cesco Tortorelli; to the Committee on the Judiciary.

By Mr. BLACKBURN:

H.R. 12894. A bill for the relief of Mrs. Ruth Brunner; to the Committee on the Judiciary.

By Mr. KUPFERMAN:

H.R. 12895. A bill for the relief of Adalbert Gardos; to the Committee on the Judiciary.

By Mr. MINISH:

H.R. 12896. A bill for the relief of Francesco Bologna; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 12897. A bill for the relief of Guiseppe Cucinotta; to the Committee on the Judiciary.

SENATE

WEDNESDAY, SEPTEMBER 13, 1967

The Senate met at 12 o'clock meridian, and was called to order by the Honorable HERMAN E. TALMADGE, a Senator from the State of Georgia.

Rev. Donald D. M. Jones, executive, Presbytery of Seattle, United Presbyterian Church, U.S.A., Seattle, Wash., offered the following prayer:

O Lord, God of our fathers and Father of all peoples, we turn to Thee for wisdom and guidance as we face the complex issues of our society and our world.

May Thy wisdom guide us, may Thy spirit lead us, and may we respond with conviction that our country and our people may live with dignity and brotherly love to Thy glory.

In the name of Christ, we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 13, 1967.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. HERMAN E. TALMADGE, a Senator from the State of Georgia, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. TALMADGE thereupon took the chair as Acting President pro tempore.

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 MESSAGE REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate a mesage from the President of the United States submitting sundry nominations, which was referred to the Committee on Labor and Public Welfare.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10738) making appropriations for the Department of Defense for the fiscal year ending June 30, 1968, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 12, 14, 20, 21, and 36 to the bill, and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate; and that the House insisted upon its disagreement to the amendment of the Senate numbered 18 to the bill.

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

H.R. 5091. An act to amend Public Law 87–752 (76 Stat. 749) to eliminate the requirement of a reservation of certain mineral rights to the United States; and

H.R. 11816. An act to provide certain benefits for law enforcement officers not employed by the United States who are killed or injured while apprehending violators of Federal law.

The message informed the Senate that, pursuant to the provisions of section 1, Public Law 90–70, the Speaker had appointed Mr. ROGERS of Colorado, Mr. Moss of California, Mr. BURTON of Utah, and Mr. BROTZMAN of Colorado, as members of the Golden Spike Centennial Celebration Commission, on the part of the House.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills:

S. 163. An act for the relief of CWO Charles M. Bickart, U.S. Marine Corps (retired);

S. 636. An act for the relief of Mrs. Chin Shee Shiu;

S. 653. An act for the relief of Capt. Robert C. Crisp, U.S. Air Force; and

S. 1601. An act to increase the appropriation authorization for continuing work in the Missouri River Basin by the Secretary of the Interior.

HOUSE BILLS REFERRED OR PLACED ON THE CALENDAR

The following bills were each read twice by their titles, and referred or placed on the calendar, as indicated:

H.R. 5091. An act to amend Public Law 87–752 (76 Stat. 749) to eliminate the requirement of a reservation of certain mineral rights to the United States; to the Committee on Interior and Insular Affairs.

H.R. 11816. An act to provide certain benefits for law enforcement officers not employed by the United States who are killed or injured while apprehending violators of Federal law; placed on the calendar.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, September 12, 1967, be dispensed with.

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

ORDER FOR LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that statements made during the transaction of routine morning business be limited to 3 minutes.

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

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

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

ORDER OF BUSINESS

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

The PRESIDING OFFICER (Mr. SPONG in the chair). The clerk will call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

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

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

DEPARTMENT OF STATE

The legislative clerk proceeded to read sundry nominations in the Department of State.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

AGENCY FOR INTERNATIONAL DEVELOPMENT

The legislative clerk read the nomination of H. Rex Lee, of Idaho, to be an Assistant Administrator of the Agency for International Development.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

PEACE CORPS

The legislative clerk read the nomination of Brent K. Ashabranner, of Okla-

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homa, to be Deputy Director of the Peace Corps.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

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

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

LEGISLATIVE SESSION

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXECUTIVE COMMUNICATIONS, ETC.

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

CRAB ORCHARD NATIONAL WILDLIFE REFUGE IN ILLINOIS

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide for the adjustment of the legislative jurisdiction exercised by the United States over lands within the Crab Orchard National Wildlife Refuge in Illinois (with an accompanying paper); to the Committee on Interior and Insular Affairs.

REPORT ON PERSONNEL CLAIMS PAID BY VETERANS' ADMINISTRATION

A letter from the Administrator, Veterans' Administration, transmitting, pursuant to law, a report on personnel claims paid by that Administration during the fiscal year ended June 30, 1967 (with an accompanying report); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

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

By the ACTING PRESIDENT pro tempore:

A resolution adopted by the American Bar Association, Chicago, Ill., praying for the enactment of legislation relating to the creation of additional judgeships in the U.S. Courts of Appeals; to the Committee on the Judiciary.

A resolution adopted by the Plumber's Local Union No. 15, of Minneapolis, Minn., expressing its appreciation to the Secretary of Labor for his expressed humanitarian principles; ordered to lie on the table.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session.

The following favorable report was submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without reservation:

Executive I, 90th Congress, first session, Consular Convention between the United States of America and France, together with a Protocol and two exchanges of notes relating thereto, signed at Paris on July 18, 1966 (Ex. Rept. No. 15); ordered to be printed.

BILLS INTRODUCED

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

By Mr. SMATHERS:

S. 2397. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income certain prizes and awards made in recognition of athletic achievement; to the Committee on Finance.

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

By Mr. YARBOROUGH:

S. 2398. A bill for the relief of Marcos Rojos Rodriguez; to the Committee on the Judiciary.

By Mr. RIBICOFF:

S. 2399. A bill for the relief of George B. Cabot; to the Committee on the Judiciary.

By Mr. BYRD of West Virginia (for Mr. CLARK):

S. 2400. A bill for the relief of Rocco Vernisi; to the Committee on the Judiciary.

By Mr. BURDICK:

S. 2401. A bill to provide for loans to Indian tribes and tribal corporations and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KUCHEL (for himself and Mr. MURPHY):

S. 2402. A bill to provide for credit to the Kings River Water Association and others for excess payments for the years 1954 and 1955; to the Committee on Interior and Insular Affairs.

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

RESOLUTION

A NEW APPROACH TO FINANCING COLLEGE EDUCATIONS

Mr. PROUTY submitted a resolution (S. Res. 169) relating to a new approach to financing college educations, which was by unanimous consent jointly referred to the Committees on Finance and Labor and Public Welfare.

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

TAX LIABILITY OF ATHLETES FOR PRIZES AND AWARDS

Mr. SMATHERS. Mr. President, I introduce a bill which would amend section 74 of the Internal Revenue Code with respect to the taxability of awards for athletic achievements.

The bill would permit an athlete to receive a prize or award without being required to pay income taxes on its value, provided the recipient is selected on a national or international basis in a manner comparable to awards in other fields.

Section 74(b) of the Internal Revenue Code currently provides favorably for awards in other forms of accomplishment by excluding their value from the recipient's income: This provision reads as follows:

(b) Exception—gross income does not include amounts received as prizes and awards made primarily in recognition of charitable, scientific, educational, artistic, literary or civic achievements.

This rule has been in the law since 1954, and furnishes the basis for the winners of the Nobel and Pulitzer Prizes to accept their awards free of tax. There is no mention, however, of athletic achievements.

On June 14, 1967, the Tax Court rendered an opinion in the case of Maury Wills, currently of the Pittsburgh Pirates. As many Members of this body and baseball fans throughout the country will recall, Wills formerly played for the Los Angeles Dodgers. In 1962, he broke the major league baseball record for the most stolen bases in one season, a record that had been set some 47 years earlier by Ty Cobb. In the same year, he batted .299 and tied with three other ballplayers for the most triples hit in the National League.

In consequence of this record of accomplishment, Mr. Wills was named athlete of the year by the Associated Press and Sports magazine, and received several tangible prizes, including an MG automobile, and the S. Ray Hickok Belt, which is awarded annually to an outstanding professional athlete. The belt is described as studded with 27 1½-carat diamonds and other simulated stones and having a 3½-pound gold belt buckle.

The Tax Court held that the car and the belt constituted gross income to Mr. Wills, relying upon the grounds that Congress intended that their value should be taxable, since it has not acted to exempt the value of such awards.

Mr. President, athletics hold many values for the Nation. Competition teaches teamwork and good sportsmanship. The discipline of training fosters individual development, in body, mind, and character. And, organized games at many levels offer wholesome and constructive outlets for the abilities and energies of our people. Those who excel in athletics are often heroes to our youth, and rightfully so. It thus seems to me that Congress should encourage achievements in athletics as it does in other fields.

It is, I believe, pertinent to note that there are many instances in the sports world when outstanding achievements are recognized by presentation of a trophy or other token which may be intrinsically valuable. I do not feel it is fair that an athlete should be penalized if what is intended as a prize or award happens to be fashioned out of finer rather than less expensive materials.

Perhaps precious stones are an extreme example. Under the prevailing rationale, however, there would seem to be an argument for taxing the recipient on the value of any award. If my amendment were adopted, it would not do away with all doubtful cases. However, I feel that the athlete should be given the benefit of the doubt in such cases.

After all, the achievements of Mr. Wills and others are in the line of their athletic endeavors: they are not per-

forming with a view to winning a particular award, have no influence on the process which selects them to receive such a prize, and certainly have no control over the objects chosen for presentation.

Mr. President, I certainly do not mean to be critical of the Tax Court in this matter. The court correctly observed that Congress has not expressed itself in this area by placing athletic awards on a par with those given for religious, charitable, scientific, educational, artistic, literary, and civic achievement, for which section 74 now provides an exclusion from gross income.

My own feeling is that prizes of this nature do not constitute income in the generally accepted sense of that term, and should not be regarded as such. This amendment would furnish a vehicle for legislative action to bring about this result.

Again, I point out that this proposal would extend only to bona fide national and international awards comparable to those already covered by section 74. It should be noted that the income tax regulations further narrow the exclusions from gross income for prizes and awards. For instance, door and contest prizes are specifically included in income, as are: "any prizes and awards from an employer to an employee in recognition of some achievement in connection with his employment." (Regulations, section 1.74-1(a).)

It is my feeling that such safeguards are sufficient to assure a reasonable and sound amendment along these lines.

I, therefore, ask unanimous consent that the bill which I now send to the desk be printed in the RECORD at the conclusion of my remarks for the information of all concerned.

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

The bill (S. 2397) to amend the Internal Revenue Code of 1954 to exclude from gross income certain prizes and awards made in recognition of athletic achievement, introduced by Mr. SMATHERS, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 2397

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 74(b) of the Internal Revenue Code of 1954 (relating to exclusion from gross income of certain prizes and awards) is amended—

(1) by striking out "or civic" and inserting in lieu thereof "civic, or athletic"; and

(2) by striking out "and" at the end of paragraph (1), by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and by adding at the end thereof the following:

"(3) in the case of a prize or award received in recognition of athletic achievement, the recipient was selected from individuals considered for such prize or award on a nationwide or international basis.

(b) The amendments made by subsection (a) shall apply to taxable years ending after the date of the enactment of this Act, but only with respect to prizes and awards received after such date.

CREDIT TO THE KINGS RIVER WATER ASSOCIATION AND OTHERS FOR EXCESS PAYMENTS FOR THE YEARS 1954 AND 1955

Mr. KUCHEL. Mr. President, on behalf of myself and my able colleague from California, [Mr. MURPHY], I introduce, for appropriate reference, a bill to provide for credit to members of the Kings River Water Association and other adjoining water districts in California for excess payments under their repayment obligation contracts for the years 1954 and 1955.

The purpose of this legislation is to give to the Department of the Interior the authority to correct certain bookkeeping entries to prevent an inequitable collection of water storage contract repayment funds.

Congress authorized the construction of the Pine Flat Dam and Reservoir on the Kings River in California in section 10 of the Flood Control Act of 1944. Agreement was reached by the Army, the Department of the Interior, and the water users that the sum of $14,250,000 would be paid by the water users for conservation storage behind the dam. During the early negotiations for a permanent contract establishing the repayment obligation, an arbitrary figure was set which for the years 1954 and 1955 resulted in payments to the Department of the Interior an amount of $1,098,579.92 in excess of the operation and maintenance costs for those years. For all years following 1955, under the terms of a provision inserted in the temporary contracts, credit was given for such overpayments.

The Department of the Interior has determined that there is no authority of law which permits it to give credit for the years 1954 and 1955. Without such credit, the water users would be required to repay not the agreed sum of $14,250,000 but an amount of $15,348,579.92. This was not contemplated by either the Government or the water users and would be an unjust enrichment to the United States.

By the passage of this bill, there will be no expenditure of Government funds nor a refund to the water users but merely a credit on the books of the Department of the Interior so that with the eventual payment of the repayment obligation, there will not be an overpayment by the several water districts in my State and equity will be done.

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

The bill (S. 2402) to provide for credit to the Kings River Water Association and others for excess payments for the years 1954 and 1955, introduced by Mr. KUCHEL (for himself and Mr. MURPHY), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

STUDENT INVESTMENT ACT

Mr. PROUTY. Mr. President, as one of those who have often declared in favor of fresh initiatives toward the financing of higher education, I wish to applaud Dr. Kingman Brewster, Jr., president of Yale, for focusing attention on a most ingenious and unique plan for meeting that need.

This proposal, Mr. President, may well be referred to as the Student Investment Act. In brief, President Brewster has suggested that funds to finance a student's education should be made available in return for an agreement by the student to repay such an investment in his education through the addition of a specified percentage to his Federal income tax rate during his productive, earning years.

Four years ago, Mr. President, Dr. Charles Killingsworth, professor of labor and industrial relations at Michigan State University, appeared at a hearing held by the Senate Subcommittee on Employment, Manpower, and Poverty. It was the hearing, Mr. President, on America's Manpower Revolution.

Professor Killingsworth submitted an essay—during the hearing—outlining in considerable detail the main aspects of a similar program calling for a fresh approach to the financing of higher education.

Both the Killingsworth plan and the Brewster proposal share the novel approach of providing that financial wherewithal, at minimum cost to the taxpayer, for many thousands of poor, but able, students.

Under the plan, the college student could borrow funds from a private, nonprofit, federally chartered education bank. The student would repay the loan during his productive earning years—after graduation—by paying a modest additional percentage to his Federal income tax.

The agreement between the individual student and the education bank would make us all partners in the economic career of any boy or girl educated under the plan.

It would, Mr. President, be a kind of social security in reverse. That is, the benefits would come first, then the repayment. A sort of learn now, pay later plan. And strictly voluntary, let me hasten to add.

As President Brewster expressed it, the income tax plan would preserve the university's integrity, now threatened by rising Government subsidies and research grants.

I believe this plan, Mr. President, would help many colleges and universities more closely meet their financial needs through tuition charges; it would foster greater financial independence and academic initiative, and promote the accelerated advancement of higher quality, higher education—free from the restrictions imposed by programs requiring approval by Federal agencies.

Even with the recent hikes in Federal contributions to education, the Federal Government continues to invest less than 8 percent of its budget in educational programs.

The time has come, Mr. President, when we must reassess our Nation's priorities for educational purposes. I feel very strongly that renewed effort must be brought to bear toward the passage of educational aid programs that will meet our pressing, and still unfulfilled, needs.

Unfortunately, Mr. President, many excellent, but small, private colleges are fighting for economic survival. Indeed, Columbia's President Grayson Kirk noted recently that tuition charges at private schools have had to be doubled, and even tripled, in the last few years.

He said, and I quote Dr. Kirk:

The problem of further rises is serious because of the burden which this places upon many parents. Also, since the institution is really interested more in the intellectual quality, rather than the affluence, of its student body, each rise in tuition requires an even greater increase in the provision of funds for student aid programs.

For most such institutions, Mr. President, the main source of income is tuition. To raise that tuition even higher now would be to price the colleges even further out of the reach of low- and middle-income families than they are already.

That these smaller colleges are faced with almost insurmountable problems, no one can deny. Yet, the national interest will certainly suffer if the smaller schools lose their battles for survival.

A nation can neither afford to ignore these students nor the teachers whose records in inspiring graduate students have long been recognized, Mr. President.

A solution that fails to maintain the distinctive character and integrity of the small college, or which relegates it to a wholly satellite status, is no solution at all.

As Dr. Kirk said—and I quote him again, Mr. President:

It is of the highest importance that our people be made to realize the magnitude of this financial problem and the dimensions that it is likely to assume in the years ahead. The plain fact is that we are facing what might easily become a crisis in the financing of American higher education, and the sooner we know about it, the better off we'll be.

Increased tuition, Mr. President, will merely widen the opportunity gap between families of moderate means and those of ample means.

