in effect for 2 years from January 1, 1967—or less if so prescribed by the board—and may be modified after the 2-year period through the procedures prescribed in the Railway Labor Act, which require initially the filing of notices under section 6 of the act, with prescribed statutory procedures following thereafter.

Mr. Speaker, I think that is an accurate statement of what the bill would do.

Now, Mr. Speaker, I said in the beginning that this bill was very controversial—this legislation—and, apparently, it will not go away.

Mr. Speaker, I do not know that I can add anything that will be helpful to the membership in determining this issue, but surely, Mr. Speaker, I do have some convictions of my own with reference to the proposed legislation.

Mr. Speaker, I do not like, nor do you or anyone else, the fact that we find ourselves in this position.

Mr. Speaker, I do know that this controversy has been going on for months and months and months. This is the third time that it has come to our doorstep here in the Congress of the United States.

And, Mr. Speaker, even this resolution, if enacted, is not going to finally solve the problem unless some positive and permanent action is taken with respect thereto.

I spoke of the interest of the executive department, I spoke of the Congress, I spoke of the labor unions, and I spoke of the railway industry. However, there is the vital interest of another group of people whom I have not mentioned and that is "Mr. John Q. Public," the taxpayers; that is the citizens of this country whom we are sent here to represent.

Mr. Speaker, these people have a stake in this matter. They have a real stake in this matter. That is why we must see that the wheels are going to continue to grind on the rails and to determine whether commerce shall be carried on between the various States and between the various subdivisions of the various States—whether the economy can, in fact, be carried on. Mr. Speaker, this boils down to the question as to whether or not people will be fed, whether they will be housed, whether we are going to have the foods which are so vital and necessary to the nourishment of the body.

Mr. Speaker, I am told upon reliable authority that the railroads will not accept any perishable product for transportation after tomorrow night without some action is taken to prevent the pending strike.

Mr. Speaker, that is a serious situation. It calls for some affirmative action on the part of this House. The Senate, as you are aware, has already passed this bill. I am confident that the membership of this body will meet its responsibility.

All of these things are involved but, my friends, there is another thing involved in this, and I want to call that to your attention if I may in conclusion. I refer to the war, the bloody war that is going on in Vietnam. Some of you will recall that I stood here in the well of the House about a week ago and said that for the first time, because of my economic philosophy, I was going to vote to increase the debt limit because I could not in good conscience in my own view—I do not pass upon the conscience of anybody else—vote to do anything directly or indirectly that would affect the ability of these boys that you and I had drafted, that we had appropriated all of this money for that they might defend themselves and win that bloody conflict over there. I feel exactly the same way about this situation, possibly even more pointedly, because you and I know that the heavy equipment that goes to Vietnam, or at least a great portion of it, must travel over the rails of this country to the ports of embarkation. I believe we owe those boys a duty. I believe we owe them a superior duty, and so I repeat here in all of the arguments that are made against this legislation with which I have sympathy, I am not going to be a party to crippling or hindering the efforts of those who are fighting and dying for this country over there.

There are going to be a lot of amendments offered to this bill, as I understand. I do not propose to pass upon the merits of them because, frankly, I am not familiar with them. I am going to meet that when the time comes, but what I am going to do, what I hope you are going to do—and I know you are going to do in the final analysis—I am going to exercise my humble vote in this body to prevent, if possible, the paralysis of the economy of this country; and at the same time see that the free flow of the necessary sinews of war continue to our valiant fighting men overseas.

Mr. Speaker, I urge the adoption of the resolution.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois [Mr. ANDERSON].

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I shall not proceed with a detailed recitation of the melancholy train of events that have brought us this afternoon to a consideration of House Joint Resolution 559. There is scarcely anyone within the sound of my voice this afternoon who is not aware, I am sure, that the situation had its seeds at least as far back as 1963 when we were called upon to exercise what was supposed to be kind of a one-shot compulsory arbitration of the railroad rules dispute in the railroad industry in that particular year.

Appendix A to the committee report presents a pretty thorough chronology of all of these events. I am reminded very much this afternoon of the story that many of you may have heard of the old couple in Illinois who had retired late on one winter evening and they were lying in bed, and after a while the grandfather clock in the hall began to chime, and it chimed 10 o'clock and 11 o'clock and 12 o'clock, and then finally it struck 13 times, and the old fellow awoke with a great start and nudged his wife and said, "Martha! Martha! Wake up! It's later than it has ever been!"

I believe it may well be later than it has ever been this afternoon for the institution of collective bargaining as we have known it historically in this country.

We have heard my distinguished chairman whom I deeply revere, regard, and respect, make a very emotional and moving plea—for the sake of the boys in Vietnam—for the sake of commerce that must move in this country that this legislation, as distasteful as it is, must be passed by this House this afternoon. And there is great concern. I read on the wire a few moments ago that there was a special cabinet meeting at the White House. There is great concern that maybe this bill will not pass in precisely the form that it was reported out by the Committee on Interstate and Foreign Commerce.

We heard something about "twisted arms" as the Committee on Rules listened to testimony on this bill yesterday.

I know also of a statement a few minutes ago by the Secretary of Transportation, Alan Stephenson Boyd, accusing one of the parties in this dispute, Roy Siemiller, president of the International Association of Machinists "as part of a group, extremely small in number, who apparently have no concern for the public welfare but only for their own selfish interests."

I wish Mr. Boyd or someone on behalf of this administration would have had the courage to talk like that a few weeks ago back in May of 1967 when this committee began its meetings.

Pretty late, at the 13th hour we are beginning to see a little courage emerge from this administration as to where the finger ought to be pointed and where the blame ought to be assessed.

I am a little tired of hearing about a "crisis" every year in this Chamber and being told I have got to pass this bill this afternoon in precisely this form without amendment because the administration has said this is the only way the job can be done.

Why has not the presidential task force reported to the Nation and to this Congress on emergency strike legislation? No, because a consensus cannot be reached. Somebody's feelings may be hurt. Somebody's toes might have to be stepped on.

I, for one, am getting a little tired of government by consensus. Government by consensus too often becomes a government by crisis. When it comes to legislating like that in this Chamber, I am not very sure that we would make a very wise decision under circumstances of that kind.

We have had effort after effort, we have had a National Mediation Board to get into this dispute. Then we had an

emergency board, and then we had a special mediation board and we have had some of the most distinguished people in our country. Yet, today we find ourselves literally almost at about where we started.

Now we are told that the administration's proposal is not only necessary but that it is urgent and that we are left with no other choice, that it might bring the dispute to an end, and that this further mediation and compulsory arbitration—this erosion of the collective bargaining process in our free society, is alright and that we should put all of our faith and trust in Emergency Board 169 and what restrictions or recommendations they might make.

This situation parallels so many others in recent time and the proposals spawned by this administration under fancy titles. But when we look beyond the rhetoric and peer at what is under the fancy book cover—yes, call it even a false facade, we seem to consistently find a resort to deceit.

We are going to hear talk this afternoon I am sure in this debate about the boys in Vietnam and how we have to protect them and how we have to protect this country.

Most of us sat in this Chamber a few minutes ago and heard and saw some very moving ceremonies in honor of Flag Day. Indeed, we were reminded that there are some intangible rights represented by the American flag that are just a little bit more important than money.

One of the saddest things for me to read was this report of the committee and to find what they had to say about all that is involved in this dispute between the railroad unions, the shop craft unions and the railroads is money. You will find that in the committee report.

What kind of barbaric society—what society is this—have we come to the point where the commerce of this great country can grind to a halt because a few selfish, mercenary individuals, and I care not where they sit, be it on the side of labor or management, are not willing to compromise their differences between 6 percent and 6½ percent—or between 5 percent or 12½ percent on these wage and equity payments.

We can talk about the boys in Vietnam—and let us do it. But let us ask ourselves what kind of society are they going to come back to when they come back after 3 years or 2 years in Vietnam? Are they going to come back to a society in which wage rates are controlled by the Federal Government, where conditions of employment, hours, wages, and management decisions that ought to be left to the free-market economy, have become the sole dictate of the Federal Government? Is that the kind of society that they are going to come back to and inherit? Then I wonder if all the sacrifices that they have made will prove to be worthwhile.

Call me emotional, if you will, and maybe I still labor a little bit under the emotion I felt as I sat in this Chamber at the ceremonies a few minutes ago. But I wish we could have had those representatives of labor and management in this Chamber to listen to that program, because when I read in this report—and I think I am correct—that between April 25 of this year and June 6 they did not even meet face to face to consider and to discuss their differences, I thought it was shocking. I think it is disgraceful. I, for one, resent the fact that this Congress is called upon to pull the chestnuts out of the fire, be it for management or be it for labor. They ought to have just as much concern about this matter, just as much patriotism, and they ought to feel the public interest just as keenly as any Member of this body.

I do not like this joint resolution in its present form. I doubt very much whether I shall vote for it if and when we come to the end of this debate it is in the form that it is now, because conservative that I am, I recognize that there are some pretty basic fundamental rights in American society, one of which is that men shall have the right to freely direct and to determine those conditions under which they will live. And I do not know whether I am vain in hoping that maybe some of those representatives of labor and management may be listening to my voice this afternoon or may be reading this debate and have a last-minute stroke of conscience that can bring them even now to the bargaining table where they belong before this Congress is called upon to pass this kind of legislation.

Mr. COLMER. Mr. Speaker, I yield 5 minutes to the gentleman from Washington [Mr. ADAMS].

Mr. ADAMS. Mr. Speaker, my colleagues in the House, and particularly the gentlemen who have already addressed you, I will not take a lot of time during the discussion of the rule, but I do know that there is confusion in the House because of the very short period in which this has come up.

I also want to make it very clear that no member of this committee, nor I am sure now of this House, relishes the position that we are in. We did not ask for it, and many of us highly resent the fact that the Congress of the United States is expected to be the final arbiter of all national disputes.

I will not delay the debate on this rule, but I do want to indicate very clearly to the Members of the House that there will be a substitute offered. It will be offered during the first part of the amendments on this bill, and it will be a substitute for the entire bill. Actually it is a compromise. I think we must recognize the facts that have been pointed out by the first two speakers on this rule: One, we cannot allow our economy at this point to be completely crippled by a rail strike. We owe this to our men overseas. We owe this to our people. And we as Representatives of these people have that ultimate responsibility.

I believe we have also the second responsibility pointed out by the most recent speaker, that for this Congress and for this Government to set by compulsory arbitration—call it what we will—the terms and conditions under which men work will bring a great tragedy. We will hear during the debate today that if the Congress shall decide each of these, we might just as well be prepared to decide each of them in the future, because the parties at the bargaining table will know that there is a final step and, gentlemen, that buck stops here in the Congress.

Many of us disagree with that principle. I want to make it very clear that the chairman of our committee and other Members—but in particular the chairman—had moved heaven and earth with these parties to make them agree, and we did not terminate our hearings until both parties sat in that room, looking all of us directly in the eye, and said: "We cannot agree." This was after they had been asked to go out and try again and try again.

On the substitute that will be offered—there are copies in the rear of the House—which is House Joint Resolution 585, each of the Members received in the mail this morning a letter and a memorandum on this resolution. Basically it is a compromise, to try once again to save collective bargaining. It basically sits between the President's proposal and those who say, "Let the matter go to strike and the parties will settle."

What it tries to do is place the pressure on both sides in an even-handed manner to say, "Settle this. A plague on both your houses. We will not take sides. We would ordinarily leave you to your economic weapons but in this case the public interest," as pointed out by the gentleman from Mississippi, "is that we cannot allow a crippling rail strike while we are at war." So we must substitute for the absence of economic weapons.

The deadline on this, and make no mistake about it, is 12:01 on June 19, which is next Monday. As of that time there will be a strike.

Mr. ANDERSON of Illinois. Mr Speaker, I have no further requests for time.

Mr. COLMER. Mr. Speaker, I yield 5 minutes tc the gentleman from California [Mr. Moss].

Mr. MOSS. Mr. Speaker and my colleagues of the House: Some 44 days ago I stepped into the well of this House in opposition to the resolution then before us, requesting postponement of this labor controversy for 47 days. I stated my firm conviction that we were merely postponing the inevitable, that we were not facing up to any of the basic issues.

Now we are here, once again, asked to postpone, and then to mediate to finality—whatever that means.

I do not oppose this rule, but I want to make it very clear to every Member of this body that the alternatives are not the adoption of the resolution as it came from the committee or a strike.

In between, during the course of the debate here today, we shall have the opportunity of examining and evaluating a variety of alternatives.

I feel very, very strongly, as the distinguished minority member of the Rules Committee has stated, that there are certain things we should preserve. If they are worth fighting for on a field of battle they are worth preserving in this Chamber on this floor, where we speak for free men and for free women, and we should attempt to effect every appropriate compromise to preserve those rights.

The right to contract freely for one's

labor is certainly one characteristic of this society worth every effort, every energy, every bit of intellect of this House to preserve.

During the period of this dispute there has been a shocking lack of meaningful negotiation. There has been less time spent in more than a year by the principals in an effort to reach a solution than there has been by the Committee on Interstate and Foreign Commerce of this House in the past 2 weeks, in its effort to learn the facts, to fathom the full measure of differences.

I believe we are deserving of something better from our industry and something better from our labor than to be faced periodically with problems of this type, which inevitably tend to compromise the liberties of one or the other.

So I ask today that we adopt this rule and that we—each of us—pay close attention to the debate. It is more significant than the political future of any individual or of individuals. It is fundamental to the preservation of a society and a way of life. It requires close attention and most serious consideration.

Mr. COLMER. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PICKLE. Mr. Speaker, I wish to give my strong endorsement to House Resolution 511 and to House Joint Resolution 559 as a solution to the current rail dispute.

It is a bill which gives the widest possible latitude to the bargaining positions of the parties, and I believe it is a well-considered answer. The current rail dispute has developed too far for Congress to handle on anything other than an ad hoc basis, and I think that the collective bargaining to be carried out under House Joint Resolution 559 and the ultimate solution contemplated in the bill are in keeping with what the parties themselves would agree to if the situation were not disrupted.

One thing that bothers me about this entire matter is that we should not have to be considering these disputes on a case-by-case basis. During the hearings we had in the Commerce Committee, it became clear to me that Congress is not equipped to "mediate" labor disputes. Yet that is exactly what we have been trying to do.

Time and time again in the hearings, we were faced with the situation of not knowing what the parties really stood for, and who, if anyone, was dealing in good faith. When management appeared before us, labor was the villain; when labor was there, management was the one with dirty hands.

Since February, I have talked of the need for a permanent solution to the problem of emergency transportation strikes. And now, to anyone who agonizes over the need to face such a hot and contested dispute, I ask—why have we not demanded congressional initiative in this area? Why have we denied Congress its traditional policymaking function, and relegated it instead to the role of trial examiner?

In February, I introduced a bill, H.R. 5638, which would make a permanent amendment to section 10 of the Railroad Labor Act. The bill creates procedures which are to be followed in critical transportation disputes, and many of the steps I proposed there are very similar to the procedures before us today.

My bill calls for the National Mediation Board to notify the President of a dispute that "threatens substantially to interrupt interstate or foreign commerce to a degree such as to deprive any section of the country of essential transportation."

The President would then have two choices: First, to appoint a nonbinding Emergency Board; or second, to announce his intention to appoint a binding Special Board.

If the President took the first course of action, the Emergency Board would have 60 to 120 days to make recommendations, followed by another 30-day cooling-off period.

After the report of the Emergency Board, the President could—

First. Send the report to Congress with recommendations for action;

Second. Put the Board's recommendations into effect for 120 days; or,

Third. Announce his intent to set up a binding Special Board.

Whenever the President decided to turn to the binding Special Board, the two sides would have 10 days to select members and agree on procedures. If they refused, the President would do so. The Special Board's conclusions would be final, binding, and enforceable in Federal courts for a period up to 2 years. But at any time during that period, the parties could mutually agree to alter the terms of the Special Board settlement.

My bill would vest the President with the power to analyze disputes such as the one before us today, and decide whether to allow a strike to proceed, whether to select a Special Board to arbitrate the matter, or whether to send the controversy to Congress with recommendations for action.

The report of the Commerce Committee on House Joint Resolution 559 admits that in the last 4 years, we have been dragged into these disputes three times. Since 1963, every major dispute has been tossed in our laps. If there is anyone in this Hall who thinks that situation will change, I can tell you it will not.

It is obvious that we must amend our labor laws. Recently, I have been heartened to see some of our leading newspapers calling for action. In the Washington Post and the New York Times, neither particularly noted for maintaining conservative views, we have seen numerous editorials calling for permanent legislation.

I personally have been in correspondence with many of the Nation's most noted law and economics professors, and with leading figures in the major bar associations across the country. I can report to you now that there is a movement stirring to correct this situation, and that the approach most usually mentioned is very much like the bill I introduced.

I admit that there may be ways in which my bill could be strengthened, borrowing, in part, from the procedure of the bill before us today. But the important thing is to realize that permanent legislation can be created which will leave enough flexibility to preserve the basic cornerstone of our national labor policy, and at the same time, give the public the "third seat" it so sorely needs at the bargaining table.

Our Nation's labor laws have not needed too many amendments. In their respective areas, the Railroad Labor Act and Taft-Hartley have done a good and reasonable job. But I say it is time that we moved to assure that our laws are responsive to the situations of the times. I say that it is time we created an arsenal of weapons or a Presidential choice of procedures to deal with these problems.

The articles referred to follow:

[From the Washington (D.C.) Post, Mar. 17, 1967]

EMERGENCY STRIKE BILL

It is gratifying to see that the problem of emergencies resulting from strikes is getting some thoughtful attention this year, at least in the transportation field. Representative J. J. Pickle of Texas has introduced a bill that would substantially modify the procedures under the Railway Labor Act. Mr. Pickle recognizes the need for additional power in the Government to cope with these situations and seeks to provide it with a minimum impingement upon free collective bargaining.

Under his bill the Mediation Board would notify the President if, in its judgment, a dispute between a railroad or airline and its employees should threaten to deprive any section of the country of essential transportation service. The President would then have a choice of procedures. He could appoint an emergency board or a special board to investigate the dispute. If he should prefer the emergency board route, he could direct the board to outline the facts behind the dispute and to make recommendations for a settlement within a period of 60 days, with the right to extend the period for another 60 days.

Work would continue during that time and for 30 days thereafter. If no settlement had been reached at the end of the "cooling-off period," the President could send the report to Congress and ask for legislation; or he could put the working conditions recommended by the board into effect for up to 120 days, to allow further time for a settlement; or he could notify the parties of his intention to name a special board. This would be a last-resort measure looking toward arbitration. The parties would then have 10 days to set up their own board to make a final and binding arbitration of the dispute. If they should fail to do so, the President would name an arbitration board of three, with one representative of each side and a public member. Its decision would be final and binding for not longer than two years, subject only to an appeal to the courts grounded on fraud or violation of the law or the Constitution.

Elaborate though it is, this formula has many virtues. It would extend the periods of mediation if necessary. It would open a variety of routes to a solution, thus allowing flexibility in meeting different situations and intensifying pressure for agreement because of the uncertainty as to which route might be chosen. It would discourage employer pro-

crastination for the sake of continuing the status quo by putting into effect the emergency board's recommendations, if the President so ordered. Finally, it would come to compulsory arbitration only if all else failed to protect the public interest in continued operation of the transportation system.

Of course, any system that may be adopted should extend beyond railroads and airlines to other industries in which continuous operation is essential to the public interest. But there may be some advantages in moving one step at a time. The hopeful thing about this bill is that it may provide a foundation on which the Administration can base its own request for legislation. The recommendations on this subject promised by the White House some 14 months ago have not yet been forthcoming. If the President's experts are still at odds among themselves, he could at least commend to Congress the thoughtful work of Mr. Pickle.

[From the New York Times, June 12, 1967]

KEEPING THE TRAINS RUNNING

The overwhelming vote by which the Senate passed President Johnson's bill to avert a national railroad strike betokens no vast enthusiasm for the complex peace formula. Rather it reflects Congressional recognition that collective bargaining has broken down on the railroads and a statutory prod is needed to keep the trains running.

The bill will have tougher sledding in the House, where efforts will be made to substitute a resolution calling for seizure of the railroads. The controversy may continue almost up to the strike deadline of June 19. Undoubtedly the end result will be a law embodying the Johnson formula for a blend of negotiation, mediation and compulsory arbitration.

The real puzzle is why such laws must always be enacted under the whip of a strike crisis. The country would be much better protected if Congress gave the President an appropriate arsenal of weapons to ward off national emergency strikes without panicky improvisation every time a fresh threat arises.

Now, Mr. Speaker, I will talk to the gentleman from Illinois about the bill in detail and with respect to the provisions thereof. Therefore, I yield to the distinguished gentleman from Illinois [Mr. ANDERSON].

Mr. ANDERSON of Illinois. Mr. Speaker, I thank the gentleman from Texas for yielding, and I wish to applaud the gentleman publicly for the initiative which the gentleman has displayed, and if the gentleman is remiss in his interpretation of this matter——

The SPEAKER pro tempore (Mr. NATCHER). The time of the gentleman from Texas has expired.

Mr. COLMER. Mr. Speaker, I yield the gentleman from Texas [Mr. PICKLE] 2 additional minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield further?

Mr. PICKLE. Yes, I yield further to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, if I have been remiss in this regard, I wish to publicly confess that fact at this time. I do want to ask the gentleman from Texas, however, this question.

Mr. Speaker, has the gentleman from Texas ever at any time received any encouragement whatsoever from the Secretary of the Department of Labor, the Honorable Willard Wirtz, in support of his bill or in support of any similar legislation?

Mr. PICKLE. At any time?

Mr. ANDERSON of Illinois. And, Mr. Speaker, if I may continue for just a moment, I understand from the committee report on this resolution, House Joint Resolution 559, that he did ask about the recommendations of the Presidential Task Force on Emergency Strike Legislation, and that the Secretary of the Department of Labor, Mr. W. Willard Wirtz, stated that perhaps there will never be any such recommendations upon such legislation.

Mr. Speaker, I wonder, in view of that fact, whether the gentleman has any cause to believe that that not only will he have the support of this minority Member of this body, but will the gentleman have the support of the Secretary of the Department of Labor and the support of the administration as well as the support of the people who control the majority membership in this Congress.

Mr. PICKLE. Mr. Speaker, I would reply to the distinguished gentleman from Illinois [Mr. ANDERSON] yes, I think we do. I think the Department of Labor and the other executive departments of the Government are waiting to see what will happen on this bill.

Mr. Speaker, I asked that particular question of the Secretary of the Department of Labor and he said that he did not know whether such support is coming.

Mr. Speaker, I think the American Bar Association is going to establish some type or kind of rules with reference to this matter, rules designed to be of help and improvement in the resolution of these labor problems, and it is my hope and sincere wish that they shall be shortly forthcoming.

Mr. ANDERSON of Illinois. Mr. Speaker, if the gentleman will yield further, if I could be as sincere and sure as the gentleman from Texas is about the prospect of this or any other type of similar legislation being submitted, this would ease my fears with respect thereto. However, Mr. Speaker, one of the reservations I have—and it is very real and of deep conviction—is that once it is passed, once we push this whole troublesome matter back to January 31, 1969, any impetus behind the bill which has been offered by the distinguished gentleman or which has been offered by anyone else, is going to die with it, together with any real desire and drive to get this kind of legislation enacted that is most desperately needed, is going to fall by the wayside.

Mr. COLMER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. NATCHER). The question is on the resolution.

The resolution was agreed to.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 559) to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution House Joint Resolution 559, with Mr. MILLS in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the first reading of the joint resolution was dispensed with.

The CHAIRMAN. Under the rule the gentleman from West Virginia [Mr. STAGGERS] is recognized for 1½ hours and the gentleman from Illinois [Mr. SPRINGER] is recognized for 1½ hours.

The Chair recognizes the gentleman from West Virginia [Mr. STAGGERS].

Mr. STAGGERS. Mr. Chairman I am here today in a most unusual position. I was requested by the President to introduce the bill we have before us today, and because of my responsibilities as chairman of the committee, I introduced the bill. If the House was to be given an opportunity to work its will on this legislation, it was necessary that hearings begin promptly and continue as expeditiously as possible, and I think the record will bear me out, that the hearings before our committee have been prompt, they have not been delayed in any respect.

In fact we interrupted consideration of a very important piece of health legislation in order to take up this bill. We have heard every witness who wanted to be heard on the legislation. I did this because I felt it to be my responsibility to the House as chairman of the committee.

Following the conclusion of our hearings I promptly scheduled executive sessions for consideration of the bill and we met as promptly as possible both morning and afternoon and the committee reported the bill to the House.

Yesterday I went before the Rules Committee as chairman of the committee to present the facts to the Rules Committee and attempt to obtain a rule so that the bill would be considered by the House. I have done these things because I felt it is my responsibility to do so as chairman of the committee.

Unfortunately, Mr. Chairman, I was opposed to this bill when I introduced it, and having heard all the witnesses and all the testimony, I am still opposed to it. For that reason I have asked the gentleman from Maryland [Mr. FRIEDEL] to handle the bill in Committee of the Whole, so that I would be free to express my opposition to it.

There is a disagreement between members of our committee as to the proper course of action for the Congress to take in this dispute. The majority of the committee feels that the passage of the resolution presently before the House, without doubt, is the best solution to the problem facing the House. I do not agree with this position although I certainly concede to those gentlemen their right to their opinion just as I hope they will concede to me my right to disagree with them.

I am not convinced that there would be a nationwide railroad strike if the Congress passed no legislation. We really

do not know, since the last time there was a nationwide railroad strike without the Federal Government having authority to intervene and prevent the strike from occurring or continuing, was in 1922. For 45 years the railroads have operated under what amounts to a no-strike umbrella. A witness for the railroads pointed out that a strike would cost the railroads $12 million a day for each day it continued.

Even if I am wrong in my assumption that perhaps the Congress would be better advised to do nothing in this case, I think the bill before us is deficient in that the pressures it applies are completely one sided and apply only to the unions.

I think management is being favored in this legislation. When free men are compelled to work for wages and under conditions that are unacceptable to them, I do not think that the industry for which they work can long hope to remain under private ownership. If we are going to take away freedom from the working man who has built this country, I am confident we will eventually balance the scales by taking away the right of business to operate for private profit where wages are set by Government under compulsion.

A number of amendments were offered to this bill during its consideration in executive session designed to equalize the burden of the bill by giving management incentives to negotiate through collective bargaining that management does not have under this bill. I expect to support amendments to this effect when they are offered.

Our committee also adopted another amendment during executive consideration which later was reconsidered and was then defeated by a tie vote which would have assured that the employees affected by this dispute would receive wages comparable to wages of other persons holding similar jobs throughout America. If this amendment had carried, my attitude toward the bill might have been different.

Mr. Chairman, this concludes the presentation I desire to make on the bill. At this time I request the gentleman from Maryland [Mr. FRIEDEL], the ranking majority member on the Interstate and Foreign Commerce Committee, to take charge of managing the bill on the floor.

Mr. FRIEDEL. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the House today faces a most difficult situation. Next Monday at 12:01 a.m. a nationwide railroad strike will occur unless Congress passes some sort of legislation between now and then. As a practical matter then—this means we have to pass legislation and get it to the White House by Saturday—so there isn't very much time available to us.

Our committee has brought to the House today a bill that none of us really wanted to vote for. The bill provides a means of settlement of the current labor-management dispute in the railroad industry that should have been settled by collective bargaining. There is not a member of our committee—and I am sure that there is not a Member of this House who does not feel that the proper way for this dispute to have been settled is through the process of collective bargaining. That is the way labor disputes should be settled and that is the way this one should have been settled. But we have to face facts and the facts are that in this case collective bargaining has failed. Unless we pass legislation a nationwide railroad strike will occur and this strike will have very serious consequences on our efforts in Vietnam, our defense effort throughout the United States, the health and safety of numerous segments of the American people, and the strength of our economy.

In a message to the Congress earlier this year the President pointed out the consequences of a nationwide strike.

Members can find a summary of the situation in the committee Report No. 353 beginning on page 9:

On the first morning of the strike three-quarters of a million rail commuters in New York, Chicago, and Philadelphia alone would be unable to take their trains to work.

Shipments of perishable foodstuffs to many major cities would be halted at once.

Actual food shortages could soon occur in several cities.

Some health hazards would develop. For example, supplies of chlorine used to purify community water supplies would grow short.

The coal mining industry, with 140,000 workers, would cease operations almost at once.

Many other industries which rely heavily on the railroads—such as metal mining, steel, chemicals—would be badly crippled and soon begin to close down.

For a week or more most factories could operate from their inventories. Soon, shortages and bottlenecks would begin to curtail production drastically. A spreading epidemic of lost production and lost jobs would sweep through the Nation.

A 1-month strike would reduce the gross national product by 13 percent. That would be nearly four times as great as the total decline that occurred in the Nation's worst postwar recession. It would drive the unemployment rate up to 15 percent—for the first time since 1940—putting millions of workers out of jobs.

In short, a railroad strike would affect every man, woman, and child in this Nation. It would increase the cost of living. Each day the strike continued would bring pyramiding losses in goods, services and income—losses which can never be fully regained. A prolonged strike could well break the back of the Nation's stable prosperity for some period to come.

Beyond this, there remains the impact of a rail strike on defense production, and particularly on our 500,000 brave servicemen in Southeast Asia.

For example:

Forty percent of the total freight shipped by the Defense Department is moved by the Nation's railroads. A strike would materially disrupt these vital operations.

Shipments of ammunition will be critically affected. During April 210,000 tons of ammunition are scheduled to move to ports for overseas shipment. About 175,000 tons are going by rail.

Production of ammunition will be hindered, Sulphuric acid a key ingredient for ammunition, moves only by railcar.

The movement of gasoline and jet fuel for our combat and transport aircraft heavily depends on railroads.

The M-48 tank and other heavy military equipment used in Vietnam can be shipped only by rail.

Strategic missiles such as Polaris and Minuteman are moved by specially equipped railcars.

Faced with this situation, the majority of our committee voted to report this bill to the House.

The bill, as reported by the committee, establishes machinery for settlement of the current dispute. It is limited strictly to the dispute involving the shopcraft unions—which has already been considered by the Congress twice this year in two bills extending the no-strike provisions of the Railway Labor Act.

As reported by our committee, the bill is identical to the bill as passed by the Senate last Wednesday. It establishes a five-man special board to be appointed by the President which will engage in mediation for the first 30 days after the enactment of the legislation. It is hoped that this special board can lead to the settlement of the dispute during this period; however, if this does not prove possible, at the end of 30 days the special board will hold hearings at which time each side to the dispute may present its views as to whether or not the recommendations made by the Fahy Panel for settlement of this dispute should be placed in effect, and what modifications, if any, should be made in those recommendations. At the end of 30 additional days the special board is to make a final determination which is intended to incorporate the recommendations of the Fahy Panel with such modifications as may be necessary to make sure that the determination is: First, in the public interest, second, achieves a fair and equitable settlement within the limits of the collective bargaining and mediation efforts which have taken place in this case, third, will protect the collective bargaining process, and fourth, will serve the purposes of the Railway Labor Act.

The determination of the Special Board is required to be submitted to the President and to the Congress on the 60th day after the enactment of the resolution. This determination, unless modified by the parties in the meantime, will go into effect on the 90th day after the enactment of the resolution and will remain in effect for such period as the Special Board may determine, but for no longer than 2 years from January 1, 1967. The determination is to have the same effect as though it had been entered into through the ordinary process of collective bargaining under the Railway Labor Act. This means that the wages and working conditions established under this determination will remain in effect through December 31, 1968, and may be modified thereafter through the ordinary procedures of the Railway Labor Act, through the filing of what is commonly known as section 6 notices with the normal bargaining and mediation procedures of the act applicable thereafter.

One thing needs to be especially noted at this point because the legislative history in this regard was apparently overlooked by the courts in connection with Public Law 88-108, passed in 1963, dealing with the railroad work rules dispute. The issues involved in this dispute which are to be determined by the Special Board may at any time—and I emphasize at any time—be resolved by the parties themselves reaching agreement. The parties may reach agreement during the

mediation process before the special board. They may reach agreement while the special board is holding its hearings. They may reach agreement after the Special Board has held its hearings and before the 90th day after the enactment of the resolution. The parties may reach agreement at any time after the enactment of the resolution and before December 31, 1968. The parties also have a duty to continue to bargain with each other on the issues involved in this dispute during the entire time the Board's determination is in effect. The difference between the bargaining on the issues which I am now referring to and the bargaining procedures provided in the Railway Labor Act is that no statutory deadlines are operative under this procedure, whereas under the Railway Labor Act certain time limitations apply after which further and different procedures take effect. Perhaps an illustration will make this a bit clearer.

When a notice is filed under section 6 of the Railway Labor Act, a conference must be held at a time specified in the notice and bargaining must continue for at least 30 days. If the dispute is not resolved during this period of bargaining then matters are frozen for 10 days further after the termination of the conference and then at that point either party may request the services of the National Mediation Board, and, so long as the National Mediation Board is engaging in mediatory efforts, no strike and no change in work rules is permitted. When the Mediation Board determines that its efforts are unsuccessful it notifies the parties and they are frozen for an additional 30 days. During this period if the President appoints an Emergency Board, the status quo remains frozen for an additional 60 days. These are the procedures that are followed in normal collective bargaining under the Raliway Labor Act. However, under this bill the rates of pay and working conditions which are established pursuant to the determination of the Special Mediation Panel will continue in effect and at no time before the end of the period set by the Special Board may the parties engage in a strike, or make any changes, other than by agreement, in rates of pay or working conditions involved in the current dispute.

Mr. Chairman, our committee held very extensive hearings on this resolution and we considered it in great detail in our executive sessions. A number of amendments were offered to the bill but with the exception of amendments making the bill conform exactly to the measure as passed by the other body, all of these amendments were rejected. I am sure that some, if not most, of these amendments will be offered today while the resolution is being considered so perhaps it might be helpful if I discussed some of them briefly.

One amendment which was offered would have combined the features of the resolution presently before us with seizure of the railroads. Seizure was discussed at great length during our hearings and the witnesses for the administration and for the railroads expressed opposition while witnesses on behalf of labor stated that they favored seizure. One witness on behalf of the unions stated that if Congress was to pass legislation—such as the resolution presently pending before us—he proposed eventual nationalization of the entire railroad industry. The majority of the committee voted against this particular amendment, primarily, as I understand it, on the grounds that the amendment would unfairly discriminate against the railroads.

Two other seizure amendments were offered, one of them proposing straight seizure of the railroads as a means for settling the dispute with seizure substituted entirely for the procedures of the resolution. Another amendment offered provided seizure of profits of the railroads during the period the dispute is unsettled.

These amendments were rejected essentially for the same reasons I have already stated.

Other amendments were offered, all proceeding pretty much on the theory that the bill should be amended to put additional pressures on railroad management and to provide penalties against the railroads for the period during which the dispute is not settled. These amendments, as I mentioned, were rejected by the committee.

Mr. Chairman, a number of members of the committee voted against this bill. I know that none of the members who voted against the bill favor a railroad strike. I am confident that none of them want to see the railroads seized. The bill and the amendments do indicate that there was serious disagreement on our committee over the best means of settling this dispute. The theory on which these amendments were offered was that they would encourage the process of collective bargaining and thereby lead to a settlement of this dispute in the way that it should have been handled in the first place—settled by the parties themselves through the processes of collective bargaining.

However, the majority of the committee did not agree that this approach was the best. As I stated when I began my remarks, I do not believe any member of our committee really wanted to vote for the bill we have before us today. I know I did not. If the bill had been amended, I still think all of us would have preferred not to have to vote on even the amended bill. All of us wanted to see this problem resolved through collective bargaining without any congressional intervention whatsoever.

But we have to face facts. As matters now stand it appears that if the Congress does not pass this legislation this week we will face a nationwide strike starting at 12:01 a.m. next Monday morning.

With the critical situation facing us in Vietnam and the grave impact such a strike would have on our defense efforts and economy I do not think we can take the risk of having a nationwide railroad strike.

For these reasons, Mr. Chairman, I urge the passage of this resolution.

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in the beginning I believe it would be well that my colleagues understand something of the history and issues involved. There are about 750,000 railway employees. Roughly 600,000 of these in 14 railway brotherhoods have already settled their problems with railway management. There are signed contracts between the parties which extend for a year from January 1, 1967. In short, 72 percent of the railway workers are already covered by existing contracts and are not a party to this dispute.

There are 10 brotherhoods involved in this dispute comprising 137,000 shopworkers, consisting primarily of journeymen mechanics, their helpers, and apprentices, powerhouse employees, and railway shop laborers. They comprise 28 percent of the employees working on railways.

Some time ago notices were served by the brotherhoods asking for a 20-percent wage increase, a change in vacation schedule, and other changes in work rules.

The carriers offered a 5-percent increase for a 1-year period. The eight brotherhoods proposed a 2-year contract with a 6½-percent increase for 1967, and a 5-percent further increase for 1968, plus 12½ cents inequity adjustments for 1967 and an additional 12½ cents adjustment in 1968. To these two offers there was disagreement between the parties.

Pursuant to the Railway Labor Act, the President then appointed an Emergency Board which proposed a 5-percent pay increase for 1967, and recommended a job evaluation to determine the inequity adjustments and the employees to be covered. This proposal was accepted in entirety by the railroads and rejected in entirety by the brotherhoods.

There was a 20-day extension by Congress to give the President a chance to appoint a new Panel. As Chairman of this Panel the President appointed Judge Fahy, recently retired from the U.S. Court of Appeals for the District of Columbia. This Panel recommended a 6-percent increase for 18 months beginning January 1, 1967, with three 5-cent inequity adjustments during the 18-month period. The recommendation of the Panel with respect to the 6-percent increase for 18 months was accepted by the carriers but they rejected the three 5-cent increases. The recommendations were rejected entirely by the unions.

This is where the matter stands as of today, except that the last extension voted by the Congress for mediation purposes will expire at midnight, June 18.

A second matter that the House will certainly consider is the effect and impact of a nationwide railway strike which could occur on next Monday.

On the first morning of the strike, three quarters of a million rail commuters in the country would be unable to take trains to work.

Second. Shipments of perishable foodstuffs to many major cities would halt at once.

Third. Actual food shortages could soon occur in several large cities.

Fourth. Some health hazards would develop; for example, supplies of chlorine used to purify community water supplies would grow short.

Fifth. The coal mining industry with 140,000 workers would cease operations almost at once.

Sixth. Industries which rely on the railroads in the heavy industry field such as steel, automobiles, and chemicals would be badly crippled and soon begin to close down.

Seventh. In 1 month, the unemployment rate would go to 15 percent.

In short, a railroad strike would affect every man, woman, and child in the Nation. It would increase the cost of living substantially.

However, more important than the economy would be the effect on the defense production and 500,000 servicemen in Southeast Asia.

Forty percent of the total freight shipped by the Defense Department is moved by the Nation's railroads. A strike would materially disrupt these operations. In April, 210,000 tons of ammunition moved to ports for overseas shipments. About 175,000 tons go by rail. The movement of gas and jet fuels for combat and transport aircraft heavily depends on the railroads. All other heavy military equipment used in Vietnam can be shipped only by rail. Strategic missiles such as Polaris and Minuteman are moved by specially equipped rail carriers.

It is true that the brotherhoods offered to carry all needed supplies for Vietnam or the general welfare. However, the Defense Department testified by virtue of a previous experience in this field that there had been "chaos" and that such a plan was totally unworkable. From all of the testimony that was introduced, I feel sure that most of the committee was convinced that it was not only impractical but almost totally impossible to separate defense materials from nondefense materials and transport those materials with any efficiency or speed. It appeared further that it would not be possible in the short period of time to establish the administrative machinery and guidelines required to provide for the continued operation of the railroads carrying only those items of freight necessary in order to prevent injury to the national defense and public health.

I believe all Members of the House realize that only the most compelling considerations would lead the committee to report legislation to the House which interferes with the rights of labor and management. However, it was the feeling of the committee that if this labor dispute is allowed to progress to the point of a nationwide rail strike, it would have serious effects upon the security and the health of the United States. These are the reasons, Mr. Chairman, why the committee did report the bill as requested by the President. All other questions, such as economic problems between the parties, seizure of the railroads, and others, were given serious consideration by the committee. The committee came to the conclusion that alternative methods suggested by the respective parties simply would not be applicable in the public interest and that the proposed shutdown of the Nation's railroads had such serious implications that these matters could not be brought before the House and that this was the only form of legislation it could recommend at this time.

Mr. Chairman, the bare essentitals of the bill provide—

First. For the appointment by the President of a five-man Special Board to assist the parties in completing their collective bargaining and the resolution of the remaining issues in the dispute.

Second. The bill directs the Special Board to attempt by mediation to bring about a resolution of the dispute and thereby complete the collective-bargaining process.

Third. The legislation further provides that if there is no agreement 30 days after the enactment of this resolution, the Special Board will hold a hearing on the proposal made to the parties by the Special Mediation Panel in its report to the President of April 22, 1967.

Fourth. It provides further that the Special Board shall make its determination on or before the 60 days after the enactment of this resolution. Section 5 provides that if no agreement is reached within 90 days, the findings of the Special Board shall go into effect and shall last for a period of 2 years from January 1, 1967.

Mr. Chairman, this, in the simplest language, gives the major provisions of the bill.

The President sent down to the committee to testify for the bill, the Secretary of Transportation, the Secretary of Defense, and the Secretary of Labor. All of them gave strong evidence in favor of the proposal, without any modification of any kind.

The committee or portions of the committee met twice with the President to discuss the matter. At the first meeting, there was present the Secretary of Defense, the Secretary of Transportation, the Secretary of Labor, and Arthur Goldberg, now the U.S. Delegate to the United Nations, and formerly the Secretary of Labor in the Kennedy and Johnson administrations, who had vast experience in the labor relations field when he represented the United Steelworkers. He strongly recommended this legislation. The Attorney General was also present and recommended the legislation.

In the second meeting at the White House, the President had present the leaders of both parties in the House and Senate as well as the Secretary of Defense and the Secretary of Labor and the chairmen of the respective committees in the House and Senate and the ranking minority Members.

Mr. Chairman, this legislation has been thoroughly considered by four departments of the administration and hearings in both the House and Senate extending over several weeks. I want to assure my colleagues that all avenues of settlement were explored and it was only after testimony in executive session by both labor and management that no agreement was possible that this legislation was brought to the floor. I know this committee will give all of this its very best thought on the debate that is about to take place.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the distinguished gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I thank my good friend for yielding.

I noted in a release not long back that the Long Island Rail Road controversy to which the gentleman alluded with regard to the problem of commuters has been settled with a settlement far more generous than that which the rest of the railroad brotherhoods had pointed out. The settlement is 50 cents an hour to be received January 1, 1967; and on November 1, 1967, 23 cents; and on August 1, 1968, 27 cents; increases in lunch time and an increased vacation package and added pay holidays, bringing the wage settlement, as near as I can figure, to $3.70, effective January 1, 1968, which is far in excess of the level which has been received.

These facts I regard as an indictment of the industry, and point out the fact that collective bargaining is still possible, and I say this is also an indictment of the parties to the matter.

So the question of large numbers of commuters who might be denied access to employment and from employment to homes is not as large as the administration would have us believe, I would point out to my good friend.

Mr. SPRINGER. May I say in justification to what the gentleman has said—or maybe not in justification, I do not know which—that the Long Island Rail Road is not applicable to this dispute in my opinion because it is purely a commuter railway, but it is one which is heavily subsidized by the city of New York and also by the State of New York, and the relations between them are different. New York City itself is one of the highest cost-of-living centers in the country. So you do have other factors involved, certainly not related to this dispute. The Long Island Rail Road yesterday was granted $22.6 million by the Housing and Urban Development Administration here in Washington. This railway is heavily subsidized by city, State, and the Federal Government.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman.

Mr. ADAMS. I thank the gentleman for yielding.

Mr. Chairman, I believe the gentleman indicated these parties were far apart, and I believe that the members of the committee may misinterpret exactly the position.

I believe the gentleman used 19 percent, and yet it was testified on page 242 of the hearings that the carrier proposal is a 5-percent general increase for 1 year from January 1, 1967. The union proposal is a 6.5-percent general increase, and a 12.5-cent inequity adjustment for skilled men for 1 year, and a 5-percent general increase and a 12.5-cent inequity adjustment for skilled men for the second year. And as part of the original management package, as was testified to, they agreed that there should be an inequity adjustment made to the men which would be in addition to the 5 percent. So that the difference between the parties actually, in an overall in-

crease, is something like—as I think the gentleman pointed out—between 1 and 1.5 cents, plus doing away with the compression suffered by the skilled people. Both were in agreement on that principle. This just seems that the railroads have not offered the basics, whereas the unions have said 12.5 cents a year for 2 years. Is that correct?

Mr. SPRINGER. I could not agree with the gentleman on some of the statements if I understood him correctly, and that was that they were not far apart. The only true evaluation I can get from the evidence of an offer, if I can pin it down as an offer on the part of the railroads, is 5 or 6 percent, based upon the findings of the Emergency Board No. 169, or the Fahy Panel. That is the only evidence that I can find concretely that the railroads made that kind of an offer, if they accepted what the Panel found, because they made that kind of an offer. I find no offer where they offered anything with respect to inequities because they said they wanted a job evaluation, and they said they were willing to abide by the job evaluation, as I understood it, which was suggested by either the first or the second, Emergency Board.

Mr. ADAMS. Mr. Chairman, I refer the gentleman also to the testimony of Mr. Wolfe on page 182 of the hearings, when he testified the second time, stating that the carriers' offer, the final offer, as was stated by the President's Emergency Board No. 169, was that they would offer a 5-percent increase plus a correction of inequities. Is that correct?

Mr. SPRINGER. And job evaluation.

Mr. ADAMS. Would the gentleman agree that the railroads have never taken the position that they would not correct the compression that had exsited in the skilled wages which could be a matter simply of negotiations as to the amount of the payment?

Mr. SPRINGER. Yes; that is true. But the gentleman failed to tell the House here that if you had the job evaluation, there is contention on the part of at least one of the parties to this, as I understand it, if you have a job evaluation based on the usual concept of the job evaluation, there would be a lowering of the rates in some of these skills. We certainly do not want that situation.

Mr. ADAMS. I refer to Mr. Leighty's testimony in which he states flatly that there would not be any loss of wages by anyone under the formula that is involved in the job evaluation criteria as used in Emergency Board No. 169 report; is that correct?

Mr. SPRINGER. Not as I understood him. Maybe that is what he might have testified, but that is not as I understood the testimony given by management. They were willing to have job evaluation. But the dispute involves, I think if you want to be technical about this, is whether or not some of the employees, of these 137,000 are in fact skilled. Some of these people they claim are no more machinists than you or I are. I do not know whether that is true or not. But it is the purpose of job evaluation to decide and to determine whether or not these people are skilled or unskilled by a determination and finding of what kind of job they do.

Mr. ADAMS. I simply want to point out that there is a difference of opinion and a very deep one between members of the committee as to whether or not the parties are close together or terribly far apart, because it goes to a fundamental issue. Some of us believe that if the parties have pressure put on them, they are close enough to complete their bargaining.

I do not want the impression to be left that the parties are so far apart that they would not complete their bargaining. Because I do not think that is the position of the majority of the committee, although I respect the fact that the gentleman may well draw that conclusion himself from the facts.

Mr. SPRINGER. Let me reply.

When Mr. Ramsey and Mr. Wolfe, speaking before the committee in the first hour of our executive session, as they were ready to leave I said "I want to be sure there is no misunderstanding. You are not close together in your bargaining"—do I state that correctly? On one side there is an offer of between 5 and 6½ percent and on the other side they refused it, and both gentlemen said, "Yes."

Mr. ADAMS. Wait a minute now. Not on the percentages.

Mr. SPRINGER. I do not yield further to the gentleman. I just want to reply and say that this is in the testimony and I want to pin it down that they are now approximately 15 percent apart and both of them said they were not close together.

The gentleman can read that in the testimony and it will be revealed to him.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman.

Mr. PICKLE. It is obvious that there is or must be some major difference or the parties would have gotten together by now. Both parties were in the hearings and the Fahy Panel points it out. They said there is a wage compression differential there. Both parties said they cannot correct that in a single step, as the unions apparently want to do. Yet, both management and the unions so stated in the hearings that it could not be done in a single step.

Management did agree to the job evaluation and put in escrow funds to handle it.

Mr. SPRINGER. My understanding is pursuant to what the gentleman said. If you will read the testimony of Mr. Schoene, who was the attorney, as I recall for one of the brotherhoods, he said this was the real issue and they were now bargaining by percentage, thereby removing the compressions. The point they brought out in the hearing was that to be relieved from these compressions they must reward those who are skilled over those who are unskilled. I believe I stated just what the gentleman said.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman.

Mr. OTTINGER. As to fixing the responsibility for this resolution, I think the gentleman attempted to put the total responsibility on this side of the aisle by saying that this was the administration's, and solely an administration proposal. The gentleman does support the proposal of House Joint Resolution 559; does he not?

Mr. SPRINGER. Yes, I do.

Mr. OTTINGER. Then I am correct in stating that the resolution would not have passed out of the committee were it not for the support of but one of the members of the committee on the gentleman's side of the aisle?

Mr. SPRINGER. May I say that if my side had not been present in the room, it would have been defeated according to my feelings by a vote of 12 to 6, among Democrat members of the committee.

Mr. OTTINGER. But the majority was not on our side of the aisle?

Mr. SPRINGER. The Democrat majority were opposed to the bill.

Mr. OTTINGER. That is correct.

Mr. BELCHER. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield.

Mr. BELCHER. Did the gentleman from Illinois have any other alternative as between supporting this legislation and bringing chaos to this country?

Mr. SPRINGER. There comes a time when I figure you must either have to accept responsibility or you fail to do so. I believe that Senator MORSE, who handled this joint resolution for the majority, for the leadership, and for the President in the Senate, put it best. It was one of the few times I have agreed with the distinguished gentleman. But most eloquently he said that there are three parties in a dispute of this kind: there is labor, there is management, and there is public interest. I concluded from reading his testimony that he felt that the public interest was at least 50 percent of the entire dispute, and that somewhere, sometime, and someplace if you are not going to have a strike which would affect the national interests and the national defense, the Members of the House and the Senate had to measure up to what they believed ought to be done.

Mr. BELCHER. I have always opposed compulsory arbitration. I am a free enterpriser. I have always believed that labor and management should have the opportunity to sit down across the table and to settle their own differences without the interference of Government. But in this particular case the Government did not deprive, as I understand it, the two parties of the right to sit down across the table and deal at arm's length. But both sides said that they could not get together. Therefore, the right to bargain freely was of no benefit to either party, was it, because it absolutely did not work.

Mr. SPRINGER. It was the result of almost 4 months of bargaining before the Emergency Board was appointed, and roughly another 60 days during which it was again discussed. There was roughly another 20 days in which the Fahy Panel discussed it, and still we did not get an acceptance by the parties of the work of the two boards as a final solution, nor did they come to a separate and

independent conclusion of their own upon which they could agree as a result of those three efforts at bargaining, and consequently we are here with this legislation today.

Mr. BELCHER. Of what value to union labor is the right to bargain collectively if they, themselves, say that they cannot get together? They have not forfeited any right if the thing does not work. It does not look to me like the mere right to bargain is of any value unless the parties can bargain and get something out of it.

Apparently all bargaining activities in this instance have broken down, and as much as I would certainly hate to vote for a compulsory bargaining measure, I still think the interests of all the boys we have overseas, the future security of this country, and the welfare and health of 190 million people should not be taken away merely because 100,000 people cannot make a deal with their own management.

Mr. SPRINGER. I yield to the gentleman from Kansas.

Mr. MIZE. Mr. Chairman, I thank the gentleman for yielding. I am sure that all of us in the committee and in the House are extremely sympathetic with the tough job that the members of the Interstate and Foreign Commerce Committee have had in coming up with this piece of legislation. I am confident that in the hearings it was necessary for you to listen to both sides in reviewing the offers and counteroffers between management and the unions, to review in detail the events—in depth—leading up to their decision to bring out this resolution. However, it seems to me that in analyzing this whole matter now, we should not spend too much time in reviewing here on the floor of the Committee how far the parties are apart in their offers and counteroffers. What we are charged with here today, tonight, and tomorrow, is the responsibility of coming up with a joint resolution that will return to the bargaining parties the right of free bargaining under normal circumstances, yet solve this knotty problem because of Vietnam. I hope that we do not interject ourselves into their bargaining by discussing who did or did not make the fairest offer.

Mr. SPRINGER. May I say that those are issues for the Board itself to hear and mediate and bring the parties together upon. Then, if there is no decision, this would be their duty under this legislation. It would be the duty of the panel then to make a final decision if they were not able to bring them together in mediation.

Mr. MIZE. I hope we do not try to decide that here on the floor of the House.

Mr. CAHILL. Mr. Chairman, I was interested in the gentleman's observation that 72 percent of organized labor have effected a settlement with industry, and only 28 percent have not. I am wondering if the 72 percent that effected settlement did it through collective bargaining, or was this as a result of some recommendation by an appointed committee?

Mr. SPRINGER. They did it entirely through collective bargaining.

Mr. CAHILL. Does the gentleman have any thoughts or opinions he can express as to why 72 percent can effect a settlement through collective bargaining with management and labor working together, and in 28 percent management and labor could not? Can the gentleman point out any great area of difference?

Mr. SPRINGER. I would try to, and this would be only an opinion.

I believe in the 14 brotherhoods that have settled, it is my understanding that those are the less skilled. I do not know whether they would be willing to accept this, and I take this only from what these brotherhoods in dispute tell me. They settled for 5 percent across the board, and signed a contract. The skilled brotherhoods which supposedly are involved are eight in number. They believe there are inequities as a result of this compression, which, may I say, labor and management may be working together has forced on this situation over a period of years by raising across the board by cents per hour, which has tended to lessen the distance between skilled and unskilled. They were this far apart, but these cents-per-hour raises have been such that they brought the difference down to this situation. This dispute is whether or not these skilled workers get what they think they have got coming. On the other side there is management trying to determine—at least they say—which of these 137,000 are in truth skilled, and which are unskilled.

It was for this reason that the first Emergency Board No. 169 set an evaluation test to all of these jobs, to determine which ones of them were, in fact, skilled, and which ones were not skilled.

The Fahy Panel was concerned with this. When Judge Fahy was testifying before the committee, I asked him this question:

> Judge Fahy, is it true that the crux of this dispute is the differential problem which is in dispute, that it is the real cause of their inability to agree generally on all of the other factors?

He said—and I believe I quote him correctly:

> If you can settle the differential problem, all of the other things having to do with vacation, and hours, and so on, would all fall into place like a jigsaw puzzle.

Mr. CAHILL. Is the gentleman then saying if both sides would accept the impartial determination of a Board as to which fall into the category of skilled and unskilled, there would be no problem between labor and management as far as the money problem is concerned?

Mr. SPRINGER. I can only say this: It is my understanding—and I believe I am correct—that the brotherhoods have thus far refused to submit to an evaluation board. They have insisted, it is my understanding, that any increases must apply to all the people in the various crafts who are supposed to be skilled.

Mr. CAHILL. I have heard some discussion as to the provision on page 5 of the joint resolution which indicates that if an agreement is not reached, then the Board's finding shall take effect until such time not to exceed 2 years from January 1, 1967, which, as I interpret it, means that the Board's finding would be binding until January 1, 1969. Could the gentleman advance the reasoning?

Mr. SPRINGER. No. It would be all of 1967 and all of 1968.

Did the gentleman say 1969?

Mr. CAHILL. Not to exceed 2 years from January 1, 1967.

Mr. SPRINGER. That is correct.

Mr. CAHILL. That would take it to December 1968?

Mr. SPRINGER. December 31, 1968. That is correct.

Mr. CAHILL. Can the gentleman tell us the reason why the committee selected December 31, 1968, to make this final?

Mr. SPRINGER. I believe largely because the legislation was sent down that way. There was some talk of a year, but the committee did not see fit to substitute a year instead of 2 years.

Mr. FRIEDEL. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. JARMAN].

Mr. JARMAN. Mr. Chairman, I believe we must pass this measure because we have no reasonable alternative.

Everyone recognizes that a railroad strike at this time would be unthinkable. This was emphasized with clarity, logic, and force in these letters of June 6 to the President from Secretary of State Dean Rusk and Secretary of Defense Robert S. McNamara.

THE SECRETARY OF STATE,
Washington, June 6, 1967.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: I wish to express my deep concern at the possible interruption of our national rail system by a strike at this time. In my opinion, it is absolutely essential that our domestic transportation be maintained at full capacity during this present critical period in our foreign relations.

The continuing supply of our forces in Viet-Nam is heavily dependent upon our domestic rail system. They should have the highest priority. In addition, the United States is engaged in supplying essential goods in trade channels or as part of our assistance programs to other countries throughout Southeast Asia and other very vital areas in the world. Any interruption of these supplies in their movement to our ports could have the most serious consequences for our nation and for freedom in the world.

Further, the unfortunate hostilities which have erupted in the Middle East have created a new series of potentially heavy burdens on our economy. Fighting or political action may disrupt the movement of food and fuel to much of Europe and Asia. To the extent this occurs we will need our full resources to meet the contingencies which may occur.

In these circumstances, the United States simply cannot afford a crippling strike. All our strength will be needed to meet our obligations to our soldiers in Viet-Nam and to our friends and allies around the world. I hope and pray it can be avoided.

Respectfully,

DEAN RUSK.

THE SECRETARY OF DEFENSE,
Washington, D.C., June 6, 1967.

MEMORANDUM FOR THE PRESIDENT

The Defense Department has just completed a review of the effects of a rail strike on our national security. I feel I must tell you that it is the unanimous opinion of the Joint Chiefs of Staff, Mr. Vance and me that acceptance of an interruption of rail movements of defense equipment and defense-related supplies at a time when we have 500,000 men engaged in military operations in the Pacific and simultaneously face a

crisis of unpredictable dimensions in the Middle East would be an act of utter folly, an incredible evasion of our responsibility to our nation.

I realize these are strong words, but I know of no others to describe the effect on our military posture were rail transport of defense goods to be interrupted.

ROBERT S. MCNAMARA.

The Senate has already passed this identical bill by a vote of 70 to 15. The strike deadline is next Monday and today we in the House must face up to what must be regarded as a national necessity, pass this bill and send it on to the President for signature.

Everyone in this House believes in the principle of collective bargaining—but the chief issue before the House today is not the protection of collective bargaining. In this instance, as Secretary of Labor Wirtz "collective bargaining has fallen flat on its face." The issue is one of saving the country and the people from incalculable losses because of the breakdown of collective bargaining for which the people are not responsible.

And, yet, I believe the settlement formula put forward in this bill will have a minimum impact on the principle of free collective bargaining and will be fair to both sides. It substantially extends the bargaining and mediation processes. The Special Board will go several extra miles to bring the disputing parties into agreement. If all efforts for a voluntary settlement should fail after 90 extra days of trying, the recommendations of this board of experts would go into effect for up to 2 years from January 1, 1967, unless a prior settlement were reached by the parties.

The entire thrust and purpose of this emergency legislation is mediation, collective bargaining, and helping the parties reach an agreement. The best evidence of this is the bill itself.

Section 1 establishes:

A Special Board for the purpose of assisting the parties in the completion of their collective bargaining and the resolution of the remaining issues in dispute.

Section 2 provides:

The Special Board shall attempt by mediation to bring about a resolution of this dispute and thereby to complete the collective bargaining process.

Section 3 provides:

If agreement has not been reached within thirty days after the enactment of this resolution, the Special Board shall hold hearings on the proposal made by the Special Mediation Panel, in its report to the President of April 22, 1967, in implementation of the collective bargaining contemplated in the recommendation of Emergency Board Numbered 169, to determine whether the proposal (1) is in the public interest, (2) is a fair and equitable extension of the collective bargaining in this case, (3) protects the collective bargaining process, and (4) fulfills the purposes of the Railway Labor Act. At such hearings the parties shall be accorded a full opportunity to present their positions concerning the proposal of the Special Mediation Panel.

Section 4 provides:

The Special Board shall make its determination by vote of the majority of the members on or before the sixtieth day after the enactment of this resolution, and shall incorporate the proposal of the Special Mediation Panel with such modifications, if any, as the Board finds to be necessary to (1) be in the public interest, (2) achieve a fair and equitable extension of the collective bargaining in this case, (3) protect the collective bargaining process, and (4) fulfill the purposes of the Railway Labor Act.

Section 5 provides:

If agreement has not been reached by the parties upon the expiration of the period specified in section 6, the determination of the Special Board shall take effect and shall continue in effect until the parties reach agreement or, if agreement is not reached, until such time, not to exceed two years from January 1, 1967, as the Board shall determine to be appropriate.

Mr. Chairman, this bill speaks for itself in its clear intent to achieve mediation, collective bargaining and a voluntary agreement between the parties to this dispute. It is a fair bill to both sides and it is imperative for the Nation's welfare that this bill be passed.

Mr. WOLFF. Mr. Chairman, will the gentleman yield for a question?

Mr. JARMAN. I would be glad to yield to the gentleman from New York.

Mr. WOLFF. Mr. Chairman, would the gentleman from Oklahoma say that the same national and public interest is involved concerning the maritime industry, the steel industry, and the defense and production industry?

In other words, are we going to be called upon to act in a similar capacity as we are today if such a dispute should occur in any of these industries?

Mr. JARMAN. I certainly recognize the import of what the gentleman from New York is saying. I would very strongly suggest that the Congress continue to face this contingency with reference to problems such as this. But, it is my opinion that we cannot afford to allow a strike to occur in this instance. In other words, we are under the gun to prevent such a strike.

Mr. Chairman, I shall certainly support such legislation to prevent this legislation to come in on an ad hoc basis.

Mr. FRIEDEL. Mr. Chairman, I yield 10 minutes to the gentleman from Washington [Mr. ADAMS].

Mr. ADAMS. Mr. Chairman, I think we had better make it clear right at the beginning that we do not propose that we would let this matter go to a strike, and that we are in any way engaged in passing legislation which in fact represents a limiting factor upon the parties, because of the fact that there are some of us in dispute with this matter.

But, Mr. Chairman, one can see that there is presented here the proposition of being in favor of nothing.

Mr. Chairman, the problem is that there cannot be any bargaining in this case, because there is no incentive on the part of management to do so. That is everything that is involved up to this point and, therefore, I understand that any bargaining which will take place will be on the part of the men involved in this dispute, and that is to say that for over 60 days they cannot strike.

Mr. Chairman, why in the world should the Government come along at this point, at this specific point—and state that there must be compulsory arbitration, because railroad management wants compulsory arbitration?

Mr. Chairman, the gentleman from New York [Mr. WOLFF] wanted this, and several others made a special plea with reference thereto. They said, in other words, that the way in which to resolve this dispute is to follow this course. They have recommended a special panel to rule upon and receive these complaints. However, I would say this, that no matter what one says about the fact that this is voluntary, time and time again the railroad representatives came up here and said that we must settle this question.

All right. Now, I have the court opinion right there, if anybody wants to look at it. It has not worked. The compulsory arbitration did not work at all, and they are back in dispute.

Mr. MOSS. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman.

Mr. MOSS. On that occasion we were told we had to settle it because the Nation's economy would be shattered

Mr. ADAMS. Right.

Mr. MOSS. Now we are told that Vietnam is the reason.

Mr. ADAMS. Right. And I tell my colleagues that this will continually be the fact, that it is in the national interest, a national strike. It is a national problem. The airlines were up here last year. We had again to consider this. The railroads are back again.

What this establishes is this—and it is a very simple thing—and to those of you who oppose compulsory arbitration I say now we do not want to be back in this well with the same thing in 12 months, in 15 months, or in 18 months and be saying "I told you so." We would rather have it out right now.

That just establishes a precedent that you will enjoin men from striking so that there is no economic weapon, and you can put no pressure on management that is comparable; that you have the bargaining process which has already been interfered with. You have already established a precedent that, if you hold tight long enough, there will be a national emergency and you will be in the Congress and they will have to settle it for you—they will have to settle it for you. Now we know. We have just been through this in the airline strike, and we are going through it now. That is what will happen.

I will say to the gentleman that 72 percent may have settled on some issues, and I can answer the question that was asked rhetorically about why did all of them settle? I can tell you why: Because there is a court of appeals case, and most of the railroad brotherhoods are under present injunction from this 1963 act. And when that breaks out they are going to be right back up here, and it will be about the middle of next year.

Also when their contract terminates they are going to be right back up here on these issues.

Mr. WATSON. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I will yield to the gentleman briefly for a question, but we have

only a few moments left because we are caught in between the two factions.

Mr. WATSON. Does my good friend from Washington mean to tell us that these 74 percent agreed because they were forced to agree to this settlement?

Mr. ADAMS. No. I would say this in reply to the gentleman: that a great many of the issues, which are the tough issues between these parties, they were not in position to bargain because of the court cases.

Mr. WATSON. But they did voluntarily agree to this contract?

Mr. ADAMS. On part of the issues, yes; oh, yes.

Now, this is the next point here. In House Joint Resolution 585 we are proposing to follow the President's proposal very, very closely. We did this deliberately because many of us discussed permanent legislation, then we had a proposal to set up the same 90-day period, it applies, the board will decide—and I do not want to sugar-coat it for anybody that is in the labor movement that this board will not do the same thing under House Joint Resolution 585 that it is going to do under the President's proposal, but say these are going to be the terms and conditions. We are also going to continue the injunction. And again I do not want to sugar-coat it.

It is unpalatable, but we have said at the same time to management, if we hold these men and if we make them do it, then we are going to have to seize the railroads during that period of time.

And we give three alternatives for this seizure, and injunction determining, the first alternative is if the parties settle, the moment they settle we will let go. The second is, if the President says there is no longer a national emergency, they are out. The third is 2 years.

Now, that is the proposal on seizure. The other contemplates proper offer. In other words, protecting the collective bargaining process, if anybody interferes with it—we have already interfered with it, and right now we are debating the interest of these two parties and we are also debating the public interest of the people of the United States. So we say to the parties, "All right"—this is in House Joint Resolution 585—"management, make your last and best offer during this 90-day period."

It has to be submitted to the unions. They vote on it. If they reject it, then the unions make their counter offer. If management rejects it, then all of the public knows where the two parties are and what their position was.

That is the inference of collective bargaining, but this is because the public is involved.

Mr. HOLIFIELD. Can the gentleman tell me if under the present circumstances the railroads have made a counter offer to the unions?

Mr. ADAMS. Not to my knowledge; they have not. What has happened is that both have stated their positions and they have said—we can do nothing more at this point under collective bargaining.

Mr. HOLIFIELD. Would the gentleman agree with me that collective bargaining has not proceeded to its last step—which is the strike step—and that is the power of labor—just as the economic power of management is, as they said—and the power to cease work is the last step of collective bargaining and, therefore, collective bargaining has not been followed to its normal and ultimate step.

Mr. ADAMS. Absolutely, I could not agree with the gentleman more.

Mr. HOLIFIELD. To say that collective bargaining has failed is a misstatement of the fact because the last step in collective bargaining has not been allowed to take place.

Mr. ADAMS. That is correct. We have interfered with the process and what we are saying is that by having interfered with the process and having enjoined the men and said, "You cannot go any further"—we then must build back, if there is to be any restoration of collective bargaining, the equivalent of an unpalatable choice for both parties.

Neither side wants a strike. This is one of the pressures that go on both parties to complete, as the gentleman from California pointed out, collective bargaining. You remove that and you give one party what it wants as a principle which is compulsory arbitration and then, of course, the matter freezes. That is where they are.

Now what happens with seizure? Has it ever been done? Is there any experience? Yes; we seized the railroads in 1943, 1946, 1948, and 1950.

I would point out to the Members of the House that in every case except the last case, there was an almost immediate settlement because nobody likes seizure and nobody likes injunctions and nobody likes compulsory arbitration.

Mr. HOLIFIELD. Is it not true that the right to strike under the law, and also along with it the right to seize, and if the Government did take the right to seize when they took away during the war years the right of labor to strike?

Mr. ADAMS. The gentleman is correct. This is what they propose as a compromise in this case. The arguments the gentlemen are making that we cannot allow a strike because of our boys in Vietnam do not even go at all to the amendment that we will propose, which is an amendment to really say to the parties, we are going to try to build back a little incentive to bargain collectively and we are not going to go compulsory arbitration.

Mr. Chairman, I want to summarize briefly by saying that this proposal will be offered as a substitute for the President's measure.

This substitute will put the men to work and will provide a settlement and will provide for seizure. It will provide for public offer and counter offer. This is in the public interest as best as we can define public interest.

This proposal is not a bill for labor and it is not a bill for management. It is a bill to try to say that we do not believe in compulsory arbitration, so go back and bargain but if you do not, then the public interest is paramount and the public interest will move into this situation and change the whole pattern.

Mr. Chairman, I thank my colleagues for listening and I do hope they will support the amendment when it is offered at the proper time when the bill is being read for amendment.

Mr. SPRINGER. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. DEVINE].

Mr. DEVINE. Mr. Chairman, during the 9 years that I have been in this fine body, this is the first time we have run into this very unique situation where the President of the United States, a member of the majority party, and our chairman of our very fine committee, a member of his party, introduces legislation which the chairman himself finds its impossible to support; and where as a result of a lot of footwork another member of the committee is handling the legislation.

The chairman of our very fine committee, a member of his party, introduced legislation which the chairman himself finds it impossible to support, and as a result of a great deal of footwork, another member of the committee is handling it.

Notwithstanding all of these gymnastics, there is one thing that must remain unmistakably clear. This is Lyndon B. Johnson's compulsory arbitration bill. It does not belong to anybody else. It was drafted by his administration, and it is before the Congress as the "L. B. J. compulsory arbitration bill."

Regrettably, President Johnson, railway management and the labor unions by their failure to act reasonably have literally forced the Congress of the United States into a position of mediator or arbitrator or conciliator of another labor dispute. Regrettably, that has happened three times in the last 4 years. We find ourselves on both sides of the aisle, in all directions, not wanting this resolution really, but we have a Hobson's choice. We have three alternatives: compulsory arbitration, even if the administration chooses to call it mediation to finality; we have seizure, which I believe is repugnant to the American free enterprise system, and we have the choice of doing nothing and taking a chance.

Some of the boys have said that if we do not do anything, they will not strike. I am not willing to take that chance, primarily, as some people say, because "You are running up the flag." Maybe I am, particularly since this is Flag Day and we have had a wonderful demonstration here in the Chamber today. We have thousands of men in Vietnam fighting, and the representative of the Secretary of Defense says that we are moving 200,000 tons of ammunition a month by the railroads. If we take that chance and the movement of that ammunition ceases, who will answer the mother who writes and says, "My boy was killed because he did not have ammunition with which to defend himself"?

The President failed to followthrough with the recommendations for general legislation in the labor-management field which he set forth in his state of the Union message in January 1966, a year and a half ago. Had he followed through and sent a bill to this committee through his Department of Labor, we

would not be here today with these three repugnant choices.

The administration, to the contrary, offers this one-shot, stopgap bill in an effort to bail itself out of this singular dispute, in the hope that the overall problems will go away, and they will not.

Railroad management representatives apparently have remained adamant, hoping Congress would solve its dilemma with some form of compulsory arbitration to prevent this strike. During the hearings on this legislation, it made no effort, and indeed did not negotiate nor collectively bargain, from April 25 until just a day or so before our executive sessions, and then announced that they were "hopelessly deadlocked."

Well, if they are in that position, what is there to negotiate about, I ask you?

Representatives of the shop craft unions, together with spokesmen for labor generally—and that includes AFL-CIO and the operating brotherhoods—rejected every recommendation of the whole series of Presidential Emergency Boards, including the Ginsburg Board and Fahy Board.

Their attitude likewise was unrealistic, and they were obviously playing the percentages that their political muscle would intimidate or at least discourage Members of Congress from the objectionable course of compulsory arbitration, in favor of either no action at all, thus driving management into hasty settlement, or government seizure. Incidentally, in the Supreme Court in 1949 unions argued persuasively against seizure as a permanent injunction against striking. That was the position of the unions in 1949. I do not know whether they have reversed their fields today.

In any event, with all the possibilities weighed in depth, the only conclusion that could logically be drawn from the testimony before the committee, if we follow the course of either railway management or the unions, is that the public interest would be sacrificed. Both sides were repeatedly warned that unless they got together and collectively bargained in good faith, the Congress would be forced to enact restrictive legislation that undoubtedly would be repugnant to both sides of the issue.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. DEVINE. I yield to the distinguished Speaker, the gentleman from Massachusetts.

Mr. McCORMACK. Mr. Chairman, in addition to the public interest, there is a national interest. We have the situation in South Vietnam, where we have 500,000 of our boys in the Armed Forces there.

The Middle East situation is very taut. If anybody thinks it has eased up, there has been a great victory there on the part of the brave people of Israel, but the situation is still very taut.

Paramount to everything—not only the best interest of our people on the domestic level—there is the national interest of our country, and Members should think about that.

Mr. DEVINE. I certainly agree with the Speaker. If this situation did not exist today, I do not believe we would be faced with this legislation today, so, we are now faced with all of the alternatives set forth above and must take some action designed to serve the public interest, as the Speaker said. The Defense Department made it quite clear that it would be virtually impossible to attempt to move just strategic war or defense-related materials if a strike occurred. Although the brotherhoods and shop crafts have said they would do everything they could to move strategic materials if a strike did occur, the Secretary of Defense said it would be impossible. The Government is not equipped to run a railroad efficiently and without vastly exorbitant waste of millions of taxpayers' dollars. They proved that in the past.

Further, in order to keep faith with over a half million boys in Vietnam, committed there, coupled with the essential domestic needs, a strike at this cruical time in our Nation is simply out of the question. The President both times we were at the White House stressed also our domestic needs, including chlorine that would be needed for the water in our cities, and pointed out a strike at this time would be out of the question.

Accordingly, as objectionable as it may be to invoke compulsory arbitration, or "mediation to finality," as President Johnson and Secretary Wirtz prefer to call it, this administration has forced the Congress into the position of accepting the President's compulsory arbitration legislation (H.J. Res. 559), which was drafted at the direction of the President, with the recommendations and guidance of his advisers, including Attorney General Ramsey Clark, former Attorney General, and now Under Secretary of State Nicholas deB. Katzenbach, former Supreme Court Justice, former Secretary of Labor, and now Ambassador to the United Nations, Arthur Goldberg, and Secretary of Labor Willard Wirtz.

We well remember the strike against the airlines last year, and the vacillating course and lack of leadership from the White House that ultimately blew the President's "guidelines" sky high. All of us recall it. I do not know what type gymnastics we would say we went through, but the White House had a very active hand in that. Someone from CAB was in touch with labor and management, working and working, when we had the situation last year. Now, with the vacillating course and lack of leadership from the White House, it leaves us in the situation where we have one of three choices. The Congress has grown weary of being used as a substitute for good faith collective bargaining, and, although this bill leaves a great deal to be desired, we must act to serve the public interest. I believe most of us feel we will be forced into the position of accepting it in the public interest.

Finally, with more than casual application, I invite the attention of the Members of Congress to the following article by United Press staff writer Charles Bernard, which states that Australia controls its labor disputes and they have had compulsory arbitration since 1904.

The article follows:

AUSTRALIA CONTROLS ITS LABOR DISPUTES

(By Charles Bernard)

SYDNEY, AUSTRALIA.—In an era when crippling labor disputes seem the order of the day in the United States and elsewhere, Australia by comparison is a continent of calm.

Unions and management have just about as many disputes in Australia per capita as in the United States, but thanks to a unique set of labor laws enacted in 1904 less than 20 percent of the strikes last more than 24 hours.

A general strike has been unknown in this century.

Key to labor stabilization Down Under is compulsory arbitration with special labor courts whose commissioners can deal out stiff fines and other penalties to enforce their decisions.

Participation in the government conciliation and arbitration procedure is voluntary, but once a union and industry sign up they are bound to comply with all the rules and regulations provided under the law.

POPULAR WITH UNIONS

So popular is the system with Australia's workers that unions have found it virtually impossible to attract membership unless they are registered and can take disputes to the commission and courts for ruling.

Under the system federal and state industrial courts have been established to deal with management-labor quarrels, and to set basic wage rates and working conditions for the industry concerned.

A union files what is termed a "log of claims" on the employer, and management in turn files a "counter log of claims." If the differences cannot be resolved privately, they are then referred to the Industrial Court where a commissioner, or a bench of commissioners, sits in arbitration.

A binding award to the union is then worked out by the commissioners. The award is registered in the court and thereafter is enforceable on both management and labor, usually for a period of about three years after which pacts can be renewed or renegotiated.

NIPPED IN BUD

Federal or state commissions have the power to call disputing parties to a compulsory conference whenever a strike occurs or when one threatens the community welfare. As a result most disputes are nipped in the bud before an actual walkout can develop or spread to serious proportions.

Underlying the system, all Australian workers are guaranteed a federal basic wage set by a bench of five high court judges each year. This basic wage is based on the cost of living, ability of industry to pay and its general effect on the national economy.

Along with control over the labor scene, the Australian government also exercises wide discretionary powers in the encouraging or discouraging of consumer and business spending at home and abroad, basically applying the Keynesian philosophy of economics.

The system is much the same as that used in the United States with the exception that most corrective measures can be taken by cabinet decision on the British pattern rather than through the more laborious channels of congressional legislation as in the United States.

Mr. MACDONALD of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Massachusetts.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I was very curious yesterday in the committee when all but one member of the Republican side of the committee voted for the joint resolution.

Since the gentleman has just stated that this is Lyndon Baines Johnson's compulsory arbitration bill, perhaps I have an idea why the gentleman voted that way. I would like to ask whether that is a consideration that the Republican members of our committee gave for their vote for arbitrary negotiation?

Mr. DEVINE. Mr. Chairman, I am sure that the gentleman from Massachusetts would be very happy to saddle the Republican Party with the responsibility for this legislation. No matter how we try to twist it around, the members of my party who voted for this bill voted in what I would assume they considered the national or public interest. This is the President's bill, sent up by him, and the gentleman and I were both in the White House when he told us it would be coming up.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, is it not true that the national and the public interest would be equally protected and a nationwide tieup would be prevented by the Dingell amendment or by my own amendment?

Mr. DEVINE. I should certainly think not. I do not believe that seizure is an answer to this problem. I believe that is against the American way.

Mr. OTTINGER. The transportation tieup would be equally prevented.

Mr. DEVINE. There will not be a transportation tieup if this joint resolution is enacted.

Mr. SPRINGER. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina [Mr. WATSON].

Mr. WATSON. Mr. Chairman, I should like first to commend our able chairman for the splendid manner in which he handled the hearings and later the markup and the executive sessions of the committee. I have told him this personally, and I am happy to say it publicly. Although he and I differ on this particular matter, he has certainly been fair in every respect. I for not one moment would impugn his motivation.

I am sure that the chairman of the committee, the gentleman from West Virginia, and for that matter any others who are on the committee who differ with me in my position, would not impugn my motivation.

This is a difficult situation. It is not one this body or the Congress wanted.

In that regard I should like to say to the members of the committee that certainly no committee of the House has ever worked any harder to try to avoid or to postpone this moment or this hour of decision.

I believe, as our eminent leader on the minority side said, on the Committee on Interstate and Foreign Commerce, we have some of the most difficult decisions to face, because practically every one deals directly with economic aspects of life, and they all have a tremendous impact economically on the various parties.

This is no exception. This is perhaps one of the gravest we have had to consider.

We tried as best we could to get these parties together.

At this time I should like to extend a word of commendation to the 72 or 74 percent of the railway employees who are proving to the American people and who have proved to this House that collective bargaining will work. They voluntarily, even without mediators, agreed upon a contract. I am sure I speak for everyone here in applauding and thanking them for settling their differences in the true tradition and spirit of collective bargaining.

It was a sad moment when finally the two parties to this dispute came before the committee and said, "We are hopelessly deadlocked; we cannot get together."

We had pushed all we could. The chairman individually, our minority leader on the committee, and many of us individually had pressed upon the parties the point that this was their hour to prove that collective bargaining will work. We warned them of the possible consequences should they again come to the Congress and ask us to arbitrate their differences. When such eventuates, all parties lose and collective bargaining is tainted with failure.

Interestingly enough, a moment ago one of the gentlemen on the other side of the aisle said that the parties have not resorted to the last step in collective bargaining and then went further to say that the last step is the strike.

No, the strike is not the last step in collective bargaining. The strike is an admission that collective bargaining has failed, that men of good will on both sides cannot reconcile their differences without exposing families of labor to deprivation and hardship and without trying to bring the railroad to its knees through complete stoppage of all rail transportation. In such event both parties lose, as well as the American people.

No, the strike is not the last step in collective bargaining. It is simply an admission that collective bargaining has failed.

But I want to be perfectly honest and fair with the Members of the Committee. There is one last step in collective bargaining that has not been used in this dispute. We have existing law right now under section 7 of the Railway Labor Act which says when the parties cannot get together they can submit the issues in dispute to voluntary arbitration—not compulsory, but voluntary arbitration. Certainly the framers of this act intended, especially in cases such as this where the national interest is so vitally affected, that the parties resort to voluntary arbitration when they are unable to resolve their differences otherwise. It is a procedure in collective bargaining which has been used in many instances in the past and I believe would have been an answer in this case.

We pled with the representatives of the various disputants here to submit the issue to voluntary arbitration as is now provided in the Railway Labor Act. I want to be honest with you as to what their answer was. Bear in mind I am not siding with any party here. I feel, just as the gentleman who preceded us earlier in the debate on the rule—neither party is without blame and we should not attempt to place blame, but I do feel an obligation to give this Committee the full benefit of the background of this dispute and the respective positions of the parties.

May I remind my friends on the Committee of another thing. So far as personal orientation and background are concerned, I yield to no man in my concern for the workingman. I am from a working family. My father and mother both worked. My brother at one time was a member of the Longshoremen's Union and that was back during the early and difficult days of organized labor. In fact, the only association I have had with the railroads is as a lawyer, to be against them, and fortunately, having a good law partner, I do not think that they remember my representation too favorably. But at the same time it seems to me we should try to be fair and objective in these matters.

What are the facts? We asked the representative, Mr. Wolfe, who has sole arbitration authority for all of the railroads to settle this dispute, "Will you submit this matter to voluntary arbitration which presently is provided for in the Railway Labor Act?" Mr. Wolfe stated categorically and without reservation, "We will right now." I am sure my dear friend from Washington will remember this. In fact, the railroad negotiator said, "If we do, we can settle it in 30 minutes." Oh, we took hope in the committee at that time, believing that the last step in collective bargaining would be utilized. I immediately said, "Let us present this proposition to the other side." Unfortunately, the disputing unions were not willing to submit this matter to voluntary arbitration in accordance with existing labor law. Now, where does that lead us? We are caught in this situation at this time.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. WATSON. I will be happy to yield to my friend from Washington.

Mr. ADAMS. I think it was further pointed out that this matter had been discussed on both sides in January of this year and that position then, as was the position of the witness before the committee, was that we want to bargain out our differences and not have a third party come in and tell us what they will be. Further, that there has already been an Emergency Board report which had been rejected by that side which they felt would be the basis for the arbitration award. Therefore, they wanted to bargain.

Mr. WATSON. The gentleman is perfectly correct. These parties said they wanted to work it out by collective bargaining, but unfortunately collective bargaining broke down. We simply asked them to resort to the third and final step in collective bargaining, and that is submit it to voluntary arbitration. Voluntary arbitration is no new process for it has been used in thousands of labor disputes. If you want to get into the Emergency Board recommendations, then the record should show that the carriers agreed to the recommendations of the Emergency

Board, but the union did not. In the subsequent Ginsburg Board—the carriers agreed to the recommendations and the union did not. If you want to set the record straight in all of the proceedings then let us do that.

Mr. ADAMS. Will the gentleman agree during all of this entire period of time they had an injunction in effect against the men with the railroads operating as usual?

Mr. WATSON. I should think, in response to the gentleman, that if the negotiators for the disputing unions had been seriously disturbed over that aspect it would be an added incentive for them to get together and resolve their differences.

I think it is a sad commentary that we are faced with this legislation during a very difficult and trying period in the life of our Nation. If you bring it to the final point, one party refuses to submit this matter to voluntary arbitration, which is presently stated in the Railway Labor Act. One says "We will agree to it," but the other party says "No."

Some would say that this is the President's bill and it is. It was introduced by the Democrats and was endorsed by all of the administration department heads as they appeared before the committee and it was endorsed without any reservation whatsoever. But I am not concerned with political considerations at this time. Let us look at the people's interest. We are faced, as others have said, with a matter of a national catastrophe in the event we should have a nationwide strike. We cannot escape our responsibility.

Furthermore, if we have a strike, as to these three-fourths of the employees in the railroads, 600,000, who voluntarily agreed and proved that collective bargaining will work, then what will we be saying to them? We will be punishing them if we allow a strike to occur. We will say, "You bargained faithfully. You worked out a contract, but you will have to suffer with the 137,000 or the six unions who refused to do so." After all, our union members believe in the democratic processes. Should a minority deny the majority, who have voluntarily agreed to a contract, the right to work?

Mr. Chairman, is that the position which we are going to take? If we are to take that position, then we will set collective bargaining back even further.

Mr. Chairman, as repugnant and difficult the decision may be in this matter, let us look at the national interest and at the interest of our boys in Vietnam. These are the innocent parties. We owe it to our national economy and our boys in Vietnam to act forthrightly and courageously to end this dispute and avoid a nationwide rail strike.

Mr. Chairman, it is my opinion that House Joint Resolution 559 is the most equitable solution that we can find to this pressing problem.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York [Mr. OTTINGER].

Mr. OTTINGER. Mr. Chairman, the Congress of the United States is being called upon today to legislatively settle a labor dispute under the gun of a possible national transportation tieup. This is the third time in the past 4 years Congress has been called upon to intervene in such a situation. Other disputes that may occasion congressional interference in transportation labor disputes loom near in the future. This is wrong. And the resolution before us will perpetuate this wrong, encouraging resort to Congress as a labor court of last resort.

Labor disputes should be settled by the parties through collective bargaining. This is a longstanding fundamental principle of our society, embodied in the Taft-Hartley Labor-Management Relations Act and all other labor legislation.

Where the Government must intervene to protect the national interest as is claimed to be the case here, it should do so, not by dictating a settlement of the underlying labor issues as would House Joint Resolution 559, but in such a way as to provide for settlement of the labor matters in issue by the parties through collective bargaining, and in such a way as to discourage resort to Congress.

House Joint Resolution 559 is defective because it discourages collective bargaining, imposes a settlement of the issues and encourages resort to Congress. It sets a very bad precedent. Furthermore, it is unfair and inequitable, taking away the employees' economic power without any comparable deprivation to the carriers, which will be able to continue business as usual.

I will support the substitute of the gentleman from Washington [Mr. ADAMS]—House Joint Resolution 585—providing for receivership of the carriers during the period the employees are enjoined from striking. He has labored hard and well on this matter. His resolution—House Joint Resolution 585—would encourage collective bargaining by imposing a burden on both sides if they fail to reach a voluntary settlement. His resolution is fair and equitable.

If the Adams substitute fails, I will support the amendment of the gentleman from Michigan [Mr. DINGELL] which provides that if a settlement must be imposed, it provide the employees with wages comparable to the average received in other industries by employees performing similar work. If working conditions must be imposed by Government on employees against their will, they should at least be fair working conditions.

But I think the best solution would be to give the President discretion and responsibility in this matter. I will thus introduce an amendment to give the President the option either to invoke the compulsory arbitration provisions of House Joint Resolution 559 or the receivership provisions of Mr. ADAMS' House Joint Resolution 585 should mediation efforts fail.

My amendment would prevent a transportation tieup and give the same incentive to settle the underlying issues by collective bargaining as Mr. ADAMS' resolution. It has the same elements of fairness. But instead of having the Congress impose receivership or compulsory arbitration, it leaves the determination to the President.

My amendment is thus the only solution which will discourage these disputes from being thrown in the lap of Congress in the future. It is the only solution which will encourage the President to propose permanent legislation to deal with national emergency labor disputes in the future.

The President should have this discretion and responsibility. He and his department officers have been deeply involved in settlement efforts for months. He decided to refer settlement to Congress. He decided not to propose legislation to provide a permanent solution to this kind of dispute.

Furthermore, the decision as to whether a national railway tieup must be prevented and, if so, what remedy is appropriate, depends upon many factors which could change radically between the time this resolution is passed and the time its final provisions go into effect after 91 days—for example, whether uninterrupted rail service is then essential to the Vietnam war effort and whether there is any new or intensified national emergency or state of war. The President, and only the President, will have the information to make the settlement fit the situation at the time.

National emergency labor settlements should not be continually dumped in the lap of Congress at the last minute before a national tieup is about to occur. The administration has failed to provide promised permanent settlement proposals for such situations and, in my opinion, has failed in this instance to provide a solution that is either fair or effective.

The best way for Congress to assure that it will not continue to be the recipient of these last-minute legislative settlement appeals—and to relieve itself of the undesirable burden of imposing the bad precedent of compulsory settlement—is to give the President the responsibility for making these determinations and the tools with which he can make them fairly and equitably.

Mr. FRIEDEL. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. SATTERFIELD].

Mr. SATTERFIELD. Mr. Chairman, I dare say there are few if any in this committee who favor compulsory arbitration. Indeed free enterprise depends upon free bargaining.

But that is not the question we must decide here today. What we are really called upon to decide is whether or not we are going to protect the public interest and prevent the chaos that would flow from a nationwide rail stoppage.

That public interest goes far beyond the matter of mere inconvenience, for it is concerned with the broad spectrum of our economy, the health and welfare of our citizens, and support of American troops in Vietnam and our national objectives in the world theater.

I would ask the Members to refer to pages 9 through 11 of the committee report for a more detailed indication of the impact of such a stoppage, but I would like to call the attention of the

Members specifically to certain items with respect to our defense effort.

Consider, if you will, over 40 percent of the total freight shipped by the Department of Defense, exclusive of those petroleum products transported by pipeline, is moved by the Nation's railroads. During the first three quarters of this fiscal year, our defense rail shipments totaled 5.4 million tons. This amounts to 20,000 tons, or approximately 625 carloads every day.

The Chairman of the Joint Chiefs of Staff, General Wheeler, has said that during the month of June, 140,000 tons of ammunition are scheduled to move by rail to our ports for shipment overseas. He estimated that more than 900 carloads of ammunition for Vietnam will be moving during the first 2 weeks of this month. Without rail transport, our ability to maintain sufficient stocks of ammunition for our troops in Southeast Asia would be seriously impaired.

The same is true of the movement of heavy military equipment—tanks, artillery, armored personnel carriers. General Wheeler has estimated that in the first half of June over 3,000 railcars would be needed to transport supplies essential to the Vietnam effort.

None of these figures take into consideration the disruption of shipments from subcontractors to prime contractors of essential parts.

A national railroad strike would affect virtually every segment of the American economy and cause immeasurable hardship for most Americans.

Railroads carry over 90 percent of the ton-miles of shipments of passenger car bodies and body parts, nonferrous metal, primary smelter products, millwork and prefabricated-wood products, and flour and other grain mill products, among others.

Railroads account for 37 percent of total manufacturing shipper ton-miles, and over 60 percent if petroleum and coal products are excluded.

The railroads carry, almost exclusively, chlorine, without which our cities' water purification efforts would be seriously hampered.

The railroads carry almost 73 percent of coal-tons—a product essential to the production of much of our urban electricity.

A railroad strike would bear most heavily on perishable products and semiperishable grains that usually move to concentration and consumption points by rail. A rail strike would interfere with the flow of this Nation's domestic and foreign agriculture traffic.

What is more alarming there is no possibility of shifting any significant portion of rail traffic to other modes of transportation. Secretary of Transportation Alan Boyd estimates that the excess capacity available from other modes places the maximum divertible amount of traffic at 10 percent of the normal rail volume—and that only after extensive adjustment in traffic patterns have been achieved over a number of weeks.

In the event of a rail stoppage there would occur a spreading cumulative effect which is graver indeed than the immediate impact on particular industries. I refer to the effect such an interruption of rail service would have on our overall gross national product. In 1963, the Council of Economic Advisers estimated that a rail strike of 1 month's duration would produce a decline in GNP of over 13 percent, nearly four times the quarter-to-quarter drop in GNP during our greatest postwar recession in 1957–58. It does not take much imagination to recognize the gravity of that effect when one contemplates the tremendous deficits that have been forecast for 1968 which assume an increase in our GNP.

I know arguments are being made that if Congress refuses to act or if it chooses some other resource than that contained in House Joint Resolution 559 the strike will be settled. To rely on such an argument is at best a gamble which I suggest we should not take. The only way we can be sure is to pass House Joint Resolution 559 as reported.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. SATTERFIELD. I yield to the gentleman.

Mr. ADAMS. Mr. Chairman, is there any danger, if the men are enjoined, and the same situations as prevailed under House Joint Resolution 559 are in effect that there would be any different problems, but at the same time would it not increase the possibility of bargaining if more pressure is put on both sides?

Mr. SATTERFIELD. I am not convinced that it would increase. I think the pressure now exists on both sides. This would be an arbitration binding on both parties.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FRIEDEL. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Chairman, there has been considerable discussion here that the measure before us be classified as a White House or L.B.J. bill.

I suppose there might be some element of factuality there.

When President Kennedy recommended the railroad strike legislation in 1963, I suppose you would say that that would be a Kennedy recommendation and this year as the President has recommended this, I suppose you can say that this is a Johnson recommendation.

But neither President Kennedy nor President Johnson is sitting down at the White House dreaming up some kind of measure to make you or me uncomfortable.

They have to meet their responsibilities as leaders of this country. That is simply what the President is doing. Perhaps you can say that the reason he is doing this is because one of the sides will not get together and collective bargaining has not worked.

Second, you and I on either side of the aisle have not done anything about amending our railway labor laws to see that these things do not occur.

A President, whoever he is, must do something about it. That is what our President is trying to do. Is there anyone in the Chamber who thinks he should do nothing? Of course not.

Someone has built up the idea that the offers that have been made are management oriented, and they have been unfair particularly to the unions. This is the biggest smokescreen that has been thrown out here. They seem to think that because the unions cannot get all they want, automatically they have been discriminated against, squeezed, or treated improperly.

I call to the attention of the House the people who were on the National Mediation Board:

Francis A. O'Neill, Jr., who was review attorney for the New York State Labor Relations Board, and who was 13 years with the National Mediation Board.

Leverett Edwards, assistant attorney general in Oklahoma, a member of the Industrial Commission of Oklahoma, and a member of the National Mediation Board for 17 years.

Howard G. Gamser, New York attorney, lecturer at the London School of Economics, Wage Stabilization Board, New York State Mediation Board, and lecturer of labor, Columbia School of Law, and former chief counsel of the House Committee on Education and Labor.

Here are the members of Emergency Board 169: David Ginsburg, who was General Counsel in former years to Leon Henderson of the OPA. And, indeed, one of our own former colleagues, the head of the Un-American Activities Committee, chased him all over the country classifying him as one of those "sympathizers."

Frank J. Dugan, labor law professor at Georgetown University.

John W. McConnell, president of New Hampshire University.

Those are the members of Emergency Board No. 169.

The Special Board members were the following: Judge Charles Fahy, circuit court judge and former General Counsel of the National Labor Relations Board.

John T. Dunlop, economics professor, Harvard University.

George W. Taylor, Wharton School of Business of the University of Pennsylvania.

All throughout these proceedings we have had the unanimous support and counsel of Secretary of Labor Willard Wirtz; Assistant Secretary of Labor Jim Reynolds, probably the most knowledgeable man in this field in America; Arthur Goldberg, former Secretary of Labor and now the Ambassador to the U.N.; Alan Boyd, Secretary of Transportation; and, of course, the Senator from Oregon, who is somewhat experienced in the field. All of those people considered this matter, and I do not see one of them that would be management oriented. I do not see a one on the list that would be trying to be unfair to the worker or to the union man. I do not think anyone in this House would say that these gentleman have been trying to force on the laborers an unfair, difficult, and harsh decision. This simply is not the case.

The big question before us is this: Are we going to let a strike occur, or are we not? I do not care how much we wiggle. I do not care how much we say that it is a kind of compulsory arbitration or mediation to finality. The net effect of

the question is, Are we going to let a strike occur or are we not? It is not something that we want to do as a chore but something that we have got to do.

I want to point out one thing to you about this business of compulsory arbitration.

Suffice it to say that the Fahy Panel recommended a 6-percent pay increase for 18 months—retroactive to January 1967—together with increases of three 5-cent increments for mechanics and journeymen during the 18-month period starting in January of 1967.

The importance of this scheme is that although these recommendations were rejected by both parties, they lie somewhere between the demands made by each party at this time.

In other words, the Special Board starts with a package somewhere between the demands of the parties and the Board is limited in the scope of the ultimate settlement to the demands of the party.

So it is easy to see that the Special Board, in effect, is "fenced in" as to the settlement it may recommend.

Let us contrast this with the usual ideas of compulsory arbitration.

Suppose we did get this bill passed. Then the question is, What are the issues to arbitrate?

Previous efforts of the parties to arrive at a solution would be ignored and the arbitrator, as the Senator from Oregon has reiterated, would have the "duty to go outside the framework of the collective bargaining and mediation that has preceded his taking jurisdiction as an arbitrator and decide the case on the basis of the evidence in the issues raised and in the arguments and evidence raised and submitted to him in that case." So we think the bill we have before us limits the Special Board and to say it is really compulsory arbitration in the strict sense of the word is not the case.

Now we must say that there is an element of finality. If we want to try to paint that with compulsory arbitration or mediation, that is for each to choose. Both sides can negotiate right on up to the first 30 days, 60 days, 90 days, even 2 years thereafter. Certainly this is collective bargaining, because we are giving the parties a chance to bargain. If we are going to protect collective bargaining, we had better pass this resolution that is before us.

At this time and at this late hour, the only tangible question squarely facing us is whether the Congress will allow a nationwide railroad strike to take place at 12:01 a.m. this coming Monday.

It is before us today burdened with controversy. It is a matter where reasonable men cannot agree and where diversity—rather than unity—seems to be the order of the day.

We can wiggle as much as we like here, and we can try to squirm out from under our responsibility. We can blandly say that we do not like "compulsory arbitration or mediation to finality." We can say that seizure is more desirable than mediation and we can say that some of the workers are getting either more or less than other workers. All of these things, however, are individual views and are often conveniently argued—depending on one's philosophy or background.

But the American public is going to ask the Congress: "Why did you let this strike occur?"

Perhaps this is an unfair appraisal and it is unfair in the sense that it is none of our doing. Mr. Chairman, the parties should have mediated this dispute and it is not right that we are here to vote this resolution.

But we are here, nevertheless, and we are here to face our responsibility. And whether we act or fail to act, the Congress will make a conscious choice which will affect—and very quickly—not only those directly involved in this dispute but the lives of millions of our countrymen.

As most of you know, the major recurring questions during our committee studies of House Joint Resolution 559 were threefold and concerned whether the proposed solution is "compulsory arbitration or mediation to finality"; whether seizure or some other procedure should be added to the bill in order to "equalize" the impact this measure will have on the parties; and, to a lesser extent, whether permanent legislation should be considered.

My reaction to the solution set forth in House Joint Resolution 559 is that the remedy is a sound one. Still, critics raising the banner of "compulsory arbitration" will not allow such a calm approach and I sense the need to explain why I feel that this particular solution is not compulsory arbitration in the traditional sense.

The proposal as suggested by the President and as strengthened by amendments in committee sets out very sharp and clear limitations on the decision which may be handed down by the Special Board.

Under the terms of the bill now before us, the Special Board is directed to mediate the dispute for 30 days. If no settlement is reached, they are to begin 30 days of hearings to determine whether the proposal of the Fahy Panel is:

First, in the public interest;

Second, a fair and equitable settlement within the limits of collective bargaining and mediation efforts in this case;

Third, protective of the collective bargaining process; and

Fourth, fulfilling the purposes of the Railway Labor Act.

On the issue of the theory of seizure, I know that some members of the Commerce Committee felt that the proposed solution did not provide a "fair even-handed solution" and that seizure should be added to the remedy in an effort to make the continuation of the dispute unpleasant to the carriers.

Many arguments have been made against seizure—in the committee, for example, an entire list was submitted—but I feel there is one pertinent reason. I think this reason goes to the heart of the matter, and that is seizure is not a method to resolve or settle a dispute. It is—or at least it is intended to be—a punitive means of enforcing a settlement which has otherwise been violated.

It is an enforcement vehicle, only. It settles nothing and it is likely to upset everything and everybody. It probably even takes away the advantages gained by some of the workers and it takes away the right to strike or lockout.

It sets the stage for nationalization of the industry and it is under normal conditions contrary to our free enterprise system and worst of all it seriously weakens collective bargaining.

When the other body was considering the companion of House Joint Resolution 559, seizure was given a complete and full hearing. In several alternatives, this question was raised and on the floor "fiscal seizure of 10 percent of the carriers' profits" was brought up and, also, a plan for seizure during the 90-day period prior to the time a Special Board recommendation would go into effect.

All of these proposals, as well as other variations of them, were soundly defeated, and have been defeated in every forum in which they have been considered in this dispute.

The tragedy of this dilemma is that we have not moved forward on permanent legislation. In the last 4 years, we have had three major transportation strikes thrown into the lap of Congress by parties who would not settle their differences.

It is clear that this is a pattern that will be followed in years to come unless we improve our national labor policy and the machinery to administer it.

It is for that reason that I introduced H.R. 5683 which would amend the Railway Labor Act to provide procedures to deal with the type of dispute that we are faced with today.

I have requested the chairman of our committee to hold hearings on this measure, and unfortunately, the request has not been granted. Again, I call on Congress to consider as soon as possible permanent alternatives to the case-by-case type of legislation we are considering today.

Mr. FRIEDEL. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. PEPPER].

Mr. PEPPER. Mr. Chairman, I believe we agree that the President of the United States only did the proper thing by discharging his duty in asking the Congress, when all other means of doing so appeared to have failed, to provide in some manner for the continued and uninterrupted operation of the railroads. It was only natural that the President should turn to a precedent that this Congress itself had made in 1963, when we passed a bill under similar circumstances, which, in turn, had something of a precedent in the legislation the Congress enacted in 1916.

The President's bill, however, proceeds upon the assumption that we need to do something that will solve this dispute at least until January 1969 unless the parties agree between now and that time, upon settlement of their dispute.

I do not agree with that aspect of the President's recommendation. If we followed that course, as I have understood what is proposed here upon this floor, we are going to have to vote either on achieving the President's objective of

keeping the railroads in operation through what I believe, at least after the first 90 days, is compulsory arbitration—because by force of law we make the recommendation of the Special Board effective and binding upon both the carriers and their employees—and/or, in the alternative, we adopt the proposed amendment or substitute which able Members of this House contemplate offering, providing for the seizure of the railroads in the interim of the settlement of the dispute, following the analogy of what was done during the war in a similar case.

I believe we can avoid the necessity of having to make either one of those hard decisions, and I believe the way to do it is to adopt an amendment which I venture to offer to strike section 5 of this bill. In substance, the amendment would read:

On page 4, strike line 25 and all that follows down to and including line 24 on page 5.

That is the part of the bill that puts into effect as a matter of law the recommendations of the Special Board.

I do not believe the time has come when we need to give up all hope of the procedures that are prescribed in this bill being effective to bring about a reconciliation of the parties in this dispute. If my amendment were adopted, everything that is in this bill would remain there except the compulsory arbitration provisions of this bill. The strike would be enjoined for 90 days, as the bill provides. The Special Board would be set up and for 30 days would mediate and try to bring the parties together. And, as the bill further provides, in the second 30-day period the Special Board would conduct public hearings upon the recommendations of the emergency board, and the report of that board on April 22 of this year to the President, and then, at the end of that 60-day period, as the bill provides, that Special Board would make its recommendation to the President and the Congress. And, as the bill provides, for the third 30-day period the Congress and the President and the country would have the benefit of the recommendations of that Special Board. If it all fails, we would not be in any worse position than we are in today.

We would be still here, we could still act, and we could face the hard decision whether we are going to force these men to work, by mandate of law, for some other citizens in this country in these circumstances, or whether we are going to make it a little more palatable by letting them work for the Government of the United States, after the Government, under legislation we would enact, should have seized the railroads.

One may say that there have already been two boards, and that they could not bring the parties together. We know it takes three strikes before a man strikes out.

The first board was appointed pursuant to the Railway Labor Act, Emergency Panel No. 169. They recommended a 5-percent increase and job evaluation.

The Fahy Board, set up under the special legislation of Congress, recommended a 6½-percent increase and a total package increase of 15 cents an hour over a period of 18 months. That was a different recommendation from the recommendation of Emergency Panel No. 169.

Perhaps a special board would make a more palatable recommendation, which could be accepted.

Mr. FRIEDEL. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, there has been a great deal said today to indicate we face either the legislation before the committee or that we will be having a nationwide railroad strike.

I would point out to the membership that we are just now in the general debate stage of the consideration of this legislation and that a number of amendments will be offered which will make this legislation more palatable and indeed more fair.

I would point out that there is reason to criticize all of the parties to this labor dispute. Labor has pointed out that management met with them on only 4 days. This is in the hearings.

I would point out that from days long past—indeed, from April 25, 1967, until June 6, when the parties were convened at the request of the distinguished chairman of the committee—there were no face-to-face meetings between the parties. Only at that time did the parties get together to agree or that they could not agree.

I do not know whether we are going to save collective bargaining today. It would appear that there is pretty good reason to believe the parties have already slain collective bargaining, or at least that they have not in recent memory resorted to it.

Let me point out that the role of a prophet is indeed a difficult one, and the paths and byways of history are sprinkled with the carcasses of prophets who have neither been honored in their own time nor survived the wisdom of their prophecies.

But I should like to point out that if the legislation presented to the House of Representatives today is enacted into law the issues which divide the parties today will be unresolved at the completion of the 2-year period during which the parties will be foreclosed from both strike and lockout. There will be no more collective bargaining during that interim period of time than there has been to date.

I would point out there is adequate precedent for this, because during the time of the so-called resolution of the issues in a similar dispute regarding manning rules, which were interdicted from strike by legislation passed by this Congress, the issues have simmered but have never been resolved by collective bargaining from the parties, and are indeed now subject under the Railway Labor Act to more collective bargaining, and indeed are subject to ultimately being presented to the Congress because of the possibility of a strike which would affect the railroads under legislation passed in 1963, which supposedly resolved the questions before us.

The House of Representatives should not seek to fix fault. I do not believe it is for us to decide whether the railroads are at fault or whether the brotherhoods are at fault.

I do not believe it is for this body to consider whether or not the offer of management is fair or the demands of labor are fair. That question is not really properly one which should be decided in this kind of body.

If we are going to decide that issue, I would point out to my colleagues, we should then better consider a legislative enactment which would embody what this body considers to be fair wages and fair working conditions for the parties, and not delegate it, under what the Secretary of Labor has admitted meets the classical definition of compulsory arbitration, to some special board to be set up by the Congress. What I think is needed here is evenhanded pressure on both parties to make them bargain collectively. What is needed here is something which is equally obnoxious to all parties so that there is reason for the parties to sit down together and resolve their disputes and differences. I say this because, under our system of government, this is the only way that labor disputes are finally decided.

I would point out to my colleagues, in the tradition of this great Nation, collective bargaining is the only fair way for the resolution of this kind of dispute. If we have compulsory arbitration, then management gets a new partner; namely, Government, to dictate the terms of settlements. Labor secures a new business. The free competitive economic system which has brought such great strength and great success economically to this Nation has been hurt if, indeed, not mortally wounded then. We have then gone a long step toward Government control over the affairs of business and over the wages of labor.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FRIEDEL. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. DINGELL. This bill gives the railroads precisely what they have sought since the early 1950's. It gives them compulsory arbitration. It gives them a panel to decide issues which they cannot or will not resolve for themselves.

Two amendments will be offered tomorrow which I would commend to this body. One is the effective seizure amendment in the form of legislation which has been pending during the pendency of this matter. It is House Joint Resoluiton 585. I would commend it to the reading of the membership, as I would commend the minority views pointing out the reasons and merits for that legislation.

The other thing is legislation which would impose comparability. As long as we are going to impose upon a panel the fixing of wages, we should assure that equal pressure and equal treatment is afforded to both, and workers compelled to work against their wills for an industry in which they do not choose to work will, at least, be given comparable treatment insofar as their wages are concerned to other industries with similar crafts.

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee [Mr. BROCK].

Mr. BROCK. Gentlemen, I am highly reluctant to oppose Members of our minority side on this particular committee. They constitute some of the best quality we have in the House of Representatives. But I must on this day, with a great deal of regret, take an opposing position. Our Secretary of State said something which makes a great deal of sense to me. He said:

War is the failure of foreign policy.

In a like manner I would say to you today that compulsory arbitration represents the failure of a free society to accept its responsibilities to the people of this country. This bill is not just a crack in the dam; it is an open door to economic serfdom.

I am particularly concerned because we are operating in a crisis atmosphere. Of course this country cannot afford a railway strike. Of course it would affect the Vietnam war, the situation in the Middle East, and all of the rest of our domestic and international problems. But are we to respond to a crisis, as this administration appears wont to, every time it appears, and in the process abdicate principle just in order to resolve the crisis?

What are we doing?

Mr. Chairman, for once this body should undertake to exercise a sense of responsibility and recognize the basic problem involved.

This bill does not propose to do anything except impose our will upon this industry and its employees. It is a one-shot crisis approach; that is all. It represents not an assumption, but an abdication of the responsibility given the Congress by the American people.

Mr. Chairman, the results of this legislation, in my opinion, will lead to the destruction of our free economic system as we know it today.

You simply cannot say that we can permit the Federal Government to set wages for one industry and, thus, destroy the rights of the workers in that particular industry.

If Government is to set wages and prices, you have established total rules for the operation of a free industry. Thus, you have begun to set the profits of the free enterprise system in America—and in the process to destroy our free economic system.

It frightens me to look at the history of this legislation and to recall that only a couple of years ago we had this very same problem pending before us. The Congress imposed compulsory arbitration and hoped it had solved the problem.

Then, the President said that he was going to submit to the Congress a plan for a long-term solution of the problem, creating a panel to study and submit concrete solutions. What happened? Absolutely nothing. They proposed absolutely nothing. No new ideas, new alternatives, only warmed-over force.

Seeing no results, Congress this year provided for a 20-day extension in which we said, "You have got to bargain collectively." They did not do so. Again Congress passed the 47-day extension and stated again that they must bargain collectively. They failed to do so.

Finally, this bill is presented. In it, you must come to the realization that Congress, for the first time, is taking a tragic step in involving itself in the settlement of labor-management disputes.

Mr. Chairman, one of the finest Members of this House, the distinguished gentleman from Ohio said that we only have three alternatives—compulsory arbitration, seizure of the industry involved, or a national catastrophe by virtue of a strike.

Apparently, many responsible Members of this body are supporting compulsory arbitration, seeing no acceptable alternative.

It is interesting to note that those who are opposed include liberals and conservatives, Republicans and Democrats. Members of the majority, though, suggest an even more unacceptable move—seizure. This is wrong.

I suggest there is a better alternative.

This alternative is based upon the study of the basic problem involved, Mr. Chairman, not just superficial symptoms to be treated by seizure.

The basic problem is the fact that in this country we have paralyzed our bargaining process through concentration of power and industrywide negotiations.

Thus, we have involved the consumer, the taxpayer, the public, without giving them a voice. We have got to take the consumer out of this crisis. We must get this problem back to the bargaining table, based upon the original premise of collective bargaining, which is a conversation and dialog between the parties involved—not a national emergency by which one side forces an uneconomic settlement on the other to the detriment of all.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. SPRINGER. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. BROCK. Mr. Chairman, I, therefore, will propose an amendment to House Joint Resolution 559, striking all after the resolving clause, and inserting in lieu thereof the following:

Strike out all after the resolving clause and insert in lieu thereof the following:

"That section 10 of the Railway Labor Act is amended (1) by striking out the center heading of such section and inserting in lieu thereof 'SETTLEMENT OF EMERGENCY DISPUTES'; (2) by inserting '(a)' after 'Sec. 10.', and (3) by adding at the end thereof the following new subsections:

"'(b) If on the last day of the thirty-day period referred to in the third paragraph of subsection (a) the parties have not reached an agreement for settling the dispute and the President finds that the dispute, if permitted to continue, will imperil the national health or safety, the President shall issue an executive order setting forth such finding. In such case, commencing with the tenth day after the last day of such thirty-day period and until such time as the dispute is settled—

"'(1) no carrier involved in the dispute may, with respect to terms and conditions of employment for his employees involved in the dispute or with respect to terms and conditions for the settlement of the dispute, act in concert or consult with any other carrier involved in the dispute with respect to the terms and conditions of employment of such an employee or with respect to terms and conditions for the settlement of the disptue; and—

"'(2) no person may be the representative, for purposes of collective bargaining, of the employees of more than one carrier involved in the dispute and such person may not act in concert or consult with the representative of the employees of any other carrier involved in the dispute with respect to terms and conditions of employment or with respect to terms and conditions for the settlement of the dispute.

"'(c) For the purpose of carrying out subsection (b) the Mediation Board shall prescribe by regulation how the representative of the employees of each carrier involved in the dispute shall be determined.'.

"SEC. 2. Section 2 of the Railway Labor Act is amended by adding at the end thereof the following:

"'Twelfth. (a) No employee shall engage in any strike growing out of a labor dispute with respect to which the services of the Mediation Board may be invoked unless a majority of the employees in the appropriate unit (as determined by the Mediation Board) have voted by secret ballot in favor of such a strike, and no employee shall continue any strike growing out of any such labor dispute for more than twenty-one days unless a majority of the employees in such unit have voted by secret ballot to continue such strike.

"'(b) Upon receiving a request therefor from any representative of employees, the Mediation Board shall forthwith take a secret ballot of the employees in the unit such Board finds to be appropriate on the question of whether they wish to strike or continue to strike, and shall certify the results to the representative and employers concerned.'

"SEC. 3. The amendments made by the first two sections of this joint resolution shall be applicable to the labor dispute between the carriers represented by the National Labor Railway Conference and certain of their employees with respect to which the provisions of the final paragraph of section 10 of the Railway Labor Act have been extended by PL 90-10 as amended, except that upon the enactment of this joint resolution the President is authorized to issue immediately an executive order setting forth a finding that this labor dispute if permitted to continue will imperil the national health and safety, as provided in subsection (b) of section 10 of the Railway Labor Act, as amended by this joint resolution."

This represents, I think, a practical approach. It would preserve collective bargaining. It would prevent oppressive concentrations of power in the hands of either industry or labor. It would allow all of the influences of a free and competitive economy to come into play in the settlement of disputes.

It would simply require—if a dispute is not settled under the existing procedures of the Railway Labor Act—a "fractionalization" of bargaining units. That is, an employer would be allowed to bargain only with his employees; employees would be allowed to bargain only with their employer. No union or management association could represent more than one group of employees or one employer.

If a settlement is reached between the employer and employees of one line, then they could go back to work—regardless of what other lines were doing. In other words, there would not have to be an

industrywide agreement—one that would satisfy all employers and all employees in the industry.

Another important requirement of this plan would be a secret polling of employees—conducted by the Mediation Board—to determine, first, whether a strike would be called, and then, every 21 days thereafter, to determine if the strike should be continued. If the majority of a company's employees were satisfied with an offer, then they could vote to go back to work—again regardless of what employees of another line might choose to do.

As I have said, with all of the influences of a free and competitive economy coming into play, a settlement on a line-by-line basis would be reached, and would be reached by the parties bargaining collectively.

Mr. Chairman, it is my opinion that this approach will give back to our Nation the real benefits of free collective bargaining. That is the principle involved—and it must be preserved.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. ROGERS].

Mr. ROGERS of Florida. Mr. Chairman, I thank the gentleman.

Mr. Chairman, actually I am not going to review all of the arguments that have been made. I would like to say the members of the committee, I believe, have been conscientious in trying to bring to the House a possible solution, the best one presented to the Committee, and we went into different considerations.

We hear that perhaps this is not fair to both sides, therefore, if they cannot get together on the one wage problem, the argument is made that it is not fair to the other side; that they then go to a board.

When we analyze the situation we find that the management will have to abide by the decision of that board on the payment of wages. If they go up, management pays. Then the wages are to be retroactive as of the time the disagreement developed, so that the employees will be paid.

This proposal which is presently before the House, which has come from the committee, differs from the 1963 proposal sent here by President Kennedy, in that we have done everything possible to try to continue collective bargaining as has been related this afternoon, first of all, in trying to encourage the parties themselves to get together, and has been said, even insisted, that they get together to continue negotiations.

Second, we tried to encourage them to go into voluntary arbitration, and this was not agreed to.

Finally, as has been stated here, they said, "We simply cannot get together on this pay issue for 28 percent of the employees. All the others have settled."

So what the committee has done now, knowing that even the parties themselves have admitted this Nation cannot stand a nationwide strike in the railroad industry, is to try to protect the collective bargaining positions of both parties by putting in the resolution that any considerations that this board gives in making its recommendations, if they cannot get together within the period of time given, or in the period of time of 2 years, must be within the limits negotiated and framed so far.

This was not so in the 1963 proposal. So I believe we have taken out one of the most offensive elements on compulsory arbitration, in that in compulsory arbitration the board comes in and they look over everything, start everything anew, and they decide whatever they want. This will not be done in this situation. It has to be held within the framework that the parties have presently agreed upon.

Mr. Chairman, I am somewhat amazed when I hear some of these arguments that arbitration is impossible, or that the unions have always opposed it. That is not true. As a matter of fact, section 3 of the act establishes the National Railroad Adjustment Board for the resolution of all disputes in the railroad industry growing out of grievances, or out of the interpretation or application of agreements concerning rates of pay, rules, or working conditions.

The statute provides that the National Railroad Adjustment Board shall be composed of representatives of the railroads and the railroad labor organizations, and where necessary, neutral referees appointed by the National Mediation Board.

The decisions of the Adjustment Board are final and binding upon the parties until altered by agreement.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FRIEDEL. Mr. Chairman, I yield 2 additional minutes to the gentleman.

Mr. SPRINGER. Mr. Chairman, I yield the gentleman 3 additional minutes.

The CHAIRMAN. The gentleman from Florida [Mr. ROGERS] is recognized for 5 additional minutes.

Mr. ROGERS of Florida. Mr. Chairman, I hope the Members will listen to these facts.

Since 1935, the National Railroad Adjustment Board has processed over 58,000 disputes.

Of these, 12,000 were resolved without the use of a referee—simply the two parties.

Another 25,000 were disposed of with a referee.

As has been stated, with a third party getting them together, 25,000 disputes in the railroad industry itself have been disposed of in this way and 21,000 were subsequently withdrawn by one or both parties.

In 1966, 1,700 cases were disposed of.

In 1965, 1,800 cases were disposed of.

In 1964, 2,000 cases were disposed of.

Also, I think it is interesting to note that the union itself, before Emergency Board 169, stated in its brief as follows:

> In their efforts to reach agreement on the ultimate goal of such a wage rationalization, the parties can invoke the good offices of the Department of Labor and other Federal agencies to furnish occupational and labor market information needed in their determination of occupational and job comparability.

And listen to this further:

> If in the final analysis they cannot agree on the ultimate degree of comparability, they should then recourse to arbitration of the unresolved issues.

That was presented to the board itself. So I think we must put in proper perspective this whole approach that the committee has tried to deal with.

Certainly, we would rather that this would not be before the Congress. The committee, I am sure, and others have done everything possible to get the parties to resolve the problems themselves. If the parties really believed in free collective bargaining, this would be settled. But certainly the Congress of the United States has the responsibility that is the national interest, and this comes before labor interests or before management interests. This is the position that this Congress has to take. We have to have the courage to stand up and say, when everyone admits that a national strike cannot be permitted, that we will not allow it, but that we are going to try to work out a provision, which the committee has done, and which is the fairest to all parties involved and which tries to maintain as well as we can all of the principles of collective bargaining. This has been done by trying to say that it can only be within the framework that the parties themselves have agreed upon, and only those issues now in dispute. It expressly provides that this board does not have to recommend 2 years and it does not have to recommend 1 year—but this board may come up and recommend a 30-day trial.

There is nothing that says that there has got to be 2 years in this resolution.

Furthermore, it says that we will encourage the parties to continue negotiation—and they should. They can agree any time they want to.

So I feel the committee has tried to be reasonable and fair with an unpleasant task and an unfortunate task. But I think they have tried to meet the responsibilities that this Congress itself must face.

I would commend for your consideration, a serious look at the resolution as it has been reported out and as it has already been passed by the other body, because of the urgency of the matter.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Florida. I am delighted to yield to the gentleman.

Mr. ADAMS. Mr. Chairman, I think you must be very careful not to distort the provisions of the Railway Labor Act. What he refers to is section 152. It says:

> There shall be arbitration of disputes under agreements that have been entered into voluntarily.

Whereas, under section 156, there is a procedure whereby the parties try to arrive at an agreement. There is a great deal of difference between interpreting an agreement and entering into one.

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland [Mr. MATHIAS].

Mr. MATHIAS of Maryland. Mr. Chairman, the scheduling of this debate is, I think, a confession of failure. Perhaps we should admit very candidly that it is an admission of failure on the part of the Congress, and I believe that

it is an indictment against the administration because this day is the day of reckoning that has been long coming, and it has been well advertised.

I well recall on Labor Day of 1960 that there were a number of statements made, as are annually made on Labor Day, but on that particular day I was struck by a coincidence—a paradox, if if you choose to call it such—when Arthur Goldberg, who was then the general counsel of the AFL–CIO, said that a paralysis strike, particularly in a basic industry, is a kind of economic weapon that even a nation as wealthy as ours can no longer afford.

On the same day there was a statement by a noted exponent of the free enterprise system, Nelson Rockefeller, who said precisely the same thing. The country has long recognized that the paralysis strike is a danger to our system. We have long had it identified as one of the principal dangers to our economy. Yet here we are this evening, the day of reckoning having arrived, and I think we all bear some share of responsibility for the situation in which we find ourselves.

Let me comment briefly, first, on what I have described as an indictment against the administration. Twice last year the President promised the American people that he would recommend legislation to protect the public against national or regional disruptions due to labor disputes. He made this pledge once in his Economic Report and once again in his state of the Union message. He failed to act.

I, myself, have had 6 years of correspondence and communication with the Department of Labor, and this has only served to confirm my impression that Secretary Wirtz or the departmental bureaucrats under Secretary Wirtz are totally opposed to any new legislation or any new ideas, or in fact any fresh air or discussion on this subject.

Beginning in 1961 I have recommended, and I have actively advocated to the Department of Labor the creation of a "blue ribbon" commission to review the entire complex of labor laws. Specifically, I have recommended establishing a collective bargaining council empowered to review, impartially, trends on wages, prices, and productivity; to suggest realistic and flexible guide posts; and to offer objective guidance to Congress, to Federal mediators, and to all parties on specific disputes, prior to contract expiration. But as late as last year Secretary Wirtz advised me again—and I repeat again because he has done so on several occasions—that he felt the existing machinery was adequate. I wonder if he would repeat that opinion tonight.

There is a top-level President's Advisory Committee on Labor-Management. It was created by Executive Order 10198 issued by President Kennedy in 1962. But that committee has not issued a report on collective bargaining since May of 1962.

On July 11, 1966, almost a year ago, Secretary Wirtz advised me that no further reports were planned from the President's Advisory Commission on Labor-Management Policy. I believe this is truly a tragedy. It is not only a failure, it is a tragedy.

This 6-year record of administrative inertia is extremely dangerous. It is not only tonight, it is not only the railroad strike that we face in the immediate future, but we have labor contracts expiring in a great many of our major industries this year, and 1967 could produce more strikes with more devastating effect than in any previous year.

Mr. Chairman, as was said in the other body in the debate on this subject, the failure of the administration does not excuse the Congress from acting forcefully and properly in this matter. But I think those of us who are lawyers all learned in law school that hard cases made bad law. This is a hard case, and I believe it is in danger of making a bad law.

I am extremely reluctant to support the committee bill in this matter. I know it was said that the committee bill is the means of supporting the troops in Vietnam. But I ask the question, as others have asked here today: What is it that the troops in Vietnam are fighting for? There is a fight here on the homefront as there is on the war front. There is a fight to sustain the kind of economy and the kind of society that has made America the great nation that it is.

I cannot accept the proposition that for us to succumb to the hard choices that are before us, for us to cave in on a very basic economic matter, for us to choose one industry in which to start a process which is, I believe, admittedly corrosive of our entire economic and social system, is not a very, very dangerous precedent. I urge the committee to approach this whole problem in the light that this is not a new subject. It is a subject on which we have all had due notice.

Mr. FRIEDEL. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina [Mr. KORNEGAY].

Mr. KORNEGAY. Mr. Chairman, I share in the dilemma that many of us find ourselves in here today. I do not think any Member of this body is happy about the prospect of voting on the issue before us today.