I am convinced there are better ways of using our resources for financing higher education. To this end, Mr. President, I am submitting a resolution calling for consideration of this proposal by both the Finance and the Labor and Public Welfare Committees—sitting jointly—to study, investigate, and recommend legislation along the lines suggested by Drs. Brewster and Killingsworth.

I see this, Mr. President, as a serious effort to meet an important and pressing problem affecting the long-range national interest.

I ask unanimous consent that the resolution be jointly referred to the Committees on Finance and Labor and Public Welfare.

The PRESIDING OFFICER. The resolution will be received; and, without objection, the resolution will be referred jointly to the Committees on Finance and Labor and Public Welfare; and, under the rule, the resolution will be printed in the RECORD.

The resolution (S. Res. 169) was jointly referred to the Committees on Finance and Labor and Public Welfare, as follows:

S. RES. 169

Resolved, That the Committee on Finance and the Committee on Labor and Public Welfare, acting jointly, shall conduct a thorough study of the most expeditious means of financing higher education in the United States. Such study shall particularly include a thorough exploration of the following:

(1) various means by which a loan fund may be established to assist students to defray the expenses of higher education.

(2) the feasibility of repayment by students of such funds through the device of an increase in Federal income tax rates during their more productive years.

SEC. 2. (a) In making the study under this resolution, the committee shall hold such public hearings as they deem necessary.

(b) Each meeting of the committees under this resolution, whether for the purpose of holding public hearings or otherwise, shall be held alternately under the chairmanship of the chairman of the Committee on Finance and the chairman of the Committee on Labor and Public Welfare or their designee.

SEC. 3. The committees shall report the results of the study under this resolution, together with their recommendations, to the Senate at the earliest practicable date.

COMPENSATION TO SURVIVORS OF LOCAL LAW ENFORCEMENT OFFICERS KILLED WHILE APPREHENDING PERSONS FOR COMMITTING FEDERAL CRIMES—AMENDMENTS

AMENDMENT NO. 311

Mr. YARBOROUGH. Mr. President, I submit amendments, intended to be proposed by me, to the bill (S. 798) to provide compensation to survivors of local law enforcement officers killed while apprehending persons for committing Federal crimes. I ask unanimous consent that the amendment be printed in the RECORD.

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 311), submitted by Mr. YARBOROUGH, is as follows:

AMENDMENT NO. 311

On page 4, line 12, immediately after "Section 1.", insert the subsection designation "(a)".

On page 4, line 17, immediately after "United States,", add the following phrase: "or his lawful prevention of, or lawful attempt to prevent, the commission of a crime against the United States,"

On page 4, after line 24, insert the following new subsection:

"(b) If a local law enforcement agency satisfies the Attorney General that the death or disabling injury of a citizen resulted from his lawful apprehension of, lawful attempt to apprehend, or lawful assistance rendered to a local law enforcement officer for the apprehension of, any person for the commission of a crime against the United States, or his lawful prevention of, or lawful attempt to prevent, the commission of a crime against the United States, then the Attorney General shall pay the disabled citizen or the survivor of such citizen (referred to in this Act as the 'qualifying citizen') the compensation provided in section 2. Compensation shall be paid to the disabled citizen or survivor of such qualifying citizen where the individual apprehended or attempted to be apprehended is wanted for both a Federal and a State or local crime."

On page 5, line 3, strike out "disabled officer", and insert in lieu thereof "qualifying officer, a qualifying citizen,".

On page 5, line 5, immediately after "qualifying officer", insert "or qualifying citizen".

On page 5, line 14, immediately after "officer", insert "or citizen".

On page 5, line 22, immediately after "qualifying officer", insert "or a qualifying citizen".

On page 5, line 23, immediately after "disabled officer", insert "or disabled citizen".

On page 5, line 24, immediately after "qualifying officer", insert "or a qualifying citizen".

On page 6, between lines 11 and 12, insert the following new paragraph:

"(1) 'local law enforcement agency' means a law enforcement agency of a State, the Commonwealth of Puerto Rico, a political subdivision of a State, or the District of Columbia."

On page 6, line 12, strike out "(1)", and insert in lieu thereof "(2)".

On page 6, line 16, strike out "(2)", and insert in lieu thereof "(3)".

On page 6, line 19, strike out "(3)", and insert in lieu thereof "(4)".

On page 6, line 21, strike out "(4)", and insert in lieu thereof "(5)".

On page 6, line 22, immediately after "qualifying officer", insert "or a qualifying citizen".

On page 7, line 3, strike out "(5)", and insert in lieu thereof "(6)".

On page 7, line 8, strike out "(6)", and insert in lieu thereof "(7)".

Amend the title so as to read: "A bill to provide compensation for totally disabled local law enforcement officers or citizens, or survivors of local law enforcement officers or citizens, killed or disabled while apprehending persons suspected of committing Federal crimes."

STATEMENT ON DEPRECIATION OF SLUM PROPERTY—AMENDMENT

AMENDMENT NO. 312

Mr. PROXMIRE. Mr. President, recently the mayor of Boston, John F. Collins, testified before the Housing Subcommittee as a representative of the National League of Cities. Mayor Collins made a most interesting proposal for encouraging slumlords to maintain their property in accordance with local housing codes. The proposal would require property owners to maintain their property in accordance with housing codes in order to obtain the depreciation tax benefits under the Internal Revenue Code.

This suggestion was also made by the Architects Renewal Committee in Harlem, Inc., in testimony presented to the House Banking and Currency Committee, in 1966.

I believe the denial of tax benefits to slumlords who persistently violate housing codes can be an effective inducement to better housing in the urban ghettos. The Senate Banking and Currency Committee has been striving for years to insure that Federal housing programs are not rendered ineffective by lax code enforcement. In 1964 the committee inserted a provision in the Housing Act which required an effective code enforcement program to be a part of the community's workable program. Beginning in July 1967, the Secretary of Housing and Urban Development, in certifying a community's workable program, must

also determine the community has an adequate program of local code enforcement.

It is, therefore, national policy on the part of the Federal Government to encourage adequate code enforcement activities on the part of local governments. I believe that the proposal to deny Federal tax benefits to code violators is in keeping with this national policy. It would strengthen the hands of local officials and provide for a more effective program of local code enforcement.

I am, therefore, submitting an amendment intended to be proposed by me to S. 2100, Senator KENNEDY's tax incentive housing bill. The amendment would amend section 167 of the Internal Revenue Act requiring that before any deductions for depreciation of any real property could be allowed, the owner of the property would have to certify the property is not in violation of any law, code, or regulation which is required to be in effect as part of the community's workable program. Thus, this amendment to the Internal Revenue Act would strengthen the provision contained in section 101(c)(2)(A) of the Housing Act of 1949.

In order to illustrate the working of this proposal, assume a slum building is purchased for $200,000. Of this amount, the owner may pay $80,000 in cash and finance the other $120,000 by a mortgage. Let us further assume that the interest on the mortgage, taxes, utilities and other expenses come to $25,000 per year, and that the yearly rentals come to $45,000 per year. Thus, the owner would earn $20,000 per year on his original cash investment of $80,000. If the useful life of the building is 20 years, under the straight line depreciation method he could deduct $10,000 against his income and pay taxes on only $10,000. Thus, depending upon the owner's tax bracket, he could save from $2,200 to $4,800 on his tax bill through the depreciation deduction. Thus, the denial of this benefit could be a material inducement in persuading the owner to spend the $1,000 to $2,000 needed to maintain the property adequately.

Very often local penalties range from $50 to $100 for code violations. These are treated as a minor business expense by the slumlord. The needed repairs are consequently ignored. However, the denial of Federal tax benefits is a much more powerful potential loss. It would make an owner think twice before he would let his property run down.

Mr. President, I ask unanimous consent that the text of this amendment be printed in the RECORD following my remarks.

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

The amendment (No. 312) was referred to the Committee on Finance, as follows:

AMENDMENT NO. 312

On page 51, line 2, insert the following new section and renumber thereafter.

"TO ENCOURAGE COMPLIANCE WITH LOCAL HOUSING CODES

"SEC. 303. That section 167 of the Internal Revenue Code of 1954 (relating to deduction for depreciation) is amended by redesignating subsection (i) as subsection (j), and by inserting after subsection (h) the following new subsection:

"'(i) DEPRECIATION DEDUCTION DENIED IN CASE OF CERTAIN UNSAFE OR UNSANITARY HOUSING.—No deduction shall be allowed under this section for any taxable year with respect to any multifamily dwelling which is determined by the housing, public health, or other appropriate authority of the unit of general local government in which such dwelling is located to be in violation of any law, code, or regulation which is required to be in effect and enforced as a condition of eligibility for Federal grants-in-aid.'"

SOCIAL SECURITY AMENDMENT: THREE-WAY FINANCING

AMENDMENT NO. 313

Mr. HARTKE. Mr. President, I am submitting today one of several amendments intended to be proposed by me to the social security bill, H.R. 12080. While the amendments to the bill which I shall offer next week supplement this one to provide a package of changes, the one I submit today goes to the root of a problem which faces us again this year, and which will face us again and again in the future as we try to maintain the actuarial soundness of the trust funds while continuing, as we must, to expand the scope of the protection offered to beneficiaries.

That problem is the problem of financing. The tax rate is already substantial, and there can be no doubt that one reason the bill we have received from the House is smaller than the administration's proposal in its benefits lies in the fact that higher benefits require more funds for financing.

We have set in this country as a reasonable poverty line a figure of $3,000 for an urban family of four. Actually, $3,000 is somewhat below the figure as calculated by the Census Bureau, while for a nonfarm family of seven persons it runs up to $5,440.

Yet for the poor wage earner with an income of only $3,000, trying to support his family and scarcely able to do so, even though his income is so small as to exempt him from income tax, the present rate of payments for him takes away $132 in social security and health insurance deductions. The same sum, of course, is paid on his behalf by the employer. For the breadwinner with five children at the poverty figure of $5,440 the sum withheld from his pay envelope for these purposes comes to $261—a very sizable amount for such a worker.

These amounts are at the present rate. To make them higher will work added hardship on those in the lower income categories, to whom the loss of even an additional $5 or $10 is keenly felt. Under the bill now before the Finance Committee, the maximum tax next year, with the base raising to $7,600 from $6,600 at present, will increase by $44. By 1971 the higher percentages applied to payroll tax will raise the individual's contribution by more than $100.

I believe firmly that we must modify somewhat the self-financing contributory principle, which is already evidencing in the bill before us—considerably reduced in benefits from those in the original administration proposal, H.R. 5710—a drag upon the level of benefits in the face of clearcut need for considerably greater improvement. I am proposing, therefore, that in effect the present rates be frozen and the cost of additional benefits be provided from the general fund.

It is perhaps largely forgotten that for a time during the 1940's the social security law contained a provision authorizing appropriations from the general revenue if needed to finance benefits. As it turned out, however, the trust funds were maintained in actuarial soundness without such general appropriations, and the authority was never used, being eventually repealed. But the precedent does exist, and the use of the less regressive tax sources of other Federal revenue I believe is sounder practice in the economy than the continued buildup of individual taxation upon the lower income persons who make up the great majority of OASDHI taxpayers.

There is further precedent in the arrangement we have made for a matching contribution by the Government of $3 per participant in the supplementary medical program, and in the provision for the present $35 payment—far too low—to those over 72 who are not fully qualified for benefits by their previous work experience. In short, we already have tentatively, and in a small way, embraced the principle which I propose, of using the general revenue as a supplementary source of financing.

Actually, to freeze the employer and employee contributions at the present level will not require immediately a contribution from the Treasury even though the amendment will authorize it. But as the years go on, the Treasury financing will increase until, when the needs of the trust funds require a total of 14.4 percent—and that sum is foreseeable—the division will be equal, with 4.8 percent as at present being contributed by each of the three parties.

So far we have used the machinery of the Federal Government in this vast program mainly as the conduit through which money is received from mandatory contributions—taxes, if you will—by employers and employees. The system has paid for itself; there has not been any appreciable share contributed by the Federal Government for the elderly retired, the disabled, the medically needy now covered. It has been, financially speaking, little different from private insurance where the risk is spread, the premium paid, and the benefit collected. In a sense, it is hardly entitled to be called "social" insurance, since society in the broader meaning of the total national economy, has not shared in its support. It is a privately financed even though Government-operated, insurance system. A move toward sharing in the financing by the Government itself is a move toward making it truly social insurance, with the society as a whole assuming responsibility it does not now undertake.

I would, in fact, be happy to adopt the principle of equal sharing as of the present time rather than waiting for the differential to rise over a period of years until the Government's share is a full

third. But we have a system now, it is working, the burden is a familiar one, and any effort to reduce employer and employee shares would probably be impossible to secure. But for the future, as I have outlined, we should lay the burden of the additional costs more heavily upon the less regressive taxes of the general revenue rather than upon the individuals and the employers alone.

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

The amendment (No. 313) was referred to the Committee on Finance.

ADDITIONAL COSPONSOR OF BILL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Wisconsin [Mr. NELSON] be added as a cosponsor of the bill (S. 2268) to assist in the protection of the consumer by requiring meaningful disclosure of the cost of credit in advertising designed to promote retail installment sales, installment loans, or open end credit plans.

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

THE GENERALS AND ADMIRALS MUST NOT BE PERMITTED TO DIRECT THE POLICIES OF OUR NATION—CIVILIAN AUTHORITY MUST BE SUPREME OVER MILITARY AUTHORITY

Mr. YOUNG of Ohio. Mr. President, the Constitution of our country provides:

> The President shall be commander in chief of the army and navy of the United States . . .

It would be well to recall that George Washington presided over the Constitutional Convention which created this immortal document during a period of 4 months in 1787. The Constitution itself and the records of the debates in the Convention bear witness that the Founding Fathers wisely decreed that in the United States civilian authority must always be supreme over military authority.

The Founding Fathers in 1787 anticipated what a great 20th century French statesman, George Clemenceau, would assert 125 years later:

> War is too serious a matter to be entrusted to generals.

Mr. President, the recent outbursts by some of the Nation's top generals and admirals arrogantly advocating an extension of the bombing of North Vietnam and voicing criticisms of the judgment of our President and his Secretary of Defense have raised serious issues of civilian versus military control of defense policy and of foreign policy. The Nation recently witnessed the spectacle of three members of the Joint Chiefs of Staff publicly disagreeing with the Secretary of Defense before the Senate Preparedness Investigating Subcommittee and in various public forums.

Secretary of Defense McNamara has stated that all that bombing of North Vietnam is really accomplishing is imposing a price on North Vietnam which the Government at Hanoi and the people are able and willing to pay. It consists of some loss of lives, considerable labor in repairing damage, some damage to unimportant industrial facilities, and the evacuation of key cities by nonessential civilians. The Secretary stated that North Vietnam cannot be "bombed to the negotiating table," and he expressed strong opposition to expanding and enlarging the air war to new targets which would involve a great risk of spreading the war.

At the same time, Army Chief of Staff, Gen. Harold K. Johnson, called for bombing the port of Haiphong and other presently off-limit targets in North Vietnam. He publicly differed with his civilian superior, Secretary McNamara, who told the subcommittee such attacks would not hamper Hanoi's war operations in South Vietnam but would be costly in American casualties and involve great risk of conflict with the Soviet Union and Communist China.

Earlier, Air Force Chief of Staff Gen. John P. McConnell told the subcommittee that an additional 800,000 American troops would have been needed in South Vietnam had there been no bombing of North Vietnam. This so-called statistic is completely at variance with official intelligence estimates released by Secretary McNamara showing that the volume of war supplies moving from North Vietnam to South Vietnam is "significantly under 100 tons per day, a quantity that could be transported by only a few trucks."

Gen. Wallace M. Greene, Jr., Marine Corps Commandant, emerged from a closed hearing of the Senate Preparedness Investigating Subcommittee and sounded off publicly urging the bombing of four additional Mig air bases in North Vietnam very close to the Chinese border. He also reportedly criticized as aiding the Hanoi administration alleged slowness and delays on the part of Defense Secretary McNamara and President Johnson in approving enlarged target lists. Furthermore, in what is perhaps the most recent grotesque distortion of the traditional role of the military in American life, General Greene, in addressing an American Legion convention, stated that the war in Vietnam is more important than the plight of America's riot-torn cities and slum areas.

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

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that I may proceed for 10 additional minutes.

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

Mr. YOUNG of Ohio. Mr. President, General Greene is undoubtedly a highly competent and experienced military officer. However, I know of nothing in his past or present record which qualifies him as an expert on the relative importance of the many and serious domestic problems facing our Nation. If he wishes to publicly voice his opinions on them, then it would be proper for him to resign from active duty in our Armed Forces, and then as a private citizen expound his views on domestic problems to his heart's content. Otherwise, it appears to me the general should bear in mind and attest by his public statements, if he feels the urge to make any, that he is an officer of our Armed Forces responsible to and subordinate to the Secretary of Defense and the President of the United States.