Yet, we cannot assume an ostrichlike position and hope that the problem that we face will go away before we pull our heads from the sand.

Through all of the raging controversy that has attended this issue now for several months, one fact remains uncontroverted. That is, that this Nation cannot tolerate a nationwide railroad stoppage that would bring our country's economy to its knees, particularly at this crucial moment in our Nation's history when we must move men and materiel for our fighting forces in Southeast Asia and be alert to move men and materiel anywhere there is a threat to world peace.

Twice this year, we have provided extensions of time in order to give the affected parties the opportunity to meet and act. Up to this minute, the bargaining processes have not produced a solution, and although free collective bargaining in this instance may not have failed, it surely is stymied for the moment.

Committees in both bodies have held long and exhaustive hearings and have heard testimony from all who wished to be heard. The other body last week passed this resolution overwhelmingly, by a vote of 70 to 15. The Interstate and Foreign Commerce Committee, although divided in its opinion, brings you this resolution, a proposal that will protect the public interest. It is, I suggest, the best possible compromise that has been offered to meet the crisis that confronts us.

It is, perhaps, the only recourse we can take to prevent a nationwide rail stoppage while at the same time protecting the public interest and preserving free collective bargaining.

We are now in our second extension of the Railway Labor Act and agreement between labor and management still appears distant. The irony of the situation is that, while the issues in this dispute are important, the differences that divide both parties are not that great.

I was hopeful that the recommendations of the Fahy Mediation Board would be acceptable. They were not.

But we cannot let this setback become an emotional stoppage to continuing the collective bargaining process. The stakes are too great. The joint resolution now before us would not let that happen. Rather, it establishes specific procedures for assisting the disputing parties in the completion of their collective bargaining and the resolution of remaining issues of difference.

The railroad system in this country is the largest carrier of intercity freight in the entire transportation system. In 1965 it moved approximately 700 billion ton-miles of freight, 43 percent of the total intercity movement. In 1965 railroads moved 4.3 billion ton-miles of Department of Defense freight traffic in the continental United States, 39.3 percent of the total.

In terms of passenger service, railroads have been declining steadily over the post-World War II period but still accounted for 17.5 billion intercity passenger miles in 1965, about 2 percent of total intercity movement and 18 percent of common carrier intercity travel. In certain cities, particularly New York, Philadelphia, and Chicago, railroads perform significant commuter service. In 1965 they carried 192.6 million commuters, or about 750,000 for each working day.

These figures help to point out the importance of keeping our railroads in service. But of equal importance is preserving America's tradition of free collective bargaining—a subject to which we cannot attach figures, but which can be counted among the most important individual rights of our citizenry.

This proposal takes both situations into account. Indeed, the very heart of this resolution is to allow every opportunity for labor-management agreement without detrimental governmental intervention.

The proposed five-man Board would be established for 90 days with the express

hope that a privately negotiated settlement could be reached during that time. More importantly, no action of this Board will at any time preclude continued bargaining or private agreement.

The first 30 days of the Board's existence will be dedicated solely to continued efforts of collective bargaining. If agreement cannot be reached, the Board will deliberate upon the recommendations of the Fahy panel—a group of men, I might add, whose efforts toward settling this dispute will historically distinguish them among labor mediators.

The Board's determinations on the Fahy recommendations will, after 60 days, be submitted to the President and the Congress.

The committee considered this process the most equitable means of establishing terms for agreement that could be devised. It encompasses the goals we seek—to avert the strike while at all times preserving collective bargaining. If agreement terms are established at the end of 90 days, they will only be in effect until private agreements can be reached or January 1, 1969, whichever is earlier.

I urge both labor and management to continue their deliberations in earnest. This proposal is the most deliberate means of allowing them to do so.

May I respectfully suggest to this body that if this resolution is voted down and a nationwide strike follows, you will again be confronted with this issue. For, as the night follows the day, there will be a deafening hue and cry from the public and a demand for immediate congressional action. And I say to you, now, that a nay vote today is but a vote to forestall later action.

Mr. SPRINGER. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, it has been referred to by one of the speakers that one member of the committee on this side of the aisle voted against this legislation. I plead guilty to that. I was the one Member who opposed this legislation.

I am very much opposed to compulsory arbitration. In 1963, having come from a union family, I was very, very reluctant to vote for compulsory arbitration. I did so, but I said at the time that that would be the last time I would ever do it. That is in the CONGRESSIONAL RECORD. Now, that is only one of the reasons, but it is the major reason, why I oppose this resolution. It is because, without question in my mind, it is compulsory arbitration.

My purpose in rising here today is to point out to the Members who have been so kind as to listen through this debate that there has been much reference made to a substitute which is to be offered when the bill is read. Perhaps some of us or some of the Members might be sitting back, feeling, "Well, we will be taken off the hook by some kind of rewording of this or by a substitute."

I want to say to you who are present here this afternoon that this substitute provides not only for compulsory arbitration but for seizure, and I am equally opposed to seizure or even more so opposed than to compulsory arbitration. I would vigorously oppose any substitute which involves seizure, because, in my opinion, that benefits neither party.

I do not change my position on this bill. I intend to vote against it. But I certainly will urge that the Members who have been sitting here listening to the various speakers say they are going to offer a substitute, who might feel that this might not be so critical after all—I want to say to you it is going to be even more critical than you realize. It is because of this that my name does not appear in the minority views. The minority views say "and would also have provided that until the dispute is settled the railroads involved would be seized by the Government."

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPRINGER. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. CUNNINGHAM. That would be the essence of it and the big battle when we start reading this bill and when the amendments are offered to it. To me this is repugnant. It is equally as bad as compulsory arbitration, and I should vigorously oppose it.

Mr. FRIEDEL. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. Moss].

Mr. MOSS. Mr. Chairman, this is the culmination of what has been a very trying experience. I for one want to make it very clear that I impugn the motives of no member of the Commerce Committee. I believe it to be one of the finest committees in this House. It has worked hard and it has worked objectively. I disagree with the resolution achieved in the committee. I intend in good humor to voice my disagreement.

My good friend, the gentleman from Florida [Mr. ROGERS] stated that the proposal that came out of the committee dealt fairly with both parties. He said, "Why, if the amount that is finally ordered by the Board is more than the railroad wanted to pay, they have to pay it." And they do. They do, indeed.

And, Mr. Chairman, they can go right back to every user and ask for a rate increase, based upon that increased cost.

But, Mr. Chairman, what happens if a worker gets less than he feels is a fair price for his labor? He continues to work. And, he continues to work not for the 30 days which the gentleman stated that the Board might order, but until there is a negotiated settlement, or until January 1, 1969, when he is still not free of the agreement, but can only give notice of his dissatisfaction and start all over again the lengthy procedure which has brought this dispute here to the floor of the House today.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield to me at this point?

Mr. MOSS. No. The gentleman from Florida would not yield to me and I refuse to yield to the gentleman from Florida at this point.

Mr. ROGERS of Florida. But, Mr. Chairman, the gentleman from California referred to me by name.

Mr. MOSS. I know that I referred to the gentleman. However, I will not yield to the gentleman since the gentleman did not yield to me. I will not yield to the gentleman.

Mr. Chairman, now, the same sort of misinformation was contained in the statements of two other Members of this body who said—it is my recollection one of them said, and I undertake to quote him directly, "fencing in the Board." Fence it in? How effectively would we fence it in?

Mr. Chairman, let us look at page 4, line 16, which states:

> The Special Mediation Panel with such modifications, if any, as the Board finds to be necessary.

In other words, Mr. Chairman, this "fencing in" by the findings of the Fahy Panel means that that is a starting point.

Mr. Chairman, I had a bitter experience with the "starting point" in 1963 when the congressional committee very clearly made a mandate to the effect that the basis for the settlement of the manning dispute would be negotiated up to the point reached at that moment, but that is not what occurred.

Mr. ROGERS of Florida. Well, now, Mr. Chairman, will the gentleman yield to me at this point? Surely the gentleman wants the RECORD to be clear on this point.

Mr. MOSS. I am being very clear on the point.

Mr. ROGERS of Florida. Mr. Chairman, it is my opinion that the Members of the Committee deserve a further explanation of the point.

Mr. MOSS. Mr. Chairman, I do not yield to the gentleman from Florida.

The CHAIRMAN. The gentleman from California declines to yield to the gentleman from Florida.

Mr. MOSS. Now, Mr. Chairman, the fact is that we have also been told that an embargo starts at midnight tonight. I had a staff member to check with the Association of American Railroads, and I find that there is no embargo ordered or plan to put such an embargo into effect, although it has been in effect since yesterday on the Pennsylvania because of the congestion in the New York area, a situation which is totally unrelated to a pending or impending strike.

Mr. Chairman, we who oppose the committee's action did not do it in a negative sense, and we did not do it without having a full grasp of the public interest involved, the very broad public interest, and one which demands the attention of this Congress as to equity in its treatment, both of industry and of labor.

Mr. Chairman, the substitute which will be offered tomorrow by the gentleman from Washington [Mr. ADAMS] provides that equity of treatment. It proposes to place pressure upon both parties, and labor continues to work and the railroads will be operated under a receivership and they continue to bargain, while the minute they reach agreement, the receivership is dissolved and the injunction is lifted and the parties go back to normal relations.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. MOSS. Yes—notwithstanding the

fact that the gentleman from Texas did not yield to me, I yield to the gentleman.

Mr. PICKLE. I thank the gentleman for yielding, and I do not recall that I did not yield to him.

Mr. MOSS. I do, quite vividly.

Mr. PICKLE. If I am given time again I will be glad to yield to the gentleman.

The gentleman talks about the proposition of receivership. I assume the gentleman is referring to seizure when he is talking about receivership?

Mr. MOSS. I am referring precisely——

Mr. HALEY. Mr. Chairman, I make the point of order that a quorum is not present.

Mr. MOSS. Mr. Chairman, I did not yield to the gentleman from Florida.

I mean precisely and very precisely——

The CHAIRMAN. The gentleman from California will suspend.

Does the gentleman from Florida make the point of order that a quorum is not present?

Mr. HALEY. I do, Mr. Chairman.

Mr. PICKLE. I would yield to the gentleman from Florida if it would be permitted and agreeable to the gentleman in the well.

Mr. MOSS. No. I am faced with a point of order.

Mr. HALEY. The gentleman did not yield to my colleague from Florida. He yielded to the gentleman over there.

Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The gentleman withdraws his point of order.

Mr. MOSS. Mr. Chairman, I mean precisely what I said to the gentleman. We provide that the President may have the Attorney General go into a court, a district court, and seek to place the railroads in receivership.

Now, that is the term that is used in our draft resolution, and that is exactly what we mean, nothing more and nothing less. Just as we continue workers on the job through injunctive proceedings, if that is necessary.

Mr. PICKLE. The question I wanted to ask the gentleman is that I assume that when he is talking about seizure, and apparently that is what he is recommending, what happens to the other 74 percent of the workers who have already settled and who are at work, and who have no problems? In a seizure there is no strike, and this would automatically mean they are deprived of their right to work or not to work.

Mr. MOSS. Oh, the gentleman knows that they continue to work. They continue to draw their salaries. They continue to get their vacations, and the Nation's industries continue to operate. There is nothing as indicated negative in the proposal that we have offered, and it is equitable.

Mr. PICKLE. Yes, but they do not strike.

Mr. MOSS. I cannot understand the rationale that says you may seize a man's labor, but you may not seize a man's property; that you may order one to do something, but you may not order the other.

Compulsory arbitration is what I call the bill that was reported by the committee, and all of the semantics and gymnastics that can be indulged in will not remove the fact that that is precisely what it is.

Mr. PICKLE. The Special Board is not ordering either one to do a specific thing that they do not want to do. This bill will on the decision that will be reached.

Mr. MOSS. Let us look at the boards. Emergency Board No. 169 recommended for a 2-year period $85,440,000 improvement in salaries. The Fahy Panel, finding that there was a great deal of inequality in the shop craft union salaries, ordered an increase, or recommended an increase, of $139,223,510. A great deal of difference between the results of these two impartial panels manned by very distinguished gentlemen.

These are difficult issues to settle, and I much prefer the way that says that both parties continue to serve the needs of this Nation and sit down and talk and arrive at their own agreement, we are not going to fix your wages.

Mr. PICKLE. Now, I would say to the gentleman he mentioned Emergency Board No. 169——

Mr. MOSS. No; I will not yield further to the gentleman. I will yield to the gentleman from Florida, who had a question, and then if I have time I will yield further to the gentleman.

Mr. ROGERS of Florida. Mr. Chairman, I was going to ask the gentleman to read to the House the language that we specifically put in by saying that those considerations must be in a settlement within the limits of the collective bargaining and mediation efforts in this case.

Mr. MOSS. The gentleman knows full well that we exercised great care and diligence in 1963 both in the language of the law and in the language of the report to accomplish this same objective, and that we failed.

Mr. ROGERS of Florida. I would not agree with the gentleman on that because this is entirely different.

Mr. MOSS. I do not recognize it as being entirely different. I said that this was not one that finally ended on January 1 of 1969 because there is an interesting bit of language on page 5 which says—the Board's determination, the Special Board, shall have the same effect as though arrived at by agreement of the parties under the Railway Labor Act. That means that instead of delaying only until January 1, 1969, we could be delaying for a year or 18 months or more beyond that.

I want to point out to you, that to the men and women working for wages, that wages deferred means deferred buying power and you cannot make up for the lack of an adequate household budget. There is no compensation proposed here to offset the value of the lost compensation which ultimately might be paid retroactively.

I strongly urge the most careful consideration of the substitute that will be offered by the gentleman from Washington, and failing that, I would at least hope that we would establish a requirement of standards of comparability as will be proposed by the gentleman from Michigan [Mr. DINGELL].

SEIZURE LEGISLATION

Mr. PICKLE. Mr. Chairman, at the close of debate the gentleman from California raised the issue of seizure, a method I strongly oppose. I would like to submit some pertinent information on this subject.

Some Members of the Congress have urged that this body incorporate a seizure provision into the administration's resolution. But in my judgment, they fail to highlight the disadvantages of such an approach. Let me mention but a few.

First, the Members say that seizure creates equality of treatment between the parties. This could not be further from the truth. Seizure takes away from the railroads the operation of their private properties and imposes upon them operation and management by the Federal Government. Is this equality of treatment or is it one-sided treatment? I say it is the latter. Particularly in the light of the fact that the carriers have indicated their willingness to accept the National Mediation Board's proffer of arbitration, their willingness to accept the report of Emergency Board No. 169, their statements before the committee of the other House which implied their acceptance of the Fahy Panel proposal, and their unqualified statement before the House Commerce Committee that they would be willing even at this late stage to submit the dispute to voluntary arbitration.

Second, seizure raises a host of legal problems to confront both the parties and the Government. Is the Government subject to damage suits for losses incurred during the period of seizure? Does seizure freeze collective-bargaining negotiations for the 75 percent of the workers in the railroad industry who have settled their disputes without legislation? Who is liable for negligent injuries incurred by the railroad employees during the period of seizure? What rights do railroad employees have to leave their jobs during seizure? In what fashion will the Government reimburse the railroads for the operation of the railroads?

Seizure has never been an acceptable solution to problems of this character. For years organized labor has opposed seizure for the solution of collective-bargaining disputes. Seizure becomes no more palatable when joined with the administration's resolution.

How can anyone argue the merits of seizure in the light of the history of this dispute? The dispute should be settled through collective bargaining and mediation within the framework of what already has transpired in this case. That is what House Joint Resolution 559 attempts to do. To seize would be only to further complicate an already complicated picture. To seize would serve to inject the Congress into the dispute to a degree much greater than its circumstances warrant. To seize would serve to substitute false logic for sound reason.

I would hope that the Members advocating some form of seizure would reconsider their position, not from the point of favoring one side or the other, but rather from the point of view of where the equities and the public interest lie in the resolution of this dispute. Thank you.

Mr. JARMAN. Mr. Chairman, I think

it might be of benefit to Members to have inserted in the RECORD at this point the text of a press conference held at the White House this afternoon. The text follows:

PRESS CONFERENCE OF HON. ROBERT S. MCNAMARA, SECRETARY OF DEFENSE; HON. WILLARD W. WIRTZ, SECRETARY OF LABOR; HON. ALAN S. BOYD, SECRETARY OF TRANSPORTATION, THE WHITE HOUSE, JUNE 14, 1967

Mr. CHRISTIAN. Secretaries McNamara, Wirtz and Boyd.

Secretary WIRTZ. At the Cabinet meeting, we discussed the railroad situation. I think you know the details of it. Unless the legislation presently before the House is passed, there will be a railroad strike at 12:01 A.M. Monday morning. That is Sunday night.

Since a strike would be senseless—the Senate has adopted a procedure and method for settling this dispute. It adopted it by a vote of 70 to 15. It involves a procedure which would provide for the handling of this matter over a 90-day period by mediation, by negotiation, by the clearing up by a five-man board of any questions that were left at the end of that period.

I don't think there would be any questions left at the end of that period. It would be settled in the pattern of collective bargaining and the pattern of negotiation.

If there is any question in anybody's mind right now, it must be only as to the importance of this issue and as to the consequences of a strike.

To weigh the consequences of a strike against whatever may be involved in the resort to this procedure is, in my own judgment, beyond any reasonable possibility of doubt.

But in the report in the Cabinet meeting this morning, the President asked for a report from the Secretary of Defense about this situation. I think you should have that; also from the Secretary of Transportation.

Secretary MCNAMARA. I think there are two points which I should emphasize to you which I emphasized to the Cabinet.

The first is that no amount of rhetoric—and there has been a lot on this subject—no amount of rhetoric can obscure the facts that a railroad strike will stop the movement of essential munitions and equipment to South Vietnam, and will reduce the production of essential Defense equipment and munitions in the thousands of our plants across the country that are producing this equipment, vital not only to Vietnam but to the support of our forces elsewhere in the world.

We have 500,000 men, approximately, in Southeast Asia today in combat. We have another 500,000 stationed abroad in other parts of the world requiring the supplies produced in our plants today and the production of those plants will be substantially reduced by a rail strike.

So no amount of rhetoric can obscure that point. I know of no authority in rail transportation who would dispute the statement I have made.

The second point I made to the Cabinet was that we are in a particularly delicate period of international relations. I doubt very much that the full importance of the Middle Eastern crisis has been understood by our people.

I doubt very much that it is understood that the crisis is not over, that it will extend into the future, and that the result in part will depend upon our strength, our military strength.

It is absolutely essential that we maintain it. It cannot be maintained during a period of termination of rail operations. Similarly, we are in a period of intense conflict in South Vietnam.

As you know, the operations in and around the Demilitarized Zone have risen in activity during the past several weeks as North Vietnamese Divisions have moved into that area.

Those Northvietnamese Divisions carried out a very high rate of activity in four or five of the past six weeks—and, undoubtedly, will do so in the future. We have indications—through intelligence sources—that they plan a summer campaign both in that I Corps area and in the central plateau region.

So on two sides of the world, we face crises that demand that we maintain our military force at a high level of effectiveness, and we just can't do that in a rail strike.

These were the two points I made to the Cabinet.

Secretary BOYD. The point I made is that in addition to the defense situation, the facts are that the United States of America is the most sophisticated, highly integrated industrial society in the world. Aside from any questions about defense whatsoever, it is utterly impossible for this economy to continue operating with a rail strike which is the basis of the integrated, industrial society we have here.

This goes into the whole area of the health and welfare of the American society. You have heard before the fact that all of the chlorine for water purification, for example, moves only by tank car. It may be of some interest to know that in the average automobile, there are some 14,000 different component parts. They all go in a production line, basic to which is the railroad transportation system.

There are, apparently, many people in this country who think we can have a national rail strike and everything else will go along just the same as it has. This will not happen.

We have tremendous responsibilities in this country, tremendous federal and state programs which must be supported through rail traffic and activity.

We cannot afford to have a rail strike, certainly not in this situation where, first, there has been absolutely no question about the fairness nor the justice of the various efforts which have been made so far to resolve this situation; secondly, where 80 percent of the railroad industry, the workers, have signed contracts, and where there is no question but what the proposals which have been made by the Emergency Board and the Fahy Mediation Panel would be just and equitable by anybody's standards.

We have approached the stage where it is apparent that a group of arbitrary individuals, very small in number, seem to have no concern whatsoever for the public interest, but only for their own selfish interests.

Secretary WIRTZ. Are there questions?

Question. When you speak of these people in this small group, do you mean specifically House members?

Secretary BOYD. No, I am talking about people representing some of the craft unions.

Question. Who would they be? Or is it all the union leaders in the craft unions?

Secretary BOYD. I don't think there is any secret of the fact that Roy Siemiller is the International President of the IAM.

Secretary WIRTZ. In terms of the industry as a whole, I want to say again 80 percent of it has settled. There are 23 unions, and 16 or 17 of them have settled. This case narrows down to a dispute about the settlements with the remaining six unions. There is some question about whether they all see it the same. As far as I am concerned, the point is not that the whole thing has been settled, but that a pattern of settlement has been evolved, and a fair, reasonable, honest, equitable procedure has been arranged for settling it as far as the remaining groups are concerned.

If the alternative is a senseless strike to this country, that procedure is a fair answer in this case.

Question. For those of us who have not followed it in detail, the last ditch procedure in the bill is a form of compulsory arbitration on the remaining issues, is that right?

Secretary WIRTZ. When the country is faced with a shutdown, I will not argue what you will call it. The procedure is just this, that there will be mediation, and there will be negotiation for 60 days by a five man board which will include, as the President has indicated, top public representatives, including some with special labor and management backgrounds. They will get the parties to agree if they possibly can. This statute provides that the agreement be within the area already marked out.

If they don't agree at the end of 60 days, this five man board is going to suggest the agreement, and if it isn't accepted voluntarily by the parties, it goes into effect with a two-year period. The words are not important when we are at the stage we are now.

Question. Mr. Secretary, could you explain——

Secretary WIRTZ. Not important to me.

Question. —exactly why at this moment there is being so much pressure applied here? Is it because the House appears to be not willing to pass the bill?

Secretary WIRTZ. It is because a question has arisen in the House. It is perfectly clear. With a divided 16–16 vote in the committee that we know about, with every indication of a possibility of division on the Floor, with a lot of talk now about pro-labor and anti-labor votes, with a lot of question about partisanship, Republican and Democrat, who will line up, this is Wednesday and if the House passes a bill which is different from the bill passed by the Senate, there is not time, probably, for a practicable conference. We are right up against the gun at this point.

The reason, in answer to your question, is where there has been a 75 to 10 vote in the Senate, where there is a favorable report out of the committee on the same bill, there is reason to be concerned that somebody is going to disregard the importance of the point and look for an easy way out of this matter.

Yes, in direct answer to your question, the problem arises because this is Wednesday, and the legislative processes are such that if this is not supported there will be a strike Sunday night. I don't believe people realize the consequences of it.

Question. Has this come out of the Committee in the House yet?

Secretary WIRTZ. It is reported out of the committee and is on the floor of the House today with debate probably starting at two o'clock.

Question. Have you made your views known to the members of the House as strongly as you have made them known here today?

Secretary WIRTZ. I don't know whether as effectively. Every expression of ours has been this strong. I am not sure about the question. These views have been communicated individually and in groups to everybody involved.

Question. Do you expect the debate to run into tomorrow before they vote?

Secretary WIRTZ. I don't know about that. I think the rule is a three hour debate. What will happen as far as the voting is concerned, I don't know.

Question. Secretary McNamara, you said in the Middle East crisis the result will depend in part on our military strength. Could you explain that a little more?

Secretary MCNAMARA. I said that the Middle Eastern crisis had not reached the period where a settlement is clear. We will be involved, we as a nation and the nations of the world will be involved, in very delicate discussions over a period, a substantial period, in the future, and factors influencing those discussions will be the military strength of the parties, including ours.

Our military strength cannot be maintained during a rail strike.

The PRESS. Thank you.

Mr. RHODES of Arizona. Mr. Chairman, this is the House Republican Policy Committee statement on railroad labor dispute legislation—House Joint Resolution 559.

In this period of international tensions and war, we face the decision of accepting a chaotic nationwide railway strike, a seizure of the railroads by the Federal Government or the belated proposal of the Johnson-Humphrey administration for compulsory arbitration.

It is tragic that the present crisis in the railroad industry, following on the heels of a major crisis in the airline industry, has failed to spur the Johnson-Humphrey administration into meaningful action. Now, as in 1963, the administration is handling these recurring crises on a purely ad hoc basis. This is the case despite the fact that the President in his 1966 state of the Union message, promised that legislation to deal with such problems would be submitted for congressional consideration and to implement this pledge, a Presidential task force was appointed. However, as of this moment, the results of the deliberations of the task force are unknown and the President has failed to forward any recommendations. Moreover, the Secretary of Labor has now testified that such legislation may never be forwarded.

In the absence of administration initiative and proposals with respect to emergency disputes, Republican Members of Congress have introduced legislation that would come to grips with this important problem. Certainly full scale hearings on these and other proposals should be held as soon as possible. It is absolutely irresponsible to drift from one crisis to another without attempting to formulate permanent and long-range legislation.

In the present railroad labor dispute, the Administration permitted the settlement machinery under the Railway Labor Act to run its course and expire without taking a strong stand or making a determined effort to bring the parties together. Incredibly, the administration engaged in this vacillating performance even though more than 70 percent of the railway workers have satisfactorily negotiated contracts and only six shop craft unions are engaged in the present dispute. Moreover, it was only when a decision could not be delayed any longer that Congress was finally requested to provide two separate periods of delay totaling 67 days.

The Secretary of Defense, the Secretary of Labor and the Secretary of Transportation have testified that a nationwide rail strike would cripple our war effort and inflict incalculable damage to our general economy. Moreover, experts in the railroad field have stated that in the event of a strike of this type, it would be impossible to sort out defense traffic for special handling. Thus, a nationwide strike of the railroads with its serious ramifications must be prevented.

Because of the administration's failure to deal squarely and in a timely fashion with national emergency strikes, there is now no practical alternative to the administration's proposal. However, let no one be deceived regarding the present plan. Clever words and semantic gimmickry cannot gloss over or change the compulsory nature of the award contemplated by the Johnson-Humphrey proposal. This country and this Congress should not have to choose between such alternatives as compulsory arbitration or national chaos. Unfortunately, this is the choice that has been forced upon us today.

Mr. FULTON of Tennessee. Mr. Chairman, conscience and deep personal conviction compel me to express my opposition to House Joint Resolution 559.

The purpose of this legislation is to prevent a strike in the railroad industry which, it is alleged, would imperil the economy and hamper our military efforts in Vietnam. This must, of course, be avoided.

However, the cure proposed in House Joint Resolution 559 may well prove to be more dangerous than the disease. There is nothing in this proposal which provides any incentive for meaningful collective bargaining. In the meantime, it would extend for 2 years a compulsory work order which twice has been extended by the Congress.

Additionally, passage of the resolution would add another page to the record of congressional involvement in labor-management disputes and, as this volume builds, the principle of free collective bargaining as well as the act is eroded.

Twice before in extending the no-strike deadline the Congress has failed to provide the industry with any incentive to bargain by prohibiting a strike. In so doing we have denied labor its greatest economic weapon by removing the strike threat. Earnest collective bargaining has been lacking in this situation because of the confident feeling that the Government will provide a solution which will be more favorable than any that could be secured at the bargaining table.

The fact is that more and more the Congress is being looked to and counted upon as an instrument for the settlement of major labor-management disputes.

A more important fact, however, is that this is not the function of the Congress or any legislative body in a free society, nor should it be.

Passage of this resolution will simply encourage further reliance on the Congress in these matters in the future while lessening the reliance on collective bargaining.

This bill does not enhance or promote free collective bargaining.

This bill does not provide equitable consideration of both the parties involved.

This bill does not reverse the trend toward legislative involvement in labor-management disputes.

This bill does not provide assurance of a final and equitable solution to the problem.

Therefore, I must oppose it.

Mr. GALLAGHER. Mr. Chairman, at the outset I want to make it very clear that I am unalterably and irrevocably opposed to any form or kind of compulsory arbitration—regardless of whether this compulsion comes after a period of negotiation or whether it comes automatically as soon as a dispute arises.

Mr. Chairman, the method proposed for ending the threat of a railway strike which we are considering today contains as its final alternative compulsory arbitration. There is no question in my mind that the provisions of section 5(a) of the bill bring this about.

One of the "Whereas" clauses of the bill states that—

It is desirable to provide procedures for the orderly culmination of this collective bargaining process.

But, Mr. Chairman, when any "procedure" is provided to end collective bargaining at a certain date, then there is really no collective bargaining taking place because one of the parties, the one with the upper hand, will simply wait until the time has run out and then take what comes. There is no collective bargaining, there is only some form of collective waiting period. The element in collective bargaining which has brought it to be the mainstay and keystone of our labor relations was that there is no final settlement unless both parties agree. In an atmosphere of compulsory arbitration, there is no agreement between the parties.

I do not mean to imply that I am opposed to the use of arbitration. Where the parties to a collective bargaining agreement include a provision requiring arbitration, I fully support the enforcement of the arbiter's decision by the courts. But I do not support any form of arbitration where the element of consent is lacking by both parties to the agreement.

Mr. Chairman, the proposal we have before us today takes from the railroad employee the only weapon he has to attempt to bring about the terms and conditions of employment that he feels he deserves. The employees are, in effect, required to work under conditions which they are now collectively protesting and which they have indicated are unacceptable. In a broad sense, we would deprive the employee of his freedom to choose the conditions under which he will work and I think this freedom is too basic to our system to be removed.

I also object to the precedent this legislation would add to a growing involvement of the Congress in labor-management affairs. Congressional action has been called for three times during the last 4 years. If we continue to intervene—and I might add that we intervene each time by taking away or limiting the right of the union to strike—we give more indication to employers that when the activity affects the national interest all they have to do is wait and the Congress will not allow a strike to interfere with the national interest. We are in the process of slowly eroding the effectiveness of the employees' right to strike and by this we are seriously weakening the entire structure of labor relations in this country.

Mr. BINGHAM. Mr. Chairman, in the railway crisis which we now confront, the three aims of legislation should be: First, to prevent a national railroad strike; second, to require the parties to bargain collectively and arrive at a negotiated settlement; and third, in the event of a failure to settle, then to set a

helpful rather than harmful precedent for future collective bargaining.

House Joint Resolution 559, the resolution now before us, would not encourage a negotiated settlement nor set a helpful precedent.

Mr. Chairman, when the proposed substitute—incorporated in House Joint Resolution 585—is offered, I shall support it. Unlike House Joint Resolution 559, which in my opinion would not be evenhanded in its impact, the substitute would put great pressures on both parties to settle. It would indicate that Congress expects labor and management in national negotiations where a dispute affects the national interest to settle these by collective bargaining, rather than by governmental intervention.

The present dispute goes back to May 17, 1966, when the six shop craft railway labor organizations served notices requesting certain contract changes. No settlement was reached through collective bargaining. On April 11, 1967, Congress passed Senate Joint Resolution 65—Public Law 90-10—preventing a work stoppage until 12:01 a.m. May 3, 1967. On May 1, 1967, Congress passed Senate Joint Resolution 79—Public Law 90-13—preventing a work stoppage until 12:01 a.m. June 19, 1967.

The administration's proposal, which is incorporated in House Joint Resolution 559, was sent up on May 4, 1967. This resolution first proposes a 90-day extension of the prohibition against a strike. It then contemplates a Special Board consisting of five members to be appointed by the President to make a determination of the dispute within 60 days and report to Congress and the President. If the parties have not made an agreement while this Special Board is meeting and before the expiration of 91 days after the enactment House Joint Resolution 559, then the determination of the Special Board shall take effect and continue until the parties reach agreement, or if agreement is not reached, until such time, not to exceed 2 years from January 1, 1967, as the Board shall determine to be appropriate.

The proposed substitute follows the President's proposal very closely in that it would prevent a work stoppage and would allow a Special Board to propose a determination of the issues. But it would also do the following:

First. During the period of hearing by the Special Board, both parties would be required to make public offers of settlement.

Second. On the 90th day, when the Special Board recommendations were put into effect, the President would direct the Attorney General to petition the court for appointment of a receiver or receivers for the railroad.

The proposed substitute will prevent a strike as effectively as House Joint Resolution 559, but it will do so in such a way as to put equal pressure on the two sides to arrive at a negotiated settlement. If it is adopted as a substitute, I shall then vote for the resolution. If it is rejected, and if no other equalizing amendment is adopted, then I shall be constrained to vote against House Joint Resolution 559, I am confident that, if House Joint Resolution 559 should be defeated, there would be time for the Congress to enact an acceptable measure if the parties do not reach an agreement before the strike deadline.

Mr. SPRINGER. Mr. Chairman, I yield back the balance of my time.

Mr. FRIEDEL. Mr. Chairman, I yield back the balance of my time and ask that the Clerk read.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a Special Board for the purpose of assisting the parties in the completion of their collective bargaining and the resolution of the remaining issues in dispute. The Special Board shall consist of five members to be named by the President. The National Mediation Board is authorized and directed (1) to compensate the members of the Board at a rate not in excess of $100 per each day together with necessary travel and subsistence expenses, and (2) to provide such services and facilities as may be necessary and appropriate in carrying out the purposes of this resolution. For the purpose of any hearing conducted by the Special Board, it shall have the authority conferred by the provisions of sections 9 and 10 (relating to the attendance and examination of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 26, 1914, as amended (15 U.S.C. 49, 50).

Mr. FRIEDEL. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the Chair [Mr. MILLS], Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the joint resolution (H.J. Res. 559) to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees, had directed him to report that it had come to no resolution thereon.

GENERAL LEAVE

Mr. FRIEDEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution (H.J. Res. 559) and include extraneous matter.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

APPROPRIATIONS FOR PROCUREMENT OF VESSELS AND AIRCRAFT AND CONSTRUCTION OF SHORE AND OFFSHORE ESTABLISHMENTS OF COAST GUARD

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent to vacate the proceedings whereby the House concurred, with an amendment to Senate amendment No. 2 to the bill, H.R. 5424.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

MOTION OFFERED BY MR. GARMATZ

Mr. GARMATZ. Mr. Speaker, I move that the House concur in the Senate amendment No. 2 with an amendment.

The Clerk read as follows:

Mr. GARMATZ moves that the House concur in Senate amendment No. 2 with the following amendment: In lieu of "$37,663,000" insert "$37,963,000".

The motion was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF THURGOOD MARSHALL TO THE SUPREME COURT

Mr. RYAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN. Mr. Speaker, yesterday President Johnson appointed Solicitor General Thurgood Marshall to the U.S. Supreme Court. The President is to be commended for this outstanding appointment.

In selecting Thurgood Marshall, the President has called upon a man with a distinguished record of 34 years' dedication to all facets of the legal profession. Mr. Marshall rose from humble origins to graduate first in his class from Howard Law School. As the counsel to the NAACP and its legal defense fund, he fought the early legal battles for racial equality. One of his most notable achievements was the role he played in the 1954 Supreme Court decision outlawing racial segregation in the public schools.

His experience before the Supreme Court encompasses 32 cases as a private attorney, and the argument of 19 cases for the Government as Solicitor General. Judge Marshall also served for more than 3 years on the U.S. Court of Appeals following his appointment by President Kennedy in 1962.

As President Johnson expressed it in announcing the appointment:

I believe he has already earned his place in history, but I think it will be greatly enhanced by his service on the court.

Mr. Speaker, the qualification and caliber of this man are so evident that it should not be necessary to pay undue attention to the obvious achievement: that Judge Marshall is the first Negro to be accorded this high honor.

His race should not be a relevant consideration. When this country has reached the point where only a man's excellence is cause for the celebration of his appointment, we will have achieved racial justice. However, the fact that Thurgood Marshall will be the first Negro Justice is noteworthy, as the headlines show. And this is more cause for reflection than celebration.

In recent years we have seen the first Negro baseball player in the major leagues, the first Negro Cabinet member, the first Negro Senator since reconstruction, and now, the first Negro Supreme Court Justice. These are extraordinary achievements because racial discrimination raises extraordinary hurdles. True progress will have been made when the appointment of a

Negro to high office is no longer a first, and no longer remarkable in itself.

President Johnson is to be congratulated for making one further step in this direction. Every American, regardless of race, should be proud of this appointment. I am especially delighted because Thurgood Marshall has been a resident of the congressional district which I am privileged to represent.

I include at this point in the RECORD a profile of Thurgood Marshall which appeared in today's New York Times:

THURGOOD MARSHALL—FIRST NEGRO JUSTICE

WASHINGTON, June 13.—People who visit the Solicitor General for the first time are always struck by the contrast between the office and the man who occupies it. The office is ornately prestigious: A huge, high-ceilinged room with powder-blue walls topped by a bas-relief figure on a silver fretwork. The man is warmly informal: an easy-going, genial fellow with the 6 foot 2 inch, 210-pound frame of a football player, a mournful face, the generous wit of a born story-teller, and an accent that can be adjusted, as the occasion demands, from a scholarly baritone to a cottonfield bass.

Thurgood Marshall is now headed for equally if not more prestigious territory—the august chambers of the Supreme Court. But his friends would be greatly surprised if the experience causes any appreciable change in the personal qualities that have marked the man ever since he began practicing law 34 years ago: his tolerance, his zest for relaxed conversation, his ability to put people at ease, his capacity to negotiate solutions to seemingly impossible problems, and—in matters of law—his deep concern for what one associate calls the "human side" of any case.

"These are the things that have gotten him where he is," an old friend said today. "He is a fine lawyer with broad experience and a profound concern for justice. But what makes the difference with the judge, to oversimplify a bit, is his ability to take very sticky situations and patch them over with his personality."

LIKENED TO WARREN

Accordingly, there were some here who, when asked to speculate about Mr. Marshall's future performance on the Court, guessed that it might well resemble the performance of Chief Justice Warren—not because Mr. Marshall would deliberately pattern himself after the Chief Justice but because the two of them have many gifts and many attitudes in common. Not the least of these are a common conviction that differences of opinion can be negotiated, and a common capacity to negotiate them.

"Neither man," said another associate, "is particularly interested in the purely technical side of the law. Both of them like to look behind a case to see how it came about and what it means."

Mr. Marshall is, of course, no stranger to the Supreme Court. During the 25 years he served as counsel for the National Association for the Advancement of Colored People and the N.A.A.C.P. Legal Defense and Educational Fund, he entered the marbled halls of the Court 32 times to seek rulings that would weaken the legal superstructure of segregation. He emerged the winner 29 times. His biggest single victory was the 1954 decision holding racial segregation in public schools unconstitutional.

His frequent trips to the Supreme Court were interrupted in 1961 when he was appointed by President Kennedy to the United States Court of Appeals for the Second Circuit, where he served for nearly four years.

His appointment as Solicitor General in the summer of 1965 brought him back to his old haunts. Of the 150 or so cases reviewed by the Court during an average term, perhaps half involve the Federal Government. Mr. Marshall's job has been to decide which cases the Government should take to the Court and who should argue them.

As Solicitor General he has argued 19 cases himself. His 22 months in the post added a new dimension to a legal career that, apart from his brief stint on the Court of Appeals, consisted largely of trial or appellate work. As director of all Government litigation before the Court, he necessarily acquired considerable knowledge of the workings of the executive branch—knowledge that should come in handy in the 75 or so cases involving the Government that come before the court each term.

The son of a Pullman car steward, Mr. Marshall was born in Baltimore on July 2, 1908, with scarcely better prospects than thousands of other Negroes who ended up as high-school dropouts. But he was the son of parents who believed in the liberating possibilities of education. His mother sold her engagement ring to pay part of his college expenses, and in 1929 Mr. Marshall graduated from Lincoln University in Pennsylvania. Four years later he received a law degree from Howard University in Washington. He ranked at the top of his class.

Mr. Marshall says:

"My father turned me into a lawyer without ever telling me what he wanted me to be. In a way, he was the most insidious of my family rebels. He taught me how to argue, challenged my logic on every point, even if we were discussing the weather."

His father, who later became a steward at several private clubs in Maryland, also taught his son to fight for civil rights.

"'Son,' he used to say to me," Mr. Marshall recalls, "'if anyone ever calls you a nigger, you not only got my permission to fight him—you got my orders to fight him.'"

Yet Mr. Marshall is not openly pugnacious on the subject of civil rights—except, of course, as an advocate in the courtroom—and one of his long-time white associates said today that perhaps his most "obvious characteristic" is his capacity "to put you at ease on the matter of race."

Mr. Marshall has been married twice. His first wife of 26 years, Vivian Burey Marshall, died in 1955. A year later, he married Cecilia Suyat, a Hawaiian of Filipino descent. They have two sons, Thurgood Jr., 11, and John William 9.

ANTIRIOT LEGISLATION IS A MUST; H.R. 517, PROVIDING FOR A RULE TO DISCHARGE THE COMMITTEE ON THE JUDICIARY AND TO PROVIDE FOR IMMEDIATE HOUSE CONSIDERATION, INTRODUCED

Mr. CRAMER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CRAMER. Mr. Speaker, on Monday of this week on this floor I announced my intention either to file a discharge petition, or, in the alternative, to ask the Rules Committee to adopt a rule to discharge the Judiciary Committee and to provide the ground rules for debate on a much-needed piece of legislation. I refer to the antiriot legislation—my bill, H.R. 421—which passed this House by a vote of 389 to 25 as an amendment to the 1966 civil rights bill that died in the Senate during the last session.

I understand, and I am glad to note, that there is considerable support for the legislation, even to the extent of my distinguished colleague, the gentleman from Florida [Mr. GIBBONS], filing a discharge petition as of today to discharge the Judiciary Committee. I gave consideration to that procedure and determined in my own mind that the orderly and proper procedure was to ask the Rules Committee to discharge the Judiciary Committee and to provide a rule for consideration of that measure. I have today introduced such a resolution, and I have been assured by the distinguished chairman of the Rules Committee and the ranking member that it is a matter in which the committee is interested and that hearings will be held as soon as possible on it.

This is the proper and orderly procedure. I do not want to see this bill filibustered to death. I did not undertake a direct discharge because in my opinion that would leave under the rules the possibility of endless debate and disorderly procedures. It would take unanimous consent to cut debate off. In my opinion, the bill could be destroyed in that fashion. I desire orderly procedure. The Rules Committee should have the right to consider it. For that reason I am asking that my colleagues support the effort to get the Rules Committee to give consideration to reporting a rule discharging the Committee on the Judiciary and providing for orderly procedure and adequate debate on H.R. 421 so that debate can be properly determined, so that the number of hours of debate might be established, and the proper procedure for amendments can also be determined.

I think that this is the responsible manner in which to get this legislation before the House. I urge all Members to introduce a similar resolution or write the chairman of the Rules Committee indicating support for this measure.

In the event the Rules Committee does not act, a discharge petition on H.R. 517 would be in order any date after June 27 and if H.R. 517 were discharged then the rule contained therein would be before the House establishing orderly procedure and H.R. 421, my antiriot bill, would be before the House pursuant to the rule discharged under H.R. 517.

For further information of my colleagues, I place in the RECORD a copy of H.R. 517 and H.R. 421 with a list of cosponsors to date, as well as those who supported the antiriot amendment to the 1966 civil rights bill.

In addition, I am placing into the RECORD the names of those Members who introduced an antiriot bill in the 89th Congress and those who introduced antiriot legislation in this Congress.

H. RES. 517

Resolved, That upon the adoption of this resolution the House shall immediately resolve itself into the Committee of the Whole House on the State of the Union for the consideration of H.R. 421, to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall

continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Rules, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

COSPONSORS OF CRAMER RESOLUTION, H. RES. 517, PROVIDING FOR THE CONSIDERATION OF H.R. 421

Mr. Cramer.
Mr. Gerald R. Ford.
Mr. Goodell
Mr. Poff.
Mr. Arends.
Mr. Rhodes of Arizona.
Mr. Laird.
Mr. Smith of California.
Mr. Anderson of Illinois.
Mr. Quillen.
Mr. Latta.
Mr. Martin.
Mr. Kee.
Mr. Thompson of Georgia.
Mr. King of New York.
Mr. McClory.
Mr. Skubitz.
Mr. Don H. Clausen.
Mr. Schneebeli.
Mr. Derwinski.
Mr. Wampler.
Mr. Dickinson.
Mr. Edwards of Alabama.

OTHER SPONSORS OF RESOLUTION FOR THE CONSIDERATION OF H.R. 421

Mr. Burke of Florida.
Mr. Minshall.
Mr. Battin.
Mr. Carter.
Mr. Dole.
Mr. Kuykendall.
Mr. Watson.
Mr. Brock.
Mr. Railsback.
Mr. Hunt.
Mr. Shriver.
Mr. Conable.
Mr. Betts.
Mr. Fountain.
Mr. Grover.
Mr. Nelsen.
Mr. Denney.
Mr. Lipscomb.
Mr. Jonas.
Mr. Davis of Wisconsin.
Mr. Cederberg.
Mr. Morton.
Mr. Wyatt.
Mr. Michel.

H.R. 421

A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 18 of the United States Code is amended by inserting, immediately after chapter 101 thereof, the following new chapter:

"CHAPTER 102.—RIOTS AND OTHER VIOLENT CIVIL DISTURBANCES

"§ 2101. Riots

"Whoever moves or travels in interstate or foreign commerce or uses any facility in interstate or foreign commerce, including the mail, with intent to—

"(1) incite, promote, encourage, or carry on, or facilitate the incitement, promotion, encouragement, or carrying on of, a riot or other violent civil disturbance; or

"(2) commit any crime of violence, arson, bombing, or other act which is a felony or high misdemeanor under Federal or State law, in furtherance of, or during commission of, any act specified in paragraph (1); or

"(3) assist, encourage, or instruct any person to commit or perform any act specified in paragraphs (1) and (2);

and thereafter performs or attempts to perform any act specified in paragraphs (1), (2), and (3), shall be fined not more than $10,000 or imprisoned not more than five years, or both."

SEC. 2. The table of contents of "Part I—Crimes" of title 18 of the United States Code is amended by inserting after the following:

"101. Records and reports ..... 2071"

the following new chapter reference:

"102. Riots and other violent civil disturbances ..... 2101".

SEC. 3. Nothing contained in this Act shall be construed as indicating an intent on the part of the Congress to occupy the field in which any provision of this Act operates to the exclusion of State laws on the same subject matter, nor shall any provision of this Act be construed as invalidating any provision of State law unless such provision is inconsistent with any of the purposes of this Act or provision thereof.

NAMES OF MEMBERS WHO INTRODUCED ANTIRIOT LEGISLATION IN THE 90TH CONGRESS (THROUGH JUNE 12, 1967)

On January 10: Cramer, Abernethy, Adair, Bennett, Mrs. Bolton, Cunningham, de la Garza, Dingell, Hechler of West Virginia, Johnson of Pennsylvania, Laird, Lennon, Michel, Minshall, Morton, Poff, Pool, Rhodes of Arizona, Roudebush, Williams of Mississippi, Wyman.

On January 11: Roush.
On January 16: Cabell, Whitten.
On January 17: Chamberlain, Fino, Mize.
On January 18: Kluczynski.
On January 19: Mrs. Reid of Illinois, Whalley.
On January 25: Harvey.
On January 31: Fascell, Hosmer.
On February 13: Morris.
On February 21: Gibbons.
On February 27: Arends.
On March 8: Fuqua.
On March 13: Roberts.
On March 15: Willis.
On April 11: Thompson of Georgia.
On April 13: Derwinski.
On April 18: Kuykendall.
On April 19: Reinecke.
On April 27: Kee, Staggers.
On May 3: Wampler.
On May 23: Talcott.
On June 12: Dickinson.

NAMES OF MEMBERS WHO INTRODUCED ANTIRIOT LEGISLATION IN THE 89TH CONGRESS, 2D SESSION

On September 12, 1966: Cramer (H.R. 17642).

On September 13: Arends, Lennon, Anderson of Illinois, Hosmer, Reifel.

On September 14: Andrews of North Dakota, Cabell, Cunningham, Erlenborn, Harvey, Hutchinson, Johnson of Penn., Kluczynski, Minshall, Reid of Illinois, Scott, Sikes, Bolton, Findley, Martin, Roncalio, Bow, Callaway, Hechler.

On September 15: Adair, Battin, Berry, Boggs, Buchanan, Fulton of Penn., Michel, Mize, Rhodes of Arizona, Sweeney, Taylor, Williams.

On September 19: Poff, Shriver, Teague of California, Walker of New Mexico, Whitten, Burleson, MacGregor, O'Neal of Georgia.

On September 20: Hamilton, Laird, Fountain, Dickinson.

On September 21: Secrest, Morton.

On September 22: de la Garza, Fascell, Fino Hansen of Iowa, Kornegay, Pirnie, Watson, Don H. Clausen.

On September 26: Langen, Slack.

On September 27: Senator Eastland, Derwinski, Hagen of California, Morris, Roudebush, Reinecke.

On September 28: Latta.

On September 29: Henderson, Stratton, Willis, Whalley.

On September 30: Mosher.

On October 3: Robison.

On October 5: Ashbrook, Pool.

On October 7: Pepper.

On October 11: Clarence J. Brown, Jr., Long of Maryland.

On October 13: Kee.

On October 17: Broyhill of Virginia.

On October 18: Staggers.

MEMBERS WHO VOTED FOR CRAMER ANTI-RIOT AMENDMENT TO THE HOUSE PASSED CIVIL RIGHTS ACT OF 1966 (VOTE TAKEN AUGUST 9, 1966)

[Roll No. 207]

YEAS—389

Abbitt, Abernethy, Adair, Adams, Addabbo, Albert, Anderson of Illinois, Anderson of Tennessee, Glenn Andrews, Andrews of North Dakota, Annunzio, Arends, Ashbrook, Ashley, Ashmore, Aspinall, Ayres.

Bandstra, Baring, Bates, Battin, Beckworth, Belcher, Bell, Bennett, Berry, Betts, Boggs, Boland, Bolling, Bolton, Bow, Brademas, Bray, Brock, Brooks, Broomfield, Clarence J. Brown, Jr., Broyhill of North Carolina, Broyhill of Virginia, Buchanan, Burke, Burleson, Burton of Utah, Byrne of Pennsylvania, Byrnes of Wisconsin.

Cabell, Cahill, Callan, Callaway, Carey, Carter, Casey, Cederberg, Chamberlain, Chelf, Clancy, Clark, Clausen, Don H., Clawson of Delaware, Cleveland, Clevenger, Collier, Colmer, Conable, Conte, Cooley, Corbett, Corman, Craley, Cramer, Culver, Cunningham, Curtin, Curtis.

Daddario, Dague, Daniels, Davis of Georgia, Davis of Wisconsin, Dawson, de la Garza, Delaney, Denton, Derwinski, Devine, Dickinson, Dingell, Dole, Donohue, Dorn, Dowdy, Downing, Dulski, Duncan of Oregon, Duncan of Tennessee, Dwyer, Dyal.

Edmondson, Edwards of Alabama, Ellsworth, Erlenborn, Evans of Colorado, Everett, Evins of Tennessee.

Fallon, Farnum, Fascell, Feighan, Findley, Fino, Fisher, Flood, Flynt, Fogarty, Foley, Gerald R. Ford, William D. Ford, Fountain, Frelinghuysen, Friedel, Fulton of Pennsylvania, Fulton of Tennessee, Fukua.

Gallagher, Garmatz, Gathings, Gettys, Giaimo, Gibbons, Gilligan, Goodell, Grabowski, Gray, Green of Oregon, Green of Pennsylvania, Greigg, Grider, Griffiths, Gross, Grover, Gubser, Gurney.

Hagan of Georgia, Hagen of California, Haley, Hall, Halleck, Halpern, Hamilton, Hanley, Hanna, Hansen of Idaho, Hansen of Iowa, Hansen of Washington, Hardy, Harsha, Harvey of Indiana, Harvey of Michigan, Hathaway, Hays, Hébert, Hechler, Helstoski, Henderson Herlong Hicks, Holifield, Horton, Hosmer, Howard, Hull, Hungate, Huot, Hutchinson.

Ichord, Irwin, Jacobs, Jarman, Jennings, Joelson, Johnson of California, Johnson of Oklahoma, Johnson of Pennsylvania, Jonas, Jones of Alabama, Jones of Missouri, Jones of North Carolina.

Karsten, Karth, Kee, Keith, Kelly, Keogh, King of California, King of Utah, Kirwan, Kluczynski, Kornegay, Krebs, Kunkel, Kupferman.

Laird, Landrum, Langen, Latta, Leggett, Lennon, Lipscomb, Long of Louisiana, Long of Maryland, Love.

McCarthy, McClory, McCulloch, McDade, McDowell, McEwen, McFall, McGrath McMillan, McVicker, Macdonald, MacGregor.

Machen, Mackay, Mackie, Madden, Mahon, Mailliard, Marsh, Martin of Alabama, Martin

of Massachusetts, Martin of Nebraska, Mathias, Matthews, May, Meeds, Michel, Miller, Mills, Minish, Minshall, Mize, Moeller, Monagan, Moore, Moorhead, Morgan, Morris, Morse, Morton, Mosher, Moss, Multer, Murphy of Illinois.

Natcher, Nedzi, Nelsen, O'Brien, O'Hara of Michigan, O'Konski, Olsen of Montana, Olson of Minnesota, O'Neal of Georgia, O'Neill of Massachusetts, Ottinger.

Passman, Patman, Patten, Pelly, Pepper, Perkins, Philbin, Pickle, Pike, Pirnie, Poage, Poff, Pool, Price, Pucinski, Purcell, Quie, Quillen.

Race, Randall, Redlin, Reid of Illinois, Reid of New York, Reifel, Reinecke, Resnick, Reuss, Rhodes of Arizona, Rhodes of Pennsylvania, Rivers of Alaska, Rivers of South Carolina, Roberts, Robison, Rodino, Rogers of Colorado, Rogers of Florida, Ronan, Roncalio, Rooney of Pennsylvania, Rostenkowski, Roudebush, Roush, Rumsfeld.

Satterfield, St Germain, St. Onge, Saylor, Schisler, Schmidhauser, Schneebeli, Schweiker, Scott, Secrest, Selden, Senner, Shipley, Shriver, Sickles, Sikes, Sisk, Skubitz, Slack, Smith of California, Smith of Iowa, Smith of New York, Smith of Virginia, Springer, Stafford, Staggers, Stalbaum, Stanton, Steed, Stephens, Stratton, Stubblefield, Sullivan, Sweeney.

Talcott, Taylor, Teague of California, Teague of Texas, Tenzer, Thomas, Thompson of New Jersey, Thompson of Texas, Thomson of Wisconsin, Todd, Trimble, Tuck, Tunney, Tupper, Tuten, Udall, Utt.

Vanik, Vigorito, Vivian, Waggonner, Waldie, Walker of Mississippi, Walker of New Mexico, Watkins, Watson, Watts, Weltner, Whalley, White of Idaho, White of Texas, Whitener, Whitten, Widnall, Williams, Bob Wilson, Charles H. Wilson, Wolff, Wright, Wyatt, Wydler, Yates, Young, Younger, Zablocki.

SUPPORT FOR ISRAEL BY MEMBERS OF PHILADELPHIA BAR

Mr. NIX. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. NIX. Mr. Speaker, when men speak of lawyers anywhere in the United States, a special place of distinction is reserved for the Philadelphia lawyer.

From the earliest days of our history, the Philadelphia lawyer has protected the weak, restrained the powerful, and preserved the Nation.

I am therefore honored to join with a great number of distinguished members of the Philadelphia Bar in the presentation of a petition to the President of the United States; to the Congress and to the leaders of our country.

I offer this petition for the favorable consideration of my colleagues:

PETITION

We, the undersigned, are attorneys-at-law in the City of Philadelphia, Commonwealth of Pennsylvania.

We desire that the President and members of the Congress of the United States of America be informed that we support the State of Israel in the present Middle East crisis.

We urge the elective leaders of our country to publicly announce their support of the State of Israel and to give it such moral and financial support necessary to sustain it in its time of need.

SIGNATURES

Dan Berger, Gail J. Heinberg, Robert S. Cohen, James L. Price, Sidney B. Gottlieb, Leonard A. Gottlieb, Henry Drizin, Jane P. Larome, Alin M. Thomas, Victor Lipsky.

Herbert Braker, Robert M. Pressun, Sylvan Emham, Ellean M. Wine, Richard B. Lord, Sidney Marguhes, Mark K. Kessler, Harold Greenberg, Murray A. Zatman, Philip M. Shukman, E. Burton Kerr.

Robert Freeham, Bennett L. Aaron, Irving I. Specker, Norman C. Hen, A. M. Adams, Jerome Thar, Laurence E. Goldst, Edward Wolf.

Edwin E. Nazthers, Helen S. Medink, Raphael Goldstein, Louis Goldhirsh, Gal Gelb, Leon Segal, Z. W. Quie, M. Henry Schnig, David H. Stern, Gul M. Gouy.

Jerome J. Shestack, Arthur Kobu, Harvey Levin, Ira P. Riger, Mervin O. Meeker, Samuel Jay Cooke, Thomas P. Glassmoyer, George P. Williams III, Sanford M. Rosenbloom.

Thomas B. Rutter, J. B. Milland Tyson, Levy Aucleson, Herman I. Mash, John M. McNally Jr., Hardy Williams, Jos. Minney, Vampt J. Carlin, Alexandria Osinoff, Melvin Lashner.

Edwin S. Bauer, Albert J. Persichetti, James R. J. Red, Abraham A. Levinthil, Irwin Stander, Stephen M. Feldman, Stanley E. Elsordon, Paul Yerund.

Stanley S. Cohen, Pearl Tawe, Jerome N. Berenson, Joseph Atlas, Jacobs J. Kilminel, B. Jerome Shane, Alan David Silverman, Herman S. Davis, Sidney Chart, Nathan Lavine, Alexander B. Inelson, Don Weisberg.

Michael E. Ryan, Burton Caine, Michael M. Dean, Franklin N. Fogarty, Henry F. Miller, Alvin H. Dorsky, Ginge M. Brantz, Jean Brandsch.

Robert Waltz, Frank F. Ebby, Daniel B. Letwin, Stanton S. Oswald, Judoh I. Lobout, Barry Waxman, Steven A. Arbittier, Robert M. Segal, Jack Van Baden.

Morris C. Forer, Bernard Chanin, Ronald W. Wiener, Edward M. Glickman, Myles H. Teenenbeam, Henry A. Gladstone.

Mary H. Mahod, Seymour Kirkland, Ace Spite, Leonard M. Sagot, Sam Dulin, Edwin B. Tracey.

Bernard J. Goodheart, Bernard Wyman, Edmund Pawclec, Herbert H. Yaskin, Richard V. Hahn, Jack Beaslow, Burton Satebery, Ronald Bluestein, Leonard Zach.

Fabias Grenberg, Manuel Grife, Stanley E. Gins, Nuomie E. Bloch, Abe Lzsowsk, Abrm. A. Huschel, A. Wally Henn, Meyer Cadmar, Quincy J. Maclure, Frank A. Irl, Marvin J. Lessen.

B. Bert Siegler, William T. Gold, Alan Schwartz, William M. Labkoff, Morris S. Finkel, Nathan D. Patelow, Jerome Sepnin, Chl. H. Greenberg, L. D. Greenberg, Jim Smit.

Jerome M. Cabaren, John Daudeau, J. J. Lenard Rotberg, Martin J. Heiligman, Harold Rosef, Thomas Pasman, Henry N. Fwinn, Manville J. Akley, Joseph Litt, Abe Alnot.

Alan Wm. Margoles, Stanley Frank, Edwin L. Scheilin, Melvin Dion, Miller Perrman, Amen W. Rubin, Arthur M. Todd, Frank Bieltsl.

Elliot L. Cherry, Alan Kauffman, Robson Ahenson, Myron H. Deutsch, Samuel Sackmean, Theodore H. Lunine, Samuel Smith, Stanley Alein, Leonard H. Sigal.

Carter P. Carson, Donald A. Marshall, F. B. Neeoff, Melvin L. Sharoff, Stephen H. Shank, Monhan G. Needleman, Siedan Taks, Charles E. Ficher, N. H. Olm.

Heurt Bloom, Bernard M. Gross, Huldon Selysoh, Arnold W. Wachles, Arthur Samson, David Rosenfield, Norman A. Orbton, Jim M. Fulay.

Harris Oninsky, Richard M. Roseableeth, Martin Newman, Henry J. Morgan, Jerome B. Apfel.

Edwin A. Easton, Stephen B. Klein, Leonard Dulin, William G. Schwartz, Gerald Bib, Howard I. Hatoff.

Samuel N. Rabinowitz, Goncer W. Kresal, Paul D. Guth, Elliott K. Braverman, Emanuel W. Betoff.

Stanton W. Kratzok, B. M. Richly, Arthur G. Raynes, Allen T. Newman, Liby L. Weinstein, Samual C. Kitz, Donald Lea, Alan Cooper.

J. Miller, C. S. Fine, Benjamin B. Levin, West O'Nally, Robert Find, Joseph J. Cohen, Therco J. Weelman, S. Donald Keesal, S. T. Usall, Harry Fredman, Gabriel M. Moss, Barbara R. Mueklieb, Maurice Marmon.

Hy Plain, Jerome Jaffee, Barton M. Banks, Franklin G. Banks, Allan H. Gordon, Robert N. C. Nixon.

David Goldberg, David Cohen, Harvey Garter, Pat. R. Amy, Louis L. Dolin, Samuel J. Stark, Andrew Shapoti, Arthur M. Dolin, James M. Moran.

Nelson Bomslier, James O. Burgess, Andy Dahl, Robert L. Serzt, Lionel B. Gumnet, Stephen Reid, Stephen B. Vorin, Gerald Gourish, Lawrence E. Hirsch, Reigan A. Herry, Max Slobodin, Edward Steinhager.

Theodore Olin, Stevens Shelby, Peter M. Stern, Harry Nohlin, Donald I. Krantz, Benjamin Pomerant, Melvin B. Goldstein, Neil W. Berl.

Gilbert Gold, Frederick Cohen, Bernard Norman, Norton A. Hall, Stan Felser, Wilbur Greenberg, Charles Z. Golden, Mandel Stevenson, Johnny Ailow, Eliot Underlinger.

A "SHIRT SLEEVE" MEETING OF FARMERS AT SOUTH HILL, VA.

Mr. ABBITT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. ABBITT. Mr. Speaker, on June 2, 1967, there was a so-called shirt sleeve meeting of farmers at South Hill, Va., sponsored by the U.S. Department of Agriculture. I understand the meeting was well attended and many of our farm leaders spoke out in behalf of the peanut producers of America who have been shortchanged by the Agriculture Department in the last few years. I was particularly pleased by the statement made by William V. Rawlings, executive secretary and general counsel of the Association of Virginia Peanut & Hog Growers, Inc.

Mr. Rawlings and I have been closely associated for a long time and have worked diligently to bring forcefully to the Secretary of Agriculture the dire plight in which the peanut farmers now find themselves brought about by the failure of the Secretary of Agriculture and his advisers to face up to the situation now confronting us and to give the peanut producers a fair support price.

Some time ago grower representatives and Congressmen from the peanut producing areas met with the Secretary. We pointed out to the Secretary at that meeting the terrible situation now confronting the peanut producers but apparently to no avail. Bill Rawlings and other grower representatives from the Virginia peanut producing areas were present and strongly advocated positive action by the Secretary of Agriculture. I was shocked that action was not forthcoming and under leave to extend my remarks in the RECORD, I herewith include the remarks of Bill Rawlings at the meeting in South Hill on June 2, which remarks are very pertinent and appropriate at this particular time:

STATEMENT BY WILLIAM V. RAWLINGS, CAPRON, VA., EXECUTIVE SECRETARY AND GENERAL COUNSEL, ASSOCIATION OF VIRGINIA PEANUT AND HOG GROWERS, INC., BEFORE USDA "SHIRT SLEEVE" MEETING, SOUTH HILL, VA., JUNE 2, 1967

My name is William V. Rawlings and for eighteen years I have been Executive Secretary and General Counsel of the Association of Virginia Peanut and Hog Growers, Inc. I am appearing here today as a representative of our Association in an attempt to constructively but with straightforward statements relate to you gentlemen the feelings of peanut producers regarding our peanut price support program; why, in my opinion, peanut growers are more concerned and distressed than at anytime I have observed in the past eighteen years and what our Association thinks can be done to improve the situation.

Let me make it abundantly clear that our growers have the highest respect and regard for our State and County ASC Committees, their office personnel and staffs. The grievous short-comings we will discuss briefly concern those in the U.S. Department of Agriculture in Washington and others connected with the Administration.

I have not heard of the first instance where any of our Virginia personnel connected with the United States Department of Agriculture were asked for their opinion or thoughts regarding the 1967 price support level for peanuts. In the interest of conserving time I make reference to a letter from our Association dated February 28, 1967, to the Honorable Orville L. Freeman, Secretary, United States Department of Agriculture which set forth in detail an unusually strong and factually documented case for favorable consideration by the Secretary of a minimum increase in the 1967 peanut price support level of not less than $36.00 per ton. I ask that said letter be made a part of the permanent record of this meeting.

"Peanut growers are extremely disappointed that the Secretary's preliminary announcement of the 1967 price support level for peanuts failed to recognize the spiraling increases in costs of production and family living. Prior to announcing the 1966 price support level, peanut growers from throughout the major producing areas made a similar and equally sound case for a reasonable increase in the price support level. This request netted an announced increase of $3.00 per ton but the U.S.D.A increased grade factor requirements for an average ton of peanuts. The net effect was that there was no real or effective increase of any significance at all. In the late summer of 1966 word was passed to growers from Officials in the Department of Agriculture that the climate had changed and that indications were the Department would look with favor upon a reasonable increase in the price support level for the 1967 crop. I thought it was significant that this was prior to the general election in 1966 and I also thought it to be no more than propaganda deliberately leaked down to growers for the purpose of attempting to bail out certain political candidates. Whether I was correct or not in my initial assessment, the fact is that immediately after the general election there was an entirely different atmosphere in the Department and it was impossible to find anyone who could give any basis for hope that we would be treated any better in the matter of price support for the 1967 crop.

"Prior to the 1967 price support announcement, someone in the U.S.D.A. disseminated information to local papers which purported to show that peanut producers had never had it so good. These releases stated that from 1960 to 1966 the value of the peanut crop has increased 43% while during the same period the cost of production of *all* agriculture commodities had increased only 12%. The inference was clear that peanut producers had experienced an increase in net income of 31% during the six-year period. To put it mildly, this is simply misleading and untrue. The joker was they used cost figures for *all* agricultural production and I am inclined to doubt the accuracy of those figures. If we would assume that the figure of 12% was correct, it bares little or no relation to the major increases in the cost of peanut production during the last six years. Authoritative and factual studies by qualified Agricultural economists indicate that in the State of Virginia the cost of producing peanuts has increased 63% during the six-year period. I have every reason to feel that these figures are conservative, accurate, unbiased and not doctored for political purposes.

"Research conducted by the University of Georgia concluded that the cost of producing peanuts increased 60% in three years (From 1963 to 1966). This research was published in October 1966 and yet the U.S.D.A. releases to the public refer only to the dubious 12% increase in the cost of producing all agricultural commodities. The Department had these Georgia research results but declined to use them.

"It is understandable that peanut producers are disturbed over such tactics by people in responsible positions and on the public payroll. They are disturbed that the Department of Agriculture, to which producers of our food and fiber should be able to look with confidence, as having an interest in the image of producers and their welfare, would be a party to such misleading information.

"I feel very strongly that there is little to be gained by producers in trying to determine who was responsible when we all are sure of the fact that it is the responsibility of the Administration. I find it extremely frustrating for a relatively few of us working directly with and for producers to combat such an arsenal of publicly financed people who are deliberately putting out this type of information. It is my understanding that there are over one-hundred thousand people on the payroll of the United States Department of Agriculture. It is no wonder to me that agriculture continues to have a bad public image and it is worsening, especially in the eyes of our urban friends, because of half information, incorrect information and misleading information originating from Washington in the Department of Agriculture.

"I again point out that peanut producers are receiving less for peanuts than they were in 1955, farm expenses have risen 8% since last August, farm prices have dropped 7% since last August, farm prices are now only 72% of parity, the parity figure is the lowest in thirty-four years and farm prices are no higher than they were in 1947.

"Peanut growers are unable to reconcile these facts with recent White House public assurances that parity for agriculture continues to be an important goal of the Administration. Obviously, their aim is far off of the announced goal. This brings us to our first recommendation:

"No matter how good a program is in principle; how great its potential is to accomplish its objectives, nor how lofty the goals of an administration, it cannot be any better than the capabilities of the people upon whom the Secretary and Administration rely for advice, information and administration and their dedication to assure that full and completely factually correct information is provided to the Secretary and public. It is hoped that the Secretary of Agriculture will take a belated but cold, hard and objective look at such personnel; especially those responsible for the before mentioned releases and initiate a prompt housecleaning where indicated. This may be extensive. It is understandable to me that the confidence of peanut producers in the Department of Agriculture is more shaken than I have observed in eighteen years.

"Recommendation number two from our Association is that the Secretary reconsider the preliminary price support announcement for the 1967 peanut crop and properly take into consideration the real increases in cost of production which have occurred since 1960 and announce a final price support which will reflect an increase of not less than $36.00 per ton. This is a very reasonable and conservative request from peanut producers in all three major producing areas. The law provides that the final price support announcement is made after the August crop report is available and can be any amount up to 90% of parity as long as it is not below the preliminary announcement. The latter provision would certainly cause no difficulty this year. A $36.00 per ton increase would reflect approximately 87.5% of parity.

"It is fully recognized that the Secretary and his advisers will again be bombarded with telephone calls from manufacturers and perhaps some shellers. Their case will be that they have either bought or sold large quantities of 1967 crop peanuts on the assumption that the preliminary announcement would not be changed. I point out that there is not a one of these people but who is familiar with the law—that is, that the final price support announcement is made after the August crop report is available. It is disheartening to have observed in the past that those who wanted to speculate in such a manner could thus close the door on producers getting a nearer fair price for the commodity they produce. In the past few years, it has been my observation that a telephone call from a large manufacturer was more effective in Washington at the United States Department of Agriculture than hundreds of sound, straightforward producers stating their case. We hope this situation will change.

"Peanut producers recognize that we are producing more peanuts than we have a domestic edible market for. We recognize that application of new technology has caused us to increase yields per acre faster than we have been able to increase consumption and that the peanut program is costing more than we would prefer. However, I must point out that a part of the increased cost of the program could be avoided by less costly means of diverting the surplus. Virginia growers have on numerous occasions recommended specific legislative and administrative changes which would reduce the cost of the peanut program and have had specific legislation introduced in the Congress to accomplish this purpose. We have been unable to get the backing necessary within the Department to accomplish these goals. Therefore, we feel it is very unfair to blame peanut producers for not having a less costly price support program and use the cost of the program as a reason for not giving producers a very modest increase in price support level.

"I do not believe there is any economic group in our country more interested in or more willing to cooperate in bringing about economies in the operations of the various governmental programs than are our people who produce the food and fiber for this country and a good part of the free world. At the same time, we do not understand why agriculture, in this case peanut producers, must be singled out for economies when the same Administration continues to foster costly new programs such as the poverty program and every type of foreign giveaway program. Agriculture remains as a second class economic group in this country and we are appealing to the Administration for action rather than further studies, words, and statements about goals, bargaining power and muscle in the market place.

"Virginia Peanut growers have again recently submitted recommendations for legislative changes which will result in parity prices for peanuts used in our domestic market. We recommend U.S.D.A. support and provide leadership to attain this goal. Although in the past, every study of parity of income which I have observed has indicated that parity prices will still fall short of parity of income—that is to say the same average income for investment, labor and management as is the average for other segments of our economy; we feel that a program which will return parity prices would be a major step forward, a just step, an equitable step and a step that would be supported by our American consumers who, when given the true facts, are fair-minded.

"The Secretary may be assured that our growers will continue to work with those in the Department and those in the Legislative branch of our Government and any other group in an effort to achieve the foregoing."

ISRAEL AND THE SOVIETS

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. MADDEN. Mr. Speaker, it is amazing to learn from the news media that the Soviet Government is now demanding that the relatively small territory gained by Israel in the recent conflict should be returned to their enemy neighbors.

The Soviets should be reminded emphatically when this discussion comes up in the United Nations that their attitude toward Israel might be taken seriously if the Soviet Communist Government returned freedom and independence to the millions whom they enslaved in central Europe. The Soviets should first return its enslaved nations to the control of the conquered people.

The free world knows the methods used by the Soviets when they aggressed and, through military might, enslaved Poland, Slovakia, Lithuania, Romania, Hungary, and all peoples in the Balkan nations' area.

The Soviets, under Stalin and Khrushchev, not only enslaved the people remaining in their homeland but deported millions into the wilds of Siberia to work and die in slave labor camps. The world knows that the 14,000 Polish leaders, doctors, lawyers, clergymen, military officials, and intelligentsia were murdered in the Katyn Forest and also others in extermination prisons during the early days of World War II.

The present-day rulers of Communist Russia should now repent for the millions who starved in the Ukraine after the Soviet army moved their grain crops to Russia.

These questions should be presented to the Soviet representatives when they appear at the United Nations demanding that Israel return the small territory adjacent to its borders during the short duration of combat 2 weeks ago.

Along with my remarks, I ask unanimous consent to include a resolution unanimously adopted by the Lithuanians of East Chicago, Ind., on this question.

RESOLUTION

We the residents of Lithuanian descent in East Chicago, Indiana and Lake County gathered here to commemorate the 27th anniversary of mass deportation of the Lithuanian people to Siberian concentration camps are animated by a spirit of solidarity, united by a common bond resisting the brutality of the Soviet military police force.

Gravely concerned with the present state of affairs in our enslaved country we strongly protest Soviet Russia's aggression and the very cruel crimes perpetrated by Soviets in occupied Lithuania: Murder and yearly systematic deportations under various guises to forced labor camps in Soviet Russia; Colonization of Lithuania by the Soviets; Persecution of the faithful; Distortion of the Lithuanian culture and finally, the transformation of it into a Russo-Communist hybrid.

We are requesting that the U.S. government raise the issue of the freedom of the Lithuanian people and the other Baltic States in the United Nations. The purpose of this would be to regain the independence and sovereignty to Lithuanian people and its member Baltic States. We strongly support our government policy in Viet Nam, by condemning Soviet aggression in the free countries of the world, we are making the world safe for democracy.

Be it resolved, that this resolution be forwarded to the President of the United States and copies be sent to the Secretary of State and to the respectful Senators and Representatives of the state of Indiana and to the press.

COMMITTEE COMMEMORATING THE DEPORTATION OF THE LITHUANIAN PEOPLE,
KAZYS VALEIKA, *Chairman*.
S. KARVELIS, *Secretary*.

NEED FOR ANTIRIOT LEGISLATION

Mr. EDWARDS of Alabama. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. EDWARDS of Alabama. Mr. Speaker, I am joining with the distinguished gentleman from Florida [Mr. CRAMER] in asking the Rules Committee to grant a rule so that we can bring to the floor H.R. 421, which is similar to my bill H.R. 7612.

This legislation is designed to prohibit persons from traveling in interstate commerce or from using any facilities in interstate or foreign commerce for the purpose of instigating riots or violent disturbances in the communities of our Nation.

If we needed any reminder of the existence of organized plans for riots during these next months, we have had this reminder during the past 3 days in Tampa, Fla., Montgomery, Ala., and Cincinnati, Ohio.

No city in the United States will be exempt from these disorders. Washington, D.C., Milwaukee, Wis., and Oakland, Calif., have been put on notice along with other communities from coast to coast.

This legislation does not limit the constitutional rights of anyone to engage in legitimate protests or responsible picketing. These legitimate rights are rights that must be protected.

There are people in our midst, however, who are skillfully and professionally engaged in efforts to incite and promote violence in the form of riots with the objective of spreading hate, fear, and the breakdown of law and order.

The organizers of these riots are not interested in the constitutional rights of anyone. To the contrary, they are fanatically dedicated to the destruction of our constitutional rights in favor of outright violence.

Citizens of our country should no longer be misled by the efforts of these people to camouflage their activities under the cloak of nonviolence. The instigators of today's riots used nonviolence only so long as it served their ultimate purpose, and today openly employ and encourage the use of violence.

This week, for example, in the area of Montgomery, Ala., the Student Nonviolent Coordinating Committee has been engaged in gun battles with police. The group's leaders advocate scorn for the laws of the country, and seek to destroy law and order in any way possible.

The new chairman of that organization is Mr. Rap Brown, who is quoted as saying in Atlanta this week that Negro soldiers in Vietnam should "come home to the defense of their mothers and families."

Mr. Speaker, the Judiciary Committee has failed to act. We must get this proposed legislation to the floor of the House where it may be debated and considered. I find it hard to believe that very many Members of the House would object to seeing the proposal considered.

In my judgment it is vitally important that we debate this legislation soon and that we give proper and adequate consideration to the proposal to penalize those persons who seek to incite and promote riots with the objective of destroying law and order in communities across the land.

DISMISSING THE CONTESTED ELECTION CASE OF WYMAN C. LOWE, CONTESTANT, AGAINST FLETCHER THOMPSON, CONTESTEE, FIFTH CONGRESSIONAL DISTRICT OF GEORGIA, AND DENYING PETITION OF WYMAN C. LOWE RELATIVE TO GENERAL ELECTION ON NOVEMBER 8, 1966, IN SAID DISTRICT AND STATE

Mr. ASHMORE, from the Committee on House Administration, reported the following privileged resolution (H. Res. 541, Rept. No. 365), which was referred to the House Calendar and ordered to be printed:

H. RES 541

Resolved, That the election contest of Wyman C. Lowe, contestant, against Fletcher Thompson, contestee, Fifth Congressional District of the State of Georgia, be dismissed, and that the petition (numbered 75) of Wyman C. Lowe relative to the general election on November 8, 1966, in the Fifth Congressional District of the State of Georgia be denied.

CONTESTED ELECTION CASE OF JAMES A. MACKAY, CONTESTANT, AGAINST BENJAMIN B. BLACKBURN, CONTESTEE, FOURTH CONGRESSIONAL DISTRICT OF THE STATE OF GEORGIA

Mr. ASHMORE, from the Committee on House Administration, reported the following privileged resolution (H. Res. 542, Rept. No. 366), which was referred to the House Calendar and ordered to be printed:

H. RES. 542

Resolved, That Benjamin B. Blackburn was duly elected as Representative from the Fourth Congressional District of the State of Georgia to the Ninetieth Congress and is entitled to his seat.

PROPOSED SUBSTITUTE AMENDMENT FOR HOUSE JOINT RESOLUTION 559

Mr. ADAMS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Washington.

There was no objection.

Mr. ADAMS. Mr. Speaker, at this point in the RECORD I should like to have printed a copy of House Joint Resolution 585, which is the proposed substitute amendment that will be offered tomorrow in the Committee of the Whole.

The substitute amendment will be as follows:

H.J. RES. 585

Joint resolution to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees

Whereas the labor dispute between the carriers represented by the National Railway Labor Conference and certain of their employees represented by the International Association of Machinists and Aerospace Workers; International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers; Sheet Metal Workers' International Association; International Brotherhood of Electrical Workers; Brotherhood of Railway Carmen of America; International Brotherhood of Firemen and Oilers functioning through the Railway Employees' Department, AFL–CIO, labor organizations, threatens essential transportation services of the Nation; and

Whereas Emergency Board Numbered 169 (created by Executive Order 11324, January 28, 1967, 32 F.R. 1075) has made its report; and

Whereas, under procedures for resolving such dispute provided for in the Railway Labor Act as extended and implemented by Public Law 90–10 of April 12, 1967, as amended, the parties have not succeeded completely in resolving all of their differences through the processes of free collective bargaining; and

Whereas related disputes have been settled by private collective bargaining between the carriers and other organizations representing approximately three-quarters of their employees, so that the present dispute represents a barrier to the completion of this round of bargaining in this industry; and

Whereas a Special Mediation Panel appointed by the President upon enactment of Public Law 90–10 proposed settlement terms to assist the parties in implementation of the collective bargaining envisaged in the recommendations of Emergency Board Numbered 169; and

Whereas it is desirable to provide procedures for the orderly culmination of this collective-bargaining process; and

Whereas the national interest, including the national health and defense, requires that transportation services essential to interstate commerce be maintained; and

Whereas the Congress finds that an emergency measure is essential to security and continuity of transportation services by such carriers: Therefore, be it.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a Special Board for the purpose of assisting the parties in the completion of their collective bargaining and the resolution of the remaining issues in dispute. The Special Board shall consist of five members to be named by the President. The National Mediation Board is authorized and directed (1) to compensate the members of the Special Board at a rate not in excess of $100 for each day together with necessary travel and subsistence expenses, and (2) to provide such services and facilities as may be necessary and appropriate in carrying out the purposes of this resolution. Such Special Board shall have the power to sit and act in any place within the United States and shall conduct such hearings, public or private, as it may deem necessary or proper to carry out the purposes of this resolution. For the purposes of any hearing or inquiry conducted by any Special Board appointed under this resolution, the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (15 U.S.C. 49 and 50, as amended), are hereby made applicable to the powers and duties of such Special Board.

SEC. 2. The Special Board shall attempt by mediation to bring about a resolution of this dispute and thereby to complete the collective bargaining process.

SEC. 3. The several departments and agencies of the Government shall cooperate with the Special Board in the discharge of its duties and, upon request, shall furnish such information in their possession relative to the discharge of such duties, and shall detail from time to time such officials and employees, and perform such services as may be appropriate. The National Mediation Board is further authorized and directed to reimburse such other agencies for assistance in carrying out the purposes of this resolution as may be appropriate.

SEC. 4. If agreement has not been reached within ten days after the enactment of this resolution, the Special Board shall hold hearings on the proposal made by the Special Mediation Panel in its report to the President of April 22, 1967, in implementation of the collective bargaining contemplated in the recommendation of Emergency Board Numbered 169, to determine whether the proposal (1) is in the public interest, (2) is a fair and equitable extension of the collective bargaining in this case, (3) protects the collective-bargaining process, and (4) fulfills the purposes of the Railway Labor Act. At such hearings the parties shall be accorded a full opportunity to present their positions concerning the proposal of the Special Mediation Panel.

SEC. 5. Within such time as the Special Board may determine, but not to exceed fifteen days after its establishment, the carrier parties to the dispute shall be required to submit to the Special Board a last offer of settlement of the issues in dispute. Within twenty days thereafter the National Mediation Board, with such assistance from other agencies as may be necessary, shall take a secret ballot of the employees of each carrier involved in the dispute on the question of whether they wish to accept the offer. The result of such ballot shall be certified to the Special Board. If the majority of the employees vote to accept such proposal, such determination shall be binding on the parties. If the carriers' offer is rejected, the representatives of such employees shall within five days after certification of rejection submit to the carriers, with copies to the Special Board, a counteroffer, which shall within five days be accepted or rejected. If agreement has not been reached by the parties by use of the above-rated offer and counteroffer, then the Special Board shall continue holding hearings as set forth in section 4 as implemented by the stated public positions set forth in this section. The Special Board shall be authorized to make public any or all of the proceedings and issue such reports to the President, the Congress, and the public as it may deem appropriate.

At such hearings the parties shall be accorded a full opportunity to present their positions concerning the proposal of the Special Mediation Panel.

SEC. 6. On or before the sixtieth day after the enactment of this resolution, the Special Board shall make its determination by vote of a majority of the members and shall incorporate the proposal of the Special Mediation Panel with such modification, if any, as the Special Board finds to be necessary to (1) be in the public interest, (2) achieve a fair and equitable extension of the collective bargaining in this case, (3) protect the collective bargaining process, and (4) fulfill the purposes of the Railway Labor Act. The determination shall be promptly transmitted by the Special Board to the President and to the Congress.

SEC. 7. If agreement has not been reached by the parties upon the expiration of the period specified in section 11, the determination of the Special Board shall take effect and shall continue in effect until the parties reach agreement, or if agreement is not reached, until such time, not to exceed two years from January 1, 1967, as the Special Board shall determine to be appropriate. The Special Board's determination shall have the same effect (including the preclusion of resort to either strike or lockout) as though arrived at by agreement of the parties under the Railway Labor Act (45 U.S.C. 151 et seq.). At the time the determination of the Special Board shall take effect, the President shall direct the Attorney General to petition any district court having jurisdiction of the parties for the appointment of a special receiver or receivers to take immediate possession in the name of the United States of any carrier which is subject to such dispute and to use and operate the equipment and facilities of any such carrier in the interest of the United States, and if the court finds that the exercise of the power and authority provided by this resolution is necessary to protect the national health, safety, or the public interest, it shall have jurisdiction to appoint such receiver or receivers and to make such other orders as may be necessary and appropriate to carry out this resolution.

Any suit, action, or proceeding under this resolution against an employer, or a labor organization, or other persons subject thereto involving two or more defendants residing in different districts may be brought in the judicial district whereof any such defendant is an inhabitant; and all process in such cases may be served in the district in which any of them are inhabitants or wherever they may transact business or be found.

The several district courts of the United States are invested with jurisdiction to prevent and restrain violations of this resolution. Whenever it shall appear to the court before which any such proceeding may be pending that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned whether they reside in the district in which the court is held or not, and subpenas

to that end may be served in any district by the marshal thereof.

In any case, the Act of March 23, 1932, entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes" (47 Stat. 70; 29 U.S.C. 101–115) shall not be applicable.

The order or orders of the court shall be subject to review by the appropriate circuit court of appeals as provided in sections 1291, 1292 of title 28, United States Code, and by the Supreme Court upon writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

SEC. 8. Whenever a district court has appointed a receiver or receivers pursuant to the provisions of this resolution, or has issued such other orders as may be necessary to carry out the purpose thereof, it shall be the duty of the parties to the labor dispute giving rise to such action to make every effort to adjust and to settle their differences, with the assistance of the National Mediation Board. During the period in which possession of any carrier has been taken under this resolution the United States shall hold all income received from the operation thereof in trust for payment of general operating expenses, just compensation to the owners as hereinafter provided, and reimbursement to the United States for expenses incurred by the United States for the operation of any such carrier. Any income remaining shall be covered into the Treasury of the United States as miscellaneous receipts. In determining just compensation to owners of the carriers, due consideration shall be given to the fact that the United States took possession of such carrier when its operation had been interrupted by a work stoppage or that a work stoppage was imminent; the fact that the carriers or the labor organizations, as the case may be, have failed or refused to comply with recommendations for settlement made during proceedings under this resolution; the fact that the United States would have returned such carrier or carriers to its owners at any time an agreement was reached, and to the value the use of such carriers would have had to the owners in the light of the labor dispute prevailing, had they remained in their possession during the period of operation.

SEC. 9. The President may appoint a Compensation Board to determine the amount to be paid as just compensation under this resolution to the owner or owners of the carriers of which possession is taken. For the purpose of any hearing or inquiry conducted by any such Compensation Board the provisions relating to the conduct of hearings or inquiries by special boards as provided in section 1 of this resolution are hereby made applicable to such hearing or inquiry. The members of Compensation Boards shall be appointed by the President and compensated in accordance with the provisions of section 1 hereof.

The award of the Compensation Board shall be final and binding on the parties unless within thirty days after the issuance of said award either party moves to have the award set aside or modified in the United State Court of Claims in accordance with the rules of such court.

SEC. 10. Any carrier or carriers of which possession has been taken under this resolution shall be returned to the owner thereof as soon as (1) agreement has been reached with the representatives of the employees settling the issues in dispute, or (2) the President finds that the continued possession and operation of any such carrier or carriers by the United States is no longer necessary to the national health, safety, or the public interest.

SEC. 11. The provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160), as heretofore extended by law, shall be hereby extended until 12:01 o'clock antimeridian of the ninety-first day after enactment of this resolution with respect to the dispute referred to in Executive Order 11324, January 28, 1967.

SEC. 12. If any provision of this resolution or the application of such resolution to any person or circumstance shall be held invalid, the remainder thereof, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

NEW YORK LOTTERY

Mr. MURPHY of New York. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MURPHY of New York. Mr. Speaker, on Monday of this week an article in the New York Times quoted New York State officials as saying that the sale of lottery tickets in banks had fallen 20 percent. In addition, many banks will not participate because they allege that the compensation they receive for selling tickets is inadequate.

The result is obvious. With sales off and compensation down, savings accounts and business deposits will now be supporting the sale of lottery tickets in banks.

Therefore, I call on all banks in the State of New York with federally insured accounts to voluntarily cease to act as vending agents for the lottery. It should be clear by now that this practice is contrary to—and even endangers—the principles of thrift. When the people of New York approved the lottery in a State referendum there was nothing said about using thrift institutions to sell lottery tickets. I think a more appropriate source can and should be used to sell these tickets.

Also, I can call on Governor Rockefeller to make a study to determine where the majority of lottery tickets are now being sold. I think such a study would show, as earlier testimony predicted, that the tickets are sold primarily in poverty areas.

The bill to prevent banks from selling lottery tickets, which I cosponsored with the chairman of the Banking Committee, the gentleman from Texas, the Honorable WRIGHT PATMAN, has now passed the House Banking Committee by a vote of 19 to 11 and hopefully it should reach the floor by mid-July. In addition, Federal agencies are supporting this legislation. I hope that the banks will meet their obligation to the public by voluntarily withdrawing from the lottery without waiting for the passage of this legislation.

LEGISLATIVE PROGRAM FOR THE BALANCE OF THE WEEK

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, I take this time to ask the distinguished majority leader the program for the rest of the week and any comments he might be able to make at this stage as to the program that will follow.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD. R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. In response to the inquiry of the gentleman, we shall continue tomorrow consideration of the joint resolution which we have had under consideration today. It is expected that that is probably all we will be able to do tomorrow, and in that event we will pick up on Tuesday with H.R. 10480, a bill to prohibit the desecration of the flag.

Mr. GERALD R. FORD. That will be on the program for next Tuesday?

Mr. ALBERT. On Tuesday of next week, in the event it is not reached tomorrow.

Mr. GERALD R. FORD. Can the gentleman inform the Members as to when the conference report on the selective service bill will be reached?

Mr. ALBERT. Probably next week. If we were to finish early enough, and the gentleman from South Carolina should desire to do so, and the action was concurred in by the gentleman from Massachusetts, we might go on with it tomorrow. But we expect only to finish this bill.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Texas.

Mr. PICKLE. I thank the gentleman for yielding. Will he advise the Members as to the time tomorrow the House intends to convene?

Mr. ALBERT. I was getting ready to ask the gentleman from Michigan to yield for that purpose. I do so now.

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today that it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

SPECIAL ORDER OF HON. TOM STEED OF OKLAHOMA

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that the special order for today for Congressman STEED, of Oklahoma, be vacated, and that he be granted a special order of 60 minutes on Tuesday, June 20, after all other business and special orders previously granted on that day, and that he be permitted to revise and extend his remarks and include extraneous material.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE BALTIC STATES

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman

from Illinois [Mr. RUMSFELD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. RUMSFELD. Mr. Speaker, it was 27 years ago that the Baltic States of Lithuania, Latvia, and Estonia fell under the domination and rule of Communist governments not of their choosing. The people of these countries have been subjected to a totalitarianism that is alien to their history of democracy and freedom. We are mindful of the tragic events which brought about the loss of independence and national sovereignty of these countries and of the sufferings of hundreds of thousands of their citizens. We pay honor and tribute to these valiant people and join with them in renewing our faith in the cause of freedom and our commitment to human liberty and justice for all.

THE BALTIC STATES

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DERWINSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, this week nationwide observances are being held to commemorate the illegal seizure of the Baltic States by the Kremlin. The primary purpose of this commemorative week is to remind citizens of the United States of the illegal Soviet control of Lithuania, Latvia, and Estonia and the necessity of restoring legitimate freedom to the Baltic peoples.

We must note, Mr. Speaker, that even our spineless State Department has not formally approved the Soviet Union's seizure of the Baltic States although ratification by the Senate of the Consular Convention could be used by the Soviet Union as a vehicle for maneuvering a U.S. consulate into that area, which would then be tantamount to recognition of the seizure.

We must recognize that permanent peace and freedom will not come to this troubled world unless the peoples of the Baltic States and all of the other captive nations of communism are permitted to determine governments of their own choosing, in conformity with historical traditions and national aspirations.

I, therefore, am pleased to join numerous House Members in making special note of this week commemorating the tragic seizure of the Baltic States by Stalin and point out that we must reappraise the present foreign policy of appeasing the Soviet Union and instead develop an imaginative diplomatic offensive against the Russian dictatorships.

I remain completely opposed to aid and trade subsidy of Communist governments since this perpetuates Red control over their captive populations. Unfortunately, the Johnson administration is frantically pursuing coexistence with Eastern European Communist governments despite their involvement against us in Vietnam. We should organize a free world economic offensive against the Communist governments rather than subsidize them.

INSPIRING MESSAGE FROM YOUNG AMERICA

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Oregon [Mr. WYATT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WYATT. Mr. Speaker, approximately 2 weeks ago I received a letter from a young man which is extremely thought-provoking, particularly since it was written on the eve of his volunteering for service in the U.S. Army.

In these days of protests, riots, and general lack of respect for law and order, it is truly heartwarming to see such a shining example of idealism as exemplified in his letter. His sincerity and the depth of his intensity was so inspiring to me that I thought it would be to others and I consequently requested and received his permission to have his letter reprinted in the CONGRESSIONAL RECORD, as follows:

CORVALLIS, OREG.

Representative WENDELL WYATT,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN: Thank you for the opportunity to express my opinions in regard to what you call "thorny problems." In most cases, I have simply answered yes or no. Those responses to which I hold a more dogmatic opinion, I have underlined. To others, which I felt needed certain qualifications, I wrote short qualifying statements. The remainder of this letter is my opinion regarding one of the questions upon which I feel there is much which *needs* to be said.

Is the war in Viet Nam an "illegal, immoral, and completely unjustifiable American military intervention in Asia"? My answer is a most emphatic *NO!* It is appalling to me to hear such a naive assertion, and I find that I must guard my thinking and my tongue closely, lest I quickly label persons as "Communist" who would utter such statements. Such a statement is indeed an asset to the Communist intent and promotes their propaganda war. Yet I must constantly realize that the right of dissent is here in use, without which we would be equally as guilty of promoting the ideals of Communism.

Therefore, although I may not agree with such a statement and can not help but question the mind behind it, I must respect the right to express an opinion. Personally, I believe we are *entirely* justified, legally and morally, by our position in Viet Nam. It is sad to realize that of all the nations now free from Communist control, only a few are willing to give their wealth of resources and men to secure that same freedom for another country. Mr. Wyatt, I am only 21 years of age. I did not help start our country. I have yet done little to promote its future. But I am old enough to sense and deeply appreciate the human sacrifices which underlie the rich, God-given heritage we enjoy.

Recently I heard a speech given by a Senator which has given me cause to wonder if that heritage is being forgotten. I found it hard to believe that what I heard coming from the lips of one man, was representative of the hearts and minds of many people. (I sincerely hope that what I heard was *not* the voice of America's people, for my faith in her people would be seriously shaken if that were true.) Although I cannot recall the exact words of his message, it was very clear that, concerning our commitment to Viet Nam, he thought we should unconditionally pull out, sit back in our 19th century rocking chairs and let the rest of the world go to Communism. He seemed to think that because we are surrounded on all sides by water, we are safe, self sufficient and need not fear outside aggressors. It seems to me that a prominent leader of our country once thought the same thing—to his everlasting discredit! Haven't we learned from history the folly of such narrow-mindedness? We *can not* separate ourselves from the rest of the world! We need the rest of the world and it needs us. To isolate ourselves would be to cut our own throats, as well as the throats of others. Would that be morally right? I submit that we *do* have a moral obligation: to ensure that *any* country, such as Viet Nam, sees both sides of the coin before the coin is flipped, giving freedom or bondage. And should the coin come up freedom, we are justified *in the name of freedom,* to protect and promote the continuance of that freedom—even to the point of military intervention where such intervention is made necessary. If we are not willing to defend another's freedom, we have no legal right, *or* morally justified right, to claim such freedom for ourselves. If others lose their freedom, then in the end we too shall lose ours, for we *can not* stand alone. Freedom without expression is not freedom: *it is bondage. That* is why we are in Viet Nam—why we *must* stay and why we *must* fight *to win.*

In connection with this, I recommend to you the article "I Died a Soldier" on page 103 of the May issue of the Reader's Digest. And when you have read that, consider again these words from Abraham Lincoln:

"The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us, the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we highly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom; and that government of the people, by the people, and for the people, shall not perish from the earth." (Gettysburg, Nov., 1863).

I write to you, Mr. Wyatt, bacause you are my voice. Through you, my voice and my opinions are heard where they count most. I write to you because I am proud to be an American. I am also proud of the fact that, starting June 1st, I *voluntarily* enter the United States Army, to live, fight and, yes, possibly die for what I believe is legally, morally and justifiably right: "that government of the people, by the people, and for the people, shall not perish from the earth."

Sincerely and respectfuly yours,
ELWOOD R. RICHTER.

FLAG DAY

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. KEITH] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. KEITH. Mr. Speaker, on this Flag Day when legislation is pending to make

it a Federal offense to publicly desecrate the symbol of the United States, it is important that we keep in mind the real nature of the flag and that for which it stands. When incoherent and irrational vandals burn or otherwise defile the flag, they insult all that it represents, but they cannot really debase either the flag or its principles.

This morning's Washington Post, in a thoughtful editorial pointed out:

What is defaced is a piece of bunting, a scrap of textile, a printed image. What is beyond the reach of the rancor of vandals and the obscenities of demonstrators is a flag not made of cloth—but an image that rises in the minds of Americans when they think of all that is good in their nation and noble in their country and deserving in their countrymen.

Mr. Speaker, despite reservations as to the need for and the possible constitutionality of H.R. 10480, I will vote for its passage tomorrow. However, I would like to go on record as supporting the sentiments so well expressed in the following June 14 Washington Post editorial:

FLAG DAY 1967

Flag Day, this year, comes at a time when disrespectful treatment of the national emblem has aroused concern and inspired legislation to punish the desecration of this symbol of the Nation. The legislation may be superfluous, given the existence of state laws that make this sort of misconduct punishable as a misdemeanor. But there does seem to be need for some broader understanding of the things for which the flag stands.

It is not, as many of those who defile it seem to think, the mere trademark of a current policy of one administration or one officeholder. It remains, through one administration after another, the flag of the Nation, the symbol of the country, the banner of all its people of all conditions and views. To deface it or to desecrate it as a means of reproaching passing policy, besides being an offense to every American, is an acknowledgement that the offender is ignorant of the nature of the symbol. It is besides an admission that the flag-destroyer lacks the verbal facility and intellectual capacity to articulate a political argument in terms intelligible to literate persons. And it is, in addition, an insult to all the great principles for which the flag stands, including the principles that shield those in a democratic society who avail themselves of the right to voice dissent.

No law can prevent, no punishment completely restrain, the few disturbed and unbalanced people who defile the flag; but fortunately, no desecration that they contrive can really debase the flag or its principles. What is defaced is a piece of bunting, a scrap of textile, a printed image. What is beyond the reach of the rancor of vandals and the obscenities of demonstrators is a flag not made of cloth—but an image that rises in the minds of Americans when they think of all that is good in their Nation and noble in their country and deserving in their countrymen. That is the flag that no irreverent hand can harm.

That flag never will be disfigured by anything but acts and deeds unworthy of the principles for which it stands. Vandals may trample upon a million copies of it, defile a million replicas, but it will fly as bravely as ever and stir as profoundly as ever the emotion and pride of American citizens.

HATCH ACT LIBERALIZATION WOULD ENDANGER CIVIL SERVICE MERIT SYSTEM

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. NELSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. NELSEN. Mr. Speaker, may I commend to my colleagues the testimony of Mr. David T. Stanley, of the Brookings Institution, given before the Commission on Political Activity of Government Personnel on May 16, 1967. That Mr. Stanley is eminently qualified to render expert testimony in this instance is evident from his background of 28 years of Federal service in administrative and management positions and the numerous studies he has made during this time of personnel and civil service problems in both Federal Government and the government of the States of Virginia, Maryland, California, and New York and of the cities of Los Angeles, Cincinnati, Detroit, Birmingham, Philadelphia, and New York.

Mr. Stanley puts in sharp perspective and answers the major question confronting the Hatch Act Commission: Should we liberalize the act, and if so, what are the possible ramifications? Mr. Stanley believes that to allow those Federal employees who are now covered by the Hatch Act to engage in partisan politics would be a step backward and a threat to the civil service merit system. Specifically, he disagres with a Civil Service Commission recommendation that certain areas throughout the country impacted by Federal employees be permitted to engage in purely partisan politics. I include his testimony, together with questions and comments of Commission members which followed, in the RECORD at this point:

STATEMENT OF MR. DAVID T. STANLEY, SENIOR STAFF, BROOKINGS INSTITUTION BEFORE THE COMMISSION ON POLITICAL ACTIVITY OF GOVERNMENT PERSONNEL, MAY 16, 1967

My name is David T. Stanley. I am a member of the Governmental Studies Senior Staff of the Brookings Institution. I have been there since 1961. Before that I had 22 years of Federal service in administrative and management positions. I have made major personnel studies in the Federal Government, in the State of Virginia, and in the government of the City of New York. I have been a consultant with the State of Maryland and have explored both personnel and civil service problems of the States of California and New York and the cities of Los Angeles, Cincinnati, Detroit, Birmingham, and Philadelphia.

Two years ago I wrote a rough statement on the subject of amending the Hatch Act and, among other things, I recommended it would be a good idea to appoint a responsible commission to take a fresh look. I had some conclusions in there that I now completely reject. So it is nice to have a couple of years go by.

I commend your effort and I am very happy that such an important and qualified body is doing this important study.

I presume that, like others making such studies and like those of us who make other studies in the public service, you may feel pressure to make changes. Perhaps you may feel pressure particularly to make changes in the direction of liberalizing "the Hatch Act." I would urge caution upon you and urge that you examine the actual as well as the avowed motives of those who urge such liberalization upon you.

You have a very difficult problem and there are many considerations of equity in this problem. I would like to emphasize one aspect above others.

I have devoted my working life, as have you gentlemen who are present have, to efforts to improve the quality of the public service. I believe in it very deeply, and I believe further that it has a long way to go. It is very difficult to get well-qualified people into the public service and to keep them there. I can refer you to a few of the materials I have written on this matter. It seems to me that the paramount consideration, above all, is that if anything that is done as a result of your recommendations would weaken the integrity or the caliber of the public service, this would be most unfortunate.

Now let me digress for just a moment to say something I should have said at the very beginning.

I am speaking for myself and not for the trustees, officers, or other staff of the Brookings Institution.

There seems to me to be ample evidence, both large and small, that civil services, that merit systems, are hard pressed to maintain their gains. There is continuing pressure on the part of partisan politics in the opposite direction. If one reads the annual reports of the Public Personnel Association on this subject, one discovers that significant extensions of merit systems in State and local governments have slowed down. Extensions are rare. A few years ago it was authoritatively reported that something like half of the employees of all the States were covered by formal merit systems. I don't know what the count would be now, but probably it is not much above that.

Even established allegedly fair comprehensive merit systems tend to be partial in their coverage and in their effectiveness. They tend to be underfinanced. I have seen some where a partisan politician who is a member of the State legislature would refer a friend for a position in the government of that particular State; the friend would go down to the merit system office, take a simple examination, and step over to the department and take the job.

In the Federal service, too, which generally speaking, has achieved a higher level of accomplishment in public personnel administration than State and local governments, I am sure each and every one of the Members of the Commission is not unaware of partisan pressures that have intruded into the civil service itself. I am aware of one example, which, of course, I shall not identify for you, of an administrative officer, Grade 14, in an important bureau who was placed in that position by nothing but political endorsement.

I have worked with another State—I will not identify this one—a State where the administrative officials, who were under civil service, were making a grave effort to upgrade the quality of their work. I asked them, "What about the leadership you get from your political officers in this effort?" They said, "Well, the leadership will have to come from us."

In another State I am familiar with a situation where the jobs of directors of State parks are filled by direct referral from members of the State legislature. They are now tying to upgrade these positions, which means they would like to have people with high school diplomas take these park director jobs.

I have been in a State where personnel directors of departments and agencies of this State government have been campaign managers for the gentleman who happened to have been elected governor of that State.

Well, these may be small things, they may be scattered things, but each of us who have delved into the public service situation in this country can cite similar examples. They all add up to cause for concern. They add up to a belief on my part that civil service reform in the United States may have reached a high-water mark, may have reached a peak, unless there is renewed citizen interest, un-

less Senator Muskie and his subcommittee in the Senate make some substantial progress in extending the merit system.

It is a never-ending struggle. It is hard enough to stay where we are in maintaining civil services that are rigorous enough in the old-fashioned sense and yet flexible enough to meet the needs of modern government management without making renewed concessions to partisan politics.

Now, I favor partisan politics and I am interested in it, and many political leaders of both parties favor strengthening the public service. I point out, however, that this is one of many pressures that beat upon legislative leaders, upon Congressmen, upon mayors, upon governors, and upon members of city councils.

This brings me to the position I really would like to take before you, which is one of general support for the Civil Service Commission recommendations on the Hatch Act, as advocated to you by Chairman Macy, with one major exception. I think, incidentally, that the staff work done on that particular presentation was very praiseworthy. I agree with and support all of the Civil Service Commission's recommended changes with the exception that I do not agree that any partisan participation by employees now covered by the Hatch Act would be desirable.

In the first place, it seems to me that this would be an important symbolic step backwards from traditional civil service and merit system values.

Second, it seems to me that day by day, week by week, year by year employees and officials will inevitably get involved with political organizations. Political organizations are known for the effectiveness of their communications among different levels of government. There will be pressures that will tend to ramify both up and down from wherever the pressure points are.

Now, you add this to the fact that many government decisions on program and on administration are razor-close decisions, decisions on where to place a facility, decisions on whom to employ among several apparently equally qualified candidates, decisions on recommended legislation. These close decisions are influenced, perhaps consciously perhaps subconsciously, by all the pressures that beat upon the administrative official involved. If he, in addition to being an official of the program or of the administration, is also involved in partisan politics, even to a modest degree, this will subject him to communications, to recommendations, it will involve him even in a minor way in matters related to deals, favors, compromises, which are the life blood of partisan politics but which, in my judgment, are very bad for the life blood of the civil service.

I think what I say is especially important in this day when more and more Federal programs are being carried out by benefit of grants-in-aid to State governments and, therefore, raises in my mind the probability that more and more State employees will be covered by the protective legislation which we are now considering amending.

It is also important in view of the current tendency to make merit systems more flexible.

Many persons will tell you the civil service reform battle has been won and we can now turn our attention to making the personnel officers of the governments serve the purposes of management more effectively. Well, that is well and good, but when you do loosen up and make more flexible the civil service procedures, you invite all manner of considerations, and the more involved the administrative officials are with partisan politics, it seems to me the greater these dangers are.

I have, I think, only one more thing to say.

In general, I have not tried to bring any data before you. I told the staff member who invited me that I didn't have an opportunity to make studies. But I did look into the data collected by the Brookings Institution a few years ago under the books entitled "The Image of Federal Service," and I spoke with Dr. Franklin B. Kilpatrick, the director of that study. Dr. Kilpatrick said, as far as he could remember, when Federal officials and employees were polled on the nature of their work and the desirability of the jobs they held, practically none of them mentioned that they were distressed or inconvenienced or bothered by lack of, well, rights, if you will, by the inability to participate fully as political citizens. In fact, there were so few of them that raised this point that he decided, as a matter of the research methodology, not to set up a category to record these beliefs.

The only other thing from that study that would be at all pertinent is the belief expressed by a few businessmen that they would be unwilling to consider serving in the Federal Government themselves because of the degree of political influence that was used to make decisions which were properly economic decisions or management decisions.

So just to sum up, I am greatly concerned about the future of the public service. I think we have to keep battling to keep it extremely competent, and I am afraid that even a modest retreat from the nonpartisan principle that the Civil Service Commission has advocated would be a nose under the tent, so to speak, and I would recommend against is. Otherwise, I would wholeheartedly endorse all the perfecting changes, the administratively improving changes that are recommended by Mr. Macy.

I will be glad to amplify or answer questions.

Mr. ROGER W. JONES. Thank you very much, Mr. Stanley.

Any questions, Mr. Ramspeck?

Mr. RAMSPECK. I don't believe so, Mr. Chairman. But I just want to tell Mr. Stanley how happy I am to hear him express those opinions, because I hold very much the same opinions, particularly with regard to the problem of maintaining a real merit system not only in the Federal Government but in other governments.

Some years ago when Jim Watson was executive director of the National Civil Service League, he said to me one day, "The spoils system is over."

I said, "I couldn't disagree with you more, because it will never be over."

What happens is that in the Federal Government—this is, at least, what I have found in the many years I have been in Congress—a new member of the Congress coming into the House and the Senate with local government experience where they have no merit system is very much frustrated by the merit system at first. After they have been there a few years they begin to find out that getting dough from people doesn't make political hay. So you have always got this influx of new people and you always have the danger of eliminating the merit system in new agencies or exempting certain people.

I don't think we will ever see the day when we don't need to guard carefully against efforts to take away the protection of the merit system. And, of course, as you know perhaps better than I do, what the difficulty is in getting the right sort of people into the Federal Government. If they object to political pressure, it will be much more difficult.

I am very happy to hear your statement, Mr. Stanley.

Mr. STANLEY. Thank you, sir.

Mr. CHARLES O. JONES. I would like to concur.

Mr. Stanley, when you are referring to the Civil Service Commission's report and that section which you are not in agreement with, do you mean that part dealing with full partisan participation at the local level in those areas where 49 percent—

Mr. STANLEY. I am sorry I didn't make that more explicit. That is the part I am referring to. I concur in the other things, including the spread of the nonpartisan principle to other jurisdictions.

Mr. ROGER W. JONES. Thank you very much. We appreciate your being here.

Mr. STANLEY. Thank you for asking my advice.

RIOTS AND DISTURBANCES

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, the subject of riots is back in the news again. Last Sunday Florida's second largest city, Tampa, was the scene of violence, and today's news includes a report concerning racial disorders in Cincinnati, Ohio, in which from 800 to 900 National Guardsmen were called to duty to quell disorder.

In his annual testimony this year before a House Appropriations Subcommittee, J. Edgar Hoover, Director of the FBI, made a number of references to the issue of violence in the streets, which I insert in the RECORD at this point:

EXCERPT OF STATEMENTS BY J. EDGAR HOOVER BEFORE A HOUSE SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS, FEBRUARY 16, 1967

RIOTS AND DISTURBANCES

No area of the country has escaped unrest and turbulence based on racial and ethnic considerations. Outbreaks ranging from minor disturbances to major violence and actual riots accompanied by looting, arson, and attacks on law enforcement and constituted authority have occurred in several localities.

Unfortunately, some civil rights leaders in the past have condoned what they describe as civil disobedience in civil rights demonstrations. Martin Luther King, Jr., for example, after arriving in Chicago, Ill., early in 1966 in connection with the civil rights drive there, commented about the use of so-called civil disobedience in civil rights demonstrations and said:

"It may be necessary to engage in such acts . . . . Often an individual has to break a particular law in order to obey a higher law."

Such a course of action is fraught with danger for if every one took it upon himself to break any law that he believed was morally unjust, it is readily apparent there would soon be complete chaos in this country. Respect for law and order cannot be a part-time thing. Under such conditions, there only tends to be a growing disregard of the law and its enforcement.

OUTSIDE INFLUENCE IN RIOTS AND DISTURBANCES

For the most part, the riots and disorders that have occurred in this country since the summer of 1964 were sparked by a single incident, generally following an arrest of a Negro by local police for some minor infraction of the law. Although most of the riots and disturbances have been characterized by spontaneous outbursts of mob violence dominated by young hoodlums, the involvement of other violent, lawless, subversive, and extremist elements became readily apparent as the rioting grew and spread.

EXPLOITATION BY COMMUNISTS AND OTHERS

Communists and other subversives and extremists strive and labor ceaselessly to pre-

capitalize racial trouble and take advantage of racial discord in this country. Such elements were active in exploiting and aggravating the riots, for example, in Harlem, Watts, Cleveland, and Chicago.

The riots and disturbances of recent years have given Communists a golden opportunity to emphasize the Marxist concept of the "class struggle" by identifying the Negro and other minority group problems with it. Communists seek to advance the cause of communism by injecting themselves into racial situations and in exploiting them (1) to intensify the frictions between Negroes and whites to "prove" that the discrimination against minorities is an inherent defect of the capitalist system, (2) to foster domestic disunity by dividing Negroes and whites into antagonistic, warring factions, (3) to undermine and destroy established authority, (4) to incite Negro hostility toward law and order, (5) to encourage and foment further racial strife and riotous activity, and (6) to portray the Communist movement as the "champion" of social protest and the only force capable of ameliorating the conditions of the Negroes and the oppressed.

The cumulative effect of almost 50 years of Communist Party activity in the United States cannot be minimized, for it has contributed to disrupting race relations in this country and has exerted an insidious influence on the life and times of our Nation. As a prime example, for years it has been Communist policy to charge "police brutality" in a calculated campaign to discredit law enforcement and to accentuate racial issues. The riots and disorders of the past 3 years clearly highlight the success of this Communist smear campaign in popularizing the cry of "police brutality" to the point where it has been accepted by many individuals having no affiliation with or sympathy for the Communist movement.

The net result of agitation and propaganda by Communist and other subversive and extremist elements has been to create a climate of conflict between the races in this country and to poison the atmosphere.

LEGISLATION TO DESIGNATE THE PUMPING STATION AT THE SNAKE CREEK ARM OF THE GARRISON DAM RESERVOIR IN NORTH DAKOTA AS THE TOTTEN TRAIL PUMPING STATION

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from North Dakota [Mr. KLEPPE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. KLEPPE. Mr. Speaker, I have today introduced legislation to designate the pumping station at the Snake Creek arm of the Garrison Dam Reservoir in North Dakota as the Totten Trail pumping station.

July 17 will mark the 100th anniversary of the establishment of Fort Totten on the southern shore of Devils Lake. It was named for Gen. Gilbert Totten, then Chief of the Engineer Corps, U.S. Army, which in the next century was to construct the massive Garrison Dam. The pumping station at the dam will supply water to raise the level of Devils Lake.

Gen. Alfred H. Terry, commander of the Department of Dakota, established Fort Totten with three companies of the 31st Infantry. At times the post, which still stands as a historic site today, was the headquarters for as many as five companies. General Terry's name in the history of Dakota Territory has been eclipsed by that of one of his subordinates, Gen. George Armstrong Custer. As a footnote, it might be added that this would not have happened had Custer carried out Terry's orders. There would have been no Custer massacre.

Totten Trail—in fact there were three of them—was an important supply and mail link first between Fort Abercrombie, south of Fargo, and Fort Totten. Later it ran from Fort Seward, at Jamestown, N. Dak., to Fort Totten and finally from Fort Stevenson, on the east bank of the Missouri River a few miles West of what is now the town of Coleharbor. This last was perhaps the most important of the Totten Trails. It served as a staging point for much of the considerable freight traffic which moved on the Missouri River.

Totten Trail is a part of the early history of the West. It has been recorded in verse which is perhaps more notable for its historic, rather than esthetic, value. I quote from "North Dakota," an excellent history of the State, complied and published in 1938 by the Works Progress Administration:

Although the Indians of the region were usually quite peaceable, there was occasional trouble with them, particularly on the route to Fort Stevenson along the Missouri. This trail constituted the main channel of transportation and communication for Fort Totten in its early days. An anonymous poem describes what is said to have been an actual occurrence (although the date given is not correct) in which Josh Murphy and Charlie Reynolds—General Custer's scout on the Black Hills expedition, who died with Custer at the Little Big Horn—are carrying the mail into Fort Totten.

"It was in the spring of sixty-four,
Just a little while ere the war was o'er,
That 'twas mine the mail bags to transport
From Stevenson Pass to Totten fort;
Through the rugged passes the route to take
O'er the mountains that frown on Devils Lake;
Those canyons alive with skulking crews
Of the Chippewas and the savage Sioux;
But my heart felt light and my arm felt strong
For brave Josh Murphy rode along."

Josh is shot by Indians and begs his companion to prevent them from taking his scalp. Charlie lifts the dying man to his saddle and Josh's pony dashes into the night.

"We sought for Josh and we struck his trail
In the dew damp notes of the scattered mail;
And we found him at last, scarce a pistol shot
From the picket wall of the fort he sought.
There he proudly lay with his unscalped head
On the throbless breast of his pony—dead!
And the route from the pass to the cedared hill
Is known as the 'Deadman's Journey' still."

AMERICANS HAVE PAID FOR ARAB-ISRAEL CRISIS

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. DEVINE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DEVINE. Mr. Speaker, 2 days ago I introduced H.R. 10760 designed to prevent any U.S. taxpayer money, in the form of foreign aid, or any other program by virtue of public law, administrative order or otherwise, going to any United Arab Republic nation, or other, who have severed diplomatic relations with the U.S. Government.

A number of my colleagues have since introduced similar bills and we will press for early hearings before the Foreign Affairs Committee.

Meanwhile, the following article by Alice Widener is helpful in refreshing our minds about the Federal funds already used for "nonpeace" purposes:

AID BRINGS TROUBLE—AMERICANS HAVE PAID FOR ARAB-ISRAEL CRISIS

(By Alice Widener)

There is one thing sure about the Mideast crisis—we bought and paid for it. If we Americans don't learn now that we can't buy friends or peace, then we must have holes in our heads.

The amount of tax money we have squandered on economic aid to the four small disputant nations in the crisis is almost 1 per cent of our colossal national debt of $320 billion.

Moreover, the total of our aid to Egypt, Israel, Jordan and Syria is illustrative of why our nation has a persistent deficit in its balance of international payments, a deficit mostly responsible for the drain on our gold reserves and flight from the U.S. dollar.

In turn, this drain and flight endanger the savings, investments and pensions of all Americans.

Here are the latest figures from our State Department on U.S. aid to the four disputant nations in the Mideast crisis, fiscal years 1946–66 inclusive:

Egypt	$1,133,300,000
Israel	1,104,500,000
Jordan	572,800,000
Syria	73,300,000

Almost all this vast amount of Americans' hard-earned money was spent in an effort to help develop these underdeveloped nations. Only a small amount was spent on military aid: $11.1 million to Egypt, $27.6 million to Israel, $55.6 million to Jordan, and $100 thousand to Syria.

What is the net result of our aid? We ourselves are now in danger of being dragged into a world war set off by acts of violence prompted by fanaticism and belligerence.

Only a few hours spent in seeing and listening to the Egyptian, Israeli, Jordanian and Syrian delegates at the United Nations Security Council are enough to judge these diplomats' immoderation, aggressiveness and almost total disregard of other nations' security and peace, including that of their greatest benefactor, the United States.

The combined total population of the four nations is only 39,505,000, according to the latest U.N. statistics.

In round figures, Jordan's population is less than 2 million; Israel's is less than 3 million; Syria's is approximately 5 million, Egypt's is 29 million. Yet each disputant has a vote at the U.N. equal to that of the United States.

Today, despite huge amounts of U.S. aid, Egypt is insolvent and in arrears on loans from the International Monetary Fund and U.S. Export-Import Bank.

Like other socialist heads of state in underdeveloped nations, Nasser has a head for Marx but none for sound economics.

Had he followed the excellent economic advice given to his nation at the Bank of

Egypt in March 1954 by Dr. Albert Hunold of the Zurich Institute of International Affairs, Nasser would not now be in the position where he finds it necessary to resort to military blackmail for the purpose of extorting money from Americans.

Our well-intentioned foreign aid, designed to keep the peace and win us friends, has bought us nothing but international troubles, blackmail, enmity and injury to the U.S. dollar.

There used to be an old saying, "Beggars can't be choosers," but due to U.S. foreign aid, they can be choosers today and they can choose war.

THE FLAG SPEAKS

Mr. McDONALD of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. McDONALD of Michigan. Mr. Speaker, as we celebrate this day to mark with respect that flag which represents for all of us the freedoms and rights forged over many generations, it is fitting that this House should consider a bill to make acts of desecration against our national flag a Federal crime.

As the merits of this measure are discussed, I submit for consideration by my colleagues two editorials which appeared recently in newspapers from my area. The first appeared in the Spinal Column, a weekly paper published in Union Lake, Mich. The second in the Detroit News. They read as follows:

[From the Spinal Column, May 24, 1967]

THE FLAG SPEAKS

Filled with significance are my colors of red, white and blue into which have been woven the strength and courage of American manhood, the love and loyalty of American womanhood.

Stirring are the stories of my stars and stripes.

I symbolize the soul of America, typifying her ideals and aspirations, her institutions and traditions.

I reflect the wealth and grandeur of the Great Land of Opportunity.

I represent the Declaration of Independence.

I stand for the Constitution of the United States.

I signify the law of the land.

I tell the achievements and progress of the American people in art and science, culture and literature, invention and commerce, transportation and industry.

I stand for peace and good will among the nations of the world.

I believe in religious and racial tolerance.

I stand for personal liberty.

I proclaim freedom of religion, freedom of press, freedom of speech and freedom of assembly.

I am the symbol of American Democracy and the emblem of National Unity.

I am the heart of America, symbolizing the joys and sorrows, the love and romance of her people.

I wave exaltingly over the school houses of the Land, for Education is the Keystone of the Nation and the Schoolroom is my Citidel.

I am the badge of the Nation's greatness and the emblem of its Destiny.

Threaten Me and Millions Will Spring To My Defense!

I am the American flag!

This article was taken from a booklet published by the Department of Michigan Veterans of Foreign Wars of the United States.

[From the Detroit News, May 22, 1967]

FLAG BURNERS DESERVE PUNISHMENT

When the oratory finally subsides, we trust Congress will enact a dignified, unhysterical law which makes it a federal offense to desecrate the American flag.

The flag is a symbol of the nation per se, not the nation when someone thinks it is right at the moment or wrong at the moment, but the nation itself through all the ups and downs of its course through history.

As such a symbol, it is entitled to a formal respect which should transcend anyone's opinion about the government of the moment. The United States is more than the Johnson administration or any other.

Those who trample or burn the flag because they don't like the Vietnam war engage in a childish tantrum. Their right to protest the war and belabor the government does not necessarily encompass the right to revile the nation itself, or its symbol.

Some of the hyperbole raised in the flag's defense is tarnished. Some congressmen who wrap themselves in the Red, White and Blue primarily for political profit may also be guilty, in spirit, of misusing the flag.

Where is their indignation when the Confederate Stars and Bars fly in Dixie where Old Glory should be—including the place of honor over Mr. and Mrs. George C. Wallace's Capitol? That, too, is an expression of contempt hardly less pointed, however more genteel.

But none of this papers over the flaws in the flag-burners' defense. The claim of a spokesman for the American Civil Liberties Union that flag-burning is a form of free speech, protected by the Constitution, pushes the First Amendment privilege to the brink of absurdity.

If a Vietnik—or a warhawk—finds only assassination will express his opinion forcefully enough, cannot the law restrain him? May he blow up a bridge to make his point? May he shout "Fire!" in a crowded theater, to cite the classic example.

The right of free speech is a paramount right, but its form is subject to reasonable regulation. The nation's right to defend its symbol from desecration is reasonable.

Its defense should take a reasonable form, as well. Some of the penalties under discussion are out of all proportion to the crime. When the United States undertakes to defend its flag against desecration, it should do so in a manner which bespeaks dignity and self-assurance, not an immature fit of anger.

CRISIS SHOWS NEED FOR OIL SHALE MOVE

Mr. LLOYD. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. LLOYD. Mr. Speaker, on May 27 our distinguished colleague, the gentleman from Colorado [Mr. BROTZMAN], addressed a letter to the President regarding what he called the "dangerous dependency" of the free world on the oil of the Middle East.

Basically, he recommended that the United States accelerate the development of its shale oil production capability to avoid a crippling blow to the free world should the vast oil of the Middle East become unavailable. He indicated his belief that the recently announced five-point program of the Interior Department would lead to the eventual development of the oil shale industry, but that progress may not be fast enough.

This letter was dispatched in the early days of the Middle East crisis, and subsequently, of course, war did break out and the Arab nations did shut off much of Western Europe's oil supply.

Mr. Speaker, it is the gentleman from Colorado's [Mr. BROTZMAN] position—and my own—that the events of the past week should serve as a warning that too many of the free world's oil suppliers are politically unstable, and future crises may not be as short-lived as this one seems to be.

It does not make sense, either from the point of free world security or the U.S. balance-of-payments deficit to leave the vast oil shale reserves of Colorado, Wyoming, and Utah undeveloped any longer.

One of the outstanding authorities in the Nation on the potential of oil shale summarized the pressing needs for an accelerated development of the oil shale industry last week in Denver. He is Dr. Orlo E. Childs, president of Colorado School of Mines.