In the past Adm. U. S. Grant Sharp, the Pacific Fleet commander, and Gen. William C. Westmoreland, the commander in Vietnam, have publicly called for more bombing and for wider escalation and expansion of the war in North Vietnam. Unfortunately, the Joint Chiefs of Staff and other generals and admirals have arrogated to themselves the right to direct policies of war and peace instead of looking to their jobs as officers of our Armed Forces whose duty it is to follow out the instructions of the Commander in Chief and his Secretary of Defense.

After 2½ years of steadily increasing escalation, a buildup to approximately 600,000 men and a level of bombing exceeding that in Europe in World War II, the situation in South Vietnam is no better today than when we first began this tragic mistake and became involved with our Armed Forces in an ugly civil war in Vietnam and doing the fighting instead of merely advising. After more than 2½ years of bombing at an enormous cost in warplanes and men, the Vietcong has more than doubled its troop strength south of the demarcation line temporarily dividing Vietnam and is beginning to hit our bases and men with rockets and mortars and new weapons of all kinds in the Saigon area and elsewhere in South Vietnam. Our escalation of the war has been matched by the Vietcong and the North Vietnamese. The result has been a stalemate which has merely moved the war to a higher level of combat, casualties and destruction, and in particular, killing and wounding more civilian men, women, and children in North Vietnam.

The military leaders who advised the President to take this tragic course have failed dismally to produce any results for this huge investment. Now they are the chief opponents of a bombing pause which is generally regarded as indispensable if there is to be a conference opening negotiations between the Hanoi and Saigon regimes and with the National Liberation Front, the political arm of the VC, seeking a ceasefire and a political solution of the war. It is well understood that an end to the bombing is the first step toward negotiation.

If bombing of the north has failed, as it has; and if further bombing closer to the border of Communist China would involve too great a risk of spreading the war and bringing into combat ground forces of Communist China, as occurred in North Korea, then why continue the bombing at all? Except for the appalling destruction of private dwellings, cottages, and bridges visited on North Vietnam, the ineffectiveness of the bombing attack is conceded by almost every qualified observer except, of course, the generals and admirals.

The hawkish generals and admirals who had a field day before the Senate Preparedness Investigating Subcommittee refuse to face the fact that unlimited bombing, by every prudent estimate, will

not end the war but would probably expand it into a war with China and possibly a war with the Soviet Union. They refuse to face the fact, now well demonstrated, that the bombing is a failure. They refuse to face the fact that unless we wish to pour millions of troops into total occupation of South Vietnam and North Vietnam also, no end of this bloodletting, bitter fighting and terrorism seems possible within the next few years except by arriving at a political settlement at the negotiating table.

Mr. President, the technique during the recent Senate Preparedness Investigating Subcommittee hearings in which heavily braided generals and admirals gave secret testimony, and subsequently the substance of their remarks was publicly revealed in great detail to whip up public demand for increased bombing seems to me to be repugnant to the democratic process. It is one more manifestation of the arrogant power which the Military Establishment has taken unto itself and which weakens the very basis of our society. The Preparedness Subcommittee, in my considered judgment, was definitely off base when it issued the critical statement that President Johnson and Secretary McNamara have "employed military aviation in a carefully controlled, restricted, and graduated buildup of bombing pressure which discounted the professional judgment of our best military experts and substituted civilian judgment." All members of that Preparedness Subcommittee and all staff members should know that this is exactly and precisely what our Constitution provides. Military judgment in our United States must never be permitted to override and overrule the judgment and decision of the Commander in Chief, the President of the United States.

Mr. President, in the Preparedness Subcommittee report it was stated that the Senators heard the most knowledgeable and qualified witnesses, including military leaders and the Secretary of Defense. The witnesses were: Adm. U. S. Grant Sharp; Adm. Roy Johnson, commander of the Pacific Fleet; Gen. John Ryan, commanding the Pacific Air Force; Gen. Earle G. Wheeler, Chairman of the Joint Chiefs of Staff; Lt. Gen. Robert Momyer, commanding 7th Air Force in Vietnam; Gen. John P. McConnell, Air Force Chief of Staff; Adm. T. H. Moorer, Chief of Naval Operations; Defense Secretary Robert S. McNamara; Gen. Harold K. Johnson, Army Chief of Staff; Gen. Wallace M. Greene, Marine Corps Commandant; and retired Maj. Gen. Gilbert L. Meyers, former deputy commander of the 7th Air Force.

It is noteworthy that the subcommittee did not hear the testimony of other extremely knowledgeable and qualified witnesses. Why did not the subcommittee call Lt. Gen. James M. Gavin, former Chief of U.S. Army Plans and Operations, a famed combat paratrooper, and a former Ambassador to France? General Gavin has made the following incisive statements concerning our involvement in Vietnam:

> To increase the bombing and to bomb Hanoi—or even Peiping—will add to our problems rather than detract from them, and it will not stop the penetrations of North Vietnam troops into the south.
>
> . . . bombing attacks intended to achieve psychological impact through the killing of noncombatants is unquestionably wrong. Likewise the attack of targets near areas highly populated by civilians, where civilians are likely to be casualties, is also militarily as well as morally wrong. . .

In testifying before the Senate Committee on Foreign Relations in February 1966, General Gavin asked the following penetrating question:

> Is Vietnam at this point worth this investment of our national resources, with all the other commitments we have worldwide? Are we not becoming too mesmerized with this? Are we not losing sight of the total global picture?

Why did not the subcommittee hear from Gen. Matthew B. Ridgway? General Ridgway, former Army Chief of Staff and commander of our forces during the Korean war, earlier this year said:

> It is my firm belief that there is nothing in the present situation or in our code that requires us to bomb a small Asian nation back into the stone age.

General Ridgway also has warned that the United States is at present committed "to an upward spiraling course that may approach annihilation."

Why did not the subcommittee take testimony from another great American military leader, Gen. David M. Shoup, former Commandant of the Marine Corps? General Shoup has publicly stated:

> I don't think the whole of South East Asia, as related to the present and future safety and freedom of the people of this country, is worth the life or limb of a single American.

Of course, in view of the selective process followed by the Preparedness Subcommittee in listening to the testimony of certain generals and in not requesting the testimony of other generals whose achievements in war and in later civilian life have been most noteworthy, it is not surprising that the subcommittee rejected the testimony of Secretary McNamara, who spoke for the Commander in Chief, President Johnson, when he said:

> Bombing of North Vietnam is supplemental to, not a substitute for, fighting the war in South Vietnam.

There is clear and direct conflict between Secretary McNamara and the generals who testified before the Preparedness Investigating Subcommittee. The subcommittee in its report declared:

> As between these diametrically opposed views . . . logic and prudence required that the decision be the unanimous weight of military judgment.

This is a direct assertion that the views of the generals and admirals should prevail over the views of the Commander in Chief. This represents a reversal of the doctrine established in our Constitution by the great patriots we Americans should revere.

Mr. President, there is a serious erosion taking place in the constitutional balance that supposedly places the military under civilian control and direction. Only President Johnson would be able to restore civilian control of national policy through the exercise of his presidential prerogatives under the Constitution. Pressure from the Military Establishment should be countered to keep this a limited war, to end the bombing of North Vietnam and to negotiate a cease-fire and an armistice and an eventual end to our involvement in a miserable civil war which has already taken the lives of more than 15,000 young Americans, wounded more than 70,000 others, and afflicted untold thousands of young Americans with malaria and other jungle diseases from which many of them will suffer for the remainder of their lives. All this in a little country 10,000 miles distant and of no strategic or economic importance to the defense of the United States.

Mr. President, every effort must be made to counteract the pressure of the generals and admirals who strive to override the decisions of their civilian superiors. Let us hope that President Johnson will soon announce an unconditional cessation of our bombing of North Vietnam and take meaningful steps toward obtaining a cease-fire and an armistice. If bombing has not brought the VC and the Hanoi government to the negotiating table with the Saigon junta, why not try an unconditional halt to the bombing? Nothing would be lost. No other course really makes sense.

MINI-CONSENSUS FOR ADMINISTRATION'S TAX-HIKE PROPOSAL

Mr. PROXMIRE. Mr. President, there is a disturbing lack of convincing evidence for the tax increase proposed by the President. On numerous occasions I have pointed out, both on the floor of this body and otherwise, the dangers involved in hurtling ahead to impose a heavy tax increase on the basis of an expected future outburst of economic demand.

It is interesting to note that Mr. M. J. Rossant of the New York Times in a column in today's issue of that paper speaks of the "rickety look about the consensus that the Administration has assembled to support the President's demand for tax increases." He notes the difference between the present contradictory attitudes of businessmen, bankers, economists, and labor leaders toward the tax proposal and the rather solid support that was shown for the 1964 tax cuts. As Mr. Rossant points out, a large number of the Nation's business economists have increased their opposition to the tax hike. He also mentions the danger that the administration's forecasts may overstate the extent of any pickup in demand just as it failed to predict the full extent of the letdown experienced earlier this year. As I have pointed out on previous occasions, our industrial capacity is at a lower rate of utilization now than it was in 1964 when the recessed condition of the economy was given as a major reason for a tax cut.

I might point out that Mr. Rossant shows that a very large proportion of the Nation's business economists oppose the tax increase, although the financial section of the Washington Post this

morning has given the impression that the economists are overwhelmingly for it. They certainly are not.

I ask unanimous consent that Mr. Rossant's column be printed at this point in the RECORD.

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

THE MINI-CONSENSUS: SUPPORT FOR A TAX INCREASE IS SAID TO LACK CONVICTION AND ENTHUSIASM

(By M. J. Rossant)

There's a rickety look about the consensus that the Administration has assembled to support the President's demand for tax increases. Few of those who have given their backing have gone down the line for the Johnson package. Most, it seems, just want to put an end to the uncertainty over tax policy that has prevailed for the last 18 months.

Certainly the new consensus bears no resemblance to the solid and broadly based coalition of businessmen, bankers, labor leaders and economists rallying around the Administration's tax reduction program in 1964. Then, there was no real opposition to the tax-cut bandwagon.

The tax-increase bandwagon, though, is a much less impressive affair. It is always more difficult to muster support for raising taxes than for lowering them, but even so, the present mixed-up, mini-consensus is notably lacking in conviction and enthusiasm.

MISCALCULATIONS SEEN

It is clear, for instance, that the consensus endorsing tax increases is not a consensus providing wholehearted backing for the Administration's economic policies.

On the contrary, the Administration is coming under fire from many supporters of tax increases who think that the economic problems posed by a swollen Federal budget deficit and inflationary price and wage rises stem primarily from miscalculations made by the President and his advisers.

The groups who want taxes increased have different motives for doing so. Labor unions want to soak big business and the rich; businessmen want to see reductions in Government spending; bankers want to make sure that there is no repeat performance of last year's painful credit squeeze; and economists appear to be suggesting that tax increases are needed if the economic upturn is as strong and as vigorous as the Administration is saying it will be.

SOME CLEAR DISSENT

There also are some outright dissenters. The National Association of Business Economists reported that one-quarter of its members polled in a recent survey were against tax increases, while the United States Chamber of Commerce and a number of individual forecasters are far from convinced that the upsurge in business will conform to the Administration's optimistic expectations.

Administration supporters, led by Walter W. Heller, former chairman of the President's Council of Economic Advisers, managed to get 260 academic economists to sign a joint statement calling for tax increases. Since academic economists are not forecasters, they gave a qualified endorsement based on the assumption that the Administration will turn out to be right about the extent of the upturn.

But the Administration's forecasts have been far from accurate, which is one reason that its policies have gone awry.

Quite apart from the automobile strike that could turn out to be a definite if temporary check to the recovery, there is considerable evidence indicating that the Administration may be as wide of the mark in overstating the extent of the pickup in business now as it was in underestimating the slowdown earlier this year. Many economists, at any rate, are unwilling to join the forecast consensus as readily as they have in the past.

Harvard's Otto Eckstein, who served on the Council of Economic Advisers under President Johnson, parted company with the Administration in telling the House Ways and Means Committee that he expected a fairly moderate advance in economic activity. In his view, he added, the Administration's tax proposal seemed "rather austere."

A similar stand has been taken by Columbia's Raymond J. Saulnier, who suggested that the rise in activity "will be a relatively slow one, not only over the rest of this year but in 1968, too."

But both Dr. Saulnier and Dr. Eckstein think that some tax increase is necessary to relieve financial pressures. Dr. Eckstein argued that tax increases were needed to permit the recovery in housing to continue and to keep interest rates from rising out of hand, while Dr. Saulnier took the view that tax increases must also be accompanied by limits on federal spending if the economy was to enjoy a resumption of noninflationary growth.

These divergent views underline the jerry-built nature of the tax consensus. The Administration can no longer claim the strong support that it had before and after the passage of its 1964 tax reductions, when it seemed that it could do no wrong.

Now, much of the consensus is made up of critics who feel that if tax increases are needed, it is mainly because the Administration has been doing so little right.

RECENT PRICE INCREASES WOULD BE AGGRAVATED, NOT SLOWED, BY TAX INCREASE

Mr. PROXMIRE. Mr. President, the newspapers again this morning report a number of price increases, including sugar, chemicals, carpets, and batteries.

Members of Congress should be aware that none of these price increases are the result of increasing demand. None of these price increases would be stemmed by an increase in taxes.

Indeed, a tax increase might very well contribute to greater price increases.

I call this to the attention of my colleagues today because the prime argument in favor of the administration's tax hike has been that it is necessary to stem inflation.

If the tax increase would stop prices from rising or slow the price rise down, it might be a price worth paying.

But the kind of inflation we have suffered in the past month, indicated by price increases in steel, where demand is far below last year; in autos, where demand is well below 1965 and 1966 and falling; in color television, which is suffering a serious recession in demand; and now in a variety of other products—this kind of inflation cannot be stopped by reducing demand still further through the imposition of a tax increase.

In each of the cases of price increases reported in today's papers the stated cause is cost—I repeat, costs; cost increases; not shortages of supply; not limitations on factory capacity; not labor shortages; not a zooming market.

The economic support for the administration's tax increase has been woefully superficial. There has been little or no analysis of the kind of inflationary pressure we face. Such an analysis suggests that a tax increase is exactly the wrong medicine.

I ask unanimous consent that an article from this morning's New York Times reporting the price increases be printed in the RECORD at this point.

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

PRICES ADVANCED ON SEVERAL GOODS—INCREASES IN SUGAR POSTED, CHEMICALS, CARPETS, AND BATTERIES AFFECTED

(By William Freeman)

Still more price rises were posted yesterday for a variety of products, among them sugar, chemicals, carpeting and carpet fibers and storage batteries. The sugar advance was new. Most of the others were additional producers following the lead of competitors.

American Sugar Company, a cane-sugar refiner, advanced refined sugar 15 cents a hundred pounds at the wholesale level. The advance applies both to industrial grades and consumed packages.

The new price for the base industrial grade packed in 100-pound bags will be $10.75, up from $10.60 in the Northeast. In the Southeast it will be $10.50, in the Gulf area $10.35 and in the West $10.

LEAD FOLLOWED

National Sugar Refining Company and Refined Syrups and Sugars, Inc., Eastern refiners, were quick to follow American's lead.

The refiners will take business at current prices for delivery through the close of business Sept. 29.

This is the first change in the basic Northeastern price since last December, when domestics raws sold at $7.12 a hundred pounds delivered in New York. Now the price is $7.33.

Sugar men ascribed the advance to increases in operating costs.

The General Battery and Ceramic Corporation said it would increase prices on automotive batteries and spark plugs on or before Oct. 1. Harry J. Noznesky, president, ascribed the action to higher labor, material and transportation costs.

Specific price changes were not disclosed. The company earlier had increased prices on industrial batteries.

RISES CONSIDERED

On Monday, Gould-National Batteries said it was considering substantial rises in the near future on name-brand private-label batteries.

Advances of 5 to 8 cents a pound were announced by E. I du Pont de Nemours & Co., Inc., on its Dacron polyester staple used in carpets.

The fibers division of American Cyanamid Company announced a rise of 2 cents a pound for its acrylic fiber for carpeting. Martin B. Friedman, director of marketing of the division, said high-bulk Type 61B fiber for stock-dyeing and high-bulk Type 68 fiber for piece-dyeing would go to 64 cents a pound, effective at once.

The Roxbury Carpet Company of Saxonville, Mass., informed its distributors that prices of selected grades of carpet would go up 2 to 7 per cent. Most nylon grades will be affected because of recent rises in fiber costs.

The Union Carbide Corporation said it would raise the price of two alcohols in 100-gallon drums on Oct. 1. Bulk quantities are not affected.

VIOLATION BY U.S.S.R. OF 1958 GENEVA CONVENTION ON THE SEAS

Mr. PERCY. Mr. President, the recent action of the Soviet Ministry of Foreign Affairs in refusing permission for two U.S. Coast Guard icebreakers to pass

through the Vilkitsky Straits north of the Soviet Union in my judgment is a violation by the U.S.S.R. of the 1958 Geneva Convention on the Seas ratified by the Senate.

The Soviet Union was a party to this Convention, which states:

> There shall be no suspension of the innocent passage of foreign ships through the straits which are used for international navigation between one part of the high seas and another part of the high seas or the territorial sea of a foreign State.

The Coast Guard icebreakers *Edisto* and *Eastwind* were on a routine oceanographic research trip on the polar route. The Soviet Government had been informed by the Department of State in advance as a courtesy. There was no justifiable reason, legal or otherwise, for the Soviet Government to state that it would regard passage of the icebreakers through the straits as a violation of Soviet frontiers.

This unfriendly act of the Soviet Union serves only to put in jeopardy the efforts of those in the Congress and in the administration who seek a relaxation of tensions between the United States and the Soviet Union. If the Soviet Union desires further steps of detente between the two nations, she would be well advised to abandon such unwarranted practices which do not contribute to mutual understanding between governments and peoples.

MIAMI BEACH: AN IDEAL POLITICAL CONVENTION CITY

Mr. HOLLAND. Mr. President, some time ago, the Republican National Convention Site Committee chose Miami Beach as the location for their 1968 convention. This week a highly representative contingent from the Dade County area, headed by Miami Beach Mayor Jay Dermer, the city commission, hotel operators, and officials of the chamber of commerce, came to Washington and appeared before the Democratic National Committee Chairman, John Bailey, and members of his staff and site selection officials, accompanied by Senator SMATHERS, Representatives FASCELL and PEPPER, and myself. Our effort was to have Miami Beach named as a site for the 1968 Democratic National Convention. I think we made a highly persuasive presentation and I hope that all of us, working cooperatively, will be able to bring this second important national gathering to Miami Beach in 1968, where the natural charm and up-to-the-minute facilities combine to make that city a logical and desirable choice for both of the outstanding national political conventions.

GEORGIA STATE SOCIETY LUNCHEON ON SEPTEMBER 16 TO HONOR SENATOR RUSSELL

Mr. TALMADGE. Mr. President, it is my privilege and pleasure to call attention to a luncheon to be held this Saturday in honor of the senior Senator from Georgia, RICHARD B. RUSSELL, that is sponsored by the Georgia State Society of Washington.

This society, one of the most active and outstanding in Washington, is composed of Georgians who now reside in this area. Organized in 1885, it boasts an active membership of almost 200.

The luncheon for Senator RUSSELL will be held at 12 noon Saturday in the Willard Hotel Ballroom, and all Georgians and other friends of Senator RUSSELL are invited to attend. Interested parties should contact Mr. Carl Hancock, society president, 6817 Valley Brook Drive, Falls Church, Va.

The purpose of the luncheon is to bring together Georgians now occupying high positions in the Federal Government and all the many friends of the senior Senator from Georgia in order to pay tribute to him for his long and distinguished service to his State and to the Nation. In addition to members of the Georgia congressional delegation, persons expected to attend include Secretary of State Dean Rusk; Dr. Glenn W. Sutton, Acting Chairman of the U.S. Tariff Commission; and I. K. Hay, Deputy General Counsel for the Interstate Commerce Commission and a former administrative aide to Senator RUSSELL.

This will be indeed well-deserved recognition of the outstanding public service Senator RUSSELL has rendered for most of his lifetime. He is now in his 35th year in the Senate and prior to coming to this body he served with distinction as Governor of Georgia. I know that this luncheon will be a memorable occasion for him, and I share great pride with all Georgians in the splendid work that he is doing in the Senate.

A DESERVED TRIBUTE TO PRESIDENT JOHNSON

Mr. SMATHERS. Mr. President, shortly before the recent congressional adjournment, President Johnson celebrated his 59th birthday.

Of all the good wishes and kind words the President received, I think none are more appropriate than those by Mr. Gould Lincoln, columnist for the Washington Evening Star.

Mr. Lincoln noted that Lyndon Johnson has put in "30 turbulent years of public service" in the House, the Senate, as Vice President, and as Chief Executive.

And he said:

> No President has had more or heavier burdens placed upon his shoulders than has he in the nearly four years he has occupied the White House. No President has stood up to them more firmly, under bitter fire from many quarters.

I agree. And as Mr. Lincoln points out:

> President Johnson has conducted his office with remarkable restraint. He has to think of the welfare of the American people, which he has sworn to protect—and he does. He has been accused of playing politics—but if his accusers are correct, he is doing the utmost to ruin himself politically. This does not sound like selfish politics.

I think Mr. Lincoln's observation is the best birthday tribute that President Johnson could receive. We Americans seem to appreciate our Presidents only after they have left office.

President Johnson deserves the commendation and respect of us all for the wisdom and courage he has shown as the leader of this Nation. And I can think of no better time to extend this appreciation than right now, while the burdens of his office weigh heavily upon him.

I ask unanimous consent to have printed in the RECORD, Gould Lincoln's excellent article entitled "Johnson's 30 Turbulent Years."

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

JOHNSON'S 30 TURBULENT YEARS

(By Gould Lincoln)

Lyndon Baines Johnson last Sunday celebrated quietly the 59th anniversary of his birth. He might well have celebrated at the same time 30 turbulent years of public service, first as a member of the House, then senator, vice president and President of the United States.

No President has had more or heavier burdens placed upon his shoulders than has he in the nearly four years he has occupied the White House. No President has stood up to them more firmly, under bitter fire from many quarters, including members of his own political party as well as of the Republican party.

Today, when the country needs unity to a greater degree than at any time since the days of Abraham Lincoln, Johnson is the target of attack from the Vietnam peace advocates, from the war advocates, from the leaders of the Negroes whom he has sought to aid, from the press and other news media, from the Congress and from opponents of the war he is making against poverty, and from those who oppose any tax increases.

He is going his way with remarkable restraint. He has to think of the welfare of the American people, which he has sworn to protect—and he does. He has been accused of playing politics—but if his accusers are correct, he is doing the utmost to ruin himself politically. This does not sound like selfish politics.

Who are his chief accusers?

The latest is Gov. George Romney of Michigan, who is seeking the Republican nomination for President and who has called Johnson "a political animal." Romney is only one of a long list who have sought to pin, to them, an uncomplimentary political label on Johnson. According to them, nobody, but nobody, is playing politics except the President.

Heaven save the mark! Romney, the Republican leaders in Congress, Senators Robert F. Kennedy of New York, William Fulbright of Arkansas, Morse of Oregon, have none of them ever heard of politics, or ever played the game—for personal advantage? Or have they?

Johnson became President in an hour of national sorrow and upheaval, due to the assassination of President John F. Kennedy. Under Johnson's leadership, there was no break, no hesitation in the transition from a Kennedy administration of the federal government to a Johnson administration.

Johnson, living up to a promise, continued the Kennedy policies and has developed his own with firmness, in both cases. He obtained from Congress a mass of progressive legislation to carry out these policies—and he is continuing to make similar gains in Congress, notwithstanding the constant attacks made upon him.

A native of one of the 11 states that sought to form the Confederacy and break away from the Union, largely over the slave issue, Johnson has exerted every effort to win for the Negroes of this country full civil rights. While he was majority leader of the Senate he engineered the first civil rights bill to pass that

body—and become law—since Reconstruction days. As President he has continued the fight. He has appointed the first Negro member of the President's cabinet. He has appointed and the Senate has confirmed his appointment of a Negro to serve as associate justice of the Supreme Court.

Recently, it has become a dirty idea that we should fight Communist aggression. Johnson is fighting such aggression in Vietnam and he is reviled for it by many at home who should know better, and by our supposed allies abroad.

He was not responsible for the Communist take over in Cuba, but he promised there would not be another "Cuba" in this hemisphere if he could prevent it—and he did in the Dominican Republic.

The President is attacked from many sides for "doing nothing" about crime in the streets of our cities. Many of those attacking him are those primarily responsible for protecting our citizens against criminals. Under our government this responsibility originates in local and state governments. And there the prime responsibility continues to lie.

If a scapegoat is worth finding in this terrible condition where crime has become a habit and criminals have been permitted to run loose, it is not the President. It is the courts and their decisions, beginning with the Supreme Court. Decisions that have paralyzed law enforcement and made a mockery of justice; decisions which have been directed to the protection of the criminal's rights not those of his victim.

Little is perfect in this government of ours. But Johnson has more points to his credit than many of his detractors.

THE JOHNSON EDUCATION RECORD, OPPORTUNITY UNLIMITED

Mr. YARBOROUGH. Mr. President, this past week a new school year dawned for millions of young Americans in schools and colleges across the Nation.

We can be very proud that over 44 million students are enrolled in public schools today, with 6.5 million enjoying the benefits of higher education at private and public American colleges and universities.

We can be proud that there is in Washington an administration, with allies in Congress, which cares deeply about educational opportunity, and whose programs are responsible for some of those millions of students getting an education which might not have been theirs.

As we move forward and engage new problems, we ought not to forget the spectacular progress made by the Johnson administration in expanding educational opportunity in the last 3 years—progress which will affect the future of American education for generations to come.

In its first year, the Elementary and Secondary Education Act of 1965 helped 8 million economically deprived students get a better education. Last year, 9 million benefited.

These may seem like statistics. Yet we are talking about millions of young human beings, poor, disadvantaged, discriminated against or simply forgotten, who now have new books, new teachers, new libraries, or a new lease on the future.

These things did not come about simply because some people thought the time for Federal aid to education had long arrived.

These programs were enacted because the President and Members of the Congress and friends of education worked long and hard for an educational transformation in this country—and because the American voter in 1964 approved a blueprint for America's educational future.

In 1966, the Higher Educational Facilities Act provided $24.5 million in grants for library construction and improvement to 2,000 colleges and universities in every State in the Union.

This again appears like another statistic, yet libraries are absolutely essential for improved higher education. Indeed, I believe that libraries are the essence of any education.

During the last academic year, nearly a million and a half college students were attending colleges and universities of their choice with the aid of the cold war GI bill, National Education Act loans, federally insured loans, educational opportunity grants, or under Government-aided work-study programs.

This means perhaps 1½ million students are now attending college with Government help who might not otherwise have made it.

Surely, there is a moral here.

How many engineers, doctors, businessmen, lawyers, administrators, scientists and technicians, writers, thinkers would we have lost without these imaginative Government-aid programs—programs written into law as part of the Johnson record?

How many fine talents would be lost to the American scene if President Johnson had not proposed and the Congress supported the Elementary and Secondary Education Act of 1965, the Higher Education Facilities Act of 1965, Economic Opportunity Act of 1964, and extended various Federal scholarship and loan programs—if Congress had not enacted these proposals and the cold war GI bill?

We have begun to experience a virtual revolution in educational opportunity at all levels in the United States.

The American educational system constructed on the idea of quality education for all—is moving closer to its goals. Today, the time has come for American education to arrive without a personal price tag on it.

Let us recall, in the days ahead, just how much has been achieved in moving education forward, and where much of the credit should go—to the administration and to the Congress—especially when we hear repeated attacks that the Johnson administration is not doing enough in one area or another.

Those of us who serve on the Education Subcommittee and the Labor and Public Welfare Committee of the Senate are proud of our accomplishments for education, but this record of legislation was possible because of the interest, cooperation, and encouragement of the administration.

There is nothing more valuable that any government can give to its citizens than the resources and stimulus for a superior education.

The administration of Lyndon B. Johnson has been an educational administration.

There is more to be done. But the record as written cannot be undone. It is a record of great credit for all who participated in it and supported it.

Those of us who joined the President to write that record take pride in our accomplishments for the people, the Nation, and our children.

LOUISIANA TREE FARM DEDICATION

Mr. ELLENDER. Mr. President, on September 8 I had the privilege of participating in a rewarding experience.

The occasion was the dedication of the Homer C. Mitchell Tree Farm, in Rapides Parish, La. Homer Mitchell was a pioneering employee of the Soil Conservation Service. He spent a dedicated career helping small woodland owners make their trees pay off. His interests in his profession continued unabated until his death early this year.

Homer Mitchell distinguished himself by his imagination and inventiveness that produced a philosophy that continues to influence Soil Conservation Service policy today. Dr. D. A. Williams, Administrator of the Soil Conservation Service, described this philosophy at the dedication ceremonies on September 8. He said:

> The farm woodland has been an integral part of the SCS since the Congress first charged us with the job of halting the march of erosion and protecting our land and water resources. In the early days we operated demonstration projects and Civilian Conservation Corps camps. Our woodland conservation work on farms and ranches was directed by the project and camp directors. Labor was supplied by CCC enrollees. Tree planting stock was supplied from SCS nurseries. All of this assistance was provided without cost to the landowner.
>
> We soon learned that measures applied free by the government were not appreciated as much as those that the landowner himself applied. We also learned that a landowner would not accept and establish a measure unless he understood what he was doing and why he was doing it.

Mr. President, Dr. Williams has herein stated a philosophy which has application to much broader field than tree farming. In fact, it sets a tap root for progress in our democracy. I ask unanimous consent that the text of Dr. Williams' address be printed in the RECORD.

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

REMARKS OF D. A. WILLIAMS, ADMINISTRATOR, SOIL CONSERVATION SERVICE, U.S. DEPARTMENT OF AGRICULTURE, AT DEDICATION OF HOMER C. MITCHELL TREE FARM, RAPIDES PARISH, LA., SEPTEMBER 8, 1967

It is a great pleasure to be here today to pay tribute to Homer C. Mitchell and to participate in the dedication of this living memorial to him.

And it is a memorable occasion to visit a place such as this where conservation principles have been combined so successfully and thoughtfully with the enjoyment and welfare of a community.

This tree farm is, I am sure, by far the largest tract of land that has ever been dedicated to a Soil Conservation Service employee. We are proud to have counted Homer Mitchell as one of us.

Homer Mitchell—whose interest in his profession continued unabated until his

death early this year—was one of the early employees of the Soil Conservation Service. He distinguished himself by his imagination and inventiveness that produced a philosophy that continues to influence Soil Conservation Service policy today.

The farm woodland has been an integral part of the work of the SCS since the Congress first charged us with the job of halting the march of erosion and protecting our land and water resources. In the early days we operated demonstration projects and Civilian Conservation Corps camps. Our woodland conservation work on farms and ranches was directed by the project and camp directors. Labor was supplied by CCC enrollees. Tree planting stock was supplied from SCS nurseries. All of this assistance was provided without cost to the landowner.

We soon learned that measures applied free by the government were not appreciated as much as those that the landowner himself applied. We also learned that a landowner would not accept and establish a measure unless he understood what he was doing and why he was doing it.

Homer Mitchell understood this feeling. He had a sensitivity to the people's need for knowing the why's and how's.

He set out to find a way to help the small woodland owner. At that time he was not so concerned about the large lumber and paper interests, for they had their own professional foresters. He wanted to help the small woodland owners who hoped that someday their woodlands would pay off.

Let me quote Mitchell's own words as he looked back later: "They don't, for the most part, know quite what to do to hasten the payoff. It is surprising how many of them are eager to learn.

"How to reach people with a woodland program they could understand and practice was the big question the Soil Conservation Service had to answer or give up its ideal of coordinated land use."

Mitchell went on to say: "Forestry techniques usually had been designed for application by professional foresters. The thinking of the smaller woodland owner required a translation of technical language into terms he could understand. He is accustomed to handling his own operations with livestock and field crops and, with rare exceptions, does not see why he cannot do the same with his woodlands. The alternatives were to help owners manage their own woodlands or see all but the exceptional jobs go undone." Those are Homer Mitchell's words.

In helping owners develop conservation plans that included their woodlands, the Soil Conservation Service also needed to simplify techniques for our soil conservationists who worked with the landowners. Soil conservationists were a new kind of technician we had developed—the first of their kind in the world. They served, and still serve, you might say, as general practitioners. They melded the techniques of foresters, biologists, agronomists, engineers and others trained in the physical sciences into a new profession—Soil Conservationist. They, too, needed simplified methods that were technically sound if they were to help landowners develop and install a balanced conservation land use plan that included all his land and all its uses—present and potential—woodland, cropland, grassland, swampland, wildlife land, recreation land, and so on.

Homer Mitchell resolved to meet these needs. He set out to design a "do-it-yourself" woodland technique.

Thus the "D-plus" concept was born . . . a diameter-space relationship upon which was based a system of management and improvement cutting. The simplicity of its use enabled many landowners to realize a regular annual income from their woodlands for the first time.