With your permission, Mr. Speaker, I would like to insert in the RECORD an account of Dr. Childs' remarks printed in the June 8 issue of the Denver Post:

PETROLEUM INSTITUTE TOLD CRISIS SHOWS NEED FOR OIL SHALE MOVE

(By Bert Hanna)

Cutting off the oil supply from the Middle East to Western nations is a vivid demonstration of the need for prompt development of a supplemental oil supply from a viable oil shale industry.

Dr. Orlo E. Childs, president of the Coloradio School of Mines and an authority on oil shale, made this assessment in a luncheon address Thursday at the Denver Hilton Hotel.

Speaking to the mid-year meeting of the Division of Finance and Accounting of the American Petroleum Institute, Dr. Childs said:

NEEDS OF TOMORROW

"The supply of American crude oil needs of tomorrow will not be solved by 'turning a few valves' as indicated by some short-sighted news interpretations made important by recent Middle-East developments.

"We must remember that most of our foreign oil is imported from countries with very unstable governments. This isn't a sound base for long-range expectation . . ."

He reported that last year total demand for crude oil and gas liquids in the United States was 12.3 million barrels per day, but the country produced 9.9 million barrels daily for only 80 per cent of needs. The remaining 2.4 million barrels were imported.

INCREASED DEMANDS

"Demand for crude oil and its products is expected by conservative estimates to increase in the range of 2 to 3 per cent over the next decade," Dr. Childs told the oil industry's financial experts.

"Even with our advancing exploration technology and ever-increasing ability to recover oil from the fields we discover, domestic crude oil production is forecast to increase at a rate of only half the rate of increase in demand over the next decade.

"Thus, in 1977, our production of crude and gas liquids will be 4.2 million barrels per day short of our requirements, assuming no increase in military needs.

PRODUCING CAPACITY

"Also, at that time, our excess producing capacity is expected to be down from the present 2.9 million barrels per day to only .6

million barrels per day. So this is a gap that can't be closed by our conventional crude oil production.

"Are we to continue this trend toward more and more dependence on imported crude oil?"

Dr. Childs said there's no question of the need for an oil shale industry from the vast shale beds of the Green River Formation, the richest deposits located in northwestern Colorado.

But, he continued, there is such a need only if oil shale can compete under the free enterprise system without subsidy and in the open market with other energy sources.

RICHEST DEPOSITS

Pointing out that largest and richest oil shale deposits are located on public lands, he said, "it would seem prudent that the public lands should be made available to industry on a reasonable and responsible basis."

"Uncertainties as to this government's policies should be removed," he said. "Government should now stand aside and let the free enterprise system, which has created this magnificent country, operate."

Analyzing regulations recently proposed by Interior Secretary Stewart L. Udall for a limited leasing program for research and development on public oil shale lands, Childs pointed out that only 30,000 acres or only 5 per cent of the federally owned lands would be involved.

"Reactions to these regulations have been varied," he said, "and it's hoped that many items which at first seem uncomfortably restrictive will be negotiable when leases are given.

"Large outlays of capital in the range of $100 million to $200 million will be necessary to establish commercial production.

PROFIT EXPECTANCY

"There must be opportunity for success and reasonable profit expectancy if capital expenditures of the necessary scale are to be contemplated in the birth of a new industry."

Dr. Childs scoffed at recent warnings by some economists and others of the "danger of a giveaway" and "danger of recurrence of Teapot Dome type scandals."

"At this critical time of need for rational decision, it's inappropriate to fan the emotional fires of fear and endanger long-range values to our national economy," he said.

"Policy decisions of government are needed now, and a policy can emerge from the steps the secretary has taken. These are the first steps out of confusion," Childs said.

The mid-year conference of the oil industry's financial and accounting experts affiliated with the American Petroleum Institute has attracted over 600 delegates and wives from across the country. The meeting will be concluded Friday.

RESULTS OF SEVENTH ANNUAL CONGRESSIONAL QUESTIONNAIRE

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. HARVEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. HARVEY. Mr. Speaker, I am pleased, as I have done for the past 6 years, to bring to the attention of all my colleagues results of the annual congressional questionnaire conducted in Michigan's Eighth District. These results are based on the tabulation of the first 9,216 returns. I would point out that this total of tabulated returns is the highest ever since the first questionnaire in 1961. In addition, returns are still coming in and, I estimate nearly 11,000 participated in this annual vote.

I am particularly grateful for the fine cooperation extended by our district newspapers which also published the questionnaire so that all residents would have an opportunity to vote. Of course, I am particularly gratified that so many citizens took the time to express their viewpoints.

I would like to insert at this time the news release being mailed today, along with the questionnaire results:

WASHINGTON, D.C.—The majority of voters participating in Congressman Jim Harvey's annual Congressional questionnaire in Michigan's Eighth District favor the United States "pursuing the Vietnam war more vigorously," but many with the reservation of . . . "Win or get out."

Congressman Harvey announced today the tabulated results of the first 9,216 returns that were received. "A few returns are still coming in but not of a quantity to have any bearing on the tabulation," Harvey said. He revealed that the Control Data Corporation tabulated the returns. "This is the greatest number that we have ever tabulated, and I am most grateful for the interest of so many of our residents. I am also appreciative of the fine cooperation I received from our weekly and daily newspapers in the Eighth District which published the questionnaire as a public service."

In the four-section question on United States involvement in Vietnam, some voters only answered one question, while others completed all four. Voters had an opportunity to vote in favor of the Administration's present conduct of the war; whether to pursue the conflict more vigorously; de-escalate our military efforts; or pull out entirely.

Some 5,700 persons, or 61.8% of the total 9,216 who submitted returns, favored pursuing the war more vigorously. Only 6.4%, or 591 people, answered no. Another 1,329 people called for a withdrawal. This represents 14.4% of the total participating.

As to de-escalating our military efforts, only 6.8%, or 631 persons, favored this course of action. The closest decision centered on the Administration's present conduct of the war. About 22%, or 2,027, of all those voting backed the Administration's strategy, while 42.3%, or 3,900, voters disagreed.

Congressman Harvey was quick to point out, however, that "the question on Vietnam generated much comment, and a very high portion of the voters had reservations on their selections. Basically, the one theme that a great many carried was that we should fight to win or get out. In addition, time and time again I would notice the comment—'I don't know all the facts,' or 'I don't feel well enough informed.' "

While there was some doubt and some reservations on the Vietnam question, the voters were crystal clear on two other domestic questions. First, they emphatically opposed any increase in Federal taxes; and two, they favored the return of 3% of revenues collected by the Federal Government to state and local governments.

On the vote concerning the Administration's request for a new 6% surtax on personal and corporate income taxes, 7,406 votes, or 80.4% were cast against the proposal. Only 1,169, or 12%, favored it.

The percentages are practically the same, only in reverse, on the question for a return of Federal revenues to states. Some 7,420, or 80.5%, were in the affirmative, while 13.3%, or 1,226, persons voted against the idea.

By far the closest vote on the ten questions involved whether or not the Federal Government should restrict and regulate the sale of all firearms. 50.9%, or 4,694, voted no, while 4,224, or 45.8% favored the action. Only 276 persons, or 3%, did not vote on this question.

The second closest vote centered on the selective service system and whether the present draft should be replaced by a lottery system. This legislation, now awaiting final Congressional approval, continues college deferments. On the questionnaire, 49.3%, or 4,542, voted against any change, while 39.6%, or 3,652, favored the lottery system.

All other questions resulted in one-sided decisions. The election of President by popular vote instead of through the present Electoral College carried by a margin of 79.5% to 17.1%, with 7,329 favoring it.

Voters also rejected the proposal for expansion of trade between the United States and European communist countries by a wide vote, 60.4% to 32%. Of those voting, some 5,566 were against the Administration's plan and 2,953 favored it.

On social security increases tied to boosts in the cost of living, Eighth District residents favored the plan, 68.7% to 26.8%. This question found 6,332 in the affirmative and 2,466 in the negative.

The percentage was nearly the same for the question on providing tax credits for some portion of college tuition payments paid by families. 6,105, or 66.2%, favored the proposal, with 2,534, or 27.5%, in opposition.

The final question on whether to lower the voting age to 18 years of age was also turned down, 67.4% to 30%. This resulted from 6,213 no votes and 2,763 yes votes. The tabulated results:

	Yes	No	No answer
Do you favor:			
1. Administration's conduct of the war in Vietnam?	22.0	42.3	35.6
Or should the United States:			
(a) Pursue the conflict more vigorously?	61.8	6.4	31.7
(b) De-escalate our military efforts?	6.8	20.3	72.8
(c) Pull out entirely?	14.4	22.8	62.7
2. Drafting of men for military service by lottery system replacing present method of selective service?	39.6	49.3	10.9
3. President's proposal for expansion of trade between the United States and European Communist countries?	32.0	60.4	7.4
4. Administration's request for new 6-percent surtax on personal and corporate income taxes?	12.7	80.4	6.7
5. Increase in social security benefits tied to cost-of-living index?	68.7	26.8	4.4
6. Tax credits for some portion of college tuition payments?	66.2	27.5	6.2
7. Return of 3 percent of revenues collected by the Federal Government to State and local governments?	80.5	13.3	6.1
8. Election of President by popular vote instead of through the present electoral college?	79.5	17.1	3.4
9. The Federal Government restricting and regulating the sale of all firearms?	45.8	50.9	3.0
10. Lowering the voting age to 18?	30.0	67.4	2.4

IRREGULARITIES IN OEO

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. GARDNER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. GARDNER. Mr. Speaker, I have today sent a letter to OEO Director Sargent Shriver to request an investigation and ruling on the activities of Operation Breakthrough, community action agency in Durham, N.C. I am basing this request on personal reports from Durham residents to me as the only North Carolina Congressman on the Education and Labor Committee and on a special report prepared by a staff investigator from the committee.

The employees of Operation Breakthrough in Durham have spent taxpayers' dollars to create and organize a political machine. They have devoted months of their time, during working hours, researching registration and voter lists in the Durham County Courthouse They have contacted unregistered voters and persuaded them to register and have used Government automobiles to transport them to the polls to register. On the day of a recent municipal election, May 13, 1967, Operation Breakthrough employees used their own automobiles to contact and deliver voters to the polls and handed out sample ballots telling Durham citizens how to vote. These same poverty workers recruited students from nearby universities to pursue the same methods of influence on election day.

A complete investigation has been conducted by the minority staff of the Education and Labor Committee. Their final report is well documented and gives ample proof that Operation Breakthrough did engage in the activities previously mentioned.

I severely condemn such activity on the part of Federal employees and charge that it is completely outside of the limits and purpose of the poverty program. The goal of the poverty program is to aid and help the poor and not to federally subsidize a political machine.

Unless Mr. Shriver renders a decision on this matter, this misuse of Federal funds could set a national precedent.

At this point, I would like to insert my letter to Sargent Shriver dated June 14, 1967:

JUNE 14, 1967.

Mr. SARGENT SHRIVER,
Director, Office of Economic Opportunity, Washington, D.C.

DEAR MR. SHRIVER: Enclosed is a copy of a report concerning Operation Breakthrough, the Community Action Agency in Durham, North Carolina. This report was prepared by a staff investigator, Education and Labor Committee, based on his investigation in Durham on June 2nd and 3rd, 1967.

Based on the evidence developed in the report, I feel that Operation Breakthrough developed a political apparatus which delivered a bloc-type vote in the Municipal elections on May 13, 1967. I recognize that the election was non-partisan and very likely would not be considered a violation of Chapter 15, Title V, U.S. Code (formerly called the Hatch Act). However, there are good reasons to believe that Operation Breakthrough employees' activity has raised questions of political involvement which violates the Economic Opportunity Act (Section 202 (b) 42 U.S.C. 2782 (b) O). I further feel that the activity of Operation Breakthrough employees has been contrary to OEO's instructions set out in OEO, CAP Memo 50–A, dated December 1, 1966.

I am deeply concerned about this activity, and feel that it is completely outside the limits and the purpose of the Poverty Program. It is not the role of anti-poverty workers to spend taxpayers' money by devoting months of their time researching registration and voters lists, subsequently engaging in registration drives, and on election day delivering the voters (even though in the last step on their own time and in private automobiles), and telling the voters how to cast their ballots. There is presently widespread and serious concern in the Durham area about this matter. Community and business leaders question activity that permits Operation Breakthrough employees to openly participate in an effort to organize and deliver the vote in an election involving candidates for public office.

Unless you render a decision now as to the propriety of these activities, this action could set a national precedent. Therefore, I call on you to investigate the allegations against the Durham Community Action Agency, and to render a ruling on the propriety of their activities.

I shall await your correspondence to inform me of your appraisal of the situation in Durham, and your plans to resolve the matter.

Yours very truly,

JAMES C. GARDNER,
Member of Congress.

MISSION OF MERCY

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. GUDE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. GUDE. Mr. Speaker, newspaper reports indicate that as many as 50,000 Egyptian troops may be wandering helpless in the Sinai desert. There are and will be, of course, other victims of war in the Middle East. But these men are being threatened by immediate death through thirst and starvation. American citizens have always been motivated by a humanitarian desire to render immediate succor to the helpless suffering regardless of nations or race.

The International Red Cross is the world agency which can most effectively and swiftly translate our humanitarian concern to assistance for those suffering. The Red Cross in its finest tradition is already at work in these disaster areas. It is urging action by the Middle Eastern nations and particularly asking Egypt to turn on its water supplies under the Suez Canal.

I have sent a telegram to President Johnson asking his use of every possible diplomatic channel within and without the United Nations to strongly urge all nations to cooperate with the Red Cross in its efforts. This is a mission of mercy to which I hope my colleagues will lend their support in whatever way possible.

LEGISLATIVE REORGANIZATION PROPOSALS

The SPEAKER pro tempore (Mr. SMITH of Iowa). Under a previous order of the House, the gentleman from Missouri [Mr. BOLLING] is recognized for 10 minutes.

Mr. BOLLING. Mr. Speaker, this week I have introduced a legislative reorganization bill, H.R. 10748, in an attempt to generate some positive action on Senate-passed S. 355 which for several weeks has been in the Rules Committee of which I am a member.

I introduce this bill with great reluctance and only after widespread comments to me that the House provisions of S. 355 as passed by the Senate are unsatisfactory and unworkable to many House Members whose opinions I respect. My personal view is further that the ground rules, within which the Joint Committee on the Reorganization of the Congress worked, themselves severely inhibit any substantive and needed alteration of congressional procedures. I do not offer my bill as gospel and I welcome comments for changes by both Democratic and Republic Members of the House.

Frankly, my bill is far from good enough from anything approaching an ideal standpoint. But it, as well as S. 355, which is hopelessly bogged down in the Rules Committee, does include useful provisions and these provisions should be promptly enacted. My bill is offered in the hope that it will lead to the compromises essential to make it possible to pass the best reorganization bill practicable in the present Congress.

Some of my colleagues may be aware that recently I was appointed as chairman of a new task force of the Democratic study group on standards of official conduct and congressional reform. However, the bill I have introduced today is not a consequence of that appointment.

Mr. Speaker, I want now to outline the major provisions of my bill. And at the end of these remarks I wish to include a chart comparing, as I interpret them, the differences between Senate-passed S. 355; my bill, H.R. 10748; and Print No. 2, which I take to represent revisions made by some House members of the Joint Committee on the Organization of the Congress, the so-called Madden-Monroney committee, in a parallel effort to obtain a larger degree of agreement among House members than Senate-passed S. 355 has been able to secure.

First, my bill adds following provisions to S. 355:

Administration and enforcement of Lobbying Registration Act placed in the office of the Attorney General instead of in the office of the Comptroller General as proposed in S. 355.

Attorney General to inform Ethics Committees of both House and Senate of allegations of violations of Lobbying Act.

Legislative committees to conduct periodic review of all Federal grant-in-aid programs, but eliminates provision for a special staff member on each standing committee to carry out the responsibility.

Study of congressional operations, at least once every 5 years, by the Government Operations Committees of both House and Senate—instead of establishing a new standing Joint Committee on Operation of the Congress.

Quarterly and yearly publication in CONGRESSIONAL RECORD of official foreign travel by Members, including information as to cost and purpose.

Study aimed at modernizing tourist

guide facilities—including audiovisual techniques, lecture room, explanatory commentaries by guides for tourists as they watch floor proceedings from behind glassed-in galleries. Retains free-guide provision of S. 355.

Congressional nominations to the military service academies are eliminated. Full geographical representation in each entering class, however, is required.

Written and oral communications between Members of Congress and their staffs to executive branch agencies on adjudicatory proceedings to be made part of public record.

Existing prohibition on sitting of most committees while House is in session is eased by permitting them to sit while House is engaged in general debate.

Study toward establishing an administrative management unit to carry out custodial, maintenance, and operation functions of the House.

Small office allowance to help freshman Members between time of election and time they are sworn in.

"Thomas Jefferson rule" made part of Rules of the House—this would require a Member with a direct personal interest in legislation to abstain from voting.

Requests for contempt-of-Congress citations by House committees be routed through the Rules Committee. They now go directly from the requesting committee to the House floor.

Second, my bill retains these features of S. 355:

Elimination of congressional influence in appointment of postmasters.

Creation of job placement office for use of Members seeking staff.

Abolish coordinator of information.

Study to achieve better telephone and telegraph service.

Professionalization of Capitol Police force.

Minority party provided with its own professional and clerical committee staff appointments.

Revamp page boy system.

August adjournment, except in time of state of war.

Improvement of legislative reference service.

Provision for improved budget information and cost-effectiveness studies of Federal programs by General Accounting Office.

Provisions bearing solely with the Senate.

And finally, my bill deletes these features of S. 355:

Some proxy-vote language.

Rollcalls on certain appropriations bills.

Job reclassification authority to Clerk, Doorkeeper, Sergeant at Arms, and Postmaster of House pending overall management study.

House committee jurisdiction realinements.

Division of House Education and Labor Committee into two standing committees.

Permission authority for radio and television coverage of House committee public hearings.

The comparison referred to follows:

Comparisons—Legislative reorganization proposals

TITLE 1—THE COMMITTEE SYSTEM

S. 355	*Bolling bill—H.R. 10748*	*Print No. 2*
Sec. 102(b) Open business meetings of committees—with exceptions.	Same.	Open if majority of committee so orders.
Sec. 102(b) All roll-call votes in committee either announced or printed in reports.	Same.	Announce *and* publish in reports only final votes to report measures.
Sec. 102(d) Proxy rule revisions—including language apparently forbidding proxy voting on reporting measures or matters.	Leave to committees to determine whether to permit proxy voting on reporting measures or matters.	Provision deleted.
(2) 3-calendar day waiting period between filing of a report on a measure by a committee and House vote on measure.	Procedure recommended, but not made mandatory.	Provision expanded to include "matters" but 3-day period may be waived by the Speaker.
(3) Language apparently designed to develop total committee funding.	Revised to encourage this objective but to permit flexibility.	S. 355 language.
(4) Committees to wait at least 1 day so minority views can be filed with reports on bills.	Extends this to "matters" as well as "measures."	Bolling language.
Sec. 103(a) 1. one-week advance notice of public hearings.	Deleted.	S. 355 language *plus* limit witnesses to brief summaries of their written testimony which as far as is practicable shall be filed in advance.
(2) Open committee hearings required *except* on matters declared confidential or to protect witnesses' character or reputation.	Same.	Expands open-hearing waiver to include closing a hearing for "any other urgent reason."
(3) 1-day reserved for minority to call witnesses if it so requests.	Same—except request must include ranking minority member.	Deleted.
(4) Open hearings may be broadcast by radio or TV—if committee wishes.	Deleted.	TV-Radio coverage *if* Speaker obtains approval of full House in advance.
(5) After each day's testimony, committee staff to prepare summary for committee members' use and such summaries may be included in printed hearings.	Deleted.	Deleted.
	POWERS OF THE COMMITTEES	
Sec. 104—Any standing committee may sit while House is in session *if* Speaker and minority leader consent. This limitation does not apply to Appropriations, Govt. Op., Rules & HUAC.	Any standing committee may sit while House is in general debate—otherwise Speaker-Minority Leader consent needed. Same 4 committees exempted.	S. 355 language except Minority Leader consent clause deleted.
Sec. 105—Legislative Review—authorizes each legislative committee to establish a position of legislative review specialist with detailed duties and responsibilities to review administration and operation of programs under jurisdiction of each such committee. Even if no review specialist named each such committee shall conduct on a "continuing basis" a review of programs.	Legislative committees shall conduct periodic reviews of grant-in-aid programs, but review specialist position deleted.	Similar to Bolling language.
Sec. 106(a)—Conference reports to include explanatory effects of agreed-upon provisions. Provision for individual supplementary views. Debate time divided between those for Conference report and those against.	Same, except debate time to be divided between members of Majority Party and members of Minority Party.	Provides for explanatory material; deletes debate time provision; deletes supplemental views provision; and limits number of conferees from each body to five.
Sec. 131. Revises legislative jurisdiction of Agriculture, Astronautics, Interstate and Maritime committees. Divides Education and Labor into two committees. Renames Banking & Currency as Banking, Housing & Urban Affairs Committee.	Deletes jurisdiction changes. Retains Bking-Currency renaming. Extends jurisdiction of Rules Committee to include contempt-of-Congress citation requests. Deletes split of Education & Labor.	Also deletes jurisdiction changes, but retains Education & Labor split. Creates a standing Committee on Small Business.

Comparisons—Legislative reorganization proposals—Continued

S. 355—Continued	*Bolling Bill—H.R. 10748*—Continued	*Print No. 2*—Continued
	TITLE TWO—BUDGET AND ACCOUNTING PROCEDURES	
Sec. 201–208—Establish standardized information system for fiscal & budgeting data, including use of automatic data processing, plus cost effectiveness studies for use of committees and upon request to individual members.	Generally same, but on constitutional grounds deletes *direct* participation of Comptroller General in establishing standard info system, leaving it to Secretary of Treasury & Director of Budget Bureau. Deletes individual-member request provision.	In line with Bolling approach.
Sec. 231.—Supplemental budget information to Congress on June 1 of each year, including revised estimates of expenditures.	More permissive language, with information to Congress if drastic alterations in budget estimates and expenditures occur after President sends his budget to Congress in Jan.	S. 355 approach.
Sec. 231–235—Spells out Appropriation Committee's responsibilities for holding open hearings annual review of budget & its underlying assumptions, proxy voting, review Federal spending, more detailed committee reports. Yea-nays required on appropriations bills and on bills to raise Members' salaries.	Retains budget review feature, deletes Yea-Nay provisions. Deletes open hearing provision.	Closer to S. 355, but deletes proxy voting, Yea-Nay & open hearing provisions.
Sec. 251–253—Requires detailed cost estimates for ensuing six years with bills brought to floor plus try to insure all continuing programs of Fed. Gnt. be designed and carried on an annual appropriation basis.	Same except for annual appropriation basis feature.	Likewise eliminates annual appropriation basis feature.
	TITLE THREE—COMMITTEE STAFFING	
Sec. 301(1) Specifies standing committees may have six professional and six clerical employes. Two professionals and one clerical may be selected for appointment by minority committee members. Minority control also over discharge of minority personnel. Requires "equitable treatment" of minority personnel. Saving clause protecting jobs of committee employes at time this section goes into effect.	Similar but requires ranking minority committee member assent to hiring of minority professional staff personnel. Ranking minority member must also approve hiring of minority clerical personnel. However, a majority of a committee may bring about discharge of minority *clericals* & *professionals*. Retains saving provision.	One, not two, minority professional staff—with selection subject to majority vote of full committee. Majority vote control also extends to firings of minority *professional* staff. BUT minority has control over hiring and firing of minority *clericals*.
(2) Authorizes specialized training for professional staff.	Same.	Same.
(3) Authorizes hiring consultants jointly selected by chairman *and* ranking minority member—subject to approval of House Administration Comm.	Consultants selected by chairman.	Consultants selected by committee members.
Sec. 321(a)—Legislative assistant position for each Senator.	Expands to create titles of Administrative Assistant and Legislative Assistant in Office of each House Member. No pay provision.	Senate language
Sec. 322—Additional travel to District for Member and Staff.	Same.	Same.
Sec. 323—Study to improve phone and telegraph service.	Same.	Same.
Sec. 331—Expand and upgrade Legislative Reference Service and rename it.	Same.	Same, except eliminates authority to utilize automatic data processing.
Sec. 333—Abolish of Coordinator of Information in House.	Same.	Same.
	TITLE FOUR—CONGRESS AS AN INSTITUTION	
Sec. 401–408—Establishes a 10-member "Joint Committee on Congressional Operations" with responsibility, among others, for a "continuing study of the organization and the operation of the Congress." Also would bring major court proceedings affecting the Congress to attention of House and Senate.	Gives the Government Operations Committees of the House and Senate responsibility for such a study. Judiciary Committee would watch-dog court proceedings.	Establishes a joint committee but deletes continuing study provision and retains S. 355 language giving the joint committee responsibility to study automatic data processing and information retrieval systems with view to possible use by the Congress. Also gives the joint committee duty to identify court proceedings "of vital interest" to the Congress.
(2) Establishes a job employment office for Senate & House members—under administration of the Joint Committee.	Retains employment office which House Administration & Senate Rules & Administration committees will supervise.	(2) S. 355 language.
Sec. 422—Professionalize Capitol Police force.	Same.	Same.
Sec. 423—Revamp page-boy system so as to require that an applicant hold a high school diploma and that a page may *not* serve after reaching aged 22.	Adds that advance written notice must be given parents or guardians as to nature of working, schooling & Housing arrangements.	Retains S. 355 language.
Sec. 424—Revamp Capitol tourist guide operation so as to provide *free service* under a new Capitol Guide Board composed of Architect of Capitol & Sgt-at-Arms of both House and Senate. Sets salaries and duties of guides.	Expands to provide for a study aimed at greatly improved touring system, including lecture room, audiovisual aids, taped commentaries in glassed-in public galleries overlooking floor of both chambers. Study to be coordinated with P.L. 89–790, National Capital Visitors center study commission.	S. 355 provisions with altered language and assigns Joint Committee on Congressional Operations role in guides' hiring.
Sec. 433—Annual August recess—except if a state of war exists.	Same.	Same.
Sec. 441—Eliminate influence of Members of Congress in connection with appointment of postmasters and rural carriers.	Same.	Same but language tightened.
No Provision.	Eliminate congressional role in military service academy appointments. Retains requirement for geographical representation of all states in appointments.	No Provision.

Comparisons—Legislative reorganization proposals—Continued

TITLE FOUR—CONGRESS AS AN INSTITUTION—continued

S. 355—Continued	*Bolling bill—H.R. 10748*—Continued	*Print No. 2*—Continued
Sec. 451-461—Detailed provisions authorizing establishment of step increases, pay compensation schedules & position classification for employees of House under the Clerk, Sgt.-at-Arms, Postmaster & Doorkeeper.	Retains step increases but directs a study with view to establishing an administrative management unit for House embracing operation, maintenance and custodial functions.	S. 355 provision.
Sec. 471—Converts pay schedule of House employes from basic to gross annual one.	Same.	Same.
No Provision.	Quarterly & yearly publication in Congressional Record of detailed information about official travel outside U.S. by Members of Congress.	No provision.
No Provision.	Permit transfer to Clerk for payroll purpose of employes of Members who are on sick leave that has reached its 30th day.	No provision.
No provision.	Small allowance to assist freshmen Members between time they're elected and time they're sworn in.	No provision.
Sec. 481—Unobligated stationery allowance of Members to be turned back to Treasury general fund at end of each year.	Same.	Deleted.
No provision.	Oral and written communications between Members or staff with any unit of Executive Branch in respect to any matter pending for adjudication—such communications shall be made part of public record of such adjudicatory proceeding.	No provisions.
No provision.	Include "Jefferson's Rule" as part of Rule 8 of the Rules of the House. This states, in part, that "where the private interests of a Member are concerned, he is to withdraw" from voting on a matter before the House.	No provision.
	TITLE FIVE—REGULATION OF LOBBYING	
Sec. 501-501—(1) Broadens lobbying registration act to cover individuals and organizations whose *substantial* purpose is to influence legislation—current language is *Principal* not *substantial*.	Same.	Same.
(2) Transfers administration of lobbying act from Clerk of House to Comptroller General.	Transfers administration to Attorney General. Requires AG furnish ethics committees of both Senate & House with allegations of violations he receives.	S. 355 language.
(3) Records required under Act be kept for 5 years—statute now requires 2-year period.	Same.	Same.
	TITLE SIX—EFFECTIVE DATES	
Sec. 601—Various titles & sections become effective at different dates ranging from 30 days after passage of this bill to Jan. 1, 1968.	Same—except Title One (Committee Procedures) effective date changed to January, 1969, when next Congress comes in.	Bolling language.

NOTE.—

1. S. 355 refers to the bill as it passed the Senate in March, 1967.
2. Bolling bill number is H.R. 10748.
3. Committee Print No. 2 refers to a revised version of Senate-passed S. 355 and as such is the latest such version available to Rep. Bolling.

LATIN AMERICAN AGGRESSION

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Alabama [Mr. EDWARDS] is recognized for 15 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, the serious matter of Castro Communist aggression in Latin America will be at issue next week when the Organization of American States holds its 12th meeting of Consultation of Ministers of Foreign Affairs.

The meeting has been called by Venezuela to consider action by the OAS with regard to Cuba. On May 8, two Cuban army officers were captured on a beach east of Caracas where they had assisted in landing eight Venezuelan-born but Cuban-trained guerrillas from a boat that had come from Santiago, Cuba.

The Venezuelan guerrillas escaped into the mountains nearby. The two Cubans confessed their part in the operation, and one of them has since taken his own life.

The Castro government has admitted its backing of the operation as a means to "fulfill its duty of solidarity with revolutionaries around the world."

This is the second incident of clear Cuban Communist export of subversion to Latin America which President John Kennedy, following the Bay of Pigs in 1962, vowed that the United States would prevent.

The first was in 1963 when a large cache of arms and munitions was found buried on a beach in Venezuela. An OAS investigating team at that time agreed that the war materials came from Cuba and had been brought into Venezuela for subversive purposes.

The OAS, on that occasion in 1963, formally accused Cuba of intervention in the affairs of an OAS member nation, and voted to urge all OAS members to break diplomatic and trade relations with Cuba. All OAS members but Mexico did sever their relations and trade with Cuba.

With the OAS now about to consider this second blatant example of Cuban Communist aggression in Latin America, I believe it is vitally important that the OAS take vigorous action in this matter.

It will not be enough that the OAS agree to take the matter up at the United Nations with the objective of achieving a U.N. resolution regarding Cuba's aggression. A U.N. debate on this issue would be as meaningless as those we have seen in recent days regarding the Middle East crisis. And should such a U.N. resolution actually be produced, it would have no influence whatever on Cuba's aggression.

The United States should, using the diplomatic resources available to our foreign policy machinery, work for OAS action which implements measures against Cuba short of outright military action.

For example, there might be a naval patrol established along the vulnerable coasts of Latin America to guard against future intrusions by the Cubans.

And, the OAS might well impose economic sanctions on trade between Cuba and non-Communist countries. Adequate

preparatory work has already been done in connection with this latter step.

In July 1964, the ninth meeting of consultation of OAS Ministers of Foreign Affairs urged the cooperation of friendly governments in the matter of suspending trade and shipping with Cuba.

In November of 1966, when the OAS issued a report on the Tri-Continental Conference held in Havana in January of that year, one of the 11 recommendations was to renew efforts toward this objective. The U.S. delegation was a party to the report and the recommendations.

These efforts to reduce Cuban trade with non-Communist governments outside of Latin America have obviously failed. In the period January to August 1966, France imported $4.3 million worth of goods from Cuba, and exported $8.4 million worth.

Spain, the United Kingdom, Italy, the Netherlands, Sweden, Japan, and Switzerland are all trading heavily with Castro's Cuba. On May 19, 1967, the British signed a $44,800,000 contract with Cuba for the construction of a large fertilizer plant.

The OAS, acting as a group, surely has the leverage with which to take action against these non-Communist nations still doing business with Cuba when the vital importance of the issue at hand is known and understood by reasonable people everywhere.

This issue is the same as the issue in South Vietnam and the same as in Israel: open aggression against established national governments which ask only to be let alone.

Perhaps unlike aggression in Southeast Asia and in the Middle East, Cuba's aggression is freely admitted. Castro has issued a loud and clear challenge, not just to the OAS, but to the United Nations and to all decent mankind in general.

Castro has blatantly announced that he intends to aid in subversion and insurrection throughout Latin America. His boasts, and his aggressive acts are in violation of section 4, article 2, of the U.N. charter which states:

> All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state.

Tune in to Radio Havana on your shortwave radio receiver and you can hear violations of this section of the U.N. charter on any evening of the week.

The Cuban subversive effort is part of Havana's implementation of the Tri-Continental Conference in January 1966, at which Communist delegates from three continents—Asia, Africa, and Latin America—all pledged their efforts to create "more Vietnams" around the world.

The Soviet Union was a prime backer of the 1966 meeting and is continuing its policy of aid and encouragement to Castro. On May 21, for example, Pravda in Moscow gave the Communist Party's outright support for the two different methods of opposition to existing governments in Latin America.

Russia supports not only the constitutional methods of overturning Latin American governments, but also supports the guerrilla tactics supported by Castro and encouraged at the Tri-Continental Conference.

There should be no illusion that Russia has turned its back on violence as a means of establishing Communist regimes. The May 21 Pravda article praises the Castroites of Latin America as "patriots taking up arms and coming out against anti-people regimes."

The Russian-Cuban challenge in Latin America is of critical importance for the OAS at this time. The challenge must be met by something stronger than resolutions.

On July 28 in Havana, the revolutionary representatives from 28 Latin American and Caribbean countries will meet as an outgrowth of the Tri-Continental Conference.

Their aim will be to create "more Vietnams" in Latin America, and they have already started acting on Castro's theory that armed struggle is the sole means of achieving the revolution they have in mind.

The July 28 meeting will be called the "First Solidarity Conference of the People of Latin America," and will be sponsored by the Latin American Solidarity Organization.

Mr. Speaker, U.S. leadership in next week's OAS meeting will be vital. The OAS can act as a regional body resisting Castro's aggression, or it can stand aside and let it continue.

On the outcome may rest the basic future security of all the Americas.

U.S. NOTE TO U.S.S.R.

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MULTER. Mr. Speaker, on June 2, 1967, the Government of the Soviet Union reported that American aircraft had bombed a Soviet merchant ship in the port of Cam Pha. After investigation, our Government sent the following note to the Soviets on June 3, 1967.

Particularly significant is the last part of this note emphasizing that if the Soviets are really interested in peace, they should use their good offices to get Hanoi to join us in negotiating a settlement in Vietnam.

The text of the note follows:

UNITED STATES NOTE TO U.S.S.R.

The Government of the United States of America refers to the note of the Government of the Union of Soviet Socialist Republics dated June 2, 1967.

The United States Government has investigated the circumstances surrounding the incident described in the Ministry's note, which alleges that on June 2 at 11:40 Moscow time American aircraft bombed the Soviet motor vessel "Turkestan" in the roadstead of the port of Cam Pha damaging the ship and seriously wounding two crewmen.

As a result of this investigation, it has been established that two flights of American aircraft were engaged in military operations on June 2 in the vicinity of Cam Pha. Attacks by these aircraft, however, were directed only against legitimate military targets and every possible care was taken to avoid damage to any merchant shipping in or near Cam Pha. The American pilots engaged in the strikes report that all ordnance was on target, but that intense anti-aircraft fire was present in the area. It appears, therefore, that any damage and injuries sustained by the Soviet ship and its personnel were in all probability the result of the anti-aircraft fire directed at American aircraft during the period in question. Accordingly, on the basis of fact available to us which we believe to be complete, the United States Government cannot accept the version of the incident contained in the Soviet note of June 2.

United States military pilots are under strict instructions to avoid engagement with any vessels which are not identified as hostile, and all possible efforts are taken to prevent damage to international shipping in Vietnamese waters. Nevertheless, accidental damage remains an unfortunate possibility wherever hostilities are being conducted, and the Soviet Government knows that shipping operations in these waters under present circumstances entail risks of such accidents.

It is unfortunate that the "Turkestan" was damaged and particularly that members of its crew suffered injuries. It is, indeed, regrettable that, according to subsequent reports, one member of the crew died as a result of injuries sustained. It is also regrettable that hundreds of Vietnamese, Americans, and citizens of allied nations are dying each week as a consequence of the aggression of North Viet-Nam against the Republic of Viet-Nam.

The Soviet Government may be assured that United States authorities will continue to make all possible efforts to restrict air activities to legitimate military targets. At the same time, the Government of the United States believes it would be helpful if the Soviet Government would make renewed efforts, as Co-chairman of the Geneva Conference, toward bringing about a peaceful settlement of the conflict in Viet-Nam.

FURTHER WATER POLLUTION CURBS URGED

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. O'HARA] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. O'HARA of Michigan. Mr. Speaker, many of our lakes, rivers, and streams are rapidly becoming sewers of filth and disease. On a large number of our waterways, where a few years ago one could raise a bucket of crystal-clear water safe enough to drink, few would dare to swim today.

Hardly a major body of water has remained untouched by the blight of pollution. Rivers in major population areas are, for practical purposes, dead. Even in remote regions, lakes and streams are beginning to feel the pressure of waste and sewage.

The facts and figures on water pollution are staggering. Studies by the Public Health Service and the Water Pollution Control Administration indicate many of our rivers contain massive concentrations of inorganic and synthetic origin chemicals, sediments, bacteria, and other organic wastes and even radioactive pollutants which exceed by

many times allowable maximums. The count of coliform bacteria in Ohio's Maumee River, for instance, is often as high as 24,000 times the permissible limit.

The costs of water pollution are also staggering. Dirty water reduces the value of lakes and streams for recreation and pleasure purposes. Michigan's Huron-Clinton Metropolitan Authority has constructed a beautiful manmade beach and recreation area on Lake St. Clair, located in the 12th Congressional District which I represent. Yet many swimmers prefer to use the public swimming pool located adjacent to the beach because of the deterioration of Lake St. Clair's water.

Pollution, likewise, reduces the value of water for commercial purposes. Recent statistics reveal the almost unbelievable fact that in just 7 years, the value of the blue pike production of Lake Erie, one of the most polluted of all lakes, declined from $1,316,000 to $120.

Federal and some State and local authorities have begun to respond to the challenge of unclean water. The passage last year of the landmark Clean Water Restoration Act and 2 years ago of the Water Quality Act marked major steps toward curbing the increasing pollution of America's waterways.

Nonetheless, much more can and must be done to combat pollution. As the distinguished junior Senator from Wisconsin [Mr. NELSON] has pointed out, there is not a "single cause of pollution," nor is there "a single solution to the problem."

One aspect of the pollution challenge which has not received adequate attention is the dumping of untreated sewage from small boats. The large increase in recreational boating has made it an increasingly serious source of bacterial pollutants. Such pollution, according to the Senate Public Works Committee, creates "particular problems when recreational watercraft are clustered together in anchorage, both in fresh waters and coastal salt waters."

A number of States have enacted laws attempting to regulate recreation-caused pollution of this sort. Many of these laws, however, are either unenforced or unenforceable.

To reduce pollution caused by pleasure craft, I am today introducing legislation to require that all vessels equipped with toilet facilities and constructed after January 1969, must provide some method for storage or treatment of wastes. The Secretary of Transportation would be given the authority to develop, in consultation with the Secretary of the Interior, standards for such treatment or storage facilities.

We require that large ships, house trailers, buses, and airplanes contain sewage retention facilities. Why not boats?

The cost of this legislation would be slight. Several methods for preventing the release of untreated sewage have been developed and can be constructed relatively inexpensively. The saving to the public in decreased pollution would far outweigh the expense of such facilities.

Mr. Speaker, shortly before his death, the late Senator from the State of Michigan, Pat McNamara, outlined the problem of water pollution:

> The waters of our Nation constitute one of our greatest natural resources and are involved in all aspects of economic growth and well-being . . . We can no longer afford the widespread illusion that our water supplies are drawn from a limitless source. Just as we have had to do with our land, forest and mineral resources, we must now take whatever steps are necessary to develop, conserve and protect our water resources in order to meet the Nation's soaring needs for this precious product of nature.

We cannot afford to ignore Senator McNamara's warning.

ORDER OF ELKS GAVE US FLAG DAY

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PURCELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. PURCELL. Mr. Speaker, it was my privilege on Sunday last, June 11, to participate in the annual Flag Day ceremony of Dallas Lodge No. 71 of the Benevolent and Protective Order of Elks.

It was most heartwarming and reassuring to me to see a large group of American citizens gather for the specific purpose of showing their respect and love for the American flag and all that it represents.

To me it was particularly significant that I should have the opportunity to participate in this ceremony in Dallas, Tex., because this is where Flag Day really began. The following is a quotation from the official book of rituals of the Elk's Grand Lodge:

> The Benevolent and Protective Order of Elks is the first and only fraternal body to require formal observance of "Flag Day". In July of 1908, the Grand Lodge of this Order, at Dallas, Texas, then assembled, provided for the annual nation-wide observance of "Flag Day" on the 14th of June in each year, by making it mandatory upon each subordinate Lodge of the Order.

The ceremony is most impressive. It outlines the history of our flag from the pine-tree flag to our present-day national emblem. It is both an informative and inspirational ceremony which is carried out with a great deal of pageantry.

Since Flag Day began in the first decade of this century at Dallas, the Order of Elks has encouraged an increasing national emphasis on this annual recognition of the flag. An outstanding Texan, Judge William Hawley Atwell, who served as grand exalted ruler of the order in 1925–26, was one of those who worked diligently to make Flag Day an official national observance.

It was not until August 3, 1949, that the President of the United States signed Public Law 203, designating June 14 as Flag Day. Forty-one years after the grand lodge action in Dallas, our Nation selected the same date for our national celebration of Flag Day.

Mr. Speaker, I want to commend and congratulate the Benevolent and Protective Order of Elks for their patriotic emphasis and their dedication in seeing that as many Americans as possible stop at least once a year to reflect on all those wonderful attributes of this Nation for which the American flag is the symbol.

On this Flag Day, I want to particularly thank Dallas Lodge No. 71 for giving me the opportunity to participate in their observance of Flag Day this year.

Thank you, Mr. Speaker.

AN ANTIRIOT BILL

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. ROBERTS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ROBERTS. Mr. Speaker, it is past time for the House Judiciary Committee to report an antiriot bill. Last March 13 I introduced H.R. 7108, which puts curbs on violent civil disturbances and riots by making it a Federal offense for anyone to go from State to State in person or to use the mails to create such riots and disturbances. But while the esteemed Judiciary Committee is fiddling, Cincinnati, Ohio, and Tampa, Fla., and other great cities in our Nation are burning.

This morning's newspapers told of more riots and more fires and looting taking place in Tampa and Cincinnati. Rioters set fire to homes and businesses, tossed Molotov cocktails at passing cars on a superhighway, took potshots at police and mobilized National Guard units. Firemen had to plead for police protection while trying to battle the blazes set by these rioters. There seems to be a great clamor for antigun legislation but nothing about Molotov cocktails.

I say all of these raids are being directed or led by agitators who move into the areas from other States in a continuous effort to foment riots and racial violence.

Unless Congress votes some legislation to give officers the power to make arrests and halt these high-handed tactics, we are heading for what could be "America's darkest hour."

But Congress cannot act as long as the Judiciary Committee elects to sit on bills such as H.R. 7108. I can recall after the Watts incident in California there was no bottleneck in getting a bill on the floor to make restitution for all of the looting and burning that took place there.

I say that is not the kind of bill the American people want. They want a bill to impower the police to use whatever force necessary to keep these ambulatory arsonists at home. I hope the Judiciary Committee will just bring H.R. 7108 to the floor. Then these migrant, meandering marauders will think twice before they travel so freely across our great Nation, leaving burned-out and looted homes and businesses in their wake, not to mention heartbreak, tears, and even death.

Mr. Speaker, I urge the House Judiciary Committee to act.

I place the newspaper reports from the June 14, 1967, Washington Post, Washington, D.C., of the riots at Tampa, Fla., and Cincinnati, Ohio, into the RECORD.

CINCINNATI: NATIONAL GUARD ORDERED IN

The Ohio National Guard was ordered into Cincinnati last night after gangs of Negro youths continued looting and setting fires for the second straight night.

The riots in Cincinnati seemed to follow the same pattern of those in Tampa, where the outbreaks continued for the third night.

At the same time, Black Power leaders in Montgomery, Ala., demanded an "eye-for-an-eye" retaliation if a young civil rights worker loses his sight from injuries suffered during an outbreak in Prattville on Monday after the arrest of Stokely Carmichael.

Carmichael, who was released on bond from jail yesterday, and H. Rap Brown his successor as head of the Student Nonviolent Coordinating Committee, led a protest march of 200 to 300 young Negroes to edge of the Capitol grounds in Montgomery. There were no incidents.

Calm appeared to have returned to the Watts district in Los Angeles after Monday night's outbreak when 500 Negroes threw rocks and bottles at firemen who were fighting a $35,000 fire at a storage yard.

Ohio's Gov. James A. Rhodes sent the Guard to Cincinnati at the request of Mayor Walton Bachrach.

At least 11 persons—including three newsmen and four policemen—were injured during the Cincinnati riots. None was hurt seriously.

The riots in Cincinnati were apparently triggered by a protest rally over a death sentence imposed on a Negro convicted of murder.

During the first night of the Cincinnati riots, as happened in Tampa Sunday night, the outbreak of looting and setting fires to stores and buildings was confined to the Negro section.

But then on the second night, the outbreaks spread to other districts. In Cincinnati they spilled over to adjacent Walnut Hills where a hardware store was set afire.

Police also reported trouble calls from other sections of the city—ranging from the Old West End near the Union Terminal to Norwood and the Evanston section four miles to the northeast. Looting was reported in a number of areas, including the downtown section for the first time.

As in Tampa, there also were scores of fire alarms, most of them false, which kept police and firemen busy throughout the city.

Shortly after midnight, there was a report that one person was shot in the Over-the-Rhine area north of downtown.

City officials and Negro leaders held an informal meeting early today in the police command post. But there was no indication of what was decided.

However, after the meeting Mayor Bachrach said police told him the "looting is continuing unabated." He also said trouble was "covering a good part of the city."

TAMPA: A NOW FAMILIAR FRIEZE

(By Nicholas von Hoffman)

TAMPA, FLA., June 13.—The scene was becoming familiar to American cities. It was a morning-after-the-riot frieze on the three blocks of Central Avenue. The fires had been put out, but the glass had not been swept up yet. Policemen with automatic rifles patrolled the sealed-off street. Here and there small numbers of people appeared timidly on the sidewalks.

There was the usual atmosphere, as though everyone were suffering from social concussion. "It was as big a surprise to me as it was to you. I really didn't think it was going to happen," said L. C. Burney, a Negro longshoreman.

[National Guardsmen were pulled back into their compounds tonight after Negro leaders guaranteed they could restore peace. Several buildings and a lumber yard were set afire later but otherwise peace apparently had been restored.]

"What's wrong around here? Why did this start?" a reporter asked. A Negro, 20 years old and an unemployed casual laborer in a sweatshirt and a straw pork-pie hat, quit jiving and fidgeting with his friends. He strained to come up with an answer to the Nation's largest social problem.

"Not enough rec-eation," he said. If the answer didn't satisfy, it was no less convincing than the words of sociologists, senators and presidents on the same subject.

Up the street, an informer stopped Police Lt. V. A. Sergi. "What do you hear about tonight?" asked Sergi, who had once been a policeman in Bedford Stuyvesant and had come down here 12 years ago.

There are a lot of Northerners in this town, which strikes a visitor like a tropical version of some north New Jersey city like Passaic or Elizabeth.

The Mayor's name is Nick Nuccio. This town of 300,000 that he runs, with its port and its 16 per cent Negro population, seems to have no connection with the South or with the vacation lands that surround it.

"I hear some stuff is going to start in West Tampa near the Blind Pig," the informer told the policeman.

"They going to move like last night?"

"Yeah, like last night," the informer agreed.

Last night was Monday, when violence along Central ave. and at the pastel-colored housing project behind it had petered out to spurt again in diminished spots, elsewhere. If it was centered anywhere it was in the old Spanish cigarmaking section called Ybor City.

"They started robbing people and hitting them over the head a couple of years ago in Ybor City," recounted Henry Rivera. "What can an old man do if they come after him? There were three of them that were going to get me a few nights ago, but a bus came along before they could. Of course, I would have fought."

Rivera was in the little store-front cigar factory working despite the vandalism and scary speculation that inevitably comes with these riots.

Monday night, Gov. Claude Kirk Jr. was here overseeing the operations of 500 National Guardsmen and talking about law order and peaceable living.

"All Floridians are safe. There were just a few attempts that would have resulted in looting if we hadn't been so vigilant. I doubt you've seen any Governor function as we did. Total containment, that's what we had. Attention to detail, that's what we did," Kirk declared sitting in the Hillsborough (Tampa) County sheriff's office.

"There was an estimated 75 pistols looted, but what do I care?" The Governor asked with a ready answer to his own question. "I've got 500 damn carbines out there. This's how I'd fight the Vietnamese war, so nobody would be hurt."

It was late at night and the rioting had not been much, so Kirk flew off to a speech in Miami today attacking a news agency for writing that "rampaging Negroes burned and looted Tampa's sprawling slums."

The Governor has a reputation as something of a flamboyant blowhard, but in this instance most of the press here agreed with him that the agency grossly exaggerated the story. Still there had been Sunday night, when it was bad and nobody could be sure it wouldn't happen again.

CRISIS IN WORLD STRATEGY: WHAT WOULD MACARTHUR DO?

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. RARICK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RARICK. Mr. Speaker, in a statement in the daily CONGRESSIONAL RECORD of April 18, 1967, page A1879, I quoted a most scholarly and thoughtful editorial in a recent issue of Task Force, the monthly publication of the Defenders of the American Constitution, Ormond Beach, Fla., of which the president is Lt. Gen. P. A. del Valle, U.S. Marine Corps, retired, a World War II associate of Gen. Douglas MacArthur in the Pacific.

This editorial listed and discussed the danger at the following four key strategic spots: Suez Canal-Red Sea area in the Near East; Vietnam in Southeast Asia; southern Africa and nearby sea lanes; and Panama Canal.

It also outlined a program for action by the Congress to meet the threats from these widely separated areas and called upon all patriots of our country to write their respective Senators and Representatives to exercise their full strength and power in preventing the success of Red terror and conquest throughout the world.

Now that the crisis in the Near East has diverted public attention from Southeast Asia, all should realize that the strategic points previously mentioned are not the locations where the decisive effort by world revolutionary forces for world domination would be made, but the mere diversions fought by Soviet "cannon-fodder stooges." Moreover, the events now taking place in the Near East are further evidences of Soviet policy because President Nasser is clearly a Soviet pawn. The arbitrary actions of Nasser in the operation of the Suez Canal and in mining and blockading the Gulf of Aqaba is typical of long-announced Soviet policy of conquering all nations of the earth by force and violence, if necessary, and forcing them into the communist orbit of despotism.

Despite the wide separation of current disorders in various strategic areas of the world and their magnitude, the attention of the Kremlin is not going to be diverted from the historic line for the defense of Western civilization, extending from Denmark to the Alps across central Europe. The task of formulating and directing our war operations is not for amateurs in the Department of State, but calls for the ablest military and naval strategists that our country can muster.

In this regard, let us take a look into our history. In 1898 when Commodore George Dewey, who had served under Admiral Farragut in the 1862 operation for the capture of New Orleans, was in the midst of the confusion of preparation for the battle of Manila Bay and had to bear the burden of responsibility alone, he would recall the great naval leader when he was a young officer and ask himself: "What would Farragut do?"

In 1951, after the return of General MacArthur from Japan and the Korean war, former President Hoover described him as the "greatest combination of statesman and military leader that

America has produced since George Washington." No doubt many professional officers of our Armed Forces who served with MacArthur, or have studied his career, are today asking themselves: "What would MacArthur do?"

The answer to that question, Mr. Speaker, no one can give, but what we can do is to read and study his immortal 1951 address before the Congress, which deals in broad outline with the strategy required for free world defense. We can also listen to recordings of this great classic that ranks with the best of ancient Greece and Rome. It should be played and replayed for the benefit not only of our adult population and all the students and scholars in our educational institutions, but also for Members of the Congress.

What General MacArthur said during the Korean war in 1951 to a joint meeting of the Congress is altogether applicable to present crisis. I quote one key passage which we can ignore only at our peril:

The Communist threat is a global one. Its successful advance in one sector threatens the destruction of every other sector. You cannot appease or otherwise surrender to Communism in Asia without simultaneously undermining our efforts to halt its advance in Europe.

I insert the full text of General MacArthur's address following my remarks:

FROM REMINISCENCES

(By General of the Army Douglas MacArthur)

Mr. President, Mr. Speaker, and distinguished Members of the Congress:

I stand on this rostrum with a sense of deep humility and great pride—humility in the wake of those great American architects of our history who have stood here before me, pride in the reflection that this forum of legislative debate represents human liberty in the purest form yet devised. Here are centered the hopes and aspirations and faith of the entire human race.

I do not stand here as advocate for any partisan cause, for the issues are fundamental and reach quite beyond the realm of partisan consideration. They must be resolved on the highest plane of national interest if our course is to prove sound and our future protected. I trust, therefore, that you will do me the justice of receiving that which I have to say as solely expressing the considered viewpoint of a fellow American. I address you with neither rancor nor bitterness in the fading twilight of life with but one purpose in mind—to serve my country.

The issues are global and so interlocked that to consider the problems of one sector, oblivious to those of another, is but to court disaster for the whole.

While Asia is commonly referred to as the gateway to Europe, it is no less true that Europe is the gateway to Asia, and the broad influence of the one cannot fail to have its impact upon the other.

There are those who claim our strength is inadequate to protect on both fronts—that we cannot divide our efforts. I can think of no greater expression of defeatism. If a potential enemy can divide his strength on two fronts, it is for us to counter his effort.

The Communist threat is a global one. Its successful advance in one sector threatens the destruction of every other sector. You cannot appease or otherwise surrender to Communism in Asia without simultaneously undermining our efforts to halt its advance in Europe.

Beyond pointing out these simple truisms, I shall confine my discussion to the general area of Asia. Before one may objectively assess the situation now existing there, he must comprehend something of Asia's past and the revolutionary changes which have marked her course up to the present. Long exploited by the so-called colonial powers, with little opportunity to achieve any degree of social justice, individual dignity, or a higher standard of life such as guided our own noble administration of the Philippines, the peoples of Asia found their opportunity in the war just past to throw off the shackles of colonialism and now see the dawn of new opportunity, a heretofore unfelt dignity and the self-respect of political freedom.

Mustering half of the earth's population and 60 per cent of its natural resources, these peoples are rapidly consolidating a new force, both moral and material, with which to raise the living standard and erect adaptations of the design of modern progress to their own distinct cultural environments. Whether one adheres to the concept of colonization or not, this is the direction of Asian progress and it may not be stopped. It is a corollary to the shift of the world economic frontiers, as the whole epicenter of world affairs rotates back toward the area whence it started. In this situation it becomes vital that our country orient its policies in consonance with this basic evolutionary condition rather than pursue a course blind to the reality that the colonial era is now past and the Asian peoples covet the right to shape their own free destiny. What they seek now is friendly guidance, understanding, and support, not imperious direction; the dignity of equality, not the shame of subjugation. Their prewar standard of life, pitifully low, is infinitely lower now in the devastation left in war's wake. World ideologies play little part in Asian thinking and are little understood. What the peoples strive for is the opportunity for a little more food in their stomachs, a little better clothing on their backs, a little firmer roof over their heads, and the realization of the normal nationalist urge for political freedom. These political-social conditions have but an indirect bearing upon our own national security, but form a backdrop to contemporary planning which must be thoughtfully considered if we are to avoid the pitfalls of unrealism.

Of more direct and immediate bearing upon our national security are the changes wrought in the strategic potential of the Pacific Ocean in the course of the past war. Prior thereto, the western strategic frontier of the United States lay on the littoral line of the Americas with an exposed island salient extending out through Hawaii, Midway, and Guam to the Philippines. That salient proved not an outpost of strength but an avenue of weakness along which the enemy could and did attack. The Pacific was a potential area of advance for any predatory force intent upon striking at the bordering land areas.

All this was changed by our Pacific victory. Our strategic frontier then shifted to embrace the entire Pacific Ocean which became a vast moat to protect us as long as we hold it. Indeed, it acts as a protective shield for all of the Americas and all free lands of the Pacific Ocean area. We control it to the shores of Asia by a chain of islands extending in an arc from the Aleutians to the Marianas held by us and our free allies. From this island chain we can dominate with sea and air power every Asiatic port from Vladivostok to Singapore and prevent any hostile movement into the Pacific. Any predatory attack from Asia must be an amphibious effort. No amphibious force can be successful without control of the sea lanes and the air over those lanes in its avenue of advance. With naval and air supremacy and modest ground elements to defend bases, any major attack from continental Asia toward us or our friends of the Pacific would be doomed to failure. Under such conditions the Pacific no longer represents menacing avenues of approach for a prospective invader—it assumes instead the friendly aspect of a peaceful lake. Our line of defense is a natural one and can be maintained with a minimum of military effort and expense. It envisions no attack against anyone nor does it provide the bastions essential for offensive operations, but properly maintained would be an invincible defense against aggression.

The holding of this littoral defense line in the western Pacific is entirely dependent upon holding all segments thereof, for any major breach of that line by an unfriendly power would render vulnerable to determined attack every other major segment. This is a military estimate as to which I have yet to find a military leader who will take exception. For that reason I have strongly recommended in the past as a matter of military urgency that under no circumstances must Formosa fall under Communist control. Such an eventuality would at once threaten the freedom of the Philippines and the loss of Japan, and might well force our western frontier back to the coasts of California, Oregon and Washington.

To understand the changes which now appear upon the Chinese mainland, one must understand the changes in Chinese character and culture over the past fifty years. China up to fifty years ago was completely nonhomogeneous, being compartmented into groups divided against each other. The warmaking tendency was almost nonexistent, as they still followed the tenets of the Confucian ideal of pacifist culture. At the turn of the century, under the regime of Chan So Lin, efforts toward greater homogeneity produced the start of a nationalist urge. This was further and more successfully developed under the leadership of Chiang Kai-shek, but has been brought to its greatest fruition under the present regime, to the point that it has now taken on the character of a united nationalism of increasingly dominant aggressive tendencies. Through these past fifty years, the Chinese people have thus become militarized in their concepts and in their ideals. They now constitute excellent soldiers with competent staffs and commanders. This has produced a new and dominant power in Asia which for its own purposes is allied with Soviet Russia, but which in its own concepts and methods has become aggressively imperialistic with a lust for expansion and increased power normal to this type of imperialism. There is little of the ideological concept either one way or another in the Chinese makeup. The standard of living is so low and the capital accumulation has been so thoroughly dissipated by war that the masses are desperate and avid to follow any leadership which seems to promise the alleviation of local stringencies. I have from the beginning believed that the Chinese Communist's support of the North Koreans was the dominant one. Their interests are at present parallel to those of the Soviet, but I believe that the aggressiveness recently displayed not only in Korea, but also in Indo-China and Tibet, and pointing potentially toward the south reflects predominantly the same lust for the expansion of power which has animated every would-be conqueror since the beginning of time.

The Japanese people since the war have undergone the greatest reformation recorded in modern history. With a commendable will, eagerness to learn, and marked capacity to understand, they have, from the ashes left in war's wake, erected in Japan an edifice dedicated to the primacy of individual liberty and personal dignity, and in the ensuing process there has been created a truly representative government committed to the advance of political morality, freedom of economic enterprise, and social justice. Politically, economically and socially, Japan is now abreast of many free nations of the earth and will not again fail the universal

trust. That it may be counted upon to wield a profoundly beneficial influence over the course of events in Asia is attested by the magnificent manner in which the Japanese people have met the recent challenge of war, unrest and confusion surrounding them from the outside, and checked Communism within their own frontiers without the slightest slackening in their forward progress. I sent all four of our occupation divisions to the Korean battlefront without the slightest qualms as to the effect of the resulting power vacuum upon Japan. The results fully justified my faith. I know of no nation more secure, orderly and industrious—nor in which higher hopes can be entertained for future constructive service in the advance of the human race.

Of our former ward, the Philippines, we can look forward in confidence that the existing unrest will be corrected and a strong and healthy nation will grow in the longer aftermath of war's terrible destructiveness. We must be patient and understanding and never fail them, as in our hour of need they did not fail us. A Christian nation, the Philippines stand as a mighty bulwark of Christianity in the Far East, and its capacity for high moral leadership in Asia is unlimited.

On Formosa, the Government of the Republic of China has had the opportunity to refute by action much of the malicious gossip which so undermined the strength of its leadership on the Chinese mainland. The Formosan people are receiving a just and enlightened administration with majority representation on the organs of government, and politically, economically and socially they appear to be advancing along sound and constructive lines.

With this brief insight into the surrounding areas I now turn to the Korean conflict. While I was not consulted prior to the President's decision to intervene in support of the Republic of Korea, the decision, from a military standpoint, proved a sound one, as we hurled back the invader and decimated his forces. Our victory was complete and our objectives within reach when Red China intervened with numerically superior ground forces. This created a new war and an entirely new situation—a situation not contemplated when our forces were committed against the North Korean invaders—a situation which called for new decisions in the diplomatic sphere to permit the realistic adjustment of military strategy. Such decisions have not been forthcoming.

While no man in his right mind would advocate sending our ground forces into continental China and such was never given a thought, the new situation did urgently demand a drastic revision of strategic planning if our political aim was to defeat this new enemy as we had defeated the old.

Apart from the military need as I saw it to neutralize the sanctuary protection given the enemy north of the Yalu, I felt that military necessity in the conduct of the war made mandatory:

1. The intensification of our economic blockade against China;

2. The imposition of a naval blockade against the China coast;

3. Removal of restrictions on air reconnaissance of China's coastal area and of Manchuria;

4. Removal of restrictions on the forces of the Republic of China on Formosa with logistic support to contribute to their effective operations against the common enemy.

For entertaining these views, all professionally designed to support our forces committed to Korea and bring hostilities to an end with the least possible delay and at a saving of countless American and Allied lives, I have been severely criticized in lay circles, principally abroad, despite my understanding that from a military standpoint the above views have been fully shared in the past by practically every military leader concerned with the Korean campaign, including our own Joint Chiefs of Staff.