While Mitchell originally developed the "D-plus" concept for southern pine, its principles of spacing trees applied to all other species. Although it hasn't been accepted entirely by the profession, it is being recognized more widely as its value spreads. The tree farm that we dedicate today is, to the best of my knowledge, the largest industrial application of the "D-plus" concept in the United States.

Homer Mitchell was a talented scientist. He was a great teacher as well. This is a rare combination.

One method he devised to get messages to woodland owners was the use of large tree tags—placed when woodland was marked for cutting. On a tree to be left, a tag reading "Leave the best—with space to grow" or "Spaced to grow the most per acre," might be posted. A tree for salvage might have a tag reading "Remove dying trees while they are still salable." Each tag told a message. Each told the "why" that the woodland owner wanted to know. Each helped him understand how to make a profit from his land.

To speed up the woodland job and make it easier, Mitchell devised a so-called woodland information stick. You might call it a notebook on a stick, for it gives about all the information you would need for measuring and calculating size, height, and board feet, and for answering questions that arise when working in a woodlot. It was so widely accepted that it is now available commercially. Originally designed for southern pine, it has been developed for use in the midwest and northeast also. And I understand that they are working on one for the west, too. The Forest Service helped adapt research data for some of the sticks.

I am told that these sticks have another practical purpose . . . They come in mighty handy when confronted by a snake or heavy brush.

For these contributions of improved methods and techniques, Homer Mitchell received in 1951 one of the highest awards of the United States Department of Agriculture—the Superior Service Award. This was a great honor indeed—but to be recognized by fellow citizens and industrial professionals as he is today is by far the greatest honor that a civil servant could receive.

The 90,000-acre tree farm that we dedicate to him is a story in itself. It is a source of interest and amazement to all who have watched it from the time the idea of its development was first conceived . . . from the time it was merely a vast acreage of cutover, barren land.

"Gigantic," "fabulous," and "monumental" are words that have been used to describe the efforts and accomplishments associated with it. And rightly so. I can think of no better terms.

The tract has brought together in one place the knowledge, the talents, and the skills of many. It is a model of conservation and development at its best.

It is an example of the pioneering spirit of many:

The T. L. James Company and Don Burkhalter set the pace. In fact they set the forestry profession agasp when they dared attempt what seemed an impossible—or at least foolhardy—thing to do.

The Forest Service had an important part. Their new technique—direct seeding—has proved itself here beyond question. It was a huge undertaking—possibly the largest area in the world where this new and exciting idea has been tested. It brings us to a new plateau in forestry. The results illustrate the unlimited possibilities for this new technique. This less costly and less time-consuming method has opened the door to still other new concepts that will serve people far into the future.

Many others cooperated in the endeavor.

The equipment companies worked alongside the foresters devising special machinery.

The State Forestry Commission, the local soil conservation district, and others helped or had an interest in this great feat.

The people in the area also contributed to the progress as the land became productive once again. And as they have shared in making this tree farm a success, now they also may share in its use and productivity. While it is an example of scientific know-how, it is also an example of the impact that applied know-how can have on a community. It has created new jobs and offers vast recreation opportunities free under the company's good neighbor policy.

It is what we in the Department of Agriculture call "Resources in Action."

Early this summer Secretary of Agriculture Orville L. Freeman released new conservation policies of the Department of Agriculture. This was in answer to President Johnson's call for creative conservation. In it the Secretary points out that by the year 2000 we may expect, among other things, the demand for outdoor recreation to triple and the need for wood products to double.

He emphasized that demands upon our natural resources are growing at a tremendous pace. More people and higher standards of living will call for more food, wood, water and space for outdoor recreation, and the other products and services provided by our resource base. He underscored the urgency of conservation action to meet these needs.

We have a great Nation. Its greatness could not have been achieved without the continuous and abundant supply of wood to support its growth since the earliest times. Our economy continues to command a dependable and sufficient supply of this versatile raw material. There is no reason why we cannot assure adequate timber supplies for the years ahead and still use our woodlands and forests for other purposes. The Forest Service has used the multiple-purpose concept for many years in managing our national forests. We in the Soil Conservation Service urge multiple land uses as a sound practice when it is feasible.

We will need to make special efforts now to get the Nation's forest land in shape to meet projected requirements for wood. More than half of the private forest and woodland in the United States needs conservation treatment. And timber crops do not grow overnight. With proper planning and management, benefits—as illustrated here in Louisiana—will extend not only to the immediate area, but to the metropolitan centers that have a thousand and one uses for wood products.

That is a look into the future.

The mission that has brought us here today is to acknowledge, in the dedication of a parcel of land, the lasting contribution by Homer C. Mitchell to the profession of woodland conservation and to the future we envision.

Many of us here knew and respected Homer Mitchell for the man and fellow worker he was—thoroughly devoted to his profession, skilled in the techniques of it, and impelled by an inner force to serve in the interest of forest conservation where he could.

Untold thousands of acres of woodland in our Nation, in conservation use, constitute a memorial to this man. Let us say here that in this tract—the Homer C. Mitchell Tree Farm—is rooted for all time the gratitude shared by all of us for an immeasurable achievement in his profession. This we now dedicate to the memory of a man who worked a lifetime for principles that he recognized and who has left to a profession and to an industry a legacy that will grow, as the forest grows, in importance and meaning.

RETIREMENT OF FORMER SENATOR ARTHUR V. WATKINS FROM FEDERAL SERVICE

Mr. MOSS. Mr. President, this morning's Washington Post contains an editorial concerning Senator Arthur V. Wat-

kins, of Utah. The editorial points out the very distinguished career of this fine public servant and former Member of this body.

Since I succeeded Arthur Watkins in the Senate, I would like to add my voice acknowledging his integrity, devotion to his State and his country, and his efforts for the causes in which he believes.

After leaving the Senate, Arthur Watkins continued to serve his Government beyond his 80th birthday. I salute this outstanding man, as I know other Senators do, and wish him many happy and productive years to complete the projects which he has set for himself.

I ask unanimous consent that the Washington Post editorial be printed in the RECORD.

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

ARTHUR WATKINS'S STORY

When he celebrated his 80th birthday a few months ago, former Sen. Arthur V. Watkins was warmly saluted by many friends in part because he was still in harness as a public servant. Although old enough to retire in 1958 when he was replaced in the Senate by Frank E. Moss, he took a job as consultant to the Secretary of the Interior and then became chief commissioner of the Indian Claims Commission. Now a fresh round of congratulations are in order, not merely because he has decided at last to relinquish public office, but chiefly because he intends to write his memoirs.

This country is deeply grateful to Mr. Watkins. At a time when the orderly conduct of government was in grave peril from the wild and seemingly uncontrollable prairie fire known as McCarthyism, the unassuming Senator from Utah brought the nightmare to an end by a fair and factual investigation which led to the censure and complete undoing of the Nation's unprincipled tormentor. Critics laughed when the Senate leadership sent the little-known Arthur, with only his sling of integrity, out against the giant slayer of Communist dragons. But the mirth soon turned to applause when the Watkins Committee adopted strict rules to avoid another McCarthy-dominated extravaganza and its chairman sternly gaveled the irrepressible fanatic into silence.

Few episodes in recent history have given the country a stronger feeling of mingled pleasure and surprise. A quiet and conservative man with a profound sense of duty held the ideological lion of the Senate at bay and then methodically assembled the facts which undermined his power. It was a superb performance and a great surprise only to those who did not know Arthur Watkins. His close friends had long been aware of his inner toughness and his dogged ability to follow through once he had determined that his course was right.

It is gratifying that the former Senator intends to write the story in complete detail along with the other significant events of his life. This encounter in a modern-day "valley of Elah" will long remain an exhilarating chapter in the history of the Senate.

FAIR FARM INCOME THROUGH ADEQUATE FARM PRICES

Mr. LONG of Missouri. Mr. President, the achievement of fair farm income through adequate farm prices is the greatest concern of millions of farm families throughout the country. While farm technology has increased and farmers have invested great sums in new equipment to utilize the technological improvements, farmers have not obtained fair return through increased incomes.

In the September issue of Missouri Farmer, Fred V. Heinkel, a member of the National Advisory Commission on Food and Fiber and president of the Mid-Continent Farmers Association, discusses the study made by the commission and its recommendations. It is his opinion that the report fails to attack the basic problem of present farm policy, the need for higher domestic farm prices.

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:

DESPITE A MAJOR SHORTCOMING THE FOOD-FIBER REPORT IS A SIGNIFICANT DOCUMENT

(By F. V. Heinkel)

After 18 months of study and discussion the report of the National Advisory Commission on Food and Fiber has been completed. Its analysis of farm policy is detailed. Its conclusions are sweeping. Without question they will prove controversial. This, no doubt, is to be expected.

Proposals made in the report were not always unanimously agreed on. Twenty-nine persons including college professors, food processors, manufacturers, labor leaders, farm organization leaders, food and fiber producers and others made up the Commission. These individuals were obviously chosen to provide a cross-section of agricultural interest. Wholehearted agreement on farm policy by all would have been an unrealistic goal. To reach it would have required a group picked with this aim in mind, or a willingness by members to water down their report to achieve unanimity.

Neither occurred. The Commission did split its recommendations. The basic point of disagreement was over the desirability of farm commodity programs. The majority recommended to retain them with improvements. The minority favored a rapid phasing out of these price support and supply adjustment programs.

The charge given the Commission when it was appointed by President Johnson was to fully appraise agricultural and foreign trade policies. Then it was to make recommendations which might guide future farm policy.

As a Commission member, I had many soul-searching moments. I was determined to express the policies molded by MFA members through resolutions and action. It is easy in such a large group to be swallowed up in the consensus. On the other hand a person can become so sensitive to specific details, important as each might be, to destroy his effectiveness in the group action.

This report contains some 300 pages of statements and recommendations. I am in agreement with the general tenor of it. There are some points which I believe erroneous. On these I exercised my privilege of making statements of exception and clarification. There are numerous statements which I would have liked to change. A word here or there, which admittedly might mean different things to different persons, could have strengthened proposals in my opinion.

My greatest criticism of the report is that it fails to attack directly the crucial fault with today's national farm policy. Farm prices are too low. Farmers are putting more into their business. They are better managers. They have invested in new equipment and technology. They have achieved national goals of abundance and high quality of food and fiber. But they have not been paid fairly for this vital contribution to the welfare of the country.

The need for higher domestic farm prices is the key to fair farm income. But this report does not deal forthrightly with this need.

This is its major short-coming. And in this respect I am disappointed with it.

Farmers right now are suffering from rapidly increasing costs without the necessary increase in prices to cover them. The instability of prices from season to season is also a harsh economic fact which farmers, almost alone among our major industries, continue to face. In an economy which has made rapid progress by relating returns with efficiency, farmers have been left out.

On the whole, agricultural efficiency has made tremendous strides. Some farmers, of course, are better managers than others or have greater financial resources at their command. But I cannot subscribe to any theory or proposal which attempts to define a large number of farm families as inefficient producers. By any measure the productive ability of farmers is way out in front. This must be recognized and rewarded. Other problems are secondary to this realization.

To improve farm policy we must continue, more forcefully and more positively, toward the goal of raising domestic farm prices. This will meet head-on the major problem and will correct many of the side problems of national concern. It will put money in farmers' pockets to cover rising production costs. It will allow farmers to accumulate the necessary equity capital to expand their family units and stave off the serious danger of corporate takeover of farm production. It will renew and strengthen rural communities.

The commission report does recognize the need to bolster our sagging rural economy. It deals in some detail with suggestions for greater rural employment opportunity, better education and spells out a plan to provide minimum income protection for low-income families. These are desirable areas of consideration. But there is nothing which would do more to correct the nagging problems of rural America than an increase in the income of farm families.

A capacity to produce more food and fiber than needed is set forth as a major factor in backing up the majority of the Commission members in their conclusion that price support, supply adjustment and direct payments continue to be needed. The minority, however, insisted that these programs interfere with efficient allocation of resources and recommends they be phased out.

Some people just cannot appreciate the necessity of strong, voluntary, cooperative programs between farmer and government to adjust supply to demand for specific farm products. It is significant that all of the farmers but one on the Commission favored continuing these commodity programs. We had to battle this one out at every turn.

The Commission recommended a new concept of parity prices be devised, declaring the present method obsolete. I did not agree. When a better, more accurate approach is suggested, we can discuss its merits. Until then, we need to pay more attention to the one we have. The big fault with the parity index is its present level, not its alleged inaccuracy.

WORK EXPERIENCE AND TRAINING PROGRAMS

Mr. McCARTHY. Mr. President, the Committee on Finance is holding hearings on the social security amendments approved by the House.

One of the major provisions in the House bill involves programs and procedures for reducing dependency upon welfare assistance. There is general support for this objective, but I have reservations about some of the methods required in the House bill, including the

decision to place responsibility for work experience and training programs with the Department of Health, Education, and Welfare and welfare agencies. It is my view that it would be much more effective to place the authority with the Department of Labor and thus to coordinate work experience and training for those under public assistance with other job training programs.

The Subcommittee on Employment, Manpower, and Poverty recently published a study by Dr. Sar A. Levitan on the effectiveness of existing work experience and training programs.

I am pleased that Ramsey County, Minn., which includes the city of St. Paul, has been singled out as a successful example but regret that other experience is not encouraging. I ask unanimous consent that an article about the report, by Albert Eisele, published in the St. Paul Pioneer Press of September 10, be printed in the RECORD.

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

RAMSEY WELFARE LAUDED—SINGLED OUT IN SENATE STUDY

(By Albert Eisele)

WASHINGTON.—The Ramsey County Welfare Department's work and training program has been singled out in a new Senate study as one of the few bright spots in the nation's effort to help the poor get off relief rolls.

The study, made public this week by the Senate Employment, Manpower and Poverty subcommittee, points to the Ramsey County program as one of the few that is achieving any significant measure of success.

The generally critical study, made by a George Washington University poverty consultant, cites Ramsey County as a model that could have been copied by other welfare-operated work training programs.

However, the study states, most work-training programs have failed to carry out their announced goal of helping relief recipients achieve economic independence by improving their employment opportunities.

According to Sar A. Levitan, who has been conducting a three-year evaluation of war on poverty programs for the Ford Foundation and who was commissioned by the Senate Poverty subcommittee, about three out of every four enrollees in work-training programs never completed their assigned courses of training.

In his study of work-training programs—enacted as part of the war on poverty legislation in 1964—Levitan found substantial evidence that most welfare agencies are ill-equipped to train and place enrollees in jobs.

"Except for isolated cases and numerous anecdotes, there is little reason to believe that (the program) has improved the employability of a significant proportion of the first 150,000 persons enrolled," the study declared.

With some isolated exceptions, such as Ramsey County, the study found that work-training programs deteriorated into old-fashioned work-relief projects which gave the poor money but did not equip them with skills to become self-sufficient.

Calling the program's goal "too ambitious," the study suggested the need for a variety of approaches, including sheltered workshops, subsidization of private jobs by the government and creation of jobs by the government acting as employer of last resort, particularly in depressed areas where few jobs are available on the open market.

"On the other hand, in places like Ramsey County, Minn., where job opportunities, staff and training facilities are available, the emphasis should be, as it was, on training and work experience, supportive services and job placement.

"Even where tight labor markets exist, too few (work-training) projects have developed the capability and results of the Ramsey County project where seven of every 10 former male participants are employed."

The study declared that any effective program to improve job opportunities for relief clients must include a number of incentives, including President Johnson's proposal to permit families to earn up to $150 monthly without reduction in relief payments.

The study's findings appear to buttress administration arguments againts House-passed welfare amendments to the pending Social Security bill to give federal and state welfare departments the responsibility for massive new work-training programs.

The work-training programs are operated by the Welfare Administration's Bureau of Family Services through the state welfare departments with 100 per cent federal financing.

The Ramsey County program, begun three years ago, will receive about $2.3 million for the fiscal year ending in April, 1968, to enroll about 510 women and 390 men. Project director is Donald Henry.

WELFARE WORK-TRAINING PROJECT HAS AIDED 2,514

The Ramsey County Welfare Department's work and training project, cited as tops in the nation, has served 2,514 heads of families—both men and women—in the past 27 months.

A total of 901 left for gainful employment and 900 are currently on the project. The balance left for a variety of reasons ranging from illness to disappearance.

Estimated annual wages of those who left the project for employment is more than $3,800,000 according to James W. Edmunds, director of administrative services of the Welfare Department.

And because they are working, the savings in assistance payments which would have been made to them if they still were unemployed comes to more than $2 million, according to Edmunds' report.

ST. LOUIS POST-DISPATCH URGES RATIFICATION OF HUMAN RIGHTS CONVENTIONS—CXXXVI

Mr. PROXMIRE. Mr. President, the St. Louis Post-Dispatch, one of America's outstanding newspapers and a consistent and articulate supporter of the United Nations, on September 2, 1967, editorially urged the Senate to take positive action on the Human Rights Conventions on Forced Labor, Genocide, Political Rights of Women, and Slavery.

The Post-Dispatch, like so many of the advocates of U.S. ratification of the Human Rights Conventions including the senior Senator from Wisconsin, is at a loss to understand the Senate's failure to act.

In the editorial, Ernest A. Gross, an expert in international relations with service in both the United States and the State Department, is reported to attribute Senate inaction to the fear on some people's part that if the United States were to become a party to these conventions pressures would increase for more rapid expansion of human rights at home.

I do not want to believe this is the case. But I must confess that I am not able to refute Mr. Gross' argument.

The rights established by these conventions are all in accord with U.S. law, both State and Federal.

I believe that the lesson of our own national experience is inescapable; the establishment of human rights as strict national policy inevitably leads to the making of a productive, creative, and stable society. Certainly we can ask no less for our fellow citizens of the world.

Mr. President, I commend the St. Louis Post-Dispatch for its forceful support of U.S. ratification of the Human Rights Conventions and ask unanimous consent that its editorial, entitled "Genocide and Slavery," published on September 2, 1967, be printed in the RECORD.

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

GENOCIDE AND SLAVERY

Four years ago President Kennedy sent to the Senate three United Nations covenants dealing with slavery, forced labor and the rights of women. No senator has said that he is for slavery or forced labor or against rights for women. Still, no ratification.

Nineteen years ago President Truman sent the Senate the UN genocide convention. No senator has defended the appalling crime of mass national, racial or religious murder. Still, no ratification.

The concise explanation of senatorial laggardliness was provided in a recent speech in Kansas City by Ernest A. Gross, an expert in international law with service in both the UN and the State Department. He said:

Why has the Senate dragged its feet? For precisely the same reasons that impel some senators and too many like-minded people to oppose civil rights legislation. They fear that if the U.S. were to become a party to treaties protecting human rights—even those treaties which deal with rights already guaranteed by our own Constitution—pressures would be increased for more rapid and effective expansion of human rights and civil liberties in the United States.

It is shameful enough for the United States to fail to commit itself on these issues of human rights for all the world to see, but it is more shameful that this failure stems from the unwillingness of a Senate minority to make the same commitment at home.

COMMENDATION OF SENATOR HIRAM FONG'S ADDRESS ON "VIETNAM: A CALL FOR UNITY"

Mr. HANSEN. Mr. President, I am pleased to invite attention to a speech delivered last week by the distinguished senior Senator from Hawaii [Mr. FONG], urging Americans to unite on Vietnam. The occasion was the 10th anniversary dinner of the Grand Pacific Life Insurance Co., of which Senator FONG is president.

I commend Senator FONG's speech for its clear perception of the issues involved in Vietnam, its incisive analysis of the alternatives proposed, and its call for unity in our Nation to hasten peace.

It is a most timely address, delivered during this critical period when our national purpose in Vietnam is clouded by divisive debate and our national unity is strained by continuing controversy. I recommend it to all who wish to see light rather than heat focused on this most difficult situation.

I ask unanimous consent that Senator

FONG's speech, as given in Honolulu on September 7, 1967, be printed in the RECORD.

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

VIETNAM: A CALL FOR UNITY

(By Senator HIRAM L. FONG)

When Grand Pacific Life Insurance Company was first organized ten years ago, Hawaii was still a Territory of the United States.

So much has happened in that decade. Hawaii became a full-fledged state, and the progress and prosperity that attended statehood still continue. The growth of Grand Pacific was part of the tremendous growth of our State and national economy during these ten years.

For eight of these past ten years it has been my privilege to serve Hawaii as one of its two United States Senators.

I have just returned from Washington, where the problem uppermost in everyone's mind is the war in Vietnam.

It is the biggest concern here in Hawaii too. We are geographically the state nearest to the battlefield, and our state is bearing the greatest brunt of the war in the rate of battle deaths.

Without a doubt this is one of the most difficult, frustrating and costly wars in our nation's history.

It is also one of the most divisive.

Day after day controversy boils over U.S. involvement in the war in South Vietnam. Many of those in high office to whom Americans look for guidance and leadership are riding off in all directions, leaving confusion and bewilderment behind them.

Press stories highlight criticism of the President's course—from doves as well as hawks.

Editorial writers, columnists, opinion molders and the press, radio and television provide a steady stream of conflicting and confusing views on Vietnam.

Public opinion polls reflect the widespread confusion among Americans and sometimes produce misleading headlines that add to the confusion.

Proposals for action range from "Get out" to "Hit 'em with everything and win"—from "Stop the bombing" to "Clobber all the targets."

The American people are groggy with so much contradictory advice. Confusion is confounded. The national purpose is fuzzy and the unity so essential to successful conclusion of the Vietnam war is undermined.

The very progress of the war is befogged in contradictory accounts. Some say, "We can't win. The enemy will wear us down." Others say, "The enemy is hurting at last. When will they quit shooting and start talking?"

In my brief remarks today, I hope I can focus some light in the fog and darkness that dim our vision.

Let me begin by describing the situation as it is.

As of now, the United States has half a million men in Vietnam, and 45,000 to 50,000 more are due to go there by next June. These figures do not include the many thousands manning our ships at sea and our air bases in Southeast Asia outside Vietnam and in the far Pacific.

American forces have suffered more than 12,000 combat deaths, nearly 80,000 wounded in action, and more than 2500 non-combat dead. More than 830 aircraft have been lost to enemy action.

The war is costing Americans more than two billion dollars every month, and costs are still rising.

These forces and these funds are in support of America's commitment to help the 15,000,000 people of South Vietnam repel armed aggression by the Viet Cong and the North Vietnamese—who beyond shadow of doubt are directed and equipped by Hanoi with substantial help from Soviet Russia and Red China.

President Johnson has pledged that America will not withdraw until peace is assured.

Hanoi refuses to negotiate, blocking our government's efforts to stop the combat and start peace talks.

This is our nation's predicament: We have neither won the war nor have we achieved the peace.

Some critics say America should not be involved in Southeast Asia and the President had no right to commit the United States to the Vietnam war without Congressional consent.

The President says the United States is committed under SEATO and furthermore, Congress gave its consent in approving the Gulf of Tonkin Resolution by overwhelming vote in 1964.

Section 1 of the Resolution says: "The Congress approves and supports the determination of the President, as Commander-in-Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression."

Section 2 of the Tonkin Resolution states: "The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in Southeast Asia. Consonant with the Constitution and the Charter of the United Nations and in accordance with its obligation under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps including the use of armed forces, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

Section 3 provides that the Resolution shall expire when the President determines that the peace and security of the area are reasonably assured by international conditions created by action of the United Nations or otherwise.

Section 3 also provides that Congress—on its own initiative and without any Presidential action—may terminate the Resolution at any time by passing a concurrent resolution by majority vote of the House and Senate.

Congress is in no mood to terminate this Resolution at this time. I doubt if more than a handful of votes would be cast to repeal the Gulf of Tonkin Resolution.

Two years ago, Congress passed the Resolution by overwhelming majorities—only two opposing votes in the Senate and none in the House of Representatives.

Since then, Congress has time and again given overwhelming support to all appropriation bills to fund United States defense forces in Vietnam. Two weeks ago only three Senators voted against defense appropriations—84 Senators voted for them.

As long as our Commander-in-Chief orders American military personnel to combat, I intend to give them every dollar they need.

The great majority in Congress will do the same.

Inasmuch as we have been deeply involved in active combat in Vietnam for two and one-half years, what useful purpose—I ask—does it serve now to prolong the hassle over the way the United States became involved in the war?

The point is we are in it.

And the question now is not "How did we get into this mess"—but "How do we get out of it?"

Let us examine the alternatives proposed.

Some say "Stop the bombing"—that bombing is a barrier to peace.

The fact is, that we *have* stopped bombing North Vietnam in the past on six different occasions—once for 37 days. It did not bring Hanoi to the conference table—even though Hanoi insists the bombing must stop before peace talks can begin.

What assurance do we have that the enemy would agree to talk if we stop bombing *today?*

Past experience has taught us a costly lesson: While we stopped bombing, the enemy rebuilt his forces with more troops, more weapons and more equipment. Sworn testimony given Congress disclosed that during one bombing lull of 96 hours—that's four days—the enemy brought in 20 to 25 thousand tons of materiel to supply thousands of its troops for a long, long time.

Instead of shortening the war, the bombing pause actually helped the enemy to prolong the fighting.

So Hanoi gives us no recourse but to continue bombing unless and until North Vietnam de-escalates the war or agrees to talk peace.

Disengagement and disinvolvement are also advanced as alternatives.

Just what disengagement and disinvolvement mean is not clear.

Do they mean we will gradually decline to engage the enemy or decline to be involved by omitting North Vietnam from our air attacks? If this is so, it means making the enemy's homeland a privileged sanctuary from where he can conduct tougher war against the South.

Since the United States, South Vietnam, and Allied forces occupy no North Vietnam territory, do disengagement and disinvolvement mean we retreat from areas in South Vietnam and let the enemy take over those areas? And how far are we to disengage—out of South Vietnam completely?

Then what about the mechanics of disengagement and disinvolvement?

How do our troops protect themselves while in the process of disengaging?

Unless Hanoi is prepared and willing to disengage and disinvolve its forces—which so far it is not—disengagement and disinvolvement by our forces can only mean a setback for the United States, for South Vietnam, and for our allies.

Disengagement and disinvolvement are appealing words—but in the midst of battle and in the struggle for survival of South Vietnam, these alternatives are not practical.

An "enclave policy" also has been recommended. Under this proposal, our troops would be withdrawn and concentrated in enclaves or restricted areas in South Vietnam, mainly along the coast.

The practical result of this policy is abandonment of all the territory of South Vietnam outside the enclaves. The enemy could proceed at will throughout this outer territory and prepare himself for all-out attack, possibly annihilation, of the enclaves. With the sophisticated weapons now available to Hanoi, can anyone doubt that total destruction of enclaves is indeed possible?

And so what is advanced as an alternative is no real alternative at all.

Another alternative advanced is withdrawal.

Let us examine what withdrawal means and what the logical consequences would be.

Obviously, for the United States to withdraw now would mean abandonment of 15 million South Vietnamese to the mercy of the enemy. For them it means a reign of terror and revenge. For them it means death of freedom, independence and self-determination.

Can anyone doubt this, particularly after events of the past several weeks when the Vietcong conducted a brutal campaign of terror against civilians just to keep them from voting?

Remember, in North Vietnam there are no free elections. There would be none in the South if the Communists take over.

Remember also, that the South Vietnam election was held in a nation without real

experience in democracy; a nation tortured by foreign attack and internal subversion; a nation subjected to vicious terrorism by the Communists who killed, wounded or kidnapped more than 2000 civilians.

Mortar attacks were directed against villages, homes, hospitals. Bombs were thrown into buses and schools. But electioneering continued and the people turned out to see and hear the candidates.

On election day, as 28 dead fell to Communist attack, as 86 wounded sought medical attention, as 278 innocents were kidnapped, the South Vietnamese by the millions marched to the polls.

Think of it! In the face of such adversity, 83 per cent of the registered voters actually cast their ballots!

This is a bigger turnout than in any Presidential election in America.

My friends, I salute the brave and gallant people of South Vietnam.

They have given the world a magnificent lesson in real courage.

And they have proven by their ballots how much they cherish freedom, independence, and the right to govern themselves.

Now that they have chosen their President and Vice-President, it is only fair to give the new administration a chance to perform.

With a new government taking the reins in Saigon and another election due in October, for members of the House of Representatives, let us take a fresh look at the proposal for the United States to withdraw.

Today, as before the elections in Vietnam, the deadly war against South Vietnam continues with no let-up in sight.

Withdrawal would show the world that America cannot keep going when things get tough and that we don't honor our commitments. This would be the signal to potential aggressors around the globe that they can move ahead because America won't stand by her allies.

Withdrawal would encourage takeover of Thailand, Laos, Cambodia, all of Southeast Asia. After Southeast Asia, the danger moves to Taiwan, the Philippines, Indonesia, Australia, New Zealand, Japan, and Korea.

And where does the danger stop?

America has bilateral and multilateral treaties with more than 40 nations around the world. Withdrawal from our commitment to South Vietnam would make our allies doubt our resolve to fulfill our commitments to them.

Our word would no longer be believed—either by friend or foe.

Suppose our neighbors in the Philippines were attacked as the people of South Vietnam were attacked. Under our commitments, we have pledged to help defend the Philippines. Then when the going gets tough, would we withdraw?

And what are the further consequences of withdrawal to our own country?

Withdrawal from South Vietnam would eventually require pullback of our Pacific security defense line to Guam and other Western Pacific islands; Midway in the Central Pacific; and then—to Hawaii.

More and more we would find ourselves "going it alone," in a world where the danger for us is escalating.

If we had a super-weapon that no other nation had and that would ensure our survival no matter who attacked us, then isolationism might be an acceptable alternative for America. But what kind of a world would we be living in?

So we had better have some friends in this world.

Withdrawal by no means guarantees peace will follow.

On the contrary, withdrawal may very well increase the prospects for war not only in Southeast Asia but in many other vital parts of the world.

So withdrawal is an alternative fraught with grave dangers.

By far the most desirable alternative is negotiation.

During the past two and a half years, America has made at least 18 major efforts to resolve the Vietnam war by negotiations.

Other nations and world leaders have offered their good offices in an effort to bring the parties together at the conference table.

None of these efforts succeeded.

Hanoi would rather fight than talk.

Hanoi won't talk unless we stop the bombing and pull out all our troops. She offers no reciprocal military de-escalation.

President Johnson says he is willing to negotiate without preconditions. But he cannot negotiate alone.

It takes two sides to make peace.

For my part, I strongly support continued efforts by our government to take the Vietnam war from the battlefield to the conference table.

So far we have been repeatedly rebuffed by Hanoi. But we should preservere for peace as we persevere in war.

I would welcome action by the United Nations or by the new government of South Vietnam to resolve the war and bring peace at long last.

I believe any peace settlement, whether by direct talks or by U.N. action, or by any other means, must preserve the independence and the territorial integrity of South Vietnam.

Negotiations are indeed a desirable and feasible alternative—one which we should pursue with all vigor. Sooner or later Hanoi must come to the conference table.

While we continue to work toward negotiations, what else can we do but to persevere and continue to mount military pressure to end the war?

This we are doing—in the fervent hope that thereby we hasten the day of peace.

We deplore the awful toll that war exacts in human lives, human suffering, family separations, destruction of property, land, and resources. No one can compute the entire cost of war or the total tragedy it brings.

For peace-loving people like Americans and the South Vietnamese, war is especially repugnant.

But unfortunately, in every age and every generation there are tyrants and despots—Genghis Khan—Attila the Hun—Stalin—Hitler—who use war as a deliberate policy to expand their boundaries and their power.

To stop Hitler and Tojo, we went to war in 1941. To repel Communist aggression we went to the aid of Iran in 1946, Greece and Turkey in 1947, Berlin in 1948, and Korea in 1950.

Today in Vietnam, the Communist aggressor wages war in the age-old pattern to subjugate the South Vietnamese. And once again we find ourselves in battle against aggression.

If the United States, the leader of the Free World and the most powerful nation on earth, should falter or abandon the struggle to repel aggression, to which we have solemnly committed ourselves, what hope is there for freedom, liberty, human dignity, human betterment for mankind?

It is only the power of the United States that keeps the Free World out of the clutches of predatory aggressors who openly boast of their plans for conquest.

We are the strength, the hope, the promise for billions of human begings on this planet.

For ourselves and for them, we must persevere.

So in this hour when our will and our spirit in the cause of freedom and peace are severely tested, the time has come for all Americans to close ranks, to unite in full support of our defense effort, to show the enemy we will not weaken or tire.

Unity and perseverance will speed the day of peace—not only for ourselves but for the billions of people who count on us.

ALASKA NATIVES AND FEDERAL HIRE

Mr. BARTLETT. Mr. President, shortly after the 1964 Alaska earthquake disaster, a committee was formed to deal with poverty and other grave problems facing Alaska in these early years of statehood, the Federal Field Committee for Development Planning in Alaska. There have been and still are skeptics who view the Field Committee as just another study group established to compile endless statistics in endless reports with no developments to show for their efforts and monetary expenditures.

I am not, and never have been, one of the skeptics. It has always been my belief that those who opposed the Field Committee simply did not understand its function. Its main task is to cordinate and give direction to Federal activties in Alaska to relieve rather than aggravate the State's economic problems. A certain amount of study and statistical compilation will be necessary, but this will form the basis for concrete recommendations for action.