I called for reinforcements, but was informed that reinforcements were not available. I made clear that if not permitted to destroy the enemy buildup bases north of the Yalu; if not permitted to utilize the friendly Chinese force of some 600,000 men on Formosa; if not permitted to blockade the China coast to prevent the Chinese Reds from giving succor from without; and if there were to be no hope of major reinforcements, the position of the command from the military standpoint forbade victory. We could hold in Korea by constant maneuver and at an approximate area where our supply line advantages were in balance with the supply line disadvantages of the enemy, but we could hope at best for only an indecisive campaign, with its terrible and constant attrition upon our forces if the enemy utilized his fill military potential. I have constantly called for the new political decisions essential to a solution. Efforts have been made to distort my position. It has been said that I was in effect a war monger. Nothing could be further from the truth. I know war as few other men now living know it, and nothing to me is more revolting. I have long advocated its complete abolition as its very destructiveness on both friend and foe has rendered it useless as a means of settling international disputes. Indeed, on the 2nd of September 1945, just following the surrender of the Japanese nation on the battleship *Missouri*, I formally cautioned as follows: "Men since the beginning of time have sought peace. Various methods through the ages have been attempted to devise an international process to prevent or settle disputes between nations. From the very start, workable methods were found insofar as individual citizens were concerned; but the mechanics of an instrumentality of larger international scope have never been successful. Military alliances, balances of power, leagues of nations, all in turn failed, leaving the only path to be by way of the crucible of war. The utter destructiveness of war now blots out this alternative. We have had our last chance. If we will not devise some greater and more equitable system, Armageddon will be at the door. The problem basically is theological and involves a spiritual recrudescence and improvement of human character that will synchronize with our almost matchless advances in science, art, literature, and all material and cultural developments of the past 2,000 years. It must be of the spirit if we are to save the flesh."

But once war is forced upon us, there is no other alternative than to apply every available means to bring it to a swift end. War's very object is victory—not prolonged indecision. In war, indeed, there can be no substitute for victory.

There are some who for varying reasons would appease Red China. They are blind to history's clear lesson. For history teaches with unmistakable emphasis that appeasement but begets new and bloodier war. It points to no single instance where the end has justified that means—where appeasement has led to more than a sham peace. Like blackmail, it lays the basis for new and successively greater demands, until, as in blackmail, violence becomes the only alternative. Why, my soldiers asked of me, surrender military advantages to an enemy in the field? I could not answer. Some may say to avoid spread of the conflict into an all-out war with China; others, to avoid Soviet intervention. Neither explanation seems valid. For China is already engaging with the maximum power it can commit and the Soviet will not necessarily mesh its actions with our moves. Like a cobra, any new enemy will more likely strike whenever it feels that the relativity in military or other potential is in its favor on a world-wide basis.

The tragedy of Korea is further heightened by the fact that as military action is confined to its territorial limits, it condemns that nation, which it is our purpose to save, to suffer the devastating impact of full naval and air bombardment, while the enemy's sanctuaries are fully protected from such attack and devastation. Of the nations of the world, Korea alone, up to now, is the sole one which has risked its all against Communism. The magnificence of the courage and fortitude of the Korean people defies description. They have chosen to risk death rather than slavery. Their last words to me were, "Don't scuttle the Pacific."

I have just left your fighting sons in Korea. They have met all tests there and I can report to you without reservation they are splendid in every way. It was my constant effort to preserve them and end this savage conflict honorably and with the least loss of time and a minimum sacrifice of life. Its growing bloodshed has caused me the deepest anguish and anxiety. Those gallant men will remain often in my thoughts and in my prayers always.

I am closing my fifty-two years of military service. When I joined the Army even before the turn of the century, it was the fulfillment of all my boyish hopes and dreams. The world has turned over many times since I took the oath on the Plain at West Point, and the hopes and dreams have long since vanished. But I still remember the refrain of one of the most popular barrack ballads of that day which proclaimed most proudly that—

"Old soldiers never die, they just fade away."

And like the old soldier of that ballad, I now close my military career and just fade away—an old soldier who tried to do his duty as God gave him the light to see that duty.

Good-by.

WISE WORDS FROM POSTMASTER GENERAL LAWRENCE F. O'BRIEN: "BLESSED ARE THE PEACEMAKERS"

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. BOLAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BOLAND. Mr. Speaker, in a speech this week to Harrisburg Democrats, Postmaster General Lawrence F. O'Brien spoke candidly about the problem of party unity and the controversy over Vietnam.

I commend our distinguished Postmaster General for the wisdom of his words. For he has rightly noted that in Vietnam, as well as everywhere else in the world, "We are all peacelovers."

And he added:

The President is trying to make a peace in Southeast Asia that will last. He will not agree to a policy that has America making its first stand in the last ditch. He wants advice about peace, but often he has merely been smothered by statements from peacelovers.

The Postmaster General concludes:

I think a Democratic Party that shows the country it is creative in the area of peacemaking, that is providing the President with useful, constructive advice, is showing the country a responsible party.

Larry O'Brien is obviously right: To want peace is one thing, but to work to obtain it, is quite another.

The American people will continue to support overwhelmingly a President who stands firm against aggression, while working overtime to seek a peaceful settlement of differences. And because this is so, history may judge our generation of Americans as the peacelovers who become the peacemakers.

Mr. Speaker, I include Postmaster General O'Brien's speech with my remarks at this point in the RECORD:

ADDRESS BY POSTMASTER GENERAL LAWRENCE F. O'BRIEN AT THE PENNSYLVANIA STATE DEMOCRATIC DINNER, FARM SHOW BUILDING, HARRISBURG, PA., JUNE 6, 1967

Fellow Democrats, I am delighted to be with you here in Harrisburg tonight. I have some very fond memories of this city. Over six years ago, some of you will remember, a young man from Massachusetts came to Harrisburg to ask your support in his bid to win the Presidency.

He took the political temperature here and found it to be warm and encouraging.

In fact, President Kennedy long remembered the reception that he received at the Zembo Mosque Temple. Later on, there were other great receptions in Chicago, New York and Los Angeles, and, after that, in Caracas and Berlin.

But before John F. Kennedy became President of the United States, Harrisburg turned out to see him and to listen to his message.

John Kennedy's message then was that this nation was not doing all it could, or all it should.

And today the very people who were holding America back in 1960 are hoping to regain control.

A few months ago they held a big powwow in Washington.

It was mighty interesting.

There they were, the underdogs, raising a million dollars at one dinner. Underdogs were chasing the fat cats all over the place.

The occasion was something of a fashion show.

The models were wearing their basic smiles—smiles that got slightly ragged around the edges as the evening progressed.

There was Richard Nixon wearing his reversible coat in his usual colors—red, white and blue.

There was Ronald Reagan, who came on stage and claimed that Sacramento was the biggest mess outside of Washington. He's having a hard time remembering that he's Governor now—and the messes in Sacramento belong to him. But when all you've got is one good script, it's hard to find another.

Incidentally, Barry Goldwater was invited to join the fashion show. But he was unable to, since he had lost his entire wardrobe back in November 1964.

And then there was the Governor of Michigan. You remember him. He's the one that Americanized the compact car. And his views since then have been truly in the mainline of Republican tradition: think small, and shift for yourself.

His positions on public issues remind me of a traffic sign I once saw. The sign warns: "Don't Park on Both Sides of the Street."

Governor Romney was trying his best to look sweet, since he says he is "courting" the Presidency. Well, I am happy to tell him, it's already engaged.

Several Republican speakers said they were sure the *next* President of the United States was in that room.

But they couldn't figure out who it was.

So, I'll inform them. He wasn't in that room. He was in another room, the Oval Room at 1600 Pennsylvania Avenue. And his name is Lyndon Baines Johnson.

If anything, the fashion show proved that the term "new Republicanism" is empty—just a couple of words that happened to get together.

I think we can count on the Republicans making a good many mistakes in the months to come—they always have.

But I think just as firmly that it would be a bigger mistake for Democrats to count too much on the opposition's errors.

We ourselves must produce, we ourselves must build. And we know from experience that when it comes to the creation of effective political machinery, nothing is more important than the leadership of State party organizations. You must be the builders of the foundation on which will rise a successful party and successful campaign.

The first step in that process of rebuilding is to look forward, not backward.

All of us could spend time and energy mulling over the events of last fall, gauging what we did and what we didn't do, and finding fault. We *could* spend the time, but it would be time wasted. The important consideration is not the past but the future. What do we do now? Where are we going? Are we mastering events, or are we being mastered *by* events?

I know that this forward look has been the strategy of the Democratic National Committee. I can assure you that its house is being put in good order.

But I would be less than candid if I did not say that my observations around the country in the last four months have given me deep concern. A number of States reflect disunity in State and local Democratic organizations.

A number of States in which Democratic candidates were less than successful seem also to have adopted the attitude that "it isn't our fault." They are saying, in effect, "If it wasn't for Vietnam, or the cost of living, or the floods, we would have won." Well, a lifetime in politics has taught me that such reasoning is nothing more than nonsense.

We all remember that Will Rogers once said, "I am not a member of any organized political party. I am a Democrat." That was good for a lot of laughs back in 1922—but let's not forget that the disunity that produced laughs back in those days, also produced an unbroken string of 12 years of Republican Presidents, Republican majorities in the 67th, 68th, 69th, 70th, 71st and 72nd Congresses, and ultimately, such disasters as the Depression.

Democratic disunity is the germ that produces Republican disease. If we want to be disease spreaders, that's one thing, but if we want to provide solutions to the problems our nation is facing, and avoid the disasters that are always the result of fighting among ourselves, then we must work together.

Time is the primary requirement to carry out the responsibility of building. We have time now—and now is the time to use it. Many State organizations have no statewide election demands on their resources for well over a year. That period can be wasted through inaction, or it can be employed to recruit staff, to refine and extend voter registration, to prepare campaign material, to secure the finances you need, and, above all, to organize in a hard-hitting, effective way.

Long before the opening gun of the 1968 campaigns, we should be ready to go, and able to go, and headed in the same direction.

The other crucial task of any State and local organization that seeks to make a meaningful contribution is to educate.

Tell the people, again and again, about the issues.

One of the major issues is Vietnam. Now I suppose, having talked about party unity, you might have expected me to avoid talking about Vietnam. But not talking about it doesn't make it go away. The Republican policy on Vietnam seems to be shaping up. It is simple. It is clever. And it may prove difficult to beat. That policy is simply that they support our men in Vietnam, but that the Democratic party neither knows how to make war or to make peace. Hence, the argument runs, the leadership of this country must be placed in the calm, capable hands of men like Mr. Nixon who wins arguments in kitchens . . . if not in television debates.

How do we meet this argument? Well, for one thing we have got to respond by asking for specifics. Just how would these tired new faces go about winning the war or making peace? Barry Goldwater might import the Indian Rain Dance from Arizona, but it takes more than noises and gestures to win wars and to construct a durable peace. So, while the Republican argument is clever, its essential bankruptcy will be revealed clearly during the campaign.

However, it is not enough to counter Republican arguments. We must enunciate our own Democratic policy.

Recently 14 Democratic Senators, joined by 2 Republicans, took an action that can only be commended. All of these men had criticized our policy in Vietnam for one reason or another. Yet they issued a statement which President Johnson summed up as meaning, "Don't be misled, North Viet Nam." This position clearly stated that the signatories were ". . . steadfastly opposed to any unilateral withdrawal of American troops." In other words, they were against simple-minded solutions to difficult problems.

Here we see we can find unity, while still preserving our Democratic party tradition of freedom of dissent.

I think the essence of that argument is found in the Sermon on the Mount. As you recall, it says, "Blessed are the peacemakers." It doesn't say anything about *peacelovers*. We are all peacelovers. There's nothing special about a peacelover. But it takes considerable thought, energy, imagination, diplomacy, and, unfortunately, in the kind of world in which we live, sometimes force to be a peacemaker. The President is trying to make a peace in Southeast Asia that will last. He will not agree to a policy that has America making its first stand in the last ditch. He wants advice about making peace, but often he has merely been smothered by statements from peacelovers.

I think a Democratic Party that shows the country it is creative in the area of peacemaking, that is generating new ideas about peace, that is providing the President with useful, constructive advice, is showing the country a responsible party.

So, let's not stifle dissent by any means. We all want an honorable end to the conflict in Vietnam, and we all want any peace made there to be a lasting peace, not just a pause that will result in our fighting again, perhaps at greater cost and closer to our shores.

As for domestic issues, the President has given Congress one of the finest agendas of action in history.

He has placed renewed emphasis on raising the quality and availability of education, including the use of the greatest educational tool ever invented—television—to teach our children.

He has asked for a pilot program for free meals for preschool children.

He has asked for an anti-crime program that will reduce crime by removing the poverty in which it breeds, and will also give meaningful help to local police forces.

He has asked for protection of consumers, including truth-in-lending.

He has asked for an expansion of our effort to support mental health and combat mental retardation.

He has asked for new legislation for veterans.

He has asked for new action and renewed vigor in every area that challenges America today to assure continuity of progress in the future.

This is a program we can be proud of.

We must tell the voters about it. We must describe what is being attempted, and what is being achieved. And if the Republicans blindly oppose, as they have so often, let's tell the voters about that too.

And I think it might be well to remind the people that such landmarks as Medicare and Federal assistance to primary and secondary schools were the result of action by *your* party, and *your* Administration, and *your* President, and *your* Democratic Congress.

Now I know that it is easy for me to come up here to Pennsylvania and talk about party unity.

And I am well aware of the danger of giving advice.

It's like the little boy who was asked to write a few lines about Socrates. He said, "Socrates was a wise man. He went around giving people advice. They poisoned him."

Free advice is dangerous to give and, too often, worth exactly what you pay for it.

So I am not going to attempt to give you advice—rather, I am going to give you a few examples of what unity really means.

I recall very clearly a windswept Boston common in 1952—walking there with two young men.

One had decided to seek state-wide office in Massachusetts and his brother had determined that he would devote his full time and effort to assist him.

And I also remember the primary route in 1960. I recall particularly Wisconsin and West Virginia and the conversation I had the morning following that West Virginia primary with the defeated candidate.

I will never forget that morning.

That son of Minnesota, tired, bone tired, from weeks without sufficient sleep, disappointed, naturally.

And yet, at that moment he was not grimly hanging on to the disappointment of the past, to the dregs of hope drained. No! He was looking to the future. And so, calmly, firmly he pledged his support, his full vigor, his total commitment, to move our party forward.

My friends, I also recall a hotel room in Los Angeles in 1960.

I remember well a tall Texan coming into that room to meet and be greeted by his new leader.

And that Texan on that day said to our nominee, "You have my pledge.

"I will move heaven and earth to help achieve victory as a member of this ticket."

And I also recall a plane at Dallas.

On that plane with the body of our fallen leader—a man I had been intimately associated with for 14 years—I again listened to the words of that Texan, who explained carefully to me his constitutional responsibility, which he was fully prepared to accept, and pointed out that the world and the nation awaited this grim testing of our democratic form of government.

The key word was "continuity."

And he said to me, "I have a constitutional responsibility; you have none.

"But I ask you to stand shoulder to shoulder with me."

I have served two Presidents over these last six and a half years—in close association.

And I recall here so vividly these reminiscences I am sharing with you—that young man on windswept Boston Common, who served his brother, the President, with dedication to the end; that brave and courageous Democrat from Minnesota who traveled the highways and the byways of West Virginia and reacted as a true soldier at his moment of personal loss; and that tall Texan who traveled the long train route through the South in 1960 and who later assured continuity for this nation at a moment of crisis and great stress as the world waited with bated breath.

I say to you, my friends, that all three of these men—leaders of our party—indeed all of those who hold national position and whom we look to for guidance and for leadership—they will march shoulder to shoulder in 1968.

They will be together on the continuing upward path to an even greater America.

They will discharge their responsibilities together—their responsibilities to their party—their responsibilities to this nation.

They will, because they know the value of unity and the cost of disunity.

I submit to you, will you follow in their footsteps? Will you display courage and unity, and lead Pennsylvania to a better future? I feel I can find the answer in the brilliant progressive record of your past. I believe you will meet the challenge that confronts us. I believe you will be victorious here in Pennsylvania, that you will help assure four more years of progress in Washington. I am confident we can count on you and we all know the Nation will be the better for it.

THE BALTIC STATES: A TRIBUTE

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. RODINO] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RODINO. Mr. Speaker, during the last few weeks our newspapers have carried full coverage of the Arab-Israel war. Americans have been astonished by the remarkable success of the small nation of Israel in achieving military victory over the Arab nations.

Yet, small states have not always survived the threats from powerful neighbors who have been committed to their destruction: not all have had the success of Israel.

One of the examples in modern times of such states which could not meet the challenge to their survival is that of the three Baltic States: Latvia, Lithuania, and Estonia. The Baltic peoples are a redoubtable, courageous, and stouthearted people; the historical record is filled with glorious accounts of their struggle for existence. But sometimes the might of the enemy can be too great for a people, and the balance of power can be so heavily weighted against them that they could not hope to contest their adversary successfully.

Such was the case of the Baltic States and their attempts to survive as independent, free nations against the overwhelming power of Nazi Germany and the Soviet Union. As World War II loomed on the horizon, the Baltic States declared their neutrality; they had hoped that this formal claim to noninvolvement might enable them to survive among the ambitious giants to the east and west. But this was to no avail. The Nazis and Soviets divided the Baltic area into zones of influence, and from that moment on loss of freedom and independence of the Baltic peoples was only a matter of time.

Caught between the giants, the Baltic States could not survive. As states they were annihilated, and many thousands of their people were executed or dispersed throughout the Soviet Union.

It is fitting, therefore, that on this 27th anniversary of captivity we honor the valiant peoples of the Baltic States. Let us hope for the day when the Baltic States will once again join the family of free nations.

EXEMPLARY, UNEXCEPTIONAL AND ALMOST OBVIOUS

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. ANNUNZIO] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, the Washington Post this Sunday pointed out that the Teacher Corps still hangs in limbo because of delay in congressional action to give funds for continued operations.

The Post points out, in its editorial, that the death of the Teacher Corps would leave a number of schools without the help on which they are relying in their struggle to educate deprived youngsters.

I ask unanimous consent that the editorial be printed in the RECORD in its entirety. The text follows:

[From the Washington Post, June 4, 1967]

LIVING DANGEROUSLY

Not since the Perils of Pauline ran serially in the movies of a day gone by has there been a scenario quite so replete with cliffhanging episodes as the story of the Teacher Corps. Scorned, knocked down, beaten up and kicked around, the fledgling agency is still alive and full of promise. Its fate, however, hangs in the balance, as one used to say. Unless Congress gives it a new lease on life before the month of June comes to a close, the Teacher Corps will cease to exist; and a number of idealistic young men and women who enlisted with it a year ago for a two-year stint will find themselves out in midstream without a canoe. What is rather worse, moreover, a number of schools which counted on these trained and dedicated volunteers will have to struggle along without them.

It had been hoped that congressional authorization for continuance of the Teacher Corps would be included in the Elementary and Secondary School Education Act approved by the House a week or so ago. A last-minute amendment deleted it, however. This left the Corps, not extinct but in a precarious position. It is to be brought up again when the 1967 Higher Education Act comes before the House. An appropriations Conference report has set aside $3.8 million to finance the Teacher Corps. This money can be made available to the agency, of course, only if its continued existence is authorized.

For our part, we view the Teacher Corps as an exemplary, unexceptionable and almost obvious form of Federal aid to education. It is designed to bring into the teaching profession young college graduates of exceptional ability and exceptional devotion to the idea of helping teach youngsters in the schools of deprived neighborhoods. These young teachers, given graduate training in universities associated with the Corps, would work under experienced supervisory teachers as regular subordinates of local school authorities. They could make an invaluable contribution in enthusiasm, dedication and freshness of approach. We hope that Congress will let them have the opportunity to undertake this immensely helpful assignment.

BALTIC STATES FREEDOM DAY

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. ANNUNZIO] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, in June of 1940 the Russians overran Lithuania, Latvia, and Estonia, and conducted a mass deportation to Siberia which caused the death of thousands of innocent people. All over the world today the peoples of the Baltic States are commemorating the 27th anniversary of this tragic event.

The unfortunate plight of the Baltic States Republics has long been a matter of profound concern to me. During the 89th Congress I introduced a resolution with reference to the continuing enslavement of Lithuania, Estonia, and Latvia. Today I am pleased once again to introduce a similar resolution expressing the sense of the Congress in behalf of the Baltic States and urging that these Republics be freed so that, under the supervision of the United Nations, they may hold elections and choose their own form of government.

We in the free world enjoy all the benefits of political and economic liberty—yet how can we fully enjoy our liberties while millions of our fellow men are brutally deprived of the most fundamental human rights? Because we ourselves are free, we have a compelling moral obligation to our brothers trapped behind the Iron Curtain. It seems to me that this obligation lies particularly heavily on our own country, for as a leader in the free world, the United States must help to keep the light of liberty burning brightly in order to remind those who look to the West for inspiration that they are not forgotten.

Twenty-seven years have passed since the Baltic States were overrun by the Communists and thousands of these innocent people were inhumanly exiled, deported, and murdered. The sad fate and memory of these victims are very much alive today, and on the observance of Baltic States Freedom Day we pay due tribute to their blessed memory, while praying for the freedom of the Baltic peoples from Communist totalitarian tyranny.

Today, on the 27th anniversary of Baltic States Freedom Day, it is particularly fitting that we remember the courageous Estonians, Latvians, and Lithuanians. I urge, therefore, that my colleagues join in support of my own resolution, and the nine others which have already been introduced in order that our belief in the fundamental rights and the inherent dignity of mankind may be reaffirmed to all nations.

ASPIRA

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Puerto Rico [Mr. POLANCO-ABREU] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. POLANCO-ABREU. Mr. Speaker, on May 26, 1967, the New York Times printed an article about a Puerto Rican organization in New York City called Aspira—Spanish for "to aspire." Aspira was founded to help Puerto Rican youngsters overcome the three major barriers they face in trying to improve their education: language, inadequate counsel, and financial need. Since 1961 a total of 440 Aspira members have received scholarships to colleges and universities such as Yale, Princeton, Wesleyan, Barnard and many others.

There is an important fact about Aspira: Its help is available only to those who are willing to help themselves. "Aspirantes" help one another, too.

Here is a program that fosters pride, hope, and purpose in life, and makes leaders of many who otherwise might have floundered and been lost. What community is without such souls, and what city or town would not be better for an organization like Aspira?

It is with such thoughts that I commend the New York Times article as worthy of attention.

[From the New York Times, May 26, 1967]

ASPIRATION GIVEN TO PUERTO RICANS—ORGANIZATION HELPS YOUTHS IN CITY TO ACHIEVE GOALS THROUGH EDUCATION

(By Judy Klemesrud)

George Rios, a 27-year-old Puerto Rican, picked up a piece of chalk and printed "Spic" on the blackboard. Most of the 20 Puerto Rican teenagers sitting in a circle around him looked shocked.

"Spic," he said, jabbing at the word he had written. "S-P-I-C. Who can tell me what that word means?"

At first there was silence in the room, on the fourth floor of an ancient West Side brownstone. Then a dark-eyed girl with a yellow ribbon in her long hair ventured: "Spanish person ignored coldly?"

The youngsters laughed, but the laughter was tinged with bitterness. The girl's definition of the derogatory term for a person of Spanish descent had hit close to home.

"Come on, now," Mr. Rios prodded. "I thought we were going to think positively. Let's shine a little light on 'spic.'"

Shining a little light on the Puerto Rican heritage is one of Mr. Rios' jobs. He is an educational counselor for Aspira, an organization of more than 2,500 Puerto Rican teenagers in New York City who are trying to obtain better educations for themselves.

440 SCHOLARSHIPS GIVEN

Yesterday, 230 Aspira members were honored at a reception in the Commodore Hotel for winning scholarships to 53 colleges and universities, including Yale, Princeton, Barnard and Wesleyan. The scholarships were secured for them through Aspira's Scholarship and Loan Center.

The youngsters were awarded certificates of recognition by Hugh M. Satterlee, chief of the educational talent section, division of student financial aid, Department of Health, Education and Welfare, who urged them to "aspire, achieve and inspire."

It was the largest number of winners since Aspira was founded in 1961 by Antonia Pantoja, now an assistant professor at the Columbia University School of Social Work. To date, a total of 440 Aspira members have won scholarships, and several hundred others have been accepted at tuition-free city schools.

Typical of yesterday's winners was Reinaldo Ortiz, 17, of Manhattan, whose family has an annual income of $1,800 a year, supplemented by welfare. Reinaldo, who ranks first in his class of 231 at Benjamin Franklin High School, received a full scholarship to Wesleyan University. He hopes to be a physician.

Aspira, in Spanish, means "to aspire," and the organization's young members call themselves Aspirantes. Their motto is "Excellence Through the Pursuit of Education." And their symbol is el pitirre, a small bird found in Puerto Rico.

"It's a very brave bird—it fights any bird that gets in its way," said Annie Heywood, 17, president of one of the 51 Aspira clubs in New York City.

Aspira's program is aimed basically at breaking down the three major barriers facing Puerto Rican youngsters who want to improve their education: Language, inadequate counseling and financial need.

But an equally important part of the program is teaching the teen-agers to be proud of their culture.

"The best definition for 'spic' is Spanish people, Indians and colored," Mr. Rios told the 20 Aspirantes who attended a workshop recently at the Manhattan Aspira Center, 1974 Broadway.

"Those are the different people who live together on the island of Puerto Rico," he said. "And they live together in peace."

PROBLEM OF NAMES

The workshop, called the Puerto Rican New Yorker, drew candid exchanges from the teen-agers, most of whom were born in New York City of parents who had moved here from Puerto Rico after World War II.

"What really bugs me is to have my name mispronounced," said Marina Hernandez, 18, a junior at Cathedral High School. "The teachers are always doing this, and it makes me so mad that I stand up and correct them."

Mr. Rios, who is studying nights for a sociology degree at Hunter College, said he had been called "Rose" or "Rye-ose" for the last four years.

"I thought, 'It can't be prejudice,'" he said, "but there was always a little voice in any head that said it was."

He was interrupted by Roberto Aponte, 16, who hopes to study chemistry at Massachusetts Institute of Technology. "If someone mispronounces my name, I don't think they're prejudiced," he said. "I just think they're stupid."

Mr. Rios asked the teen-agers to guess what percentage of the city's Puerto Rican population was on welfare. The estimates ranged from 25 to 90 per cent, and the youngsters seemed surprised when told the actual figure was 7 per cent.

"My brother was a welfare spic—he looked like it, too—but he took 21 honors in his high school," Mr. Rios said proudly.

At times the meeting grew spirited as the teen-agers waved their arms and interrupted each other to tell their views on being a Puerto Rican New Yorker. Some of their comments included:

"Puerto Ricans have had tempers. If we're ever going to get anywhere, we'd better learn to control them."

"The Spanish language newspapers aren't much help. All you read about are Puerto Ricans mugging Puerto Ricans, and festivals in Puerto Rico."

"I think the United States is coming into a stage where most people will take you for what you are, even if you are a Negro or Puerto Rican."

"The Irish fought their way out of the slums because of their willingness and aggressiveness. The only way we're going to get out is by getting good educations."

WIDESPREAD SUPPORT

The meeting ended with a discussion of 40 prominent Puerto Ricans—painters, poets, patriots, politicians, scientists and writers—whose names appeared on a list that Mr. Rios gave each Aspirante to take home.

Aspira had nine staff members when it was founded by Miss Pantoja, who grew up in the Barrio Obrero, one of Puerto Rico's worst slums. Today it has 62 employes working at centers in Manhattan, Brooklyn, the Bronx, and at its executive offices at 296 Fifth Avenue. Its annual operating budget is $600,000—a third from private sources and the rest from the Federal Office of Economic Opportunity and the United States Office of Education.

Aspira's executive director is Frank Negron, a graduate of New York University, who believes Aspira's purpose is "to provide the Puerto Rican community with an educated leadership to act as a bootstrap for the entire community."

One of the first college-educated Aspirantes to return to her community was Migdalia De Jesus, a petite brunette who is now an Aspira counselor in the Bronx. In 1961, when she was 16, she asked her high school counselors for permission to transfer from a commercial to a college preparatory course. She was told: "Your grades are good but your English isn't. Forget it."

PROMINENT PUERTO RICANS

A short time later she joined Aspira, where she received tutoring in English and the assurance that she was indeed capable of going to college. Her transfer was finally granted, and a year later she enrolled in Hunter College on a scholarship secured by Aspira.

"The guidance system in our schools just isn't very good—you're lucky if you get 15 minutes a year," Nancy Muniz, 17, a senior at Julia Richman High School, said at a recent Aspira meeting.

"I didn't even know the requirements for college before I came to Aspira," she added. With the help of Aspira, Nancy has been accepted for nurses training at Manhattan Community College.

Aspira has had widespread support among Puerto Rican parents, whose children currently number 40,000 in New York City high schools. (Aspira officials estimate that only about 5 per cent of those who graduate will go on to college, compared with 40 per cent of high school graduates nationally who go on to college on some form of post high school training.

About 750 parents of Aspirantes have joined an auxiliary organization called the Federation of Puerto Rican Parents. Through it they learn of the educational and job opportunities available to their children in New York State.

Another group, the Madrinas, consists of 35 elderly women who devote themselves primarily to raising emergency funds for youngsters whose family or personal crises might otherwise bring a halt to their education. The Madrinas also explain Aspira's work to parents, schools and Parent-Teacher Associations.

Aspirantes are trying a new approach to helping each other at Brandeis High School, where a buddy tutoring system has been formed in which members with grade averages over 90 tutor those who are doing poorly in their work.

"One girl who had 97 in trig was assigned to a boy who was in the low 60's," said Jose Toro, 29, director of the Manhattan Aspira Center. "In a few weeks she brought him up to the 90's."

Mr. Toro, who paid his expenses at City College of New York with money he earned working as a bus boy, said one of his most rewarding experiences in Aspira occurred recently when an Aspirante named José Garcia began referring to himself again as José Garcia.

"For a while he was telling people his name was Joe Garsha," he said. "He was ashamed he was Puerto Rican."

A RESOLUTION FOR THE FLAG

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. BYRNE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BYRNE of Pennsylvania. Mr. Speaker, I wish to bring to the attention of my colleagues a resolution which was adopted by the Senate of Pennsylvania on June 5 in behalf of the important legislation coming before us later in the week to uphold the dignity of the flag of the United States of America.

The resolution follows:

SENATE OF PENNSYLVANIA 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.

COMBINING SURPLUS COMMODITIES DISTRIBUTION PROGRAM WITH THE FOOD STAMP PROGRAM

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, I have introduced today legislation which is designed to combine the already existing surplus commodities distribution program and the food stamp program into a two-part supplemental program which will benefit all those who are unable to otherwise obtain a nutritional diet.

The direct distribution program provided for by section 32 of Public Law 320 of the 74th Congress allows surplus commodities to be distributed to those in low-income groups and those affected by disaster. This is indeed a worthwhile program, but there are certain faults in the program which the food stamp program has partially remedied. First of all, under the direct distribution program, foods are available on a priority basis to feed victims of natural disasters. This of course is understandable, but this priority system implies that a needy citizen is not guaranteed the surplus commodities that he might need. Second, under the direct distribution program only Government-owned surplus commodities are available which comprises a nutritional but not necessarily palatable diet. Third, the charitable nature of the surplus commodities program does not at all increase personal initiative.

The food stamp program, provided for by Public Law 88–525 of the 88th Congress, does away with the above faults of the direct distribution program. Through the purchase of food with stamps at retail outlets, the buyer never need fear that there will be a shortage of commodities. Under the food stamp program, the needy can purchase his choice of finished foodstuffs, rather than only the basic surplus commodities available under the direct distribution program. Finally, the program, which is a subsidy rather than a charity, does not hinder the participants' personal initiative.

But included in the food stamp program, Mr. Speaker, is what I consider one serious liability. There is included in the program the provision that, and I quote: "In areas where a food stamp program is in effect, there shall be no distribution of federally owned foods to households under the authority of any other law except during emergency situations caused by a national or other disaster as determined by the Secretary"—of Agriculture.

As you can see, Mr. Speaker, the unfortunate case arises of the family unable to meet the minimum stamp purchase requirement and also being unable to receive surplus commodities because it is now impossible for both programs to exist in the same area.

There are areas in this country which would very much like to participate in the food stamp program but are unwilling because of the stipulation that they will lose their rights to participation in the direct distribution program.

In the legislation which I have proposed today, Mr. Speaker, I have suggested that both the food stamp program and the direct distribution program be allowed to be conducted in the same area thereby allowing a family not able to meet the minimum food stamp requirements to participate in the surplus commodities program. I feel these changes are necessary, Mr. Speaker, to further benefit the needy of this country who, of course, these bills are intended to help.

Because of the existing situation in my district, I have included in my bill planning and coordinating grants to localities which initiate both Federal food programs. In Bexar County, which I represent, there is interest, as there is in many areas, in changing from the direct distribution program to the food stamp program, and hopefully there would be interest in participating in both. Since

the direct distribution program is administered by the county court of commissioners and the food stamp program would be administered by the local State welfare office, I believe there should be Federal assistance in planning should Bexar County be interested in these supplemental programs.

FIREARMS

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. DINGELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DINGELL. Mr. Speaker, an interesting letter to the editor has just come to my attention regarding an editorial in the Washington Post, June 7, 1967, referring to misuse of firearms. The letter was written by the editor of the American Rifleman, Ashley Halsey, Jr. Mr. Halsey points out that the National Rifle Association favors keeping firearms from the very undesirables that the Post editorial listed. He also indicates that reports that he American Rifleman urged citizens to "acquire firearms and form civilian posses" are erroneous and have been retracted by several respected newspapers.

The letter, printed in the Washington Post, June 9, 1967, follows:

ON FIREARMS

Your editorial page June 7 referring to misuse of firearms adds:

"It is, of course, impossible to say whether the sniper had armed himself in response to the recent editorial suggestion in *The American Rifleman*, official organ of the NRA, that citizens acquire firearms and form civilian posses in order to provide 'a potential community stabilizer' against urban rioting."

It is entirely possible for anyone with a sense of accuracy and truth to say that the sniper could not have armed himself in response to *The American Rifleman*, because *The American Rifleman* never urged citizens to "acquire firearms and form civilian posses." The only publicity of this nature has emanated from distorted news reports in *The Washington Post*, the New York *Times*, the Los Angeles *Times*, and other newspapers, radio and television. Many of the latter have had the decency to admit that the original report erred. Among these have been the Denver *Post*, the San Francisco *Examiner*, and other respected newspapers. Even the New York *Times*, originator of the canard, admitted nine days later that it had "reported erroneously" in some respects. This was, of course, neatly buried inside the newspaper whereas the original mistake was on Page 1.

The final paragraph of your editorial this morning, asserting that "The NRA continues to befuddle Congress into allowing guns to be purchased at will by any crank or criminal, any juvenile or junkie, any hophead or hothead," is equally erroneous as many sane, honest people know. The NRA favors keeping firearms from the very undesirables that you list. Your own insistence on impractical firearms legislation has done much to delay any practical conclusion in this respect.

ASHLEY HALSEY, Jr.,
Editor, The American Rifleman.
WASHINGTON.

RUSSIA AND THE MIDDLE EAST

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. LONG] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. LONG of Maryland. Mr. Speaker, last Thursday after a cease-fire in the Middle East had been worked out in the United Nations Security Council, I suggested in a letter to President Johnson that this Government seize the occasion of the Middle East negotiations to initiate wide-ranging discussions with Russia and other powers to get permanent peace in both the Middle East and Vietnam.

During the tense days of crisis last week, American Ambassador Arthur Goldberg and Russian Ambassador Nikolai Fedorenko spent long hours in private bargaining sessions to work out the terms of the cease-fire. These first steps at cooperation in peacekeeping should be broadened to arrange a cooling off of diplomatic hotspots in the Far East as well.

Mr. Speaker, I include in the RECORD my letter to the President suggesting discussions with Russia and other powers to arrange a settlement in the Middle East and Vietnam:

JUNE 8, 1967.

HON. LYNDON B. JOHNSON,
President of the United States,
White, House,
Washington, D.C.

DEAR MR. PRESIDENT: I would respectfully like to suggest that the United States seize the occasion of the Middle East negotiations to initiate wide-ranging discussions with Russia to get permanent peace in both the Middle East and Vietnam. . . .

The apparent defeat of Russia's Arab allies has put her in an embarrassing position, Russia might have been trying to undermine the U.S. position in Southeast Asia by diverting us in the Middle East, but her side lost, and now she may be seeking a way out.

I do not believe that any settlement should be made at the expense of Israel. Israel should receive recognition of her permanent right to exist as a nation in the Middle East, her right to use international waterways—including the Gulf of Aqaba and the Suez Canal—and her right to be free from the dangers of harassment and surprise attack.

The people of South Vietnam must be assured the right to elect a government of their choice.

There are obstacles in the path of such a wide-ranging approach. The issues in both cases are exceedingly complex, positions have been hardened, and neither side may be amenable to big power suggestion.

Nevertheless, peace in the Near and Far East may be closely linked in an important respect; both the United States and the Soviet Union have vital interests in the two areas, and a clash of the superpowers in either could lead to World War III.

Respectfully yours,

CLARENCE D. LONG.

LET'S MOVE FORWARD TOWARD PEACE IN THE MIDDLE EAST

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentlewoman from New York [Mrs. KELLY] may extend her remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mrs. KELLY. Mr. Speaker, the days of open conflict in the Middle East are hopefully behind us. It behooves us now not to look back at belligerency, but forward to peace.

With this in mind, I should like to make a few observations on two pertinent, and related subjects.

First, I should like to underscore our national commitment to the preservation of peace in the Middle East, and to Israel's right to secure and viable existence.

Second, I should like to outline a number of steps which constitute a prerequisite to lasting peace in the Middle East.

Let me begin with the U.S. commitment in Israel and to the cause of peace in the Middle East.

Ever since President Wilson's active support of the Balfour Declaration of 1917, endorsing the establishment of a national homeland for the Jews in Palestine, the United States has exerted every effort to live up to the objectives of that declaration and to maintain peace in the Middle East.

We may recall that in 1922, the Congress of the United States approved the Balfour Declaration by a joint resolution.

We will also recall that in 1947 Soviet attempts to seize the Turkish Straits region and to overthrow the Greek Government, and thereby to gain control of the eastern Mediterranean, were frustrated by President Truman's declaration, known as the Truman doctrine, and by the aid speedily approved by the Congress for both Greece and Turkey.

I would like to turn now to the task of outlining those steps which, in my opinion, need to be taken before we can expect to see the establishment of lasting peace in the Middle East.

First, the U.N.-directed cease-fire has to be fully implemented and guaranteed. This is the basic requirement for any further progress.

Second, all nations, particularly those in the Middle East, have to acknowledge the fact that Israel is a sovereign state, entitled to full recognition and to security within her territory.

Third, a permanent settlement of the outstanding issues between Israel and its Arab neighbors—social, political, and economic—must be undertaken. The time is long past for temporizing—and placing reliance on tenuous armistice arrangements. There has to be a peace settlement—and as a step in that direction, Israel and her neighbors have to enter into direct negotiations.

Fourth, the results of that conference—the terms of that peace settlement—have to be guaranteed by the international community: the United Nations, including the big powers.

Fifth, freedom of navigation on all international waterways—including the Gulf of Aqaba, the Strait of Tiran and the Suez Canal—must be guaranteed, and that guarantee made enforceable.

Sixth, positive action must be taken to

resolve, once and for all, the problem of the Palestine refugees. Adequate provision must be made for their permanent resettlement.

Seventh, a concerted international effort must be mounted to provide the resources necessary to facilitate the achievement of the above objectives, rehabilitation of the wartorn areas, and economic development of the Middle East region.

And, finally, the United States should lead in this effort by providing immediate relief assistance to the victims of the armed conflict in the Middle East, as well as economic aid for development.

I have already urged the executive branch to take prompt action on this last-mentioned recommendation. I also propose to offer the following amendment to the Foreign Assistance Act which is presently being considered by the Committee on Foreign Affairs of which I am a member. The amendment reads as follows:

CHAPTER 8—SPECIAL ASSISTANCE TO THE MIDDLE EAST

SEC. 111. Part 1 of the Foreign Assistance Act of 1961, as amended, which relates to economic assistance, is amended by adding at the end thereof the following new chapter:

"CHAPTER 8—SPECIAL ASSISTANCE TO THE MIDDLE EAST

"SEC. 481. SPECIAL ASSISTANCE TO THE MIDDLE EAST.—The President is authorized and directed to provide assistance under this part, together with agricultural commodities and excess property authorized to be provided under any other provision of law, in order to (1) provide immediate disaster relief to the victims of the armed conflict in the Middle East, and (2) to assist Israel to achieve the establishment of a lasting peace in that area of the world."

Mr. Speaker, I earnestly hope that the proposals which I have outlined here may help to advance the cause of a just and lasting peace in the Middle East.

INDIAN MINISTER CITES VALUE OF INDIVIDUALISM

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. EDWARDS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. EDWARDS of California. Mr. Speaker, on the 7th of June 1967, the Honorable P. K. Banerjee, Minister of India, spoke to the graduating class of Fresno State College in Fresno, Calif. His eloquent words spoke keenly and wisely to the most important question facing all mass, modern, technological societies and that is, the role of the individual in such a society. In face of the often oppressive and anonymous quality of this kind of society it becomes more and more difficult to maintain the values of individualism, liberty, and freedom. Too easily can the human life become merely a cog in the machinery.

Mr. Banerjee calls upon this graduating class and this generation to renew our commitment to these values and to fight unceasingly to preserve equality, free speech, freedom of religion and assembly—civil liberties which are basic and enshrined in both Indian and American Constitutions. I ask unanimous consent to insert his fine address into the RECORD at this point.

INDIVIDUAL AND SOCIETY

(Commencement address by the Honorable Dr. Purnendu Kumar Banerjee, Minister, Embassy of India, Washington, D.C., at Fresno College, Fresno, Calif., June 7, 1967)

I deem it a great honor and privilege to participate in this Commencement exercise. I wish to speak this afternoon on the individual and society. This is one of the basic problems which is facing all communities. Our problems often emenate from an inadequate realization of the role of the individual. Even in societies where the dignity of the individual is recognized, communities are not always able to evolve institutions which enable them to translate that recognition into realities.

This is because the individual is increasingly submerged in the society. He is called upon to conform to tradition and often loses his individuality. It is your concern, as the elite of the coming generation, to eschew conformity. You have been taught here not to deride what you do not understand or reject what you do not recognize. Your acceptance need not be uncritical. You will, I am sure, examine every idea and principal on its merit. The individual, in modern society, has often lost his identity. Man set out to conquer nature, but in the process has lost sight of the basic goals. The rights and privileges of the individual today, both in totalitarian and free societies, are considerably crippled in the guise of protection. It is my view that the individual can never be suppressed for long. Man has shown an amazing capacity to protect his inherent and inalienable rights and interests. I will analyse today the individual in the United States, India and China. I have selected these three nations because China has a population of 750 million, India 500 million and the United States 200 million; and together they represent more than half the world's population. Two of them, the United States and India, seek to promote democratic values and ideology and promote the individual, while the third is a totalitarian state where the individual is required to participate through compulsion and not through persuasion. Among them they represent the forces that unhappily divide the world.

From the very beginning, American thought was crystal clear on the issue. Professor Henry Steele put it eloquently to the Senate Foreign Relations Committee recently:

"Never treat any human being as a means but always as an end . . . so conduct yourself that you might generalize your every action into a universal rule."

The Founding Fathers were clear and in a sense over-zealous in protecting and safeguarding the rights of the individual. They realized that the individual needed protection from the protector. The division of authority between the Legislature, the Executive, and the Judiciary was meant to guarantee this. Each is expected to criticize and control the other organs of Government. Conformity and support of each other was an exception and not the rule. The American Constitution thus put limits on the use of power in order to protect the rights of the individual. Senator Fulbright recently wrote that the essential purpose of the American system—of federalism, checks and balances and the Bill of Rights—was not efficiency in the use of power, but limitations on it. For it accepted that degree of inefficiency in the conduct of government which was essential to protect the individual. At the core of the system is the belief that the human individual is an end, not a means; and that means, in order not to destroy the ends they serve, must be morally compatible with them. If America stands for anything in the world, it was this idea. Thus the American ideal was eloquently put and aptly described. President Johnson too, in propounding his concept of the Great Society, held the quality of the individual as the test of its greatness. In the American society there is a continuing concern and awareness of the fact that individual rights are being eroded. But built-in mechanisms of the system enable it to retrieve the lost ground.

In India, our heritage, long before the advent of the European traders and conquerors, held the individual as an ideal. The philosophy of *Advaita* propounded by Sankara in the 8th century A.D. places the individual, as a part of the Divine. The village communities in India had, even in the earliest time, elected councils to debate and discuss their problems, reflecting and recognizing the role of the individual. In ancient literature and in religious outlook, the individual was again featured prominently. Each one was required to know his station and his duty. The non-Western cultures generally emphasized duty which is of course one side of the medal; the obverse is rights. Whether rights were emphasized or duties, the individual's role always received prominence.

The Constitution of India zealously guards the rights of the individual. The Bill of Rights includes—freedom of speech, assembly and religion; the right of equality before law, the right to property, the right to be protected against exploitation, and the assurance of cultural and educational rights. India is a secular State where every individual, irrespective of his religion, is entitled to hold any political or public office.

During the last twenty years, we have had four general elections. The last one was held in February 1967, when nearly 150 million voters went to the polls. This was the largest election the world has ever witnessed. The ruling party lost control in several states and was returned at the Centre with a reduced, but clear majority. India has thus shown that she is an active democracy where peaceful changes are possible. The successive Prime Ministers have been elected and transition was peaceful and through democratic process.

On May 6, 1967, votes were cast to elect the President of India. It is significant that a member of the minority community—the Moslem community—was chosen by the overwhelming majority to occupy the highest office in the country. Thus, India has not only set for herself an ideal, but nurtured institutions to ensure that the approach to that ideal is not disturbed or destroyed.

China, on the contrary, seeks a different goal through a different method. To her, the human individual is like an artifact to be used for the benefit of society. Mao Tse-tung was aware of the strong resistance he was likely to meet and his preparation was equally planned and elaborate.

For example, Mao Tse-tung began with the introduction of the commune system. He thought that the pure form of communism as enunciated by Marx, interpreted by Lenin and implemented by Mao Tse-tung himself, was not applied rigidly in the Soviet Union. Soviet communism, according to him, had, therefore, a serious set back when Krushchev became the leader. This he attributed to the fact that the Soviet leaders had failed not only to destroy human instinct, but also to create a communist state where men and women would have no normal human emotion and interest. Mao Tse-tung's commune system was meant to break the age-old pattern of family life in China. He sought not only to control the mind, but also to control human emotions. The break-up of family life could cut the chord of sentiment. Chil-

dren, under the commune agricultural system, were separated from their parents; husbands and wives were assigned to different and distant brigades and teams. They were required to work hard for the Party and the country, separated by hundreds of miles from their families and devoid of any emotional or sentimental ties. Despite all this, the commune system was a failure and even Mao Tse-tung had to reorganize his agricultural commune system, allowing families to re-unite.

Then came the perennial problem of modalities. It appears that there were serious differences within the Chinese leadership over the road to follow, if not over the destination. These differences were serious and for the present they were in a smouldering socio-political volcano. The current upheaval in China is a consequence of this basic goal to suppress the individual.

The Red Guard Movement, conducted by what may be termed "Mao Tse-tung's generation—born and brought up during Mao Tse-tung's rule—is organised to quell opposition to Mao Tse-tung's concept of a dehumanised and classless society. Mao Tse-tung has, in my judgment, erred in believing that he can alter human instinct and incentive. This is impossible; Mao tse-tung with all his might and glory of success will not be able to control the spirit of Man. The spirit of Man has always rebelled against coercion and suppression. This has been the story of successive generations of mankind. Man has been waging his war for 3000 years. Liberty has, despite vicissitudes, managed to triumph over tyranny and suppression. I have absolute faith in the spirit of Man.

But I do not want to minimize the seriousness of the problem. We have to be alert and watchful. We have to remove one of the basic causes of tyranny. We have to realise that a world cannot be half rich and half poor. Unless the rich and the poor nations together make a joint effort to eradicate our common enemies like hunger, lack of education, housing and opportunity, we would be moving like the Red Queen who moved as fast as she could only to find that she had arrived at her starting point. We have to fight prejudice and ignorance and poverty. We can achieve this through education. I am not talking of the education that only enables a person to read and write. I am concerned with the education that teaches us to adjust opposing viewpoints. To do this, it is essential to develop a spirit of tolerance for another's opinion.

There is even a greater danger that lurks in the background. And that is downgrading the human being and treating him like any other cog in the machine. There is an ever-growing tendency all over the world to worship the robot and make the human individual conform to the needs of technology. This danger unlike the ideological cleavage, is corroding our resistance subtly and imperceptibly. We have, because of the technology, become men in a hurry. We hardly have time to stand and survey. We seldom make any effort to resist the machine. Technology, instead of being a tool, has become an end in itself.

This technological revolution, both in our physcial environment and psychological commitment, has transgressed the barriers of ideology. There is no section of the world which does not worship the machine. Gandhi was an exception. He sought to make his people in India lead a simple life. His attempt to play down the importance of modern technology and the machine-minded society was based on the apprehension that soon the machine would dominate the man rather than man controlling the machine.

There is also an assault on human dignity. John Gardner, U.S. Secretary of Health, Education and Welfare, recently spoke of the problem and pointed out that the modern society not only fails to ask for or expect any depth of commitment from the individual; but in a curious way it even discourages such commitment. It has suppressed the spirit of endeavour on the part of the individual. The sense of helplessness is intensified by the appearances of successful operation which surrounds the huge glittering machinery of our society, which hums with an intimidating smoothness. Organizations compete for power, not individual, who is groping for a personal commitment to a philosophy of life.

This has in a sense become a universal malady. As Bayard Hooper put it, "in the name of competition we emasculate the worker and the manager alike and turn them into gray-faced, status-seeking consumers. In the name of efficiency, we are said to ravage the rural landscape and the city skyline, creating ragaelopolis which is the despair of all who look on it."

The Youth must have a commitment to exercise his individuality. As leaders of tomorrow, I expect you to fight this malady and protect the role of the creative individual.

The individual over the ages has always managed to survive the onslaught of forces opposed to his existence, be it his fellow men or the machine he has created. I am confident that he will continue to play that role. As Jawaharlal Nehru put it in his *Discovery of India*:

"Amazing is the spirit of Man. In spite of innumerable failings, man, throughout ages, has sacrified his life and all he holds dear for an idea, for truth, for faith, for country and honour. That ideal may change, but capacity for self-sacrifice continues, and because of that, much may be forgiven to Man, and it is impossible to lose hope for him."

But you cannot be silent participants. As you enter the portals of society, you have to take up the burden. For all material progress, we still have to heed to the dictum of Socrates: "Know Thyself". The individual, each one of you, has a responsibility to resist the oppressive impersonalization and growth of Centralism. The follies, crimes and massacres of history are the result of the surrender of the individual to the custody of the clique or the crowd. Let us not repeat such mistakes. As Bertrand Russell eloquently put it: "If life is to be saved from boredom relieved only by disaster, means must be found for restoring individual initiative, not only in things that are trivial, but in the things that really matter . . . It is in the individual, not in the whole, that the ultimate value is to be sought."

Fellow Graduates, as pioneers in the promotion of freedom, you will be accepting this challenge. The burden will be yours, so will be the glory.

THE NEW CAREERS MOVEMENT

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. SCHEUER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SCHEUER. Mr. Speaker, one of the most vital trends in the Nation today is the new careers movement—the training and placing of career aids, subprofessionals, in responsible jobs that offer a chance for upward mobility. One of the national leaders of the new careers movement is Dr. Frank Riessman, professor of educational sociology at New York University.

Dr. Riessman's article, "The Human Service Worker: A New Careers Movement," which appeared in the March–April 1967 issue of the Department of Labor's publication, Employment Service Review, should be of great interest to my colleagues.

THE HUMAN SERVICE WORKER: A NEW CAREERS MOVEMENT

(By Frank Riessman)

While the Guaranteed Annual Income and Black Power have received considerable publicity in the last year, a much quieter movement has been slowly gathering momentum. In fact, it may not yet be a movement in the full sense of the word. But increasing attention is being given to a new kind of public service employee in our society. This is the human service worker, functioning as a teacher aide, family planning worker, housing aide, counselor aide, research aide, mental health aide, etc. This new worker, supported largely by public funds, has been called everything from an auxiliary to a nonprofessional to a subprofessional, to a paraprofessional.

Americans for Democratic Action, at its 1966 convention, proposed that 5 million of these jobs be created in public services. Included in their list were police aides, recreation aides, homemakers, welfare aides, code enforcement inspectors. Congress has enacted the Scheuer-Nelson Subprofessional Career Act which will appropriate approximately $70 million to employ and train untrained, unemployed people in these needed jobs.

Already in the United States there are probably close to 50,000 of these new nonprofessionals, most of the jobs having been created by the antipoverty legislation. Most estimates indicate that 25,000 such full-time human service positions were produced for "indigenous" nonprofessionals by the Office of Economic Opportunity. Probably another 25,000 or more part-time preschool aides have been employed through Operation Headstart, and presently through title I of the Elementary and Secondary Education Act some 40,000 teacher aides will be employed. Medicare will involve many thousands more as home health aides.

The studies find that this new manpower has worked quite effectively in reaching the poor and helping the poor to utilize services. The nonprofessionals have been strikingly effective, for example, in persuading people to obtain birth control information and to utilize the new birth control clinics. In fact, the reports indicate that these neighborhood residents are perhaps the most effective agents in bringing the new birth control techniques to the low income population.

A research investigation in nine cities conducted by Daniel Yankalovich, Inc., indicates that these new workers evidence high morale and considerable involvement in their work, and have been well accepted by professionals. Most of the difficulties anticipated, for example, problems of confidentiality, authority, overidentification with the agency and so on, have not been significant, according to this investigation. An ancillary, though especially interesting finding, is that the hard-core poor who, incidentally, were hired in only small numbers have nevertheless done as good a job as the more "creamed" nonprofessional recruit.

It is interesting to observe the effect of the new trend on the older type nonprofessionals who have long worked in settlement houses, hospitals, child care, etc. In New York City, for example, District Council 37 of the American Federation of State, County, and Municipal Employees of the AFL–CIO (which incidentally has in its union 20,000 hospital workers, and 7,000 school lunch aides) is now developing a plan whereby nurse aides can become licensed practical nurses, *with the required education and upgrading taking place on the job itself.*

This model is related to the New Careers

concept which suggests that jobs normally allotted to highly trained professionals or technicians can, if they are broken down properly, be performed by inexperienced, untrained people. These initial jobs form the entry position. The notion is *jobs first, training built in;* that is, the job becomes the motivation for further development on the part of the nonprofessional.

This New Careers concept requires that jobs be redefined and that the job structure be reorganized to permit new hierarchical steps from the entry position up to the fully professionalized position. This requires a reorganization of the table of organization and a redefinition of jobs both for the nonprofessional and the professional (with the latter being released from many nonprofessional functions such as helping children on with their shoes, taking attendance, etc.)

The idea is to provide people with employment first and diplomas later and to introduce training while the workers are on the job with concomitant college courses provided largely at the job base. This concept is directly opposite to one of the most popular ideas in America, namely that one has to obtain long years of education before he can perform a meaningful job. The New Careers concept stresses instead that the job be provided initially and that training, upgrading, and added education be built in. It is possible to begin, for example, as a teacher's aide and while obtaining courses on the job, in the evening, and during the summer, to rise within a short period of time to become an assistant teacher, then an emergency teacher (or associate teacher), and ultimately a fully licensed professional teacher. In a plan being developed in the Newark School System, it is proposed that individuals with less than a high school education go through these steps while working full time, obtaining an entry salary of approximately $4,000 per year and becoming full fledged teachers in 5 to 6 years. Fairleigh Dickinson University in New Jersey has accepted this plan and has patterned courses so that the aides can enter new careers while working full time. They will introduce these courses in the field (at the job) as well as at the University.

However, although it is clear that increasing numbers of nonprofessionals are being effectively employed in human services in the United States, a variety of problems is now coming to the fore. *While jobs have been created, careers have not.* Very little training and upgrading has been instituted and the tables of organization of the agencies have not been reorganized to develop hierarchical lines for the nonprofessional to move upward. Although civil service requirements have been waived for the entry position in some cities and States, new career lines for nonprofessionals have not been instituted in the civil service system. Thus far, also, the security of nonprofessionals has not been clearly established, nor have the new nonprofessionals been integrated in any of the major associations of organizations, such as the National Education Association.

It is noteworthy, however that there are at present a number of New Career programs in the process of being developed, in cities around the country—in Seattle, New Haven, San Francisco, Sacramento, Washington, D.C., Eugene (Oreg.), and a few community colleges are introducing field steps to become professionals. Some large universities too, like New York University's "Second Chance University" are developing programs for nonprofessionals to enable them to acquire rapidly these new careers. Similarly, Yeshiva University is developing a health career program with attached college credit. The Citizens Crusade Against Poverty is planning to hold a series of regional conferences and a national conference moving toward some type of association or organization for nonprofessionals or new concepts and the National Association of Social Workers is also studying ways in which to integrate the new manpower organizationally. Training centers are beginning to open for the training and upgrading of nonprofessionals.

At the present time there is a great need to assist the development of these various projects. They are, in fact, requesting assistance. There would seem to be a need, therefore, for a basic center to integrate the emerging knowledge and provide technical assistance and consultation in a variety of areas.

ISRAEL'S FUTURE STILL GRAVELY IMPERILED

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman man from New York [Mr. SCHEUER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SCHEUER. Mr. Speaker, while most Americans will rejoice at the miraculous military victory of the State of Israel, Israel's future still is gravely imperiled. Arab leaders have continued to give single voice to their still stated determination utterly to destroy and eradicate the only true democracy in the Middle East.

The Soviet Union, Red China, and other Communist nations are doing all they can, short of war, to support the Arabs.

They seek to penalize Israel's victory with defeat and to reward Arab defeat with victory.

The vital national interests of the United States demand our support of a militarily defensible and economically viable State of Israel and a lasting and stable peace in the Middle East.

Because of my firm conviction that it is in the clear interests of the United States to support a strong, secure Israel as a bastion of peace and democracy in the Middle East, I joined with the public officials and major organizations of the Bronx in calling a mass meeting to demonstrate united Bronx support for Israel and for a just peace in the Middle East. We unanimously agreed to demonstrate for Israel. I urge a vast outpouring of public support for her at the rally.

The weeks ahead will be critical for Israel and world peace. The war Israel won with blood and valor on the battlefields must not be lost at the bargaining table.

The meeting has been called for Sunday, June 25, at 1:30 p.m. at Courthouse Square, at the intersection of 161st Street and the Grand Concourse in the Bronx. The parade to the meeting will assemble on the Grand Concourse, between 175th and 176th Streets at 10:30 a.m.

Israel and the Arab nations, having faced each other directly in mortal combat, should be encouraged again to face each other around the conference table, and to negotiate realistically, the terms of their future coexistence as neighbors and friends.

The United States and the United Nations can assist their rebirth by constructive proposals for developing a better life for the entire region. The potential for creative and constructive thinking for development of the area is vast and unlimited. The entire region desperately needs comprehensive programs in health, education, housing, employment, drug and disease control, water resources development, controlled exploitation of natural resources, and development of small industries. This is the challenge for our country, for the United Nations, and for all people who seek a more permanent peace. This is the uniquely productive role which the United States and the United Nations can play; helping to bind up old wounds and to create a new and better world in which Arab and Jew alike can live in mutual acceptance and esteem.

OUR NEGLECTED BLIND AND DEAF CITIZENS

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. CAREY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CAREY. Mr. Speaker, President Johnson, in his welfare message to the Congress last February, stated:

> Among the most tragically neglected of our citizens are those who are both deaf and blind. More than three thousand Americans today face life unable to see and hear. To help reach the deaf-blind with the best programs our experts can devise, I recommend legislation to establish a National Center for the Deaf and Blind.

Today, I have introduced legislation that would establish such a national center.

Up to the present time little has been done at the Federal level to assist those of our citizens who must bear this most extreme combination of physical handicaps. The Department of Health, Education, and Welfare has conducted some research programs in this area and experimental projects in the training of teachers of the deaf-blind have been instituted by the Office of Education. But such minimal assistance in the face of this overwhelming situation can only be regarded as inadequate.

This burden must be shared by a humanitarian society. Unless something is done without delay we will not have the teachers, programs or the special facilities required to overcome the communication barriers of these young people and adults so they may live in a sighted and hearing world.

The Industrial Home for the Blind in Brooklyn has been urging the creation of such a center for some time. This institution has been offering the most comprehensive and extensive service to adult deaf-blind persons that exists in this country, and with the cooperation of the Vocational Rehabilitation Administration had endeavored to extend those services nationally to deaf-blind individuals.

The bill I have introduced today also contains provisions for the planning for additional centers in order that similar services may be extended to all areas of the country. This measure responds to the practical and sound recommendations made by the President in his message earlier this year.

THE OPPORTUNITY CRUSADE

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. PATTEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. PATTEN. Mr. Speaker, some Republican members of the House Education and Labor Committee have launched one of their periodic moves against the poor, this time disguising it under the euphemistic name of the "opportunity crusade."

It is their latest effort to wreck the Nation's antipoverty program.

We cannot permit them to wage war against the poor.

We cannot permit them to dismember the finest antipoverty program since the days of the New Deal.

We cannot permit them to wreck the labors of John F. Kennedy and Lyndon B. Johnson to vanquish poverty, misery, and ignorance from America.

One of the programs under attack by some Republicans is the Job Corps. It is also one of our most successful programs.

The Job Corps is trying to achieve something very specific by operating some 118 centers across the Nation. One is located in Edison, N.J.

First, it is trying to take the deprived young man or woman out of their negative city environment and put them into a new and better environment.

Second, it is trying to cultivate a desire to learn and advance, away from the distractions and interruptions of the ghetto.

Third, it is trying to give the youth a new lease on life, new skills, new reading and writing abilities, new interests in occupations or subjects beyond his usual acquaintance.

This takes money. It takes time. It takes energy. There are discipline problems. The Job Corps centers are not finishing schools for debutantes. They are centers which take the hopeless and hapless unemployed school dropout and try to bring him into the main flow of American life.

We have heard wails of criticism about the Job Corps. But let us look at the facts.

Recent statistics show that more than 70 percent of the 130,000 enrollees in Job Corps Centers since 1964 have been placed in good paying jobs, or have returned to school or have entered the military.

This is an excellent success record. In fact, I think it is fabulous, considering the problems which have had to be faced.