Anyone who doubts what I have just said should obtain a copy of a recently published staff study prepared for the Federal Field Committee by Robert D. Arnold and Esther Wunnicke entitled "Alaskan Natives and Federal Hire." Mr. President, if you have ever traveled in the remote villages of Alaska, you know there is poverty and unemployment in these communities. Marshaling facts and figures in their staff study, Mr. Arnold and Miss Wunnicke tell just how bad the situation is—the unemployment rate among the Eskimos, Indians, and Aleuts of Alaska is a "staggering 60 percent." While they make up one-fifth of Alaska's civilian population, Alaska's native people hold less than one-tenth of the jobs.

If the Arnold-Wunnicke staff study stopped with the quotation of alarming figures, the skeptics might well be justified in saying, "I told you so." I am pleased to report that this is not the case. Mr. Arnold and Miss Wunnicke have gone deeply into the unemployment problem and have suggested Federal hire as one approach to alleviating it. They point out, after careful analysis of Federal hiring practices in Alaska, that the barrier native jobseekers face is not the simple one of discrimination but a combination of several factors, difficult but not impossible to overcome.

First, Alaska natives are generally less well educated and less well trained than nonnatives. Moreover, most of the native unemployed are remote from where the job openings occur. It follows that the natives in remote villages lack knowledge of where jobs exist. Finally, agencies that would be inclined to hire native workers are unable to locate skilled workers who choose to live in the villages.

More than a dozen Federal agencies and departments are active in Alaska and are staffed by roughly 14,000 workers. Less than one Federal employee in 10 is an Alaska native. Arnold and Miss Wunnicke point out that Federal employment of Alaska natives would serve

another end while providing jobs for the unemployed. The other end served would be economy in government. The economy would be achieved in several ways:

First, the transportation of an employee and his family to Alaska from outside is figured at $5,000 on a round-trip basis. In addition, reemployment leave benefits afforded Federal employees hired outside Alaska cost about $1 million annually. Finally, providing jobs for the unemployed natives would cut back the welfare assistance, which is now nearly $2 million per year.

On March 17, 1966, at the Government Equal Employment Opportunity Program, President Johnson said:

> These plans must tax the limits of our imagination and our creativity. If we are going to have equal employment opportunity in the Federal Government, we must attack the problem on many fronts.

Taking their cue from the President's remarks, Arnold and Miss Wunnicke have developed an enlightened, yet practical, affirmative action program for Federal agencies in Alaska. After presenting the facts in a tightly drawn well-documented paper, they present logical and fair conclusions, followed by 16 specific recommendations which the field committee has fully endorsed and presented to the President's Review Committee.

In my view, the recommendations are sound and should be put into action without delay. I intend to make my view known to the chairman and members of the President's Review Committee and politely peer over shoulders from time to time to assure that the recommendations are being followed.

Mr. President, I wish to commend Mr. Arnold, Miss Wunnicke, and the Federal Field Committee for Development Planning in Alaska for the fine work they are doing. I look forward with interest to future studies and recommendations.

RENT SUPPLEMENTS

Mr. SCOTT. Mr. President, the rent supplement program is a private housing program that stimulates our free enterprise system while alleviating the shortage of low-cost housing and avoiding many of the onerous stigmas of public housing.

Rent supplements do not impair individual incentive for self-improvement. A tenant would be allowed to remain in his home even though his rising income may reduce or eliminate the subsidy paid to him.

The range of support for this program is indeed impressive. The National Association of Home Builders, the National Association of Real Estate Boards, and the Mortgage Bankers Association of America are but a few of the supporters of the rent supplement program.

Recently, the Washington Evening Star added its voice to the call for overwhelming Senate support for this measure. I commend this statement to my colleagues and ask unanimous consent for its printing in the RECORD.

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

[From the Washington Evening Star, Sept. 4, 1967]

REPAIR THE DAMAGE

President Johnson's request to Congress this year for urban assistance offered little enough hope for cities, and much of that was dimmed by the harsh action of the House on the model cities and rent supplement programs. Fortunately, however, in regard to those modest proposals, the Senate Appropriations Committee has attempted to restore some reason to the situation.

Of the two, the fledgling model cities program is in the least peril. To be sure, the House approved only about a third of the $662 million the administration requested. The $537 million appropriation recommended by the Senate committee last week, however, would seem to assure that at least a reasonable portion of that amount will be made available this year to be scattered among the dozens of cities which are clamoring for it.

The more crucial vote, however, was the Senate committee's decision to support the administration's full $40-million request for rent supplement funds. For the House, in an action last May which defied any rational explanation, had cut this promising program off without a cent.

The House antagonism, especially among Republicans, dates back to a confused disagreement over the purposes of rent supplements when the proposal was first advanced a few years ago. And the opposition has succeeded ever since in holding the program's appropriations to a pittance. There is no reason for confusion, however, as the program is now limited and defined. It is intended solely to generate private housing in which a number of low-income families may be accommodated through the subsidization of a portion of their monthly rents—as an alternative to endless construction of the discouraging, ghetto-like public housing projects of the past. The concept, as an experiment, is eminently sound, but it can never be proved unless the program is financed sufficiently to have a chance to work.

What are prospects? They are apt to depend largely, when the Senate takes up the appropriation shortly after the Labor Day recess, upon the endorsement of such influential leaders as Senator Dirksen, who only recently declared his support for the rent supplement approach. The immediate problem is that a slim margin of victory in the Senate may not be good enough. Without an impressive vote of Senate approval, it may be impossible to win the restoration of any funds from House conferees. And in that event, of course, the entire program would slide worthlessly down the drain.

AMERICAN BROADCASTING CO. PROGRAM ON AFRICA

Mr. McCARTHY. Mr. President, the American Broadcasting Co. presentation of a 4-hour program on Africa last Sunday evening has been hailed as a landmark in television.

This comprehensive effort to provide an insight into the history, geography, diverse cultures, and aspirations of a vast continent—and one largely unknown to the American people—deserves special commendation.

The program included examples of the social, economic, and health problems of African nations and, within the limits of time, a picture of the needs and hopes of the many peoples who inhabit the continent. It reviewed some of the political accomplishments and frustrations of nations recently freed from colonialism and of those such as South Africa where apartheid is the law.

The program demonstrated the special ability of television to present an overall view of a complex series of problems and of responsibility on the part of networks to use prime time for educational purposes as well as entertainment.

The sponsor of the program was the Minnesota Mining & Manufacturing Co., of St. Paul, Minn. I hope the example of the 3M company will encourage other sponsors to support similar serious and imaginative programs.

I ask unanimous consent that reviews of the program which were published in the New York Times and the Washington Post be printed in the RECORD.

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

[From the New York Times, Sept. 11, 1967]

TV: 4 HOURS OF AFRICA—ABC'S PRIME-TIME STUDY OF THE ENTIRE CONTINENT IS HAILED AS A LANDMARK

(By Jack Gould)

An extraordinary primer on the way of life on an entire continent—fascinating and contradictory Africa—was presented last night by the American Broadcasting Company in a dimension without parallel in television.

An entire evening of prime time—four hours running from 7 to 11—was devoted to a composite study of a part of the world about which so much is heard and so little known. By any conceivable standard the effort was a landmark in commercial TV, fulfilling a notable educational and informational purpose.

A year's work by 16 producers, directors and cameramen, under James Fleming, executive producer, and Blaine Lyttell, project producer and a veteran correspondent in Africa, was spent in preparing "Africa." Their reward is literally miles of film, of which only a portion could be used; the balance should be a permanent library of priceless material for extensive educational uses.

To attempt a kaleidoscopic inspection of the cultural traditions, economics, politics, strife and geography of so many nations on one continent in a bewildering process of change would be a formidable challenge of editorial organization for any journalist. Predictably, "Africa" was a mixture of absorbing depth and hurried superficiality of content, but the total achieved its announced goal.

At the evening's end the audience was left with a far greater insight into the complexities, turmoil and restlessness of an Africa that is both determined to pursue independence yet finds it achievement fraught with problems. "Africa" was a TV social document that in its exceptional range of subject matter reflected the continent's own diversity.

In an interesting concession to popular television, "Africa", for which Gregory Peck was narrator, began with pictures of the continent's wildlife, presumably to catch the attention of the young viewers who control the set in early evening. Then, by deft juxtaposition, Mr. Fleming and Mr. Lytell gradually introduced more serious matters, switched back at midevening to a segment on entertainment and then returned to magnificent insights into Kenya's efforts to arrange multiracial harmony and finally a most extended and uncompromising segment on apartheid in South Africa.

The closeups of humans in suffering, in luxury, in abandon, in puzzlement and in smug resistance was a gripping study in contrasts. And the program's conclusion was almost a poem on the subject of change—the different meaning of Christmas to a white and to a black.

An excellent color film, of which the small home screen could reproduce only a part of

the vivid perspective that the cameras undoubtedly captured originally, "Africa" was primarily concerned with that portion of the continent south of the Sahara.

In the first hour, aside from the scenes of animals, there were views of the primitive bushmen of the Kalaharie Desert, the early civilization yet slow progress that are the heritages of Ethiopia and the birth of the new independent state of Botswana.

In the second hour there were a detailed analysis of the tribalism that tears at Nigeria's stability, the diseases that strike down so many in Africa, the controversy over what kind of education would best help the continent's masses and the vanity that led the deposed Kwame Nkrumah to undermine the stability of Ghana.

In the third hour, after mention of the rise of competitive sports in African society and its own theatrical culture, there was a supremely hard-hitting indictment of how the enslavement of Africans had left its bitter residue all over the world, including the United States.

[From the Washington Post, Sept. 11, 1967]

FOUR-HOUR AFRICA SHOW A SOLID ACHIEVEMENT

ABC-TV (Channel 7) introduced something new to television last night—a four-hour endurance contest under the generic title, "Africa."

Those who survived the 7 to 11 p.m. contest were richly rewarded with splendid color film footage and the low-key narration of Gregory Peck. For those who gave in to the temptations of entertainment programs on rival channels, hope remains. ABC-TV has promised to break the telecast into four equal, one-hour segments and have them telecast at times suitable for school children.

In the young television business, obsessed with tonnage and fascinated with such adjectives as "longest" and "most expensive," the "Africa" evening was a major achievement. It was well worth the $2 million production budget.

Peck's narration was not the kind that one associates with travelogues. He referred to Haile Selassie's Ethiopia as a place where history has been suspended. He found most of the population living in "crushing poverty" and a look at the individuals was called a "shattering" human portrait.

Anthropologists have assured us that man survived and became supreme because of the power of his brain. A different view came from British archeologist Dr. Louis S. B. Leakey, who thinks that the first man lived at Olduvai Gorge in north-central Tanzania, East Africa.

Man survived, he guessed, because he made such a poor meal for predatory animals. "He doesn't smell nice; he doesn't taste nice," said Dr. Leakey. He added another unflattering possibility: "Or perhaps both."

Peck showed particular restraint in introducing a young Peace Corps teacher named Jonathan Peck, who works in Tanzania. Jonathan is the son of Gregory and Greta Rice Peck.

No attempt was made to hide such African problems as tribal warfare and lack of medical facilities. Peck contrasted the U.S. ratio of one physician to 730 persons with the African ratio of one physician to 20,000 persons.

At one grade school a teacher taught children to use the English word, "shoes." As the children repeated key phrases, the camera concentrated on the bare feet.

The program was well served by newsman Howard K. Smith's brisk description of Africa's political leaders and by Signe Hasso's reading from Isak Dinesen's "Out of Africa."

In all, it was certainly a beneficial, worthwhile undertaking. The eight months that producer James Flemin's nine production units spent collecting this material may even have succeeded in ridding some U.S. citizens of the Hollywood stereotype of Africa. Certainly Fleming has given ABC-TV a remarkable library of material on this continent.

The four hours did, of course, deal in some monumental trivia along with political realities and Africa's mammoth collection of problems. The trivia, however, was needed both to sustain visual interest and to give the hardiest viewer a little relief.

No, it didn't turn each viewer into an instant expert of Africa. That couldn't be done in four hours or, for that matter, in 400 hours.

"Africa," however, did give ABC-TV and indeed all of television a new, fresh reason to be proud.

L. L.

AFL-CIO URGES SENATE TO PASS POVERTY BILL WITH EMERGENCY EMPLOYMENT ACT WITHOUT AMENDMENT

Mr. KENNEDY of New York. Mr. President, the Committee on Labor and Public Welfare has reported to the Senate S. 2388, a bill amending the Economic Opportunity Act, authorizing additional funds for antipoverty programs, and containing a new emergency jobs program, the Emergency Employment Act of 1967. The reported bill results from the 5-month study of the war on poverty of the Subcommittee on Employment, Manpower, and Poverty, under the leadership of the senior Senator from Pennsylvania, Senator CLARK. As a member of that subcommittee I had the privilege of traveling to most of the 13 communities in which the subcommittee held hearings and conducted field inspection trips.

As one who helped develop the reported bill and as a cosponsor of the Emergency Employment Act, I commend this legislation to the Senate and join with Senator CLARK in urging its passage by both Houses of the Congress.

Yesterday, the executive council of the AFL-CIO, at its quarterly meeting in New York City, issued a statement calling upon the Congress and the American people to support the committee's antipoverty bill and urging the Congress to adopt the bill without amendment.

The council's statement refers to the Emergency Employment Act as "an important first step" in the emergency public service and private employment program recommended by the urban coalition on August 24. The council concludes by strongly urging the Senate to approve the Emergency Employment Act of 1967.

Mr. President, I ask unanimous consent that the AFL-CIO executive council's statement on antipoverty legislation be printed in the RECORD.

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

STATEMENT OF AFL-CIO EXECUTIVE COUNCIL ON THE WAR ON POVERTY

We must bring the millions living under conditions of privation and poverty into the mainstream of our national life.

The war on poverty being carried on under the Office of Economic Opportunity is an important step in the right direction. It was intended, and to a large degree has been successful in involving the poor in such community action programs as Head Start, neighborhood health centers, legal services, Neighborhood Youth Corps, and a host of other programs.

The war on poverty under the OEO is not the whole answer to the problem of the ghetto, but it is a good beginning. As such it deserves the continued support of the American people and of the Congress, it deserves more adequate funding so that it can expand its various programs, it deserves to be retained as an entity as the central anti-poverty agency of the Federal government.

Earlier this year the Subcommittee on Employment, Manpower and Poverty of the Senate Committee on Labor and Public Welfare, under the leadership of Senator Joseph S. Clark of Pennsylvania made an extensive survey of OEO's anti-poverty programs. The results of this study have largely been incorporated into the bill amending the Economic Opportunity Act and reported out by the Senate Committee on Labor and Public Welfare. The legislation now before the Senate deserves the support of Congress and the American people. The AFL-CIO Executive Council endorses it and urges that it be adopted without amendment.

The present bill closely follows the original Act in concept and language. However, it does make some changes which may be regarded as strengthening the existing program. The bill provides for the continuation of the 90 percent Federal—10 percent local funding ratio; it provides for a two-year authorization period instead of the current one-year period; it continues the local community action agencies as the spearhead of the local war on poverty and permits greater flexibility in their organization and operation; and it provides for continuation of the Job Corps, the In-and-Out-of-School Neighborhood Youth Corps, the Nelson Amendment (Operation Mainstream), the Scheuer Amendment (New Careers) and the Concentrated Employment Program.

An important innovation in this bill is a new Emergency Employment Act of 1967, which provides for a major employment program. The program would provide jobs in both the public and private sectors for the unemployed and disadvantaged in the slum areas in such fields as health, public safety, education, welfare, recreation and also in municipal and neighborhood improvement, maintenance, reconstruction and beautification projects. The program is intended to provide meaningful jobs and socially-productive employment.

The bill calls for the expenditure of one billion dollars in the current fiscal year for the creation of an estimated 200,000 jobs.

The AFL-CIO called for a massive job creation program in its testimony before the Subcommittee on Employment, Manpower and Poverty last March. While we believe, along with the Urban Coalition that at least one million jobs are needed annually, the Emergency Employment Act as part of the omnibus OEO bill, is an important first step. We strongly urge the Senate to approve it.

The House Education and Labor Committee is scheduled to begin marking up the anti-poverty bill this week.

One proposal before the Committee would provide a direct 25% wage subsidy to private, profit-making companies employing unskilled youth. The AFL-CIO strongly opposes such a wage subsidy as an ill-advised incentive for short-term, substandard jobs when the emphasis should properly be placed on the training necessary for permanent employment of young people as gainful members of the work force.

The war on poverty cannot be regarded as a partisan effort. It is and, in fact, should be above partisan politics. It is a war from which there must be no retreat, and the AFL-CIO intends to push steadfastly on to victory over poverty.