The Job Corps is today turning 5,000 graduates a month from its 118 centers throughout the country. The learning rate of enrollees has tripled. They have gained knowledge in skills, vocations, language and mathematics. They have gained self-confidence.

Costs for Job Corps trainees have dropped.

Now, for the first time, this Nation has begun paying attention to the more than one-half million young people aged 16 to 21 who are out of school, out of work, unskilled and without motivation or, perhaps, hope.

The Job Corps is a major effort to salvage these young Americans.

We cannot permit some of these Republican members of the Education and Labor Committee to succeed in their crusade against the poor. We must pass the President's poverty bills and we must keep faith with those who look to us for help.

Let us not lose faith in America. Let us not lose faith in the talent—the unknown and undeveloped talent—of hundreds of thousands of young men and women who wait on us for their opportunity to march forward into tomorrow.

MIDDLE EAST CRISIS

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. ROONEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ROONEY of Pennsylvania. Mr. Speaker, with the cessation of fighting in the Middle East, the most strenuous task of all—the establishment of a lasting peace—faces the nations of the world.

It seems to me to be quite clear that the objective of peace discussions must be to end the constant border tensions which have marked the 19 years of Israel independence. A way must be found for Israel and the Arab nations to live peacefully side by side to insure that the next decade does not bring a fourth outbreak of war in the Middle East.

The task ahead is ominous. Deep-rooted Israel and Arab feelings are in sharp conflict. These feelings must be soothed and the conflicts erased if a Middle East peace is to be a durable one. The objective will not be achieved in short order.

I know how earnestly the Jewish community in our Nation longs for such a peace in the Middle East and for the preservation of Israel's rights as a free and democratic nation. A recent resolution adopted by the Allentown Charles Kline Lodge No. 916, B'nai B'rith, is indicative of this and I respectfully include it in the RECORD at this point:

Whereas, Israel has become the bastion of democracy in the Middle East; and

Whereas, Israel has become the unwarranted target of aggressive acts by unfriendly nations; and

Whereas, the very existence of Israel as a democracy was threatened by these acts;

Now, therefore, be it resolved, That the Allentown Charles Kline Lodge No. 916 of B'nai B'rith hereby urges the Honorable Fred B. Rooney, Member of Congress, 15th District, Pennsylvania, to support and work for the United States' commitment to the free and democratic State of Israel in order to maintain a lasting peace in the Middle East as well as protect Israel's vested rights as a free nation.

I hereby certify that the above is a true and correct copy of the resolution duly adopted at a meeting of the Executive Board of the Allentown Charles Kline Lodge No. 916, B'nai B'rith, duly held June 6, 1967 and that it is still in effect.

Witness my hand and seal this 7th day of June, 1967.

JEROME B. FRANK,
Secretary.

REHABILITATION CENTER OF GOOD SHEPHERD HOME, ALLENTOWN, PA.

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. ROONEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ROONEY of Pennsylvania. Mr. Speaker, this past weekend it was my pleasure to participate in the dedication of a new rehabilitation center of the Good Shepherd Home in Allentown, Pa.

This wing consists of a 22-bed hospital and outpatient clinic to provide care and treatment for, and to rehabilitate, the physically handicapped. Help for the physically handicapped has been the purpose of Good Shepherd Home since its founding in 1908 by the Reverend Dr. John Raker.

The home today is expanding to provide the most modern facilities for the care, treatment, and rehabilitation of an even greater number of physically handicapped. Sunday's dedication of this new facility was a particularly happy occasion for the present superintendent of Good Shepherd Home, the Reverend Dr. Conrad Raker, son of the home's founder.

In my remarks on the occasion of the dedication, I said:

These new facilities which we dedicate today will permit Good Shepherd Home to broaden its services to the community. Its expanded rehabilitation services will be available not only to the disabled within the institution but also on an out-patient basis to the handicapped in the surrounding communities of Eastern Pennsylvania.

The Rehabilitation Center also will serve the Bureau of Vocational Rehabilitation, the Crippled Children's Bureau of the Department of Health, and the voluntary agencies engaged in treatment, rehabilitation, and research related to specific disabilities. Through these cooperative arrangements, the center will become a focus for evaluation and diagnosis, treatment and research for this section of the state.

Federal assistance under the Hill-Burton program and particularly the Laird amendments was made available to Good Shepherd Home in several areas of the development program just completed. Having had an opportunity to personally inspect the facilities at Good Shepherd Home and to see firsthand the extremely effective work they are doing in the rehabilitation of the handicapped,

I am pleased to report to my colleagues that Federal assistance is serving a very worthwhile purpose in this fine institution.

LIFTING RESTRICTIONS ON TRAVEL TO ISRAEL

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BINGHAM] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BINGHAM. Mr. Speaker, now that the shooting has stopped in the Middle East, a difficult period of uncertainty lies ahead. As I stated last week, I hope the U.S. Government will do what it can to insist that the parties directly involved, the Arab States and Israel, negotiate directly to achieve a permanent settlement.

In the meantime, there seems to be no reason why the State Department should not lift restrictions on travel to Israel, as well as to those Arab States that have not broken relations with the United States. Israel is suffering economic stresses and strains brought about by the original Arab aggression, and sorely needs the foreign exchange which visitors from the United States can bring.

There are many Americans who want to go to Israel at this time. In addition to those with friends or relatives there, others want to help with civilian jobs left undone because of Israel's mobilization. Finally, there are many who are anxious to go for religious reasons. For the first time in two decades, there is access for Jews to religious sites in old Jerusalem.

There may be some danger involved in such travel, but this is a risk which those who wish to travel can properly be allowed to assume. Travel to and within South Vietnam would seem to be far more dangerous and yet there are no restrictions on civilian travel to South Vietnam.

I have no doubt that travel restrictions to Israel and at least some of the Arab States will be lifted within a matter of weeks, long before there is any permanent settlement. I hope that the State Department will move quickly and take the action now.

NATURAL BORN CITIZEN

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. DOWDY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DOWDY. Mr. Speaker, for a number of years, I have heard and read the discussions, pro and con, regarding the meaning or construction that should be placed on the phrase, "natural born citizen," as used in the U.S. Constitution, limiting eligibility for the office of President.

This has been a recurring discussion, as various persons, born outside the United States, of U.S. citizen parentage, have been mentioned as possible candidates for the offices of President and Vice President. The question is again current.

I have never undertaken to brief the question, but have read most of the papers, articles, essays, and briefs that have been written about it over a period of many years, including some prepared prior to my lifetime.

I have just recently read an unpublished essay or brief on the meaning of the phrase as it may apply to a current prominent possible candidate for the office of President, the same having been written by the Honorable Pinckney G. McElwee, of the bar of the District of Columbia. As it is not otherwise available, and may be of interest to the Members of this Congress and others, I would incorporate in the RECORD as a part of my remarks, that it may be easily available for consideration with other dissertations on the subject, to shed whatever light it merits:

NATURAL BORN CITIZEN

(The meaning of the term "Natural born citizen" as used in clause 4, section 1 of Article II of the Constitution of the United States relating to eligibility for the Office of President, by Pinckney G. McElwee of D.C. Bar.)

Mr. George Romney, present Governor of the State of Michigan, has been frequently mentioned in recent news media as a prospective candidate for the Office of President of the United States in 1968. According to "Who's Who" he was born in Chihuahua, Mexico, on July 8, 1907. A question exists whether he would be eligible to be inaugurated, if he should be elected to the Presidency because of a specific requirement of the Constitution of the United States that the President be "a natural born citizen". The answer to this question should be found in advance of the party nominating conventions, not only in respect to his ability to serve if elected, but also because of the effect that the existence of such question would have on the outcome of an election, if he became the nominee of a party.

The Constitution of the United States was adopted in 1789. In the 4th clause of section 1 of Article II it provides:

"No person, except a *natural born citizen*, or citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the Office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years and been fourteen years a resident within the United States."

The language used in the Constitution must be construed with reference to the English Common Law. As stated in I Kent's Commentaries, par. 336:

"It is not to be doubted that the Constitution and laws of the United States were made in reference to the existence of the common law. . . . In many cases, the language of the Constitution and laws would be inexplicable without reference to the common law; and the existence of the common law is not only supported by the Constitution, but it is appealed to for the construction and interpretation of its powers."

It has been frequently held by the U.S. Supreme Court that the language of the Constitution cannot be properly understood without reference to the common law. *Moore* v. *United States*, 91 US 270 (274), *United States* v. *Wong Kim Ark*, 169 US 649 (654), *Smith* v. *Alabama*, 124 US 478. It was stated in Moore v. United States by Justice Bradley in a unanimous opinion, page 274:

"The language of the Constitution and of many acts of Congress could not be understood without reference to the common law."

It was stated in United States v. Wong Kim Ark at page 654:

"The Constitution of the United States, as originally adopted, uses the words 'citizen of the United States' and 'natural born citizen of the United States'. By the original Constitution, every representative in Congress is required to have been 'seven years a *citizen* of the United States' and every Senator to have been 'nine years a *citizen* of the United States' and 'no person except a *natural born citizen* or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the Office of President'. The Fourteenth Article of Amendment, besides declaring that 'all persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside'. . . . The Constitution nowhere defines the meaning of these words, either by way of inclusion nor of exclusion, except insofar as this is done by the affirmative declaration that 'all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States'. In this, as in other respects, it must be interpreted in the light of the common law, the principles of history of which were familiarly known to the framers of the Constitution. *Minor* v. *Happersett*, 21 Wall 162, *Exparte Wilson*, 114 US 417, 422, *Boyd* v. *United States*, 116 US 616, 624, 625, *Smith* v. *Alabama*, 124 US 465. The language of the Constitution, as has been well said, could not be understood without reference to the common law. 1 Kent Com. 336, Bradley, Jr. in *Moore* v. *United States*, 91 US 270, 274."

The cited provisions of the 14th Amendment had a purpose to enfranchise the recently freed negro slaves, whether they were native born or naturalized. The purpose was to make non-citizens citizens. It did no more than establish *citizenship* where none previously existed. It did not even purport to make a *foreign born citizen* a *natural born* one.

In *Smith* v. *Alabama*, 124 US 465, at page 478 Justice Matthews stated:

"There is, however, one clear exception to the statement that *there is no national common law*. The interpretation of the Constitution of the United States is necessarily influenced by the fact that *its provisions are framed in the language of the English Common law*, and are to be read in the light of its history."

According to information furnished to me, which I have no reason to doubt, facts regarding the birth and citizenship of Mr. Romney are as follows. His grandfather was Miles Park Romney. In 1885 he left his family in Arizona and moved to Chihuahua, Mexico. One of his children was Gaskel R. Romney, born in the United States in 1871. He did not accompany his father to Mexico, but followed and with the family joined him in 1887, Gaskel R. Romney being then 16 years old. Gaskel R. Romney was married to Anna Aurelia Pratt in Mexico about 1898. They had 4 children, born in the State of Chihuahua, Mexico: George, the 4th child, being born there on July 8, 1907. This family then moved to El Paso, Texas, where the 5th, 6th and 7th children were born.

It will be seen from the foregoing that Mr. George Romney was born in Chihuahua, Mexico of an American born father and by virtue of the birth and citizenship of his father in the United States, George was born with dual citizenship, being a citizen of Mexico by birth and becoming a citizen of the United States at birth *automatically by naturalization* pursuant to the Act of Congress granting automatic naturalization in such circumstances. This type of American

citizenship is a qualified one and requires an election on his part upon arriving at his majority, or within a reasonable time thereafter. *In re Reed*, 6 F S 800, *State v. Jackson*, 65 A 661, *Ludlam v. Ludlam*, 26 NY 371, Van Dyne on Cit. 38. Mr. Romney appears probably to be a *citizen* of the United States. But, the question under consideration is not one of simple *citizenship* but rather, whether he is a *"natural born citizen"* as prescribed in the Constitution of the United States for the Presidency.

The Constitution itself does not define the term natural-born citizen. At the time of the adoption of the U.S. Constitution, under the common law, the terms native born citizen and natural born citizen were synonymous, but, the customary usage was to refer to such type of citizenship as "natural born" instead of "native born."

The words "natural" and "native" are both derived from the latin word "natus" meaning birth. Blackstone's Commentaries, Chapter X, defines natural-born subjects as:

"Natural-born subjects are such as are born within the dominions of the crown of England; that is, within the ligence, or, as it is generally called, the allegiance of the king; and aliens, such as are born out of it."

The first definition of the word "natural" in Webster's Dictionary is "of, from, or by, birth." Literally translated both "natural-born citizen" and "native-born citizen" mean citizen by and from birth. Black's Law Dictionary defines "native" as "a natural-born subject or citizen by birth; one who owes his domicile or citizenship to the fact of his birth within the country referred to." Black defines "natural born" as "In English law one born within the dominion of the King." Black defines "naturalize" as "to confer citizenship upon an alien; to make a foreigner the same, in regard to rights and privileges, as if he were a native citizen or subject." Bancroft's History of the U.S. (1876) VI, xxvi, 27, states, "Every one who first saw the light on the American soil was a natural-born American citizen."

There were several naturalization statutes enacted by Parliament which "declared" or "deemed" persons born outside of the dominions of the King, whose parents were subjects, to be subjects. 29 Car II Cap. 6 *(1676)* related to children of subjects born during "the late trouble" in foreign countries between June 15, 1641 and March 24, 1660 and required such person to receive the sacrament and take an oath of allegiance and file a certificate with a court. 7 Anne Cap V, par. 31 (1708) naturalized foreign born protestants of *natural-born* subjects by providing they shall be "deemed" natural born subjects, 4 George II Cap XXI (1731) repeats the Act of 1708 in 7 Anne; and again in 13 George III Cap 21 (1773) repeats the same naturalization act. All of these statutes of naturalization demonstrated that the citizen by birth was the genuine "natural born citizen." As stated in Van Dyne on Citizenship of the United States, pp. 32:

"It was almost universally conceded that citizenship by birth in the United States was governed by the principles of the English common law. It is very doubtful whether the common law covered the case of children born abroad to subjects of England. Statutes were enacted in England to supply their deficiency. Hence, it was deemed necessary to enact a similar law in the United States to extend citizenship to children born to American parents out of the United States."

Statutes 11 and 12 of William III, Cap 6 (1700–1707) was a statute to permit inheritance of children born outside of the King's realm and dominion of his majesty's natural born subjects as though such children "had been naturalized or natural-born subjects." (See McCreary v. Sommerville, 22 U.S. 354 l.c. 356, 357).

Generally, when we speak of the English Common Law we mean the lex non scripta or unwritten law as defined by Blackstone, that portion of the law of England which is based, not on legislative enactment, but on immemorial usage and the general consent of the people. *Levy v. McCartee*, 31 US (6 Pet) 102. As stated in the latter case, "It is too plain for argument, that the common law is here spoken of, in its appropriate sense, as the 'unwritten law of the land, independent of statutory enactments.'" In Bouvier Law Dictionary it is stated in respect to common law, "Those principles, usages, and rules of action applicable to the government and security of persons and of property, which do not rest for their authority upon any express or positive declaration of the will of the legislature." Citing 1 Kent Com. 429. It should be borne in mind that the English common law did not become the common law of the United States. But, the English common law is referred to in explaining the meaning of the language used by the framers of the Constitution who were familiar with its terminology. Thus, in determining the meaning of the term "natural-born citizen," as used in the Constitution, we should inquire what the language meant to the members of the Constitutional convention, and not what the English common law and statutory law was in all of its ramifications relating to the subject of citizenship. It is clear that under the English common law this term "natural born" meant "native born", i.e. within the realm and dominion of the King. While naturalization and other acts of Parliament had afforded to foreign born alien children of English parentage certain rights to citizenship and inheritance by being "deemed" to be "natural born" (i.e. "deemed" native born when not so born), still, the fact remains that the genuine "natural-born" citizens were the "native-born" citizens. It was this genuine "native-born" citizen (rather than one who was not, but by act of Parliament was "deemed" to be) to which the framers of the Constitution referred when they used the term "natural-born citizens" as one of the qualifications for the President. The English common law is explained in detail in Calvins case, 7 Coke 1.

In *Wong Foong v. U.S.*, 69 F 2d 681, the court said: "Under the common law of England a child born abroad of a father who is a subject of England does *not* become a citizen of England." And in *Weedin v. Chin Bow*, 274 US 657, l.c. 663, the court said "under the common law which applied in this country, the children of citizens born abroad were *not* citizens, but aliens."

In *Doe v. Jones*, 4 T.R. 300, 308, 100 Reprint 1031, Lord Kenyon stated:

"The character of a natural-born subject, anterior to any of the statutes, was incidental to birth only; whatever were the situations of his parents, the being born in the allegiance of the King, constituted a natural-born subject."

Sheddins v. Patrick, 1 Macg 535, l.c. 611 (House of Lords) The Lord Chancellor stated:

"I need not state to your Lordship that, independently of statute, everyone born abroad is an alien. I state the proposition too generally, because the children of Ambassadors and some other persons were excepted; but as a general proposition, all persons born abroad were aliens. That state of law was interferred with first by a very early statute. . . . In the reign of Queen Anne it was enacted by statute, passed for 'naturalizating foreign protestants' that children of all natural-born subjects born out of the ligence of his majesty should be 'deemed,' 'adjudged' and 'taken' to be natural-born subjects of his Kingdom."

The case *In re Guerin* (Queen's Bench), 37 Weekly Reporter 269, (Feb. 2, 1889) dealt with the term "natural-born" in the Extradition Act of Parliament and the term "native-born" in an extradition treaty with France. It was contended by Guerin that a person born abroad of British parents was a "natural-born" British subject within the meaning of the extradition treaty with France. Sir Alfred Wills, Judge, speaking for the Court stated:

"The first question in this case in logical order is whether Guerin is a person to whom the extradition treaty with France applies; and that depends on whether he can bring himself within the exception which says that "native-born or naturalized subjects" are exempt from the operations of the treaty. The onus of proving that he comes within the exception lies on the prisoner. Now there are only two methods in which a person, other than a temporary resident in the kingdom, can acquire status as a British subject; viz, by *naturalization or by reason of the circumstances of his birth. I am unable to draw any distinction between the expression 'natural-born' used in the Extradition Act and 'native born' used in the treaty. It means a person who is a native by reason of the circumstances of his birth."*

In Dicey's Conflicts of Law (1896) it is stated: (pp. 173).

"Natural-born subject" means a British subject who has become a British subject at the moment of birth.

"A naturalized British subject means any British subject who is not a natural-born British subject. (pp 175) Rule 22. Subject to the exceptions hereinafter mentioned, any person who (whatever the nationality of his parents) is born within the British dominions is a natural-born British subject."

In the "comment" which followed it was stated:

"This rule contains the leading principle of English law on the subject of British nationality. 'Allegiance is the tie, or ligamen, which binds the subject to the King, in return for that protection which the King affords the subject'. But every person born within British dominions does, with rare exception, enjoy at birth, the protection of the Crown. Hence, subject to such exceptions, every child born within the British dominions is born 'under the ligence' as the expression goes, of the Crown, and is at and from the moment of his birth a British subject; he is, in other words, a natural-born subject."

The exceptions mentioned are those whose fathers are alien enemies or ambassadors or diplomatic agents.

In the case of *Lynch v. Clarke*, 1 Sandf. 583, N.Y.), the Vice-Chancellor stated that he entertained no doubt "that every person born within the dominion and allegiance of the United States, whatever the situation of his parents, was a *natural born citizen*." He added that "this was the general understanding of the legal profession, and the universal impression of the public mind."

In the case of Minor v. Happersett in the U.S. Supreme Court, 88 US (21 Wall) 162, the court said:

"The Constitution does not in words, say who shall be natural born citizens. Resort must be had elsewhere to ascertain that. At *common law with the nomenclature of which the framers of the Constitution were familiar, it was never doubted that all children born in a country of parents who were its citizens became themselves upon their birth, citizens also. These were natives, or natural born citizens as distinguished from aliens and foreigners.* Some authorities go further and include as citizens children born within the jurisdiction without reference to the citizenship of their parents. As to this class there have been doubts, but never as to the first. For the purpose of this class it is not necessary to solve these doubts. It is sufficient for everything we now have to consider that all children born of citizen parents within the jurisdiction are themselves citizens.

In the Dred Scott Case, 60 U.S. 393, l.c.

576 in his separate opinion, Justice Curtis stated:

"The first section of the second Article of the Constitution used language *"a natural born citizen."* It thus assumes that citizenship may be acquired by birth. Undoubtedly, this language of the Constitution was used in reference to that principle of public law, well understood in this country at the time of the adoption of the Constitution, which *referred citizenship to the place of birth.*

The fourth clause of section 8 of Article I of the Constitution of the United States gives to Congress authority "to establish an uniform Rule of Naturalization . . .", and Congress has established and frequently amended uniform rules for the naturalization of children born outside of the jurisdiction of the United States (i.e. aliens) in Section 1401 et seq. of Title 8, U.S. Code. To many it has granted automatic naturalization, provided timely advantage is taken of the rights by the person concerned. Examples of these were persons whose fathers were citizens, later (1934) persons of whom either of the parents were citizens (not including illegitimates), and still later (1952) illegitimate children whose mothers were citizens. To other aliens having no citizen parents the process of naturalization required an application to and order of a federal court. But, whether the naturalization be automatic due to citizen parentage or by court decree for others, *the fact remained that for all persons born outside of the jurisdiction of the United States a naturalization by authority of Congress has been required in order to become a citizen. Native born citizens hold citizenship by birth.* U.S. v. Wong Kim Ark, Supra.

In a recent case of the U.S. Supreme Court (Montana v. Kennedy, Attorney General, 366 U.S. 308) it was held that the petitioner was *not* a citizen of the United States despite the fact that his mother was a native born citizen of the United States. The reason for the holding was that at the time of the birth of the petitioner in England the Act of Congress only authorized automatic naturalization for a person whose father was a native born citizen, but not a person whose mother had been a native born citizen. The Act of Congress was amended to include children of a mother *who had lost* her citizenship on March 2, 1907 (Montana v. Kennedy, supra) and again in 1934 (48 Stat 797) to include children of any *native born* mothers.

In U.S. v. Wong Kim Ark, 169 U.S. at page 655, the court said:

"The *fundamental principle* of the common law with regard to English nationality was birth within the allegiance, also calling 'ligealty,' 'obedience,' 'faith,' or 'power' of the King. The principle embraced all persons born within the King's allegiance and subject to his protection. Such allegiance and protection were mutual—as expressed in the maxim, protecti trahit subjectionem, et subjectio protectionem—and were not restricted to natural-born subjects and naturalized subjects, or to those who had taken an oath of allegiance; but were predicable of aliens in amity, *so long as they were within the kingdom.* Children, *born in England,* of such aliens, were therefore *natural-born* subjects. But the children, born within the realm of foreign ambassadors, or the children of alien enemies, born during and within their hostile occupation of part of the King's dominions, were *not* natural-born subjects, *because not born within the allegiance, the obedience or the power, or, as would be said to this day, within the jurisdiction of the King."* (Thus, a child born in Mexico of English parents was not a natural-born subject, despite his automatic naturalization by Act of Parliament). Later in the same opinion (l.c. 658) the court said: "It thus clearly appears that by the law of England for the last three centuries, beginning before the settlement of this country, and continuing to the present day, aliens, while residing in the dominions possessed by the Crown of England, were within the allegiance, the obedience, the faith or loyalty, the protection, the power, the jurisdiction of the English Sovereign; and therefore every child *born in England* of alien parents, was a *natural born subject,* unless the child of an ambassador or other diplomatic agent of a foreign state, or an alien enemy in hostile occupation of the place where the child was born.

"The same rule was in force in all of the English Colonies upon this continent down to the time of the Declaration of Independence, and in the United States afterwards, and continues to prevail under the Constitution as originally established."

The same ruling upholding American citizenship of children born in the United States are found in 9 Op Atty Gen 373, and 10 Op Atty Gen 328, 394, 396.

The Act of March 26, 1790 (1 Stat 103) provides in pp 104: "And the children of citizens of the United States that may be born beyond the seas, or out of the limits of the United States *shall be considered as natural-born citizens."*

In *Osborn v. Bank,* 22 US (9 Wheat) 738, l.c. 827, Chief Justice Marshall said:

"A naturalized citizen is indeed made a citizen under an Act of Congress, but the Act does not proceed to give, to regulate, or to prescribe his capacities. He becomes a member of the society, possessing all the rights of a native citizen, and standing, in the view of the Constitution, on the footing of a native. *The Constitution does not authorize Congress to enlarge or abridge those rights.* The simple power of the national legislature, is to prescribe a uniform rule of naturalization, and *the exercise of this power exhausts it,* so far as regards the individual. The Constitution then takes him up, and, among other rights, extends to him the capacity of suing in the Courts of the United States, precisely under the same circumstance under which a native might sue. *He is distinguishable in nothing from a native citizen, except so far as the Constitution makes the distinction.* The law makes none."

Thus the Act of March 26, 1790 would be unconstitutional if it attempted to enlarge the rights of a naturalized citizen to be equal to those of natural-born citizens under the Constitution.

Although it is not within the power of Congress to change or amend the Constitution by means of definitions of languages used in the Constitution so as to mean something different than intended by the framers (amendments being governed by Article V) an argument might be advanced to the effect that the use of identical language by Congress substantially contemporaneously might be considered in later years by a court to reflect the same meaning of the same words by the framers of the Constitution; and under this argument to attach importance to the Act of Congress of March 26, 1790 (1 stat 103).

This argument fades away when it is found that this act used the term "natural-born" through inadvertence which resulted from the use of the English Naturalization Act (13 Geo. III, Cap 21 (1773)) as a pattern when it was deemed necessary (as stated by Van Dyne) to enact a similar law in the United States to extend citizenship to foreign-born children of American parents. In the discussion on the floor of the House of Representatives in respect to the proposed naturalization bill of a committee composed of Thomas Hartley of Pennsylvania, Thomas Tudor Tucker of South Carolina and Andrew Moore of Virginia, Mr. Edamus Burke of South Carolina stated, "The case of the children of American parents born abroad ought to be provided for, as was done in the case of English parents in the 12th year of William III." (See pp 1121, Vol 1 (Feb. 4, 1790) of Annals of Congress.) The proposed bill was then recommitted to the Committee of Hartley, Tucker and Moore, and a new bill containing the provision in respect to foreign-born children of American parentage was included, using the Anglican phrase "shall be considered as natural born citizens." Manifestly, Mr. Burke had given the wrong reference to the Act of Parliament of the 12th year of William III which was an inheritance law. But, it was a naturalization bill and the reference to the English acts shows the origin of the inadvertent error in using the term natural-born citizen instead of plain "citizen" came from copying the English Naturalization Act.

Mr. James Madison, who had been a member of the Constitutional Convention and had participated in the drafting of the terms of eligibility for the President, was a member of the Committee of the House, together with Samuel Dexter of Massachusetts and Thomas A. Carnes of Georgia when the matter of the uniform naturalization act was considered in 1795. Here the false inference which such language might suggest with regard to the President was noted, and the Committee sponsored a new naturalization bill which deleted the term "natural-born" from the Act of 1795. (1 Stat 414) The same error was never repeated in any subsequent naturalization act.

The Act of 1795 provides:

"The *children of citizens* born outside of the limits and jurisdiction of the United States, shall be *considered as citizens of the United States."*

In 1802, when Congress repealed entirely the law of 1790, it enacted that *"the children of persons who now are, or have been citizens* of the United States, shall, although born outside of the limits and jurisdiction of the United States, *be considered as citizens* of the United States" (2 stat 153). (R.S. 1993) This was followed by the Act of 1855 (10 Stat 604) which repealed the Act of 1802.

Congress, in its exclusive control of naturalization, could make any person born outside of the limits of the United States a citizen, either automatically or by pursuit of a proper court proceeding; but, it is not within the power of Congress in its control of naturalization to alter the fact of place of birth to make a foreign born child a "natural-born" citizen as described in clause 4, section 1 of Article II of the Constitution so as to become thereby eligible to become the President.

In *United States v. Perkins,* 17 F S 117, the syllabus reads:

"Child born in England of mother who had been born in United States, and had married Englishman in England, held not a 'natural born citizen,' within the provisions of Federal Constitution, whether child became citizen at birth by reason of mother's citizenship or by her subsequent repatriation (Cable Act. 8 U.S.C.A. §§ 9, 10, 367–370; 8 U.S.C.A. §§ 6 and note, 7, 8, 399c(a); Rev. St § 1993; Convention with Great Britain May 13, 1870, art. 1, 16 Stat. 775)."

And the text of the opinion on page 179 reads:

"But I think it is immaterial, for the purpose of the instant suit, whether petitioner became an American citizen at his birth by reason of his mother's citizenship or later by means of the repatriation of his mother. I do not think the authorities sustain his claim that he is a natural-born citizen within the meaning of the provisions of the Constitution, either of section 1, clause 4, or article 2, that 'No person except a natural born citizen or a citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President,' or of the Fourteenth Amendment, that 'All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the

United States and of the State wherein they reside."

In the case of *United States v. Wong Kim Ark*, 169 U.S. 649, at page 688, 18 S. Ct. 456, 472, 42 L ed 89, it was said: "This sentence of the fourteenth amendment is declaratory of existing rights, and affirmative of existing law, as to each of the qualifications therein expressed—'born in the United States,' 'naturalized in the United States' and 'subject to the jurisdiction thereof'—in short, as to everything relating to the acquisition of citizenship by facts occurring within the limits of the United States. *But it has not touched the acquisition of citizenship by being born abroad of American parents; and has left that subject to be regulated, as it had always been, by Congress, in the exercise of the power conferred by the Constitution to establish an uniform rule of naturalization.*" And again on page 702, "Citizenship by naturalization can only be acquired by naturalization under the authority and in the forms of law. But citizenship by birth is established by the mere fact of birth under the circumstances defined in the Constitution. *Every person born in the United States, and subject to the jurisdiction thereof, becomes at once a citizen of the United States and needs no naturalization. A person born out of the jurisdiction of the United States can only become a citizen by being naturalized, either by treaty, as in the case of the annexation of foreign territory, or by authority of Congress, exercised by declaring certain classes of persons to be citizens, as in the enactments conferring citizenship upon foreign-born children of citizens,* or by enabling foreigners individually to become citizens by proceedings in the judicial tribunals, as in the ordinary provisions of the naturalization acts." Petitioner claims that these statements are mere dicta as applied to his claim and not entitled to consideration. But the Supreme Court in that case went fully into the whole question of citizenship in all of its aspects and this court could not ignore the carefully expressed opinions of the Supreme Court, even if this court should differ from that opinion. Also see Schautus v. Attorney General, 45 F S 61, 1.c. 67.

In State v. Rhodes (C.C. Ky.) 27 Fed. Cas 785, 879 (1866), Justice Swayne of the Supreme Court said:

"All persons born in the allegiance of the king are natural born subjects, and all persons born in the allegiance of the United States are natural born citizens. Birth and allegiance go together. Such is the rule of common law, and it is the common law of this country, as well as of England."

In Rawle's view on the Constitution of the United States, page 86, it is stated:

"Every person *born within the United States, its territories or districts,* whether the parents are citizens or aliens, *is a natural born citizen within the sense of the Constitution,* and entitled to all rights and privileges appertaining to that capacity."

In *Luria v. United States*, 231 US 9, in a unanimous decision Justice Van Deventer, speaking for the court, at page 22, stated:

"Under our Constitution, *a naturalized citizen* stands on an equal footing with the *native citizen in all respects, save that of eligibility to the Presidency.*" Cited with approval by Justice Frankfurter in Baumgartner vs. U.S. 322 U.S. 673.

In *Knauer v. United States*, 328 U.S. 654, in a separate opinion, at page 677, Justice Rutledge stated:

"I do not find warrant in the Constitution for believing that it contemplates *two classes of citizens, excepting only for two purposes.* One is to provide how citizenship shall be acquired, Const. Art. 1, p. 8; Amend XIV, p. 1, *the other to determine the eligibility for the presidency. The latter is the only instance in which the charter expressly excludes the naturalized citizen from any right or privilege the native born possesses.*"

In *Husar v. United States*, 26 F 2d 847, in the Circuit Court of Appeals of the 9th Circuit the court stated:

"True, there is no express requirement that the United States District Attorney for China shall be a citizen of the United States. Nor, so far as we have been able to discover, is there such express requirement respecting any other officer of the United States, *excepting only the President and members of Congress.* (Const. US Art 2, par 1, subd 5); and these constitutional provisions were for the apparent purpose, not of insuring against alien office holding, but *requiring American birth in the one case and prescribed periods of citizenship in the other two.*"

A child born in a foreign country of American parents may claim United States citizenship at majority. *In Re Reed*, 6 FS 800—It required an election on his part when he attained his majority. *State* v. *Jackson*, 79 Vt. 504, 65 A 657.

In 1854 an article appeared in 2 Am Law Reg. P 193, which pointed out among other things that, due to the language of the Act of 1802, *all children of American families "born in a foreign country" are aliens.* This article resulted in the passage of the Act of Congress of 1855 (10 Stat 604) which repealed the act of 1802 (2 Stat 153). Had Mr. Romney been born between 1802 and 1855 he would not even be a citizen through his father.

In the case of *Ludlow* v. *Ludlow*, 26 NY 356, 84 Am. D 193, the sole issue was one of citizenship in order to be able to inherit real estate in New York state. In the opinion Judge Selden uses the term "natural born citizen" on two occasions. A careful reading in the second instance shows that he was using the word "natural" in the sense of "native" wherein he said "among the facts found by the court are the following, viz: "That Richard L. Ludlow, the father of said Maximo M. Ludlow and of the plaintiff, in the latter part of the year 1822, voluntarily expatriated himself from the United States, where he was a *natural born citizen* for the purpose of becoming a permanent resident of Lima, in Peru, South America, and of establishing his permanent domicile there." As the case shows that Richard L. Ludlow was born in the United States in 1804 the use of the term "natural born" meant native born.

In *U.S.* v. *Fisher*, 48 F S 7, the court said:

"A naturalized citizen, broadly speaking, enjoys all of the rights of the *native* citizen, except so far as the Constitution makes the distinction. Const. rt. 2, par 1, cl 4 and this constitutional exception is limited alone to the occupancy of the office of President of the United States."

In *Elk* v. *Wilkins*, 112 US at page 101, Justice Gray said:

"The distinction between *citizenship by birth* and *citizenship by naturalization* is clearly marked in the provisions of the Constitution by which 'no person, except a "natural born" citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of the President;' and 'the Congress shall have power to establish a uniform rule of naturalization' ".

In 2 Bancroft's History of the U.S. Constitution 192, reference is made to the fourth clause of the 1st section of article II. In the Constitutional Convention, says Mr. Bancroft:

"One question on the qualifications of the president was among the last decided. On the twenty-second of August, the Committee of Detail, fixing the requisite age of the president at thirty-five, on their own motion, and for the first time required only that the president should be a *citizen* of the United States, and should have been *an inhabitant* of them for *twenty-one years.* On the fourth of September, the Committee of States, who were charged with all unfinished business, limited the *years of residence to fourteen.* It was then *objected* that *no number of years could properly prepare a foreigner for that place;* but, as men of other lands had spilled their blood in the cause of the United States, and had assisted at every stage of the formation of their institutions, on the seventh of September, it was unanimously settled that *foreign-born residents of fourteen years who shall be citizens at the time of the formation of the Constitution are eligible* to the Office of the President." (Corroboration for the statements of Bancroft are to be found in Vol 5 of Johathan Elliott's "Madison Papers," pages 462, 507, 512 and 521, and in Vol. 3 of Henry D. Gilpin's "Madison Papers" pages 1398, 1437 and 1516)

It will be seen from the foregoing that a distinction was made between *natural-born citizens* and *foreign-born citizens.* The very exception made as to *foreign-born citizens* who were citizens at the time of the adoption of the Constitution proves conclusively the intent of the framers of the Constitution to limit eligibility for all others to *native-born citizens. There was no Act then making a foreign born child a citizen.*

The word inhabitant means "a permanent resident." The substitution of natural-born citizens took the place of a permanent residence for 21 years. Manifestly, the meaning of the Committee of States that *"no number of years* could properly prepare a *foreigner* for that place" may properly be translated to mean that being an inhabitant in the United States *for all of the years of the life* of the individual concerned *was not sufficient.* What then is to be concluded that they meant to say when they used the language that the President shall be a "natural-born citizen." *Is not the proper conclusion that if a lifetime of inhabitance is insufficient, native birth was contemplated?* Suppose a candidate for President be 60 years old. Could this provision of the Constitution contemplate a foreign birth of a German mother and American father and continuous foreign residence for 46 years so long as the last 14 years were in residence of the United States, merely because a parent of the foreign-born candidate happened to be an American citizen, if a lifetime of inhabitance was not sufficient? It seems apparent that the Committee was trying to establish an eligibility requirement of a far greater degree than 21 years inhabitance—and at the same time reducing the residence requirement to 14 years. Could this increased requirement be satisfied by a foreign birth and foreign rearing until the character, patriotism and loyalty qualities were firmly fixed by the 46 years-foreign residence to be followed by only 14 years' residence in the United States from a mere American parentage? It seems to me that the question answers itself—that "natural born citizen" meant "native born citizen." The framers of the Constitution could not have attached such importance to American parentage of a foreign born and reared person when a lifetime of inhabitance (permanent residence) was considered insufficient.

I do not find in court decisions and legal literature of the time of adoption of the Constitution of the United States any reference to "native-born," when reference is made to a native born citizen or subject. The word invariably used was "natural-born." As an example, a "denizen" was an "alien-born" person who had obtained a denizenation by gift of the King, (i.e. letters patent to make him an English subject). This patent was the exercise of a high royal prerogative. Naturalization could only be accomplished by Parliament. A denizen could take and hold lands by purchase or devise—which an alien could not do; but could not

take title by inheritance. The children born before denizenation could not inherit from him, but those born afterwards could inherit. It is interesting to note in 1 Blackstone Comm. 374 in commenting on the denizen he says, "A denizen is a kind of middle state, *between an alien and a natural-born subject,* and partakes of both." Note that he does not use native-born subject, as this term is now used. The distinction was drawn between an alien and a natural-born citizen, not native-born citizen. See Fries Case 9 Fed Case 126, Case No. 5126 and Collingwood v. Pace, 1 Ventries (Eng.) 419.

Mr. Binney, in the second edition of a paper on the Alienigenae of the United States, printed in pamphlet at Philadelphia with a preface bearing his signature and the date of December 1, 1853, on page 22, said:

"The right of *citizenship* never descends in a legal sense, either by the common law, or under the common naturalization acts. *It is incident to birth in the country, or it is given personally by statute.* The *child of an alien,* if born in the country, is as much a *citizen* as the *natural-born* child of a citizen, and by operation of the same principle. See Amer. Law Register for Feb. 1854 2 Amer. Law Reg. 193, 203, 204."

The comparison was made to alien and natural born, not native born.

To a letter written in New York by John Jay to George Washington, President of the Federal Convention, on July 25, 1787 has been attributed the provision in the Constitution requiring that the President shall be a "natural-born citizen." This letter said:

"Permit me to hint whether it would not be wise and reasonable to provide a strong check to the admission of foreigners into the Administration of our National Government, *and to declare expressly that the command in chief of the American Army shall not be given to, nor devolve on, any but a natural-born citizen.*"

The "hint" of John Jay that the Command in Chief of the American Army should not be given to, nor devolve on, any but a *natural-born citizen* bore fruit, and it was accordingly provided that the President shall be a natural-born citizen. Note that his "hint" distinguished natural-born citizens from foreigners. Every one of the 55 persons constituting the Federal Convention had been born on English soil and was a natural-born citizen.

Three articles have appeared in Journals on the same general subject as this article. The first was in the Albany, New York Bar Journal (66 Albany Law Journal 99) in 1904, both of which concluded that a foreign-born child of American parentage came within the term natural-born and was eligible to become President. The second in 1950 was 35 Cornell Law Quarterly 357. The first was so inadequately considered and lacking in citation as not to deserve mention. The only reference was to the inadvertent use of the term natural born in the Act of 1790 (1 Stat. 103). He did not seem to know that it was Mr. Madison who had participated in the drafting of the Constitution who had discovered the error and authorized the bill to correct it by deleting the term from the act of 1795 (1 Stat. 445). This first article did, however, apparently serve to encourage the author of the article in the Cornell Law Quarterly which was apparently inspired by a desire to accomplish a desired result, namely, to urge eligibility for the Presidency on behalf of Mr. Franklin Delano Roosevelt, Jr. who was born at the family summer home at Campobello, New Brunswick, Canada. His article attached great importance to the naturalization acts of the English Parliament which had "deemed" the children of English parentage born abroad to be natural born. The author seemed to have lost sight of the fact that the English common law in respect to citizenship did not become the common law of the United States and that the framers of the Constitution in making one qualification for the Presidency that the person be a "natural born citizen" referred to the *genuine* natural born citizen rather than one who by legislative act was "deemed" to be. A great weakness of his argument was later revealed by the decision of the U.S. Supreme Court in 1961 in Montana v. Kennedy, Attorney General, 366 US 308, holding that his subject would not even have been an American citizen if his citizenship had depended on the citizenship of his mother, Eleanor Roosevelt, and that he only had dual citizenship because Congress in the exercise of its constitutional authority to establish uniform rules of *naturalization* had seen fit to grant to him automatic American citizenship due to the citizenship of his father.

Both articles assume that the restriction to natural-born citizens was based upon the law of blood of parentage, Jus Sanguinis, rather than the place of birth, Jus Soli; and without legal basis, claim that the former was of a higher order than the latter. Based upon such assumption they conclude that it is not the *place* of birth in the United States which controls, but the *American parentage* of the child that complies with the requirement of the Constitution. The *fact* is, however, that the blood relationship had nothing whatsoever to do with the requirement, and the *sole basis* for the requirement *was place of birth.* This is demonstrated from the notes of Mr. James Madison, made on the spot, at the Constitutional Convention and reported in Bancroft's History of the Constitution showing that the initial proposal of the Committee of Detail called for 21 years of inhabitance (permanent residence) which relates solely to *place* and is entirely unrelated to blood. But, objection was made that *"no number of years* could properly prepare a *foreigner* for that place, i.e., a lifetime of residence could not properly prepare *one of* foreign birth. (*place again*)" It was then that the Committee of States changed the requirement to call for native birth, as "natural-born" was meant by Blackstone, et al. (again place), but exception was made to those *foreigners* who were *residents* at the time of the adoption of the constitution—*again place!* Indeed, the claim of citizenship by blood or descent was expressly overruled in favor of the rule of citizenship by place of birth, in U.S. v. Wong Kim Ark, 169 US 649, l.c. 674 in which the court stated:

"There is nothing to countenance the theory that a general rule of *citizenship by blood or descent* has displaced in this country the fundamental rule of citizenship by birth within its sovereignty. So far as we are informed, there is no authority, legislative, executive, or judicial, in England or America, which maintains or intimates that the statutes (whether considered as declaratory, or as merely prospective), conferring citizenship on foreign-born children of citizens, have superseded or restricted, in any respect, the established rule of *citizenship by birth within the dominion.*"

The 1904 article said "a forced or restricted construction of the constitutional phrases under consideration would be out of harmony with *modern conceptions* of political status, and might produce startling *results,*" (i.e. the Constitution is to be amended by judicial fiat to achieve desired results). Continuing, it says, "it remains to be decided whether a child of domiciled Chinese parents, born in the United States, is eligible, if otherwise qualified, to the Office of President and to all privileges of the Constitution." (This had already been decided in the affirmative in *U.S.* v. *Wong Kim Ark,* 169 US 649), "and it would be a strange conclusion, in another aspect, the child of American parents, born in China, should be denied corresponding rights and privileges in the United States." It would seem that the "strange aspect" was that a person whose skin was yellow could be President because of being born in the United States, whereas, a person whose skin was white could not if born in China. If racial prejudice is disregarded, there is nothing strange about the fact that the Constitution requires that the President be a native-born citizen.

The author of the 1950 article in the Cornell Law Quarterly argues that since under British statutory naturalization law children born to British parents outside of the dominions of the King became citizens at birth, such child was a "natural-born" British citizen, and our constitution should be so interpreted. Not only is this argument contrary to the cited decisions of the British appellate courts, and not a part of the British common law, as pointed out in Levy vs. McCartee, 31 U.S. 102, but, as pointed out in Hawle's View of the Constitution, the early Congress found it necessary to adopt similar naturalization law otherwise the foreign born children of American parents would not even be American citizens.

There have been two periods since the creation of the United States during which there has been no Act of Congress which naturalized the foreign-born children of American citizens. These were (1) after June 21, 1789 (the effective date of the Constitution) and the Act of March 26, 1790, and (2) between the Act of April 14, 1802 and the act of February 10, 1855. What was the meaning of the words "natural-born citizen" during these periods? Manifestly, the only meaning that these words could have had, during these periods, was what we now call "native-born citizen," since *birth within the United States* was the *only* way a child could then be "born" a citizen. During those periods all foreign-born children were aliens. The meaning of the language used in the Constitution has not changed either before or after these acts of Congress. It was the *Acts of Congress* governing naturalization *which changed* from time to time—it being beyond the power of Congress to change the Constitution by legislative enactments. Thus, if prior to the first naturalization act of March 26, 1790, and again during the period from April 14, 1802 to February 10, 1855, the term "natural-born citizen" meant born within the domain of the United States—which is the only meaning it could have had—then that meaning could not be altered by any Act of Congress naturalizing foreign-born children of American parents, and it remains the meaning today.

The third article appeared in the December 23rd, 1955 issue of U.S. News and World Report in relation to the eligibility of Herbert Hoover, Jr., Franklin D. Roosevelt, Jr., and Christian A. Herter who were born in England, Canada and France, respectively. The main point advanced by the author was that children born to American parents outside of the United States became citizens *at birth,* whom he called "born citizens." From this conclusion he takes another step to call them "natural-born citizens," although recognizing that the U.S. Supreme Court in the case of *U.S.* v. *Wong Kim Ark* 169 US 655 had held that they were naturalized citizens rather than natural-born citizens. When he says that they were "born citizens" his statement was erroneous. They were naturalized citizens. Born citizens are those who acquire their citizenship solely by birth within the United States. All persons born outside of the United States are born aliens and acquire citizenship by naturalization by compliance with an act of Congress naturalizing children born outside of the United States to American citizen parents. The article contains some false conclusions of the author reading as if they were statements of fact. For example, he states, "This leads one to focus attention on the difference in legal meaning between the two terms—as they were understood by minds steeped in the English legal tradi-

tion in 1787—and the only difference which such scrutiny reveals is that, whereas all "natives" (except the children of foreign diplomats and invading armies) were "natural-born subjects," the converse of this proposition was not true. Some natural-born subjects were not "natives" and these were none other than the foreign-born children of native parentage." This converse proposition is a false conclusion of the author and not a correct statement of fact or law. No child born outside of the dominion of the King was ever a true "natural-born subject." They were naturalized subjects. It is true that by the naturalization acts under which they had become naturalized subjects had "deemed" them to be natural-born subjects (despite the fact that they were not so in fact), and the very fact that these were "deemed" to be natural-born by the naturalization act reveals that the true "natural-born" subjects were those born within the dominion of the King without the necessity of a naturalization law to "deem" them to be in law what they were not in fact.

This subject was considered by Weston W. Willoughby in his 3-volume treaties on "United States Constitutional Law." In Vol. 1, page 354 (par. 199), he stated:

"Natural-born citizen not yet defined. So far as the author knows, no fully satisfactory definition of the term "natural-born citizen" has yet been given by the Supreme Court. Thus, it is not certain whether a person born abroad of American citizens who have themselves resided in the United States is to be deemed a natural-born citizen or a citizen naturalized by the Act of Congress which provides that such persons shall be deemed to be citizens of the United States. To the author it would seem reasonable to hold that anyone who is able to claim United States citizenship without prior declaration upon his part of a desire to obtain such a status should be deemed a natural-born citizen. If this doctrine should be accepted, persons born abroad of parents themselves citizens would not be regarded as natural-born citizens, because, in fact, it is provided by Act of Congress of March 2, 1907 (34 Stat 1229) that such persons, in order to receive the protection of the United States are required, upon reaching the age of eighteen years to record at an American consulate their intention to become residents and remain citizens of the United States, and, moreover, are required to take the oath of allegiance to the United States upon attaining their majority. It is also to be observed that for many years there existed no statutory provision whatever for the citizenship of persons born abroad of American parents who had not become American citizens prior to the Act of 1802."

There were but two types of English citizenship—natural-born (native-born) and naturalized. The same is true of American citizenship. A citizen is either one or the other. Mr. Romney was born an alien and was naturalized automatically by Act of Congress. The U.S. Naturalization Law as it existed at the birth of Mr. Romney did not even purport to "deem" him to be a natural-born citizen as did the British. It merely declared him to be a citizen. He is, therefore, not a native-born citizen, but is a naturalized citizen. He is, therefore not a "natural-born citizen" according to the English common law, nor an American natural-born citizen under the Constitution of the United States. *Luria* v. *U.S.*, 311 US 9.

It has been suggested that the provision calling for the President to be "a natural-born citizen" is a "mere technicality". In the same sense, so are the requirements that the President shall be 35 years old and a resident for 14 years. One is just as valid and binding as the others, and all three were purposeful, deliberately and intentionally made. Thirty-five years of age was to insure maturity; 14 years of residence was to insure familiarity with the Government, its institutions and people, and native birth was to insure loyalty and freedom from foreign sympathy and ideologies. The members of the convention knew that some might be more mature at 34 than others at 35; and some might have a better knowledge of the Government, its institutions and people in 12 or 13 years than others at 14 years; and some might possess a higher degree of loyalty and greater freedom from foreign sympathy and ideologies by residence from childhood than others of native birth. Most people are known to have a soft spot in their hearts for the country of their birth, and birth in the United States saves this soft spot for the United States. I doubt that Sir Walter Scott would approve a paraphrasing of his famous question, "Breathes there a man with soul so dead who never to himself has said *that* is my own, my native land—Mexico!" In making rules, the line must be drawn somewhere that is reasonably calculated to accomplish the desired purpose. Individual fact cases, standing alone, can always make the wisdom of rules seem dubious. Reasonable rules are made for the general good, even though hardship may ensue in individual cases from their application. Their reason for these rules is just as valid now as when made.

To summarize; a natural-born citizen of the United States, as that term is used in the Constitution of the United States, means a citizen born within the territorial limits of the United States and subject to the laws of the United States at the time of such birth. This does not include children born within the territorial limits of the United States to alien parents who, although present with the consent of the United States, enjoy diplomatic immunity from the laws of the United States, and, as a consequence are not subject to the laws of the United States. Nor would this include children born within the territorial limits of the United States to alien enemy parents in time of War as a part of a hostile military force, and, as a consequence not present with the consent of the United States, and not subject to the laws of the United States. But, this *does* include children born to alien parents who are present within the territorial limits of the United States "in amity" i.e. with the consent of the United States, and subject to its laws at the time of birth. *U.S.* v. *Wong Kim Ark* 169 US 649, Luria v. U.S., 231 US 9, Minor v. Happersett 88 US 162.

I find no proper legal or historical basis on which to conclude that a person born outside of the Uinted States could ever be eligible to occupy the Office of the President of the United States. In other words, in my opinion, Mr. George Romney of Michigan is ineligible to become President of the United States because he was born in Mexico and is, therefore, not a *natural-born citizen* as required by the United States Constitution.

MEDICARE AND MEDICAID

The SPEAKER pro tempore. Under a previous order of the House, the Chair recognizes the gentleman from California [Mr. KING] for 5 minutes.

Mr. KING of California. Mr. Speaker, the Medicare and Social Security Amendments of 1965 were a signal achievement of the Johnson administration. I am proud of the fact that I was the House sponsor of the King-Anderson bill which was the basis for the 1965 bill which the gentleman from Arkansas, Chairman WILBUR D. MILLS, reported out of the Committee on Ways and Means. Both Chairman MILLS and the ranking minority representative on the committee, the gentleman from Wisconsin, JOHN W. BYRNES, contributed significantly to the constructive improvement of this great legislation.

On July 1, 1967, we commence the second year of operation of medicare and complete the first full year of its successful operation.

One of the men most responsible for guiding the legislation through the Congress and for successfully guiding its administrative implementation is the Under Secretary of Health, Education, and Welfare, Wilbur J. Cohen. He has written a succinct and understandable progress report on the Medicare and Medicaid programs which I think all Members will want to read.

Mr. Speaker, I include Mr. Cohen's report in the RECORD at this point following my remarks:

MEDICARE AND MEDICAID: A PROGRESS REPORT

(By Wilbur J. Cohen, Under Secretary of Health, Education, and Welfare)

The enactment of the 1965 Amendments to the Social Security Act ushered in a new era in medical care in the United States. Two major new health programs were established—Medicaid and Medicare. Medicaid, which became effective January 1, 1966, providing care for the medically needy of all ages and Medicare, effective July 1, 1966, the health insurance program for the 19 million aged Americans, have made "good health" a reality for many citizens. In the past year and a half, through the combination of these two programs, significant improvements are being made in health care and the impact of these two programs is being felt by the entire Nation.

MEDICARE

During the past 12 months, Medicare has demonstrated the capacity for providing comprehensive, high quality health care when and where it is needed.

Preparations—The 11 months of extensive preparation and planning that preceded July 1, 1966, has paid off in valuable dividends. The gigantic Medicare enterprise is working well, and as more experience is gained, it can be expected to work even better.

The effective operation of this monumental program required, at one moment of time, the creation of the most comprehensive and sensitive administrative machinery in the world. Before the first benefit check was issued, effective working relationships among Federal and State employees, providers of care, insurance companies, and intermediaries, and 19 million elderly people and their families had to be established. Policies, procedures and regulations had to be developed and issued. Forms, methods and systems were designed. Thousands of people were contacted and consulted in order to assure the cooperation of the groups upon whom the success or failure of the program rested—the elderly, the hospitals, the physicians, social security administration employees, Congressional groups, the AFL–CIO and other labor organizations, Senior Citizen groups and other social welfare organizations. The successful first year operation of the program has resulted from this careful preparation, the understanding, and the cooperative participation of all these diverse groups, institutions and individuals. The preparations that preceded the beginning of the Medicare program, were compared by President Johnson with the preparations that were made before the Normandy Invasion in World War II.

Accomplishments—Medicare is a fast growing stalwart in the delivery of medical services. Since July 1, about four million older Americans have entered hospitals for treatment under Medicare, and have had

hospital expenses amounting to $2.4 billion paid by the program. In addition, $640 million have been paid for physicians' services for those of the 18 million elderly enrolled in voluntary medical insurance part of the program, who required these services. About 230,000 people have received home health services after their hospital stay and since January 1, another 200,000 people have received care in extended care facilities.

But the impact of the program is far greater than what can be implied from a mere recital of numbers. Many of the aged who have received care may not otherwise have received care before the program began. Many may have received the medical care, but as a ward patient and not as a private patient with the dignity and freedom of choice that goes with the ability to pay. Of far greater importance is the realization that for millions of aged, health care will not entail the kind of financial distress which frequently occurred in the past for this age group. Before Medicare only a little over half of the aged had health insurance and of those who did, probably only half of them had the degree of coverage that provided broad protection against hospital costs. Now all of the aged have the security of knowing that they are protected against burdensome health care costs if and when these costs arise.

Medicare, too, has been a most potent force in upgrading the level of health care available to all Americans. Quality standards for providers of services who wish to participate in the program have assured the development of improved care and services of hospitals, extended care facilities, home health agencies and independent laboratories. Some 6,800 hospitals containing 98.5 percent of the bed capacity of non-Federal general care hospitals in the United States now meet these high quality standards. For several hundred of these hospitals considerable upgrading of care was required to meet the standards for participation. The participation of over 4,000 extended care facilities and about 1,800 home health agencies is also conditioned on their capability of providing quality care in terms of physical facilities, personnel and patient care.

In addition, the requirement of conformity with Title VI of the Civil Rights Act has meant that in many communities minority group members for the first time have equal access to high quality care.

One of the most significant accomplishments of Medicare is that it has stimulated the development of, and made available more economical and efficient alternatives to hospital care—hospital outpatient services, post-hospital extended care and home health care, and physicians' services in the hospital, office or home. This wide range of alternatives makes it possible for the doctor, patient or family to make a realistic choice of the place which best meets the patient's needs.

Medicare represents the most comprehensive health insurance package ever made widely available to a major segment of the population. Its benefits are making available a wider spectrum of health services than is characteristic of the insurance coverage held by most Americans of any age.

The comprehensiveness of Medicare coverage sets a standard against which all age groups will measure the comprehensiveness of their health insurance coverage. And the program is stimulating improved health insurance coverage for the entire population.

Medicare was hotly opposed and debated before its enactment but, after many years of this protracted and intense controversy and debate. Medicare has become an operating reality. Some people have attributed Medicare with sparking a "Revolution in Medicine." It certainly has opened up new avenues of discussion and exploration, clearing away some of the ideological controversies which for years impeded intelligent thought, and replacing conflict with cooperation.

The medical profession has provided invaluable leadership throughout the period of intensive activity that preceded the start of Medicare and the even more action-packed period that has followed. Medical leaders have given their greatly needed support to the new medical program and are taking an active part in making it operate smoothly, effectively, and fully responsive to the health needs of the American people.

Of course there have been some administrative problems, but that is only to be expected in an enterprise involving so many millions of people and thousands of organizations. But it has only been through the understanding, cooperation, and diligence of these many individuals, groups and organizations that the program is succeeding so well. There were many unprecedented administrative and procedural problems that had to be solved. But most of these problems have been solved successfully. As Medicare goes into its second year it will proceed on a sound administrative basis. A few difficulties in administration still persist and strenuous efforts are being made by all involved to iron out these problems. Simplification of existing procedures is provided in H.R. 5710 introduced by the Chairman of the Committee on Ways and Means, Wilbur D. Mills.

Medicare is a truly remarkable example of what can be done when groups work together cooperatively to assure the delivery of high quality medical care.

MEDICAID

The related Medicaid (Title XIX) program has also expanded the opportunities for breaking down the financial barriers to adequate medical care. While Medicare provides health insurance to aged Americans, Medicaid is designed primarily to finance the health care of the needy under age 65. The program represents a commitment to the young as well as to the aged. It expands the Kerr-Mills Medical Assistance program and extends it to other needy groups. It provides new health services for children of impoverished families. One of the significant developments under Medicaid has been that 14 States have extended their program to children under age 21 who are medically needy. The program sets up standards of health care which means better health for all patients. Thus, this program also is a powerful force for raising the quality of medical care throughout the Nation.

The Medicaid law authorizes States to establish a single program under which medical assistance can be provided to the aged who are indigent, to needy individuals under programs for aid to children, the blind, to the permanently and totally disabled, and to persons who would qualify under these programs if in sufficient financial need.

Twenty-eight jurisdictions have Medicaid programs approved by the Department of Health, Education, and Welfare and in operation. These are: California, Connecticut, Delaware, Hawaii, Idaho, Illinois, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, Utah, Vermont, Virgin Isands, Washington, West Virginia, and Wisconsin.

We are hopeful that about 40 jurisdictions will have programs operating or ready to go forward by the end of this calendar year.

In March 1967, total monthy payments for Medicaid amounted to about $183.7 million; over 1.3 million people benefited from the program in 16 States. (About $5 million a month was also spent for close to 50,000 aged persons under the Kerr-Mills program of 1960.) Today, more than half of all Americans live in States that have Medicaid programs.

Of importance in this legislation is the provision which stipulates that after 1969, Federal Matching Grants to States for various categorical medical assistance may be paid only under a single coordinated Title XIX Medicaid program.

Although the Federal law requires each State to provide certain specified services in order to obtain Federal funds, the States do have leeway to go beyond these minimum requirements. The State plans, therefore, have varied—both in the range of services to be provided and in the maximum income levels established for financial eligibility.

However, by July 1st of this year, in order to receive Federal funds, all States must provide five basic services: inpatient hospital services, outpatient hospital services, physicians' services, skilled nursing home services for persons over 21 and x-ray and other laboratory services.

The law requires that each State program must provide these services, first, to all public assistance recipients. In addition to these beneficiaries, the States may designate other low-income families or individuals who may need help in paying for medical and allied care. Therefore, different States set different income levels as their ceilings for eligibility—for instance, in Utah the maximum for an individual is $1,200 a year and for a family of four it is $2,640; in Illinois, the individual income is set at $1,800 and the family of four ceiling is $3,600; Pennsylvania has $2,000 for the individual, $4,000 for the family; Massachusetts, $2,160 and $4,176; California, $2,000 and $3,800. And in the much discussed New York program, the eligibility limit for individuals is $2,900 and for a family of four, $6,000 if there is a breadwinner, $850 less if there is no employed person.

With only a very few exceptions, the States have moved conservatively in their income eligibility toward a Medical Assistance program which would meet the needs of the people least able to pay for medical care. The majority of State programs now include, in addition to public assistance recipients, other categories of needy people, especially children, and several State plans are offering a variety of services beyond those required by the law.

There has been a steady increase in the number of people receiving benefits from Medicaid. It is not entirely clear, however, how many of these people are new patients who have not been receiving medical assistance before and how many were formerly covered by public assistance programs or by programs from other resources such as voluntary organizational funds, private organizational funds, fraternal or industrial organizational funds, or spread among "paying patients" receiving care and services from the available and existing resources (charity wards, free clinics, etc.). No doubt many of these people in the past received charity care from physicians. In bringing medical care to a large segment of the population who previously could not afford it, Medicaid should mean an end to charity services. With payment made for all patients, high quality care should be available also to all patients.

COMMUNITY PLANNING

One of the most important aspects of the Medicare and Medicaid programs has been to highlight the need for areawide community planning of all its health and medical care facilities and manpower. Communities must plan for an adequate number of facilities with a full range of needed services. They must also design the facilities so that they are flexible enough to get the most utilization from them as needs change. A comprehensive pattern of services should be integrated into the facilities. Cooperative arrangements can be developed to assure that

community resources are used to promote quality care with the most efficiency and economy. In addition to planning the most efficient use of facilities and services, health manpower resources must also be used more economically and imaginatively. Although the health manpower shortages will probably not be remedied immediately, there are many steps that can be taken to make better use of the resources that are now available.

SUMMARY

Both Medicare and Medicaid are stimulating major changes in the financing and delivery of health care. The financial support flowing from both of these programs will help to fill the gaps that have long prevented the health community from achieving the quality of care in health services for many people, which modern science and modern skills have made possible.

Both of these new programs have been essential to the Nation's all-out attack on poverty. Ill health has long been recognized as one of the most important roots of individual poverty. Poverty can often be translated into poor health. The interrelationship of poverty, disease, ill health, poor education, inaccessibility of health services and financial barriers to adequate medical care has become more and more apparent. These two programs have probably done more to break down these barriers to care than any other steps that have been taken. They are removing the financial barriers to health care and at the same time improving the quality and availability of health care for all citizens regardless of age, sex, race, or any other factor except medical need.

The accomplishments that have been made in the past few years in the field of medicine have been tremendous. But the future will be even more exciting. We have entered one of the brightest chapters in human history. In the years to come, the organization and delivery of medical services will be changed dramatically. The miracles of modern medicine will be available to all through private and public insurance arrangements, irrespective of any factor unrelated to medical necessity.

The impact of Medicare and Medicaid, as well as other new health programs, will be felt by the entire Nation. And, it is meant to be, if we are to attain the goal enunciated by President Johnson: "Good health for every citizen to the limits of our country's capacity to provide it."

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HALPERN (at the request of Mr. DELLENBACK), for 15 minutes, June 15; and to revise and extend his remarks and to include extraneous matter.

Mr. STEED (at the request of Mr. EDMONDSON), for 60 minutes, on Tuesday, June 20.

Mr. EDWARDS of Alabama (at the request of Mr. DELLENBACK), for 15 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. KING of California (at the request of Mr. VIGORITO), for 5 minutes, today; to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. LUKENS.

Mr. BROCK to include with his remarks the text of a substitute amendment which he intends to offer on this legislation.

(The following Members (at the request of Mr. DELLENBACK) and to include extraneous matter:)

Mr. HUTCHINSON.

Mr. BOB WILSON.

Mr. GUDE.

(The following Members (at the request of Mr. VIGORITO) and to include extraneous matter:)

Mr. JOELSON.

Mr. MURPHY of Illinois.

Mrs. KELLY.

Mr. PHILBIN.

Mr. BRASCO.

Mr. ROONEY of New York.

Mr. KEE.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 118. An act for the relief of Dr. Amparo Castro; to the Committee on the Judiciary.

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; to the Committee on the Judiciary.

S. 163. An act for the relief of CWO Charles M. Bickart, U.S. Marine Corps (retired); to the Committee on the Judiciary.

S. 445. An act for the relief of Rosemarie Gauch Neth; to the Committee on the Judiciary.

S. 454. An act for the relief of Richard K. Jones; to the Committee on the Judiciary.

S. 463. An act for the relief of Eladio Ruiz DeMolina; to the Committee on the Judiciary.

S. 676. An act to amend chapter 73, title 18, United States Code, to prohibit the obstruction of criminal investigations of the United States; to the Committee on the Judiciary.

S. 677. An act to permit the compelling of testimony with respect to certain crimes, and the granting of immunity in connection therewith; to the Committee on the Judiciary.

S. 733. An act for the relief of Sabiene Elizabeth DeVore; to the Committee on the Judiciary.

S. 747. An act for the relief of Dr. Earl C. Chamberlayne; to the Committee on the Judiciary.

S. 762. An act to amend the District of Columbia Traffic Act, 1925, as amended; to the Committee on the District of Columbia.

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; to the Committee on the District of Columbia.

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; to the Committee on the District of Columbia.

S. 808. An act for the relief of Dr. Menelio Segundo Diaz Pardon; to the Committee on the Judiciary.

S. 863. An act for the relief of Dr. Cesar Abad Lugones; to the Committee on the Judiciary.

S. 1108. An act for the relief of Dr. Felix C. Caballol and wife, Lucia J. Caballol; to the Committee on the Judiciary.

S. 1109. An act for the relief of Dr. Ramon E. Oyarzun; to the Committee on the Judiciary.

S. 1110. An act for the relief of Dr. Manuel Alpendre Seisdedos; to the Committee on the Judiciary.

S. 1197. An act for the relief of Dr. Lucio Arsenio Travieso y Perez; to the Committee on the Judiciary.

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; to the Committee on 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; to the Committee on the District of Columbia.

S. 1258. An act for the relief of Ramon G. Irigoyen; to the Committee on the Judiciary.

S. 1259. An act for the relief of Wouter Keesing; to the Committee on the Judiciary.

S. 1269. An act for the relief of Dr. Gonzalo G. Rodriguez; to the Committee on the Judiciary.

S. 1270. An act for the relief of Alfredo Borges Caignet; to the Committee on the Judiciary.

S. 1278. An act for the relief of Dr. Floriberto S. Puente; to the Committee on the Judiciary.

S. 1280. An act for the relief of Dr. Alfredo Pereira; to the Committee on the Judiciary.

S. 1448. An act for the relief of Roy A. Parker; to the Committee on the Judiciary.

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.; to the Committee on the Judiciary.

S. 1781. An act for the relief of Kyong Hwan Chang; to the Committee on the Judiciary.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 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.

ADJOURNMENT

Mr. VIGORITO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, June 15, 1967, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

832. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to further amend the Agricultural Marketing Act of 1946; to the Committee on Agriculture.

833. A letter from the Secretary of the Treasury, transmitting a report of audit of the Exchange Stabilization Fund for the fiscal year ended June 30, 1966, pursuant to the provisions of section 10 of the Gold Reserve Act of 1934, as amended; to the Committee on Banking and Currency.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ASHMORE: Committee on House Administration. S. 853. An act to extend the life of the Commission on Political Activity of Government Personnel (Rept. No. 364). Referred to the Committee of the Whole House on the State of the Union.

Mr. ASHMORE: Committee on House Administration. House Resolution 541. Resolution dismissing the election contest in the Fifth Congressional District of the State of Georgia and denying the petition of contestant (Rept. No. 365). Referred to the House Calendar.

Mr. ASHMORE: Committee on House Administration. House Resolution 542. Resolution dismissing the election contest of the Fourth Congressional District of the State of Georgia (Rept. No. 366). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. CELLER (for himself, Mr. RODINO, Mr. ROGERS of Colorado, Mr. DONOHUE, Mr. BROOKS, Mr. KASTENMEIER, Mr. CORMAN, Mr. MCCULLOCH, Mr. MATHIAS of Maryland, Mr. MACGREGOR, Mr. MCCLORY, Mr. RAILSBACK, and Mr. BIESTER):

H.R. 10805. A bill to extend the life of the Civil Rights Commission; to the Committee on the Judiciary.

By Mr. ANDREWS of North Dakota:

H.R. 10806. A bill to provide for a more conservative capitalization of the Saint Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. ASHBROOK:

H.R. 10807. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbances, and for other purposes; to the Committee on the Judiciary.

H.R. 10808. A bill to amend the Internal Security Act of 1950; to the Committee on Un-American Activities.

By Mr. BRADEMAS (for himself, Mr. O'HARA of Michigan, Mr. WILLIAM D. FORD, Mr. HATHAWAY, and Mr. SCHEUER.

H.R. 10809. A bill to amend the Older Americans Act of 1965 so as to extend its provisions; to the Committee on Education and Labor.

By Mr. BURTON of California:

H.R. 10810. A bill authorizing the Secretary of the Army to establish a national cemetery at Camp Parks, Calif., for northern California; to the Committee on Interior and Insular Affairs.

By Mr. CLANCY:

H.R. 10811. A bill to provide that American foreign aid shall be suspended with respect to any country which has severed diplomatic relations with the United States on or after January 1, 1967, and for other purposes; to the Committee on Foreign Affairs.

By Mr. COLLIER:

H.R. 10812. A bill to provide that American foreign aid shall be suspended with respect to any country which has severed diplomatic relations with the United States on or after January 1, 1967, and for other purposes; to the Committee on Foreign Affairs.

H.R. 10813. A bill to amend section 3731 of title 18, United States Code, to permit an appeal by the United States in certain instances from an order made before trial granting a motion for return of seized property and to suppress evidence; to the Committee on the Judiciary.

H.R. 10814. A bill to amend title 18, United States Code, to authorize the issuance of a search warrant to search for and seize any property that may constitute evidence of the offense in connection with which the warrant is issued, and for other purposes; to the Committee on the Judiciary.

By Mr. DEVINE:

H.R. 10815. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. EILBERG:

H.R. 10816. A bill to amend the Federal Power Act to facilitate the provision of reliable, abundant and economical electric power supply, by strengthening existing mechanisms for coordination of electric utility systems and encouraging the installation and use of the products of advancing technology with due regard for the proper conservation of scenic and other natural resources; to the Committee on Interstate and Foreign Commerce.

By Mr. HARRISON:

H.R. 10817. A bill to provide for the issuance of a special postage stamp in commemoration of the work of Esther Hobart Morris for her role in women's suffrage in Wyoming; to the Committee on Post Office and Civil Service.

By Mr. HÉBERT:

H.R. 10818. A bill to amend section 4(c) of the Voting Rights Act of 1965 with respect to the definition of the phrase "test or device"; to the Committee on the Judiciary.

By Mr. HÉBERT (for himself, Mr. WAGGONNER, Mr. PASSMAN, and Mr. EDWARDS of Louisiana):

H.R. 10819. A bill to amend and clarify section 4(a) of the Voting Rights Act of 1965; to the Committee on the Judiciary.

H.R. 10820. A bill to amend and clarify section 4(b) of the Voting Rights Act of 1965 with respect to review of certain determinations and certifications thereunder, and for other purposes; to the Committee on the Judiciary.

By Mr. KORNEGAY:

H.R. 10821. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. O'HARA of Michigan:

H.R. 10822. A bill to amend sections 2(2) and 14(c)(2) of the National Labor Relations Act, as amended; to the Committee on Education and Labor.

H.R. 10823. A bill to require that vessels comply with standards of waste disposal prescribed by the Secretary of Transportation; to the Committee on Merchant Marine and Fisheries.

By Mr. PETTIS:

H.R. 10824. A bill to provide that American foreign aid shall be suspended with respect to any country which has severed diplomatic relations with the United States on or after January 1, 1967, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SKUBITZ:

H.R. 10825. A bill to promote the general welfare, foreign policy and national security of the United States; to the Committee on Ways and Means.

By Mr. STANTON:

H.R. 10826. A bill to expand the definition of deductible moving expenses incurred by an employee; to the Committee on Ways and Means.

By Mr. WATSON:

H.R. 10827. A bill to revise the quota-control system on the importation of certain meat and meat products; to the Committee on Ways and Means.

H.R. 10828. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. CAREY:

H.R. 10829. A bill to establish a National Center for Deaf-Blind Youths and Adults; to the Committee on Education and Labor.

By Mr. EDMONDSON:

H.R. 10830. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. FRIEDEL (by request):

H.R. 10831. A bill to amend section 409 of part IV of the Interstate Commerce Act, as amended, to authorize contracts between freight forwarders and railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. GONZALEZ:

H.R. 10832. A bill to improve the Food Stamp Act of 1964; to the Committee on Agriculture.

By Mr. KLEPPE:

H.R. 10833. A bill to officially designate the Totten Trail pumping station; to the Committee on Public Works.

By Mr. WOLFF:

H.R. 10834. A bill to extend to volunteer fire companies the rates of postage on second-class and third-class bulk mailings applicable to certain nonprofit organizations; to the Committee on Post Office and Civil Service.

By Mr. ASPINALL:

H.R. 10835. A bill to establish the National Park Foundation; to the Committee on Interior and Insular Affairs.

H.R. 10836. A bill to amend the Internal Revenue Code of 1954 with respect to returns and deposits of the excise taxes on gasoline and lubricating oil; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts:

H.R. 10837. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on irradiated fresh, chilled, or frozen fish; to the Committee on Ways and Means.

H.R. 10838. A bill to amend the Tariff Schedules of the United States to provide that certain fish glue may be imported free of duty; to the Committee on Ways and Means.

By Mr. CAREY:

H.R. 10839. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CLANCY:

H.R. 10840. A bill to amend title 18 of the

United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. HUNGATE:

H.R. 10841. A bill to abolish the office of U.S. commissioner, to establish in place thereof within the judicial branch of the Government the office of U.S. magistrate, and for other purposes; to the Committee on the Judiciary.

H.R. 10842. A bill to amend section 784(g) of title 38 of the United States Code so as to provide for the payment of interest on payments of national service life insurance and U.S. Government life insurance made pursuant to judicial judgment or decree; to the Committee on Veterans' Affairs.

By Mrs. KELLY:

H.R. 10843. A bill to reclassify certain key positions and increase salaries in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ADAMS:

H.J. Res. 627. Joint resolution to authorize the President to issue annually a proclamation designating the 7-day period beginning October 2 and ending October 8 of each year as Spring Garden Planting Week; to the Committee on the Judiciary.

By Mr. ASHBROOK:

H.J. Res. 628. Joint resolution to provide for the resumption of trade with Rhodesia; to the Committee on Foreign Affairs.

By Mr. EILBERG:

H.J. Res. 629. Joint resolution to authorize the President to proclaim the Volunteer Ambulance Corps and Fire Company Week; to the Committee on the Judiciary.

By Mr. KUPFERMAN:

H.J. Res. 630. Joint resolution to provide for the issuance of a special postage stamp to commemorate the memory of Ernie Pyle; to the Committee on Post Office and Civil Service.

By Mr. MATSUNAGA:

H.J. Res. 631. Joint resolution creating a Joint Committee To Investigate Crime to the Committee on Rules.

By Mr. ANNUNZIO:

H. Con. Res. 372. Concurrent resolution expressing the sense of the Congress with respect to the incorporation of Latvia, Lithuania, and Estonia into the Union of Soviet Socialist Republics; to the Committee on Foreign Affairs.

By Mr. CRAMER (for himself, Mr. GERALD R. FORD, Mr. GOODELL, Mr. POFF, Mr. ARENDS, Mr. RHODES of Arizona, Mr. LAIRD, Mr. SMITH of California, Mr. ANDERSON of Illinois, Mr. QUILLEN, Mr. LATTA, Mr. MARTIN, Mr. KEE, Mr. THOMSON of Wisconsin, Mr. KING of California, Mr. MCCLORY, Mr. DERWINSKI, Mr. SKUBITZ, Mr. DON H. CLAUSEN, Mr. SCHNEEBELI, Mr. WAMPLER, Mr. DICKINSON, Mr. EDWARDS of Alabama, Mr. GARDNER and Mr. BUCHANAN):

H. Res. 517. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. CONABLE and Mr. BETTS:

H. Res. 518. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. BATTIN:

H. Res. 519. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. BROCK:

H. Res. 520. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. BURKE of Florida:

H. Res. 521. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. CARTER:

H. Res. 522. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. COWGER:

H. Res. 523. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. DENNEY:

H. Res. 524. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. DOLE:

H. Res. 525. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. DUNCAN:

H. Res. 526. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. FOUNTAIN:

H. Res. 527. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. GROVER:

H. Res. 528. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. HUNT:

H. Res. 529. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. KUYKENDALL:

H. Res. 530. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. McCLURE:

H. Res. 531. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. MILLER of Ohio:

H. Res. 532. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. MINSHALL:

H. Res. 533. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. NELSEN:

H. Res. 534. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. RAILSBACK:

H. Res. 535. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. SHRIVER:

H. Res. 536. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. WATSON:

H. Res. 537. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. WINN:

H. Res. 538. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. GROSS:

H. Res. 539. Resolution for the consideration of H.R. 421; to the Committee on Rules.

By Mr. PHILBIN:

H. Res. 540. Resolution extending greetings and felicitations of the House of Representatives to the people of Ashby, Mass., on the occasion of the 200th anniversary of their community; to the Committee on the Judiciary.

By Mr. MICHEL, Mr. LIPSCOMB, Mr. JONAS, Mr. DAVIS of Wisconsin, Mr. CEDERBERG, Mr. MORTON, and Mr. WYATT:

H. Res. 543. Resolution providing for the consideration of H.R. 421; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

238. The SPEAKER presented a memorial of the Legislature of the Commonwealth of Massachusetts, relative to education television; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ADDABBO:

H.R. 10844. A bill for the relief of Kenneth Ragunan; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 10845. A bill for the relief of Francisco K. Melich (also known as Franz Kuntner Melich) and his wife, Maria Melich (also known as Maria Toth De Melich); to the Committee on the Judiciary.

By Mr. CASEY:

H.R. 10846. A bill for the relief of Dr. Anil K. Sinha, Mrs. Purnia Sinha, and Madhulika Sinha; to the Committee on the Judiciary.

By Mr. DIGGS:

H.R. 10847. A bill for the relief of Miss Felisa M. Timog; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 10848. A bill for the relief of Natalina Recina; to the Committee on the Judiciary.

H.R. 10849. A bill for the relief of Gennaro Cacciuottolo; to the Committee on the Judiciary.

By Mr. HUNGATE:

H.R. 10850. A bill for the relief of Howard J. Benard; to the Committee on the Judiciary.

By Mr. KEITH:

H.R. 10851. A bill for the relief of the New Bedford Storage Warehouse Co.; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 10852. A bill for the relief of Ilidio Da Piedade Gomes; to the Committee on the Judiciary.

By Mr. OTTINGER:

H.R. 10853. A bill for the relief of Dr. Emil Bruno; to the Committee on the Judiciary.

By Mr. POLANCO-ABREU:

H.R. 10854. A bill for the relief of Dr. Jorge Ricardo Davalos-Reyling; to the Committee on the Judiciary.

H.R. 10855. A bill for the relief of Dr. Juan A. Larios-Simeon; to the Committee on the Judiciary.

H.R. 10856. A bill for the relief of Dr. Georgina Garcia de Muns; to the Committee on the Judiciary.

H.R. 10857. A bill for the relief of Dr. Jose Ramon Fernandez-Gonzalez; to the Committee on the Judiciary.

H.R. 10858. A bill for the relief of Jose M. Portela-Rodriguez; to the Committee on the Judiciary.

H.R. 10859. A bill for the relief of Dr. Reynaldo A. Geerken-Saladrigas; to the Committee on the Judiciary.

H.R. 10860. A bill for the relief of Dr. Reynaldo G. Geerken-Campos; to the Committee on the Judiciary.

H.R. 10861. A bill for the relief of Dr. Rolando Guzman-Rodriguez; to the Committee on the Judiciary.

H.R. 10862. A bill for the relief of Dr. Esther Martha Espinosa Baez de Guzman; to the Committee on the Judiciary.

H.R. 10863. A bill for the relief of Dr. Oscar F. Cartaya; to the Committee on the Judiciary.

By Mr. PRYOR:

H.R. 10864. A bill to authorize the Secretary of Agriculture to convey certain lands in Saline County, Ark., to the Dierks Forests, Inc.; to the Committee on Agriculture.

By Mr. ROSTENKOWSKI:

H.R. 10865. A bill for the relief of Jose Armando Silvestre; to the Committee on the Judiciary.

By Mr. TAFT:

H.R. 10866. A bill for the relief of Dr. Subhash Shah; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

104. The SPEAKER presented a petition of Dr. David Calderwood, Oceanside, Calif., and others, relative to prayer in public schools; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

National Coal Week

EXTENSION OF REMARKS

OF

HON. JAMES KEE

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1967

Mr. KEE. Mr. Speaker, under leave to extend my remarks in the RECORD, I include last week's public service television and radio newscast, "The Kee Report." The subject discussed is National Coal Week, honoring the 50th anniversary of the National Coal Association.

NATIONAL COAL WEEK

This is Jim Kee—bringing you the Kee Report. President Lyndon B. Johnson has called upon the American people to observe the week beginning June 18, as National Coal Week to honor the 50th anniversary of the National Coal Association.

The Chief Executive took this action in response to a concurrent resolution passed unanimously by both Houses of Congress. The sponsors of National Coal Week had two purposes in mind—to recall what the industry has contributed to the national welfare in times past and to point up the vital role which the coal industry still plays in the nation's industrial life.

Half a century ago, this country faced a crisis of alarming proportions. The United States had just entered World War I and it was apparent that only American manpower and resources could bring victory to the Allied cause. At that time, American industry was almost wholly dependent upon the coal industry for its fuel needs. Unless there was a rapid expansion in coal production, this nation's industrial plant would be unable to produce the mountain of supplies needed to bring victory to the armed forces of the Allies.

President Woodrow Wilson intervened personally to meet this crisis. Through his Secretary of War, he asked the coal industry to mobilize to meet the energy demands of a nation at war. The response to this request was the formation of the National Coal Association just 50 years ago this month. The industry was mobilized so well by this Association that the coal industry set amazing production records. As a result it was said that World War I was won on the home front in America.

This wartime achievement was a proud moment in the history of the coal industry. It has been well said that America grew great on the coal of Appalachia. For nearly a century, this fuel supplied the energy for the nation's mills and factories and supplied the warmth for the nation's homes and schools.

Like all industries, coal was hard hit by the great depression. During World War II it surpassed even the great production record of two decades earlier. But after hostilities ceased, the competition of new fuels cut deeply into the markets for coal.

But now we are in the 1960's. The National Coal Association is still in existence and under its leadership, the coal industry is making a vigorous comeback. This is important to West Virginia—and especially to the Fifth District—which is the largest coal producing Congressional District in the United States.

The coal industry is expanding its export markets. The conversion of coal into steam energy is constantly being made more efficient. Experiments on a large scale are being carried on to test the conversion of coal into oil and gasoline. The use of coal in making plastics is under study. In short, the coal industry today is one of the most technically advanced in the United States.

The energy needs of the United States are constantly expanding. An alert coal industry can capture a fair share of the market. I am happy to report that the outlook for coal is improving.

Thank you for listening.

Our Flag Is Honored by the First Maryland Regiment

EXTENSION OF REMARKS

OF

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1967

Mr. GUDE. Mr. Speaker, last week in recognition of Flag Week, I had the pleasure of honoring in a Capitol ceremony the First Maryland Regiment Fife and Drum Corps. This historic unit today honors the First Maryland Battalion, which was originally mustered into service in late 1775, when it fought valiantly in the first major engagements of the Revolutionary War. The Marylanders so impressed General Washington with their spirited bayonet attack at the Battle of Long Island that he ordered them to keep their bayonets fixed at all times, thus earning the title, "The Bayonets of the Revolution."

The unit became the First Maryland Regiment with the reorganization of the Army in late 1776. After distinguished service in the northern campaigns from 1777 to 1779, they were detached to form the nucleus of the Army of the Southern Colonies. This task was given to the Marylanders because of the high esteem in which they were held by General Washington. They formed the backbone of the Southern Army in all campaigns until the independence of our country was assured. Washington's trust had been well placed.

The modern First Maryland Regiment was organized in 1964 with the express desire to authentically portray and perpetuate the memory of the common soldier of the original regiment. Many hours of painstaking research went into the achievement of this aim. Each item worn by the members of the unit has been carefully reproduced from originals in various museums and private collections.

The regimental fife and drum corps performs 18th century rudimental martial music. All selections have been thoroughly documented. All drill and ceremony is taken exactly from the American manual of General Von Steuben, first published in 1779.

At the present time, the unit is able to portray the First Maryland Regiment in its two distinct uniforms; the hunting shirt uniform of the period 1776–78, and the regimental uniform of the period 1779–83.

Sovereign Order of Cyprus Honors Prof. Oswald LeWinter

EXTENSION OF REMARKS

OF

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1967

Mr. BRASCO. Mr. Speaker, under leave to extend my remarks, I insert the highlights of the ceremony at which a high distinction was conferred upon one of our foremost educators in the United States, Prof. Oswald LeWinter, author of the widely praised book, "Shakespeare in Europe," and other numerous distinguished works of criticism and scholarship. Professor LeWinter, I am terribly proud to add, is both an adviser and a friend. Mr. Speaker, the honor to which I am referring was the elevation of Professor LeWinter to the rank of Knight Commander of the Ordre Souverain de Chypre.

The ceremony during which Professor LeWinter was decorated with the historic cross of this venerable and preeminent order took place on May 25, 1967, in the chapel of the Order of the Holy Cross of Jerusalem in New York City, in the presence of a number of distinguished prelates and public officials. It was the most recent official act of the American branch of this order, since 1964 under a New York State charter in which its purpose is stated as follows:

To strive for the maintenance of Christian ideals and Western humanism, the liberty and dignity of Man and to oppose all forms of oppression.

The Sovereign Order of Cyprus, one of the four oldest orders of chivalry, was founded in the year 1192, by Guy de Lusignan, King of Cyprus and Jerusalem, and confirmed by Pope Innocent III in the year 1200, who imposed upon it the dual mission of spreading the Christian faith and acting as a bulwark of Christendom in the eastern Mediterranean. The order was created on the model of the Hospitaller and military orders such as those of the Temple, and of St. John, installed in the Holy Land. Three hundred men of noble birth were inducted as knights in the new order and allowed to wear the red, eight-pointed cross of the order at the throat. They were obliged to defend the island route to the Holy Land and to prevent attack and infiltration by the infidels. The order also consisted of men-at-arms, chaplains, and serving brothers who, with the knights, were organized in commanderies. The distinguishing mark of the knights was a blue mantle with the red cross of the order upon it. The order attracted to its ranks some of the most vigorous nobles of Christendom, and these knights were to take an active interest in the affairs of the Holy Roman Empire and of the Byzantine Empire in addition to their defense of the pilgrims and their charitable works.

Under a succession of able grand masters, for more than three centuries, the deeds and influence of the Sovereign Order of Cyprus were enormous and its members played an important role as a stabilizing force in the political life of the Levant. After the annexation of Cyprus by Venice, the order entered a period of decline and its members dispersed throughout the Balkan States and Western Europe. More recently the order was reactivated by the descendants of some of its most illustrious knights with the blessings of the Holy See and dedicated to the unique values of Christian civilization and the spirit of ecumenism. Its reorganizers, like their famous ancestors, felt obliged, in the face of the many dangers which beset our culture and our institutions, to reestablish this venerable and tradition-laden order of chivalry, springing from one of the most respected shrines of Western thought, affirming in this way, the continuity of Christian effort against terror and injustice.

The Sovereign Order of Cyprus, today a modern organization, based on ancient principles and traditions, is dedicated to the building of schools, hospitals, churches and other charitable, spiritual, and educational institutions. It honors writers, artists, men of science, culture, education, and medicine; leaders of the free world from every walk of life, regardless of race, color, creed, or national origin. However, in its nearly 800-year history only 900 men have received this coveted knighthood and cross. For the propagation and spread of its principles, the order has created an Institute for the Study of Moral Philosophy and Social Sciences—Académie des Etudes Supérieures—which it subsidizes.

Mr. Speaker, it gives me particular pleasure to inform this House that it was in recognition of the dynamic spirit of American patriotism, and the modern day crusade in which we Americans seek to bring freedom from oppression to the peoples of the world, that Michel Paul Pierre Count de Valitch, grand chancellor of the Sovereign Order of Cyprus, heir to the rich traditions of this ancient order, authorized the establishment of an American commandery of the order more than 3 years ago. Count de Valitch personally attended to its inauguration and has, since then, personally overseen its affairs.

At this point, I would like to enter in the RECORD the names of some of the outstanding members of this order both in the United States and abroad:

His Royal Highness Prince Louis de Bourbon.

His Imperial and Royal Highness Prince de Ligny Luxembourg.

His Excellency Paul P. Barrenechea, Minister for Foreign Affairs, Republic of Peru.

His Excellency Stephan Brunet, Secretary General, Union of War Veterans, France.

Mr. Francis Bellon, distinguished industrialist, Paris, France.

Archbishop Charles Brearley, Sheffield, England.

His Excellency Baron Francesco Caponera, Diplomat, Rome, Italy.

Dr. Charles P. Covino, Space Research Pioneer, New Jersey.

Archbishop Louis Canivet, Paris, France.

General James H. Doolittle, United States Army, Retired.

Right Reverend Monsignor Aloysius C. Dineen, New York City.

Honorable Joseph Eden, Diplomat, London and Paris.

Mr. Henry Evans, Author and Professor of International Relations, New Jersey.

Monsignor Patrick B. Fay, New York City.

Honorable Ludovic Huybrechts, Conseilleur de Commerce, Antwerp, Belgium.

Honorable Jean-Louis Jammet, LL.D. Professor of Law, Paris, France.

Dr. Serge Korff, Professor of Nuclear Physics at New York University and President of the Explorers Club of New York.

Dr. Hugh R. Kailan, Professor of Education, London, England.

Honorable Edward Thompson, Justice of the Supreme Court of the State of New York.

Dr. Pasquale Zaccara of New York City.

Mr. Monty Winslow, President of Transojet Tours of New York.

Mr. Lowell Thomas, Author, New York.

Honorable Enrique De Los Heros, former ambassador of the Republic of Peru in Spain.

Rear Admiral Gordon McLintock, Commandant, United States Merchant Marine Academy, Kings Point, New York.

Mr. Georges Levai, distinguished authority on Art, Paris, France.

Mr. Nicolas Alexandre Manic, industrialist and patron of the arts, Paris, France.

Colonel Le Baron R. Matyn de Lionel, Grand Chancellor of the renowned Royal Order of St. Georges de Burgogne of Belgium, Brussels, Belgium.

Rear Admiral Alfonso Navarro Romero, Republic of Peru.

Count Stephen Potocki, diplomat, Paris, France.

His Highness Prince L. Radziwill, Rome and London.

Reverend Frederick P. Erkhardt, D.D., New York City.

These distinguished contemporaries typify the caliber of men holding this high honor. And I wish to congratulate my esteemed friend Prof. Oswald LeWinter, at having been selected to join their company. I wish also to congratulate Count de Valitch and the members of the Sovereign Order of Cyprus and to wish them continued success in their efforts toward bringing about a better and more peaceful world.

Baltic States Freedom Day

EXTENSION OF REMARKS

OF

HON. WILLIAM T. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1967

Mr. MURPHY of Illinois. Mr. Speaker, in June 1940, in blatant disregard of all its previous pledges, the Soviet Union invaded and occupied by force of arms the three independent nations of Latvia, Estonia, and Lithuania. Even though the Soviet Government had renounced all sovereignty to the Baltic Republics and, in 1920, had signed treaties with each of the three states explicitly recognizing their independence from Soviet control "forever," Russian troops forcefully "incorporated" these free and sovereign nations into the Soviet Union.

But this was just the first act of the tragedy. On June 14, 1941, a wave of terror began which had no parallel in the histories of these tiny nations. Mass deportations of men, women, and children to the slave labor camps of Siberia were undertaken with ruthless efficiency. In the single night of June 14–15 it has been estimated that 15,000 Latvians and 30,000 Lithuanians were herded into waiting cattle cars for the long cruel trip into slavery. Under the pretext that these people were Nazi sympathizers, the Russians—themselves in secret negotiations with Hitler—gathered up thousands upon thousands of the peoples of these poor nations and sent them to Siberia.

Many years have passed since those tragic days. A whole generation has grown up which has never heard of the mass deportations of Baltic peoples into Russian slavery. Many do not even know that Latvia, Estonia, and Lithuania ever existed on the face of the earth as independent and free nations. Thus it becomes our sad duty to devote this day as a day of remembrance. It is our hope that someday the Baltic States will again be able to resume their rightful place in the community of nations, and that the desire for freedom which so many of their peoples still cherish will be rewarded.

Paterson, N.J., Celebrates 175th Birthday

EXTENSION OF REMARKS

OF

HON. CHARLES S. JOELSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1967

Mr. JOELSON. Mr. Speaker, the city of Paterson, N.J., is now celebrating its 175th birthday. A daylong program commemorating the anniversary is scheduled for July 4, and will be held in Paterson's Eastside Park.

The affair will also feature a free fireworks display at the park, an exhibit featuring Paterson's history, a folk festival, a sports program, the lighting of Passaic Falls, displays by the various organizations in the city, a motion picture on Paterson's history prepared by the film class of Mr. Donald Smith of the Neighborhood Youth Corps, and the simultaneous ringing of every available bell and whistle in the city at 2 o'clock. The Young Citizens for a Better Paterson will also hold a birthday ball on the evening of July 1.

The city of Paterson was founded at the suggestion of Alexander Hamilton, who first visited the site of the present city on July 10, 1778. Our first Secretary of the Treasury was impressed with Passaic Falls and its capacity to provide power for industry. Based upon Hamilton's recommendations, the State legislature granted a charter to the Society for Useful Manufactures in 1791. The city was named after Gov. William Paterson, who signed the charter.

With the growth of transportation facilities, Paterson became a major industrial center. Railroad cars were an im-

portant product in the early 19th century, but by the end of that century silk mills were the most important source of manufacturing in the city. In fact, Paterson was called the "Silk City of the World." It was also known, however, for many other things. The motor which propelled Charles Lindbergh's *Spirit of St. Louis* in its transatlantic flight was built in Paterson. Samuel Colt's revolver, John P. Holland's submarine, and Col. Andrew Derrom's system of prefabricated housing all originated there.

I look forward to attending the July 4 celebration which will be under the direction of the able president of the Passaic County Historical Society, Alfred P. Cappio.

Lithuania, Latvia, and Estonia Have a Right To Be Free and Independent

EXTENSION OF REMARKS

OF

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1967

Mr. BOB WILSON. Mr. Speaker, the week of June 12–16 marks an infamous anniversary in the world's history. Twenty-seven years ago this week the Soviet Union took over the Baltic States of Lithuania, Latvia, and Estonia.

The tyrants took over these nations savagely, by armed might. Since then their stewardship has been that of oppression, suppression, and emaciation of national identity. There have been brutal mass transportations of citizens of these countries to slave labor camps, large-scale killings and the other atrocities which accompany Communist rule of any peoples.

Today these same Russians are sitting in the United Nations, attempting to spread their control through settlements and concessions in the Mid East mess. These same Russians are shipping arms, ammunition, and supplies to North Vietnam to kill our GI's.

Congress is not the administrator of foreign policy. The Congress cannot right some of our wrongs in foreign policy. However, Congress can suggest, and does reflect, the will of the American people in matters of foreign relations. House Concurrent Resolution 416, passed by the House on June 21, 1965, and by the Senate on October 22, 1965, calls for freedom for Lithuania, Latvia, and Estonia.

I suggest that now would be a good time for our U.N. Ambassador, Arthur J. Goldberg, to bring before the U.N. the question of restoring the boundaries and free rule of Latvia, Lithuania, and Estonia—thus carrying out the intent of House Concurrent Resolution 416.

While we are actively engaged in securing freedom for the South Vietnamese, we should be no less determined to secure eventual freedom from communism for the enslaved of Europe. The plight of these people measures the basic difference between our approach to the world, and that of the Communists. While we seek to support, strengthen, and build other nations, the Reds seek only to weaken, divide, and conquer.

May I remind those who want to build bridges to the Russians in the Kremlin that these bridges must span the chasm of despair created in the hearts and minds of the millions who yearn to be free, and in the hearts and minds of their countrymen who now live in our land of freedom, and who seek action from their Government to restore freedom to the Baltic States, their original homelands.

Mr. Speaker, I insert in the RECORD at this point a statement by the Americans for Congressional Action To Free the Baltic States, which describes fully the immorality of the Soviet actions in Eastern Europe.

Also, I wish to insert the text of House Concurrent Resolution 416, which was adopted unanimously by both the House and the Senate, and represents a clear-cut pattern of the American public's belief in freedom for all who seek it.

I urge my colleagues to read these documents, and join me in urging that our United Nations delegation put before that world body the question of freedom for the Baltic States.

Texts are as follows:

LITHUANIA, LATVIA, AND ESTONIA HAVE A RIGHT TO BE FREE AND INDEPENDENT

Since June 15, 1940, the Baltic States have been suffering in the Soviet captivity. The Soviet Union took over Lithuania, Latvia, and Estonia by force of arms.

The Baltic States have never experienced in their long history through centuries such an extermination and annihilation of their people as during this Soviet occupation since June 15, 1940. During the last twenty-seven years the countries lost more than one fourth of their entire population. Hundreds of thousands of Lithuanians, Latvians, and Estonians were murdered by the Kremlin despots or died in exile in Soviet slave-labor camps and prisons in Siberia and other places of Communist Russia. At least 20 per cent of the present population of Soviet-occupied Lithuania, Latvia, and Estonia are not the Balts, but the Soviet colonists. The genocidal operations and practices being carried out by the Soviets continue with no end in sight. Bearing in mind that all of the murdered and deported people have been the most educated, courageous, industrious, comprising the strongest elements of the countries, the losses in population become more terrible and almost fatal to the survival of the Lithuanian, Latvian, and Estonian nations.

But let us now return to the details of the Soviet occupation of Lithuania. At the same time that the forces of occupation were entrenching themselves and the mock elections were being carried out in 1940, leaders and active members of all non-Communist political parties and thousands of public officials were arrested. This was but a prelude to one of the most despicable acts of modern times, namely the mass deportations that ensued. Interrupted only by a temporary Nazi occupation of Lithuania from 1941 to 1944, when the Soviets re-occupied Lithuania, these deportations went on for about a decade. People from every walk of life, even old and dying people, were put on cattle freight cars for the three-week journey to Siberia or remote areas near the Arctic Ocean. The number of all the deportees amounted to about twenty percent of the population, or 600,000 Lithuanians. In two nights alone of June, 1941, 34,260 Lithuanians were deported to the horribly miserable conditions of the slave-labor camps. The consequent death toll of these deportees was very high.

With the increase of physical terrorization by the Soviets, a strong Lithuanian underground resistance organization was formed and fought the Soviets. It was an heroic and widespread resistance movement, but it was a costly one: after the war about 30,000 died in battles with Russian Communists.

If we demand for freedom for all nations in Asia and Africa, we should do exactly the same thing in Europe. The Baltic States (Lithuania, Latvia, and Estonia) are more than 700-year-old nations and they have the same (or even more) right to be free and independent as any new country in any part of the world. We should have a single standard for freedom. Its denial in the whole or in part, any place in the world, including the Soviet Union is surely intolerable.

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

NOTE.—*House Concurrent Resolution 416* was adopted by the House of Representatives by a record vote of 298 yeas to no nays on June 21, 1965, and unanimously passed by the United States Senate on October 22, 1966.

President McKinley's Visit to Three Oaks, Mich., Remembered

EXTENSION OF REMARKS

OF

HON. EDWARD HUTCHINSON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1967

Mr. HUTCHINSON. Mr. Speaker, the Village of Three Oaks, which is located

in the Fourth District of Michigan, has chosen a unique method to call attention to its 100th anniversary.

I have been informed the Village will reenact the visit which President McKinley made to the community 68 years ago.

Some residents of Three Oaks well remember the Spanish-American War President's visit on October 17, 1899. He came to dedicate the site for a cannon captured from the Spaniards in the war and presented to the community after its citizens raised $1,400 for a memorial to the men of U.S. battleship *Maine*.

This was the largest per capita contribution of any community in the Nation and it had won the coveted award for Three Oaks, plus the admiration of the entire country.

The naval gun became known as the "Dewey Cannon" for it had been captured from the Spanish at Corregidor by Admiral Dewey, the naval hero of the Spanish-American War.

President McKinley's visit will be remembered on the opening day of the centennial celebration, Sunday, July 9, and the reenactment will include the red carpet incident.

It seems that the Village made every effort to treat the President in a manner befitting his high office, even going so far as to literally "roll out the red carpet" for him to walk on. President McKinley declined the honor, remarking that "God's green earth was good enough" for him.

I join with thousands of others who are familiar with this fine southwestern Michigan community in expressing "best wishes" on the occasion of its 100th birthday which will be marked—I am informed—by the firing of the famous "Dewey Cannon."

Baltic States Freedom Day

EXTENSION OF REMARKS

OF

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1967

Mr. ROONEY of New York. Mr. Speaker, this week we note a tragic anniversary in the history of the Baltic States of Estonia, Latvia, and Lithuania. Twenty-seven years ago Russia, gorged on her early and easy victories with her then ally, Nazi Germany, "annexed" the three states. There was little that the tiny nations, independent since the end of World War I, could possibly do and the rest of the world was too embroiled in its own woes than to do more than take note and continue preparations for the holocaust to come.

Almost 1 year to the day after "annexation" Soviet troops and secret police swooped down on the captive nations and began the systematic murder and deportation that was to continue for well over a decade.

In 72 hours—June 14–16, 1941—more than 34,000 Lithuanians alone were deported to Soviet slave labor camps. Many never made it to the camps and few of those who did survived. Baltic States experts estimate that more than 25 percent of the population of the three states was deported or murdered as the Soviets carried out their campaign to colonize the three countries.

The crime of those rounded up for exile or slaughter was simply being either a leader or an anti-Communist. In short, a patriot.

During the war, when the Baltic States were occupied by Germany, the deportations stopped, but on reoccupation by the Soviets they were once more viciously resumed. An underground movement fought pitched battles with the Red army and more than 30,000 Balts are believed to have died in those battles.

Mr. Speaker, it might be assumed that after a quarter century of this kind of oppression that the people of the Baltic States would be ready to quit—to stop fighting and accept their fate.

But they do not quit. They will not accept the collar of communism. The people have nourished and kept alive a national spirit predicated on the dignity of man. This spirit is nowhere better exemplified than in the groups in this country that strive to support, encourage and help their loved ones at home. I have met many members of these fine organizations and a little over a year and a half ago was privileged to be able to address more than 15,000 people who jammed Madison Square Garden in New York for the Baltic States Freedom Rally.

There was a spirit and faith that really has to be seen to be believed.

Mr. Speaker, it is my earnest belief and I am sure that that belief is shared by every Member of this body that we must continue to support these fine people in their unceasing effort to make their homeland free once again. We must provide them with information in their own tongue, we must strive to keep open the channels for delivery of clothing, food and medicine and above all, we must never cease in our efforts to force Russia to release these nations from bondage.

Baltic Peoples Freedom Day, June 11

EXTENSION OF REMARKS

OF

HON. EDNA F. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1967

Mrs. KELLY. Mr. Speaker, June 11 marked the Baltic States Freedom Day, a day which in fact commemorates the most tragic moment in the history of the Baltic peoples, the date on which they were deprived of their freedom. We rise today to give a saddened tribute to a besieged people, who were among the first to fall prey to Russian Communist imperialism following the outbreak of World War II, whose fate should have served to forewarn the world of the cold war which was to emerge after that global holocaust.

The fate which was to befall the Estonian, Latvian, and Lithuanian nations was determined even prior to the outbreak of World War II. The secret nonaggression protocol concluded in August 1939, between Nazi Germany and the Soviet Union and its subsequent corollaries placed these three Baltic States in the Soviet sphere of influence. Poland was invaded by Nazi Germany in September 1939. Within barely a month the Soviet Union had forced each of the Baltic Nations to sign a treaty of mutual assistance, mutual assistance which meant each was coerced into accepting Soviet bases on their territory. These bases gave the Soviet Union a foothold for its invasion of the Baltic States in the summer of 1940.

The now familiar pattern of Soviet colonization followed. The presence of occupation forces enabled the Soviets to impose Communist governments on these formerly independent nations. But the Baltic nations were not to enjoy even the limited advantages of a satellite status; the Soviet design for them was even more comprehensive. The Communist-installed governments in the Baltic States "voted" for their incorporation into the Soviet Union. The U.S.S.R. "accepted" their incorporation. Today the Baltic States are constituent republics of the Soviet Union.

Today the Baltic peoples are enslaved. They have been deprived of their independence, subjugated to the Communist system, and find their nationalistic tendencies thwarted at every turn. From the very beginning of Russian occupation, the Soviets have conducted a stringent campaign to remove all traces of nationalism among the Baltic peoples. Within the first year following the Russian invasion over 100,000 Baltic peoples were deported to remote regions of the Soviet Union.

Despite the captivity in which they live, despite the tragedies they have endured, the Baltic peoples throughout the world remain dedicated to the restoration of the independence of their respective fatherlands. In recognition of the unsubmissive spirit of the Baltic people, we take this occasion to reassure them of our moral support. May they never despair, for surely their suffering will one day be rewarded and their homelands once again become their own.

At this point, Mr. Speaker, I insert the text of my resolution (H. Con. Res. 25), which I introduced on January 10, 1967:

H. CON. RES. 25

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, and cultural development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic

peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President of the United States should take such steps as he may deem appropriate to bring before the United Nations the questions of Soviet action in the Baltic States for the purpose of urging the United Nations to request that the Union of Soviet Socialist Republics—

(1) withdraw all Soviet troops, agents, colonists, and controls from Lithuania, Latvia, and Estonia; and

(2) return all Baltic exiles from Siberia, prisons, and slave-labor camps in the Soviet Union.

SEC. 2. *It is further resolved*, That it is the sense of the Congress that the President of the United States should take such steps as he may deem appropriate to urge the United Nations to conduct free elections in Lithuania, Latvia, and Estonia under its supervision.

Respect for the U.S. Flag Is Not Outdated Nor Unsophisticated

EXTENSION OF REMARKS

OF

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1967

Mr. LUKENS. Mr. Speaker, it has become fashionable in some circles to regard patriotism and respect for the U.S. flag as "outdated" and "unsophisticated." These people think that as the world grows smaller, loyalty to our country somehow becomes less important. The burning and desecration of the American flag, they view with indifference or even encouragement.

Events, however, demonstrate the continued and even growing importance of devotion to our Nation. These are troubled and critical times, indeed, when our enemies on every front seek to attack and destroy the foundations of our existence as a Nation and as a bulwark of freedom and democracy.

As long as there are powerful forces which are determined to undermine our liberty and prosperity, the shrinking of the world through faster communications and transportation make it not less, but more imperative that we rely upon our great Nation to defend us.

No nation, however, can protect a people which does not respect the nation itself. It is in the light of this principle that we must view the acts of profound disrespect for the American flag which have occupied headlines in recent months.

Mr. Speaker, the American system of government allows any citizen the right to criticize and disagree with the policies of the administration in power, no matter how severe his dissent may be. Indeed, it is this very feature of our system which we are striving so courageously to defend, and which makes the American way of life worth defending.

At the same time, Mr. Speaker, our American system of government presupposes a basic loyalty to and respect for our national institutions. We allow anyone to criticize the President, but were we to allow anyone to replace the Presidency with his own form of government, our democratic structure would collapse. Our citizens may oppose the passage of a law, and may seek to have it annulled by the courts, but they must still obey it; they must respect our legal institutions.

Our flag, adopted by the Continental Congress of the United States of America 210 years ago, is the supreme visible symbol of our Nation. To attack the flag, Mr. Speaker, is to attack and undermine the foundations of the American system of government, something quite different from an act of dissent from the policies of a member of that system.

Mr. Speaker, there are many fine and honorable men who are opposed to our defense of Vietnam: true pacifists who believe that a policy of pacifism would be a credit to the United States, and there are others who sincerely believe for other reasons that our stand in Vietnam is not in the best interests of this country. One can, while not agreeing with these positions, nevertheless respect them, for their advocates remain loyal to the United States itself.

Those who burn and desecrate our flag are of another breed. They are not dissenting from our policies, but from our system, our constitution, our Nation itself.

No nation, Mr. Speaker, can view such attacks with indifference. It is entirely fitting that on Flag Day, 1967, this House resolve to pass legislation designed to protect our flag. For the sake of the thousands who have given their lives and will continue to do so in defense of that flag, we can do no less.

Ashby's Bicentennial

EXTENSION OF REMARKS

OF

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1967

Mr. PHILBIN. Mr. Speaker, this month the historic town of Ashby, Mass., in my district, is celebrating its 200th anniversary with impressive community exercises.

Ashby was formed in 1667 from parts of Townsend, Fitchburg, and Ashburnham after a 2-year fight led by John Fitch, after whom Fitchburg was named, for separate status. The first town meeting was held on March 30, 1767, and the first selectmen were John Fitch, John Locke, and John Jones.

While Ashby has remained primarily a rural community, town records show that there was small industry as long ago as 1750 when James Locke operated a gristmill powered by water from Willard Brook. By 1850, there were several small mills. One of them is believed to be the first factory to make tubs and pails in Massachusetts.

Today farming is still conducted in Ashby, but most of its people commute to their employment in Fitchburg, Worcester, or Boston.

In recognition of Ashby's anniversary, Mr. Speaker, I am introducing today an appropriate resolution for the consideration of the House which extends greetings and felicitations to the poeple of Ashby on this historic anniversary.

Actually, Ashby began celebrating its anniversary on March 4 of this year with a bicentennial dinner, which I was greatly honored to attend, and I include as part of my remarks the address I gave at this opening event of the anniversary.

Earlier this month, as part of the bicentennial program, there was a firemen's parade and muster in Ashby. This first event of the extensive anniversary program was held on June 11 at Allen Field.

This Friday, there will be a tour of historic homes in the community, an exhibit of arts and crafts and an anniversary pageant in the elementary school auditorium. The pageant will be repeated on Saturday.

On June 24, an open air supper will be held in the evening on the town common, to be followed by square dancing in the elementary school auditorium. A nondenominational worship service will take place on Sunday, June 25, on the town common. This will be followed by a barbecue dinner at noon and a band concert in the afternoon.

Other events on the Ashby anniversary program include an oldtime band concert on the town common on July 12, a road race and field events at Allen Field on September 30, and a huge bicentennial parade on October 8.

This is a most impressive anniversary program, Mr. Speaker, and it was a distinct honor and pleasure for me to be able to participate in the March bicentennial dinner which initiated the 200th birthday of the fine town of Ashby. I was very much impressed with the dinner and the gathering, which was in the finest tradition of Massachusetts and New England.

Notwithstanding the tumult, the shouting, the agitation, and the signs of uneasiness which surround us these days, it was a most refreshing experience for me to attend this large anniversary celebration meeting of sincere, dedicated Americans and to join with them in starting so enthusiastically the program for the observance of the bicentennial anniversary of their town.

The program of the occasion was admirably arranged and conducted by the able master of ceremonies and spiritual leader, Rev. Lawrence M. Jaffa, and the invocation was given by the able spiritual leader, Father Thomas F. Brosnan. The reading of the town charter by John F. Nash, town moderator, was extremely interesting and it vividly recalled the early days of the Nation.

The Ashby Oratorio Singers, led by their very brilliant, dynamic director, Mr. Clark Greene, accompanied by a most accomplished pianist, Connie Fanos, sang several musical selections of a spiritually inspirational nature, reminiscent of past days.

Distinguished public officials from town, county, State, and Nation were present, including the able, distinguished Senator John E. Harrington, Jr., of the Massachusetts State Senate and the able and distinguished Representative George W. Shattuck, of the Massachusettts House of Representatives.

Lovely young ladies, who were candidates for bicentennial queen, were presented to the gathering and were received with great enthusiasm. They were all typically beautiful, young American girls and naturally were greatly appreciated and acclaimed by the audience.

Next on the program came a very remarkable bicentennial address by attorney John B. Matson, a native of Ashby, a prominent lawyer in Boston, and distinguished, learned former chief examiner of the Massachusetts land court.

Following Mr. Matson's fine speech the Ashby Oratorio Singers again entertained the audience, this time with the closing number, "America the Beautiful," and I have never heard this moving song sung with more feeling, sensitivity or better effect. Mr. Greene as well as his singers are to be complimented on their fine work.

To close out the program, benediction was offered by the able spiritual leader, Rev. Rollin E. Johnson, Jr., and that concluded a most impressive program which had been arranged by the dinner chairman, Mrs. George J. Thibault, and her group.

I am very happy, Mr. Speaker, to have the opportunity to make reference to this glowing, first event of the Ashby, Mass., bicentennial celebration in the Congress, and I heartily congratulate the leaders and the people of Ashby for the good beginning they made in commencing their 200th anniversary celebration. I feel sure that the rest of their program will be as noteworthy and successful as this dinner.

It is not any commonplace thing for a town or community to celebrate a 200th anniversary, and in this respect Ashby is indeed singularly honored. I shall never forget the wonderful, inspiring night I spent at the initial event of the bicentennial program, and I am much indebted to the members of the committee, who so kindly invited me and made possible for me such a memorable evening.

After the conclusion of the program, I was invited by my friends, Mr. and Mrs. Edwin Lyman, to visit with them and some friends in their lovely colonial home, not far from the center of Ashby.

My night with my friends of Ashby was an experience which I shall always gratefully remember. It was a pleasure for me in many respects, but I think I was impressed most with its projection in the total community of those values, ways of life, and virtues that built the early foundations and sparked the advancement of the Nation.

It gave me the chance to think about the people who founded this Nation and their ways, the sacrifices they made carving a civilization out of a wilderness, and infusing it with life and splendor and progress that has been so much part of our country's origin, development, and growth.

These colonial people did not have the conveniences and comforts of the 20th century, but neither did they have the unsettlement, uneasiness and divisive elements of the present time.

They had purpose, ideals, high goals, and they worked together faithfully, industriously, doggedly, and without thought of self to reach them, and then turn their gains over to those who followed them.

The question is: Shall we, and the succeeding generations, be worthy of these invaluable legacies from our past heritage? Shall we, in our day, zealously preserve them, and transmit them untarnished and unblemished to those who come after us?

The answer to these questions will determine by and large the destiny of America and the destiny of freedom in the world. I have faith that Americans of this generation will take up their burden and their torch and sustain them for our own great Nation and the world.

Mr. Speaker, the text of my congratulatory resolution reads as follows:

Whereas the year 1967 marks the two hundredth anniversary of the incorporation of the town of Ashby, Massachusetts; and

Whereas from the time of its settlement the people of Ashby have figured conspicuously in the founding, growth, and defense of this Nation; and

Whereas the observance of the two hundredth anniversary of Ashby is being celebrated this month with impressive community ceremonies; and

Whereas Ashby is a beautiful community rich in historic interest, well known for its patriotic contributions, noted for its many famous sons and daughters who distinguished themselves in many fields of endeavor and many facets of American civilization: Now, therefore, be it

Resolved, That the House of Representatives extends its greetings and felicitations to the people of Ashby, 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 Ashby during the past two hundred years.

REMARKS IN PART OF CONGRESSMAN PHILIP J. PHILBIN, ASHBY BICENTENNIAL DINNER, MARCH 4, 1967

My dear friends, it is a real privilege, pleasure and honor for me to be with you tonight upon the occasion of this fine kick-off dinner commencing the celebration of the bicentennial anniversary of the incorporation of the beautiful Town of Ashby.

First, I want to congratulate all of you—your outstanding Committee, your able and distinguished officials, your religious, civil and business leaders, and all the people of Ashby, upon this most unusual anniversary, commemorating your 200th birthday. Many happy returns of the day.

Just think of it, my friends, 200 years of history, starting with the primitive conditions of Colonial New England and spanning marvelous changes, progress and fabulous development that has taken place in the intervening years.

From very early days, this community has been noted for its religious and patriotic dedication.

This Town was founded by hardy, God-fearing people who never knew fear or doubt, determined men and women committed to belief in Divine Providence and resolutely determined, at all costs, to live under institutions of freedom, personal liberty and peace.

The story of Ashby is inspiring and thrilling. It is an American story, a story of problems, struggles and sorrows, but also a story of gains and victories, not only of the growth, well-being and happiness of this wonderful community, but also distinct contributions to the great, forward-moving lifestream of national strength, unity and prosperity that is represented by our country.

Thanks to the spirit and the labors, the loyalty and devotion of the American people throughout the years, this town is now part of a nation that is termed the giant of the North American continent, the most powerful, richest and most advanced nation in the world. Yes, rich beyond contemplation, powerful in ways that truly stagger the imagination, rich with accumulations of industry, the returns of commerce and labor and the highest standards of living that the world has ever known.

Our progress has not been confined to material progress. With it, has come unprecedented progress in the arts, science, civilization, religion, spiritual development—progress in every area, and all these blessings which the American people have received have their proud temples in this beautiful New England town, and in the towns, villages and cities spread from coast to coast, north, south, east and west all over this great nation.

It can be said that you people of Ashby, as well as our fellow citizens throughout this broad country, have recognized the responsibilities and duties that come with strength, and power, and the endowments of free government bequeathed to us by our dedicated ancestors and predecessors.

It can, and should be, said on this, and every other occasion, that you have shared the great, national sacrifices that have been made.

You have lived by the principles, ideals and values which have made this nation what it is.

You have recognized the most urgent need that has confronted us in the past, and that confronts us today, for protecting and guarding these great blessings of liberty, so that they may be assured in perpetuity for this nation, and for other nations that share our rich heritage of freedom.

In looking back tonight to the days of Ashby's founding in an uncharted wilderness 200 years ago, we can take real pride in the resolution, strength of character, goodness of heart, absolute fidelity to country and faith in God of Ashby's citizens from the beginning and throughout many generations of its history.

We can be thankful for the blessings bestowed by the Creator throughout all these years, and the marvelous work, patience, gallantry and determination of those who have preceded us, and whose cherished memory we shall always honor.

To a greater extent than some skeptics and ideologists of this generation may think, we have drawn strength and inspiration as a nation, and as a proud people, from our shining, historical past. Even as we recognize, with the eloquent poet, that "the moving finger writes, and having writ, moves on," that we can never turn back the clock, that the nation and the world must go forward, must go upward to broader higher goals, must adapt ourselves to the incredible changes that are taking place around us, which are made necessary by the inescapable demands and needs of the nuclear, jet age and the truly fabulous times in which we live.

What we must recognize with special emphasis is that each generation must labor to keep the lamps of freedom burning and, if necessary, we must struggle to preserve human liberty, and freedom, and the right to enjoy free, democratic government, free enterprise, that is the very basis of this nation,

free, religious worship and individual rights that are so precious to all of us.

We are living in extremely unsettled, challenging times. In this dangerous world, where aggression and tyranny seek to destroy the rights of all free people, we must stand, as we have always stood, with courage and high purpose, unalterably committed to defend the safety, security, integrity and welfare of the nation, and uphold the principles of truth and justice and ordered liberty upon which our great, free system is based.

There are no easy solutions, no short cuts, no magical formulas by which we can settle the problems of this hour.

To do this, we must be determined, first, last and always, to preserve our own free heritage. We must, and I know we will, continue to strive with all our hearts and energies for a "rule of law", and for a just, enduring, honorable peace in Vietnam and in the world—a universal peace that will permit all human beings to live under the fatherhood of God and the brotherhood of man, free from Communist dictatorship, or any other kind of tyranny, and delivered from the dreadful scourge of nuclear war or any other war. Let us know that peace with freedom is the great question of our day.

As we celebrate, so meaningfully and with such true reverence and devotion, the founding of this typically American town, let us face without flinching the grave problems that are before us.

Let us never abandon the principles and the values that made us the great free God-fearing nation that we are.

Let us always remain firm without fear or doubt, in the spirit of those who founded this country, and those who preceded us, with real courage, faith and determination, to keep this nation as a secure dwelling place and sanctuary for those dedicated to human freedom and committed to peace and progress and amity.

Just a personal word. I want you to know how very proud I am of this town, and its faithful, devoted people, and of the great privilege you of this District have accorded me to represent you in the Congress of the United States, the greatest, deliberative body of its kind in the world.

As your Congressman, your friend, and a most sincere admirer, I am very happy tonight to bring the greetings and felicitations of our great District to all your leaders and your people, and to express the hope and prayer that in the time to come the good Lord will bring you all, each and every one of you, choicest blessings of good health, prosperity, happiness and peace for many years to come.

I express to you my deep gratitude for the encouragement and support you have extended me in my important official work, and for the many evidences of warm friendship that you have so wholeheartedly extended me.

Finally, in the happy trilogy of spiritual dedication, patriotism and zeal for achievement, always so typical of this Town, I am sure that you will go forward together, as you have in the past, to even greater heights of accomplishment, well-being and success, and that you will always maintain here the close ties of loyalty, mutual respect and affection which are so much a part of American community life, so invaluable in building the strength of the nation, safeguarding the fountainhead of enterprise and freedom and preserving the rights of the individual citizen and his family.

I am deeply grateful to you and your distinguished Committee, for giving me the very high honor of being with you on this memorable occasion. Command me when I can be helpful.

HOUSE OF REPRESENTATIVES

THURSDAY, JUNE 15, 1967

The House met at 11 o'clock a.m.

Rev. Lindell O. Harris, Hardin-Simmons University, Abilene, Tex., offered the following prayer:

Our Heavenly Father, we acknowledge our unworthiness even to approach Thee, but in gratitude we bow our heads and hearts before Thee.

For the blessings of home and country, for the privilege of work and the opportunity of service we give Thee thanks.

Grant to these who represent us the commonsense of the uncommon man and the dedicated perseverance of the true statesman.

Amid the stress and tension of continuing world crisis, help us all to have tough minds and soft hearts. May we be guided by principles of justice tempered with mercy, seeing in all men their virtues more than their vices. All this we pray in the name of Him who loved us and gave Himself for us. 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 agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1432) entitled "An act to amend the Universal Military Training and Service Act, and for other purposes."

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 990. An act 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.

RELIABILITY OF THE M-16 RIFLE

Mr. HOWARD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HOWARD. Mr. Speaker, on May 22, I asked Secretary of Defense McNamara to look into complaints that our new M-16 rifles were jamming during combat in Vietnam.

As you know, the distinguished chairman of the House Armed Services Committee, the gentleman from South Carolina, the Honorable L. MENDEL RIVERS, has appointed a three-man subcommittee headed by our colleague, the gentleman from Missouri, the Honorable RICHARD ICHORD, to investigate the M-16 rifle.

On May 22 before I read excerpts of a letter from a New Jersey marine in Vietnam on the floor of the House, I passed this letter on to the Department of Defense and Mr. ICHORD. The subcommittee has now returned from Vietnam where it had the opportunity to look into the M-16 controversy firsthand. Since my remarks on the floor of the House, I have been inundated with mail from across the country. Some of it, I feel, is valuable; some of it may not be. However, I have turned all of this correspondence over to Mr. ICHORD. His subcommittee will issue a complete report in the near future.

While the question of jamming will undoubtedly be settled to our satisfaction by the subcommittee report, I am more than pleased to report to you that several changes and modifications have been made and are being made on the M-16 rifle. These changes relate to a cutdown in the rapidity of fire, the number of rounds of ammunition recommended per clip, method and material for lubrication, and the chrome plating of one piece of equipment.

I feel this does reflect that we have encountered problems with the M-16 but that the military responded quickly to correct the defects discovered. While it is my personal opinion that the military could have announced these modifications without causing any adverse publicity, I commend them for acting swiftly to improve the M-16 rifle.

I am happy that changes toward improvement have been made and are being made. A final determination of the entire M-16 controversy can only be made after Mr. ICHORD's special subcommittee files its report.

RAILROAD STRIKE LEGISLATION

Mr. HARVEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HARVEY. Mr. Speaker, the difficult decision which the House faces this afternoon comes about because there is no existing legislation to handle the problems posed by the threat of a nationwide railroad strike. I believe that the absence of such permanent legislation is a cause of regret for all Americans, and that both Congress and the President must accept a share of the blame.

For the present, there are only three basic alternatives that we have to handle this problem.

We can permit a strike to take place. But I do not believe that this can be viewed as a practical alternative at this time. Certainly, it should be evident to all Members that with almost a half million boys in Vietnam waging a battle