SPEECH DELIVERED BY DONALD M. KENDALL

Mr. MURPHY. Mr. President, the National Assembly of the American Legion recently concluded its annual meeting in Boston. I have heard many reports from persons who attended the convention of the excellent address given by Donald M. Kendall, the distinguished president of Pepsico, Inc. Believing that many persons across the country will want to have the benefit of Mr. Kendall's incisive comments on current national events, I ask unanimous consent that his speech be printed in the CONGRESSIONAL RECORD at this point.

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

ADDRESS BY DONALD M. KENDALL, PRESIDENT, PEPSICO, INC., BEFORE THE NATIONAL ASSEMBLY OF THE AMERICAN LEGION, BOSTON, AUGUST 31, 1967

To be a guest of those we admire or respect or like, is a rewarding experience. And I admire the American Legion; I respect the American Legion; I like the American Legion.

I'm honored to stand here in the presence of men and women whose principles, programs and performance for half a century, have enriched the land we love, and brightened the hope and the pride of all who treasure its greatness.

As a fellow veteran of World War II, I share your firm convictions that the concepts, institutions, and practices that made us great and guide us yet, shall not perish from the earth. And that the Nation's treasured inheritance—Social, Political, or Economic—shall be preserved inviolate.

We meet in a city aglow with our first schoolboy lessons in American History. Nearby atop a hillside . . . . in a church window with lanterns . . . . on horseback for a midnight ride and aboard a tea-bearing ship in the harbor, men who saw what ought to be, bought America's Freedom . . . . . always with anguish, sometimes with their blood.

The risk was always high . . . . . "There," shouted John Hancock, as he grandly put the first signature on the Declaration of Independence . . . . . "John Bull may now double his reward of five hundred pounds for my head."

This freedom, bought by courage, has been retained by equal heroism.

"The inescapable price of Freedom," said General Douglas MacArthur, "is the ability to preserve it from destruction."

Nobody's been more deligent in that preservation than the American Legion. You can be proud!

Whenever in human history breathed a freerer people in a nation more blessed?

Every freedom that the human mind can want and the social order can abide, individual and public, is ours . . . . . strengthened by custom, and protected by law.

Singly and collectively, we're free to select or dismiss all who govern us and any law they enact.

We vote men into political office, harass and embarrass them, and then vote them out again.

We're free to voice our opinions on every subject from astronauts to astrodomes, miniskirts to the Mann Act, taxes to tadpoles—and, do so, far too often!

We ride any road, walk every street . . . . . join, resign, deplore, or worship as we will.

We're free to change economic group or social level, job or school or neighborhood, even wives or husbands.

And we're also free to stay home alone, if we prefer, and do nothing.

Yes, we've built a great, free Nation . . . . . the most powerful, influential, affluent and leading Nation in the history of man . . . . and we've built not alone for today but for tomorrow.

Coming on full tilt into this affluent society is the massive younger generation . . . . . nurtured in the freedom of individual expression . . . . . restless and rebellious against ignorance, prejudice and pretense . . . . . wanting a better world of their own.

Now some may question this . . . . . but the pure truth is, that we've spawned a younger generation in many ways better equipped than we ourselves.

Our young people breathe deeper, grow taller, climb faster and live longer than you and I.

They're better educated in broader numbers, more alert and cynical, less naive, with equal passion for the right.

Yes, they have their malcontents, their upside-down cakes . . . even as you and I. But for every loud-mouth agitator on the campus soapbox, a thousand pursue their sober and orthodox ways unnoticed. For every draft-card burner, ten thousand stand steady, firm, and true in Viet Nam.

Let's not be deceived by a few degenerates. Our children are potentially the finest generation this country has ever known.

But even as we stand bathed in the golden glow of accomplishment, I would ask you this . . . Are we truly living, the life our forefathers dreamed of?

Are we a contented people, secure at home and protected without; at liberty to come and go and stay at will, in a free and disciplined society of law and order?

Is this the cultural climate we live in at the end of Summer in 1967?

How goes it now in the land we love?

In this happy Nation on which God has smiled, as on no other in History, our people are rent by passions . . . uglier, more bitter, and more cruel than any we've known since 1865. Passions spelled out in flame and rifle fire down the streets of a score of cities.

In this most prosperous of times, in this richest of lands when jobs have never been so plentiful nor wages so high . . . men rob, assault, rape, and murder their fellow citizens at the highest incidence in history.

The FBI tells us that every year for a decade the crime rate has risen six times faster than population, and more sharply last year than ever before.

Coincidentally, the very laws intended to protect society, have been so interpreted by hair-splitting courts as to protect the criminal.

It's become cynically commonplace to say that the normal steps in a crime today . . . are planning, execution, arrest, confession, release, and condemnation of the police.

Is this that disciplined society under law, protective of the free rights of others for which eight generations of Americans have fought and bled and died?

Look before and after; look left or right. Ugly blotches of defiance and rebellion mar the patterns of peace.

A great and honored leader publicly urges masses of people to rebel in civil disobedience, disrupt our cities, and impede the pursuits of a majority of citizens.

From public platforms other leaders urge a multiplicity of misbehaviors, misdemeanors, or felonies . . . to assault fellowmen, to burn the cities, to take L.S.D., to live together and to bear children out of wedlock, to choose jail over military service . . . in short, to betray America.

Now I suppose we should be deeply grateful for the marvelous advice we're getting so freely from those real experts in world affairs . . . at least that's what they call themselves.

Experts like a night club performer, a pediatrician, a female folk singer . . . and a boxing champion eager to fight anybody except his Country's enemies.

The National Student Association resolves to encourage draft-dodging.

In poor neighborhoods, under-cared-for young people in gangs loot and destroy; in rich suburbs, under-disciplined youths roam the countryside in automobile packs, looking for trouble.

Students picket teachers, teachers picket the school board.

And then of course, there are the Hippies . . . six hundred thousand of them I'm told . . . trying to escape from reality into drug-induced dreams.

I believe these misguided children are trying to tell us something—that they don't think much of the world as it is, that they want no part of it—no part of war, of unsolved social problems, or greed and selfishness and evil.

I feel very sorry for them because they don't understand that there isn't any escape from reality . . . that the answer to the world's ills isn't found in withdrawal . . . that none of us is smart enough or strong enough to restore paradise.

Evil must be fought, and perhaps the greatest crime of all is cowardice in the face of it.

Withdrawal is cowardly and irresponsible and hopeless. But at least the withdrawal of these children reminds us that the dedicated task of building America is incomplete and must go on.

Beyond the hippies, more frightening occurrences disrupt an orderly society.

A mere handful of malcontents sends great newspapers to their death and paralyzes transportation systems, and violently disjoints a complex but orderly cityful of peaceful, lawful citizens.

I ask you again, is this the free society for which eight generations have fought and bled and died?

We've struggled to achieve individual freedom. Have we achieved with it, group chaos?

In recent months the Nation has been repeatedly shaken by violent race riots.

We've been told over and over that these are the bitter fruit of a changing social order, and that the cures will take massive doses of compassion and cooperation and gold.

Most of us recognize that to reconstitute great masses of people and their relationships to others, isn't the work of a month or a year.

We know it will take time to turn slums into happy places . . . just as we know it will take time to make useful, employable, responsible citizens, of the physically and socially impoverished misfits in our towns and cities . . . We also recognize that we must try.

But while we're going through the long and tedious process of orientation, can this Nation ignore dangers to the personal safety of its peaceful majority, and permit compassion for the sinner to indulge his sin?

I say to you that as dramatic as the collapse of social order in the slums might be, rioting and looting and vilification of the police are only parts of a much larger threat to our society . . . the threat brought on by continued deterioration of disciplined responsibility and by widening disrespect for law, order, authority, and the rights of others.

Commonly, wars are followed by periods of license; the Second World War was no exception. Respect for orderliness, law, and authority has long been disintegrating in our Country.

Spirited youngsters, indulgent parents, and permissive school authorities more interested in sociology and politics than in education, produce undisciplined adults.

Cowardly office holders afraid to lose a single vote, rebellious voices running free, public apathy, idealism with no anchor . . . all these contribute to compounding the decay.

Unless our nation re-establishes a spirit which hampers the criminal instead of his captor . . . which protects the majority as well as the minority . . . which permits compassion to temper but not to replace justice, and which requires that all who enjoy the

liberty of a true democracy assume responsibility for maintaining it . . . we shall have no democracy, no freedom, no peace.

World War Two ended twenty-two years ago.

Isn't it about time we called a halt to disrespect, disobedience, and dishonor? Isn't it about time to support the forces that protect us, instead of hampering them? Isn't it about time to declare ourselves on the side of the good guys?

I think the huge majority of our citizens are good guys. We don't rob and loot and pillage and rape and murder.

We don't interfere with the schools, paralyze transportation and communication, threaten the President, desecrate the flag and refuse the draft. Why should we condone these crimes in other people?

Let me touch a far more sensitive nerve.

Most of us grew up in a society which respected discipline and the rights of others. We grew up with adults strong-willed enough to keep it that way.

Somehow, now that we are adults, a lot of that strength seems to have vanished.

Not a single one of us here today likes it.

We're tired of the fear and uneasiness that envelops much of our lives. We're tired of the extremists white and black . . . tired of cowardly office holders unable to deal with disorders, tired of abuses heaped on a population wanting peace, tired of disobedience, disrespect, and defiance.

I think it's time to do something about it. And what group of Americans anywhere is stronger, better qualified to face this difficult undertaking than the American Legion?

What must we do? What can we do?

We can begin in our homes. We love our children enough not to spoil them with excesses of liberty, money and the right to insult their superiors . . . sure, it's harder to discipline than to indulge them, but we must help them build character.

A Seattle University senior told a Newsweek Magazine Reporter . . . "Our generation was born in security and wealth. We don't understand hard work." A Yale freshman asked to describe his goals in life said, "To be like my parents . . . upper middle class, married and with children."

A Tennessee coed admitted her life's goal was to live in a circular house . . . completely automatic.

What's going around in their heads?

Where do such desires for mediocrity and triviality come from?

Why is it these students aren't looking forward as they once did, to being a colossal success—to making a million dollars, climbing the highest mountain, shaking the world?

Can it be that the fun goes out of winning a race when everyone is assured of winning a prize, and no one is allowed to lose?

Can it be their ambitions have been dulled . . . their characters weakened by an abundance of false values and a shortage of healthy, old fashioned standards of conduct?

Who took away the stars and the mountains and the impossible dreams, that used to be as much a part of youth as its leaping energy and colossal confidence?

Yes, you and I can begin in our homes—with our children.

Second, we must insist that our public schools continue the disciplines we teach at home, and that they be free to do so without interference from office holders more interested in winning votes, than in educating the young.

Third, we must insist that our Government Representatives at every level set examples of honesty and courage . . . courage to hold our citizens . . . black, white, rich, or poor—strictly to account for violating the social order.

We must free those forces which keep us secure in our homes and our . . . the police and the courts . . . to do so effectively and swiftly.

Fourth: At every opportunity, we must stimulate our friends, our associates, our fellow citizens to support the Democracy under law.

These four things we must do.

What else can we do?

We can make sure that our zeal for order and discipline doesn't become prejudiced vengeance. The love of America, not the exercise of bigotry should guide us . . . hate is a poor substitute for inspiration.

In the whole history of man not a single nation was ever developed on a slogan like "Burn, Baby, Burn."

Eliminating Rap Brown and Stokely Carmichael wouldn't end disorder in America, any more than jailing Cassius Clay and Adam Powell would make all men honest and patriotic.

Punishment alone is negative. After we've filled the jails, then what do we do?

Let's face up to the fact that as a society we've done a poor job in protecting ourselves against criminals.

Our laws, our courts, our police are all inadequate to the huge responsibility, and seldom supported with sufficient strength and money and public effort.

Let us also face up to the fact that many of the unemployable and defiant poor, need our help and will never become productive citizens without it.

I refer to that semi-literate, maladjusted mass of migrants . . . which because of the technological advances in recent years, became surplus population in the rural South and moved into urban centers.

These people haven't enough training to get a job, no real education. Even with the small amount they have, they're incompetent to stand up against the complex problems of employment and urban living.

They grow helpless in a world they can't comprehend. Like animals, they prey on others or are fed by others—usually public welfare.

They're pushovers for the emotional rantings of racial rabble-rousers, a drain on our economy, a menace to our peace and personally miserable.

Until we've done something about them, they'll continue to be.

There is something real and practical that many of us in this room and a large segment of the population can do. We can train these people to become employable.

Oh we can dispute and deplore the difficulties . . . the subtle relationships of family, school, housing, society, class structure, and citizenship . . . until doomsday. But the cold, hard truth is, that the first step up from disintegration, the first step toward personal pride and usefulness, is the ability to be a wage earner.

U.S. business almost overnight . . . certainly within a few months, can take frustrated, rebellious men now wholly unprepared for work and on public welfare, and turn them into self-reliant wage earners.

I don't speak from an ivory tower. I speak from hard-headed, first-hand knowledge. A Division of my own Company has already trained such men and has graduated them. We did this in cooperation with the State of California.

Less than ten months ago, these men were hard-core unemployed and impoverished negroes in Los Angeles . . . completely unprepared for any kind of job requiring knowledge.

With the State of California, we helped train them to recondition used cars sold by auto dealers.

Today, almost all the hundred and seventy who went through the training are working. They're earning from three-hundred and fifty to six hundred dollars a month. The dropout rate has been only three percent. None of them has engaged in a riot.

This effort is small, but the future to which it leads is gigantic.

If all of American business can rise to the challenge, it can create a future where thousands who take from society will contribute instead.

A future where wage-earners accept the responsibilities of family life and community life.

A future where men who once participated in crime or stood by apathetically, have property and position of their own to protect.

And this will be a future where less tax money goes to fewer people on welfare, and more people earn income, become customers, buy more, and improve the economy for everyone.

It's to the selfish interest of American business from one end of this country to the other, to join in the training of the unfit.

For the moment, I'll ignore the obvious benefits to each community and to the nation. But I call on every business man here to think how his own operation would be improved by such training.

I call on the most practical instincts of all American business to help in this training.

What happier situation could business desire than a productive society of wage-earning customers living in peace and harmony?

I'm confident that you men and women of the American Legion desire such a future with all your hearts.

You deplore the disorder which cripples our country today. You didn't march to battle to make the country safe for street riots. You didn't fight to protect the rising crime rate. You didn't bleed in a foreign land to see your families bleed at home.

So I'm going to call on you as good guys to help restore and give strength to our society.

I'm going to call on you as parents, as citizens, as businessmen, and as leaders of influence, to help re-establish peace under law . . . without which this nation or any other . . . cannot long stand.

Thank you.

ECONOMIC OPPORTUNITIES FOR UNDERPRIVILEGED CITIZENS

Mr. BROOKE. Mr. President, at the triennial ecumenical assembly of Church Women United, held at Purdue University from July 11 to 16, the following resolution was approved unanimously by the 2,000 delegates to the assembly:

Since it is now possible for the first time in history to eliminate poverty, as Christians we have a clear and compelling mandate to support even stronger efforts than have yet been made towards this end.

Our experience with thousands of girls in poverty throughout the country leads us to the conviction that the Job Corps program is absolutely essential if this generation of disadvantaged girls is to receive adequate assistance.

Believing that the essential coordination of all services for the poor and the continuing necessary innovation in these programs and services can be accomplished only through a single administrative agency, we support the Office of Economic Opportunity as that agency.

Therefore, Church Women United, Assembled in Lafayette, Indiana, July 16, 1967, urge members of our Congress to support the Economic Opportunity Bill and further urge our members as individuals and as groups to make known their support of this Bill.

I invite the attention of the Senate to the admirable objectives expressed in this resolution, and urge that we heed the advice of these ladies by passing legislation, during the remainder of this session, which will make economic op-

portunities available to our underprivileged citizens.

SENATOR PROXMIRE FIGHTS THE SST PROGRAM

Mr. NELSON. Mr. President, the very able Senator WILLIAM PROXMIRE appeared before the Transportation Subcommittee of the Senate Appropriations Committee on August 21, 1967.

My distinguished colleague made a brilliantly logical argument against further appropriations for the ill-advised SST program.

I cannot help but endorse his view fully that we have better things to do with the taxpayers' money. In the light of the President's request for a 10-percent tax surcharge, this project certainly does not rank anywhere near the top of the list of priorities.

We are engaged in a costly war. Our cities are in flames. A large proportion of our population is ill-fed, ill-housed, and unemployed or underemployed.

Certainly we are compounding our errors by engaging further in this unwise program.

I ask that Senator PROXMIRE's statement be printed in the RECORD so that all the Senate can benefit from its reading.

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

STATEMENT OF SENATOR WILLIAM PROXMIRE BEFORE THE TRANSPORTATION SUBCOMMITTEE OF THE SENATE APPROPRIATIONS COMMITTEE, AUGUST 21, 1967

Mr. Chairman, it would be a serious mistake, in my view, for Congress to appropriate additional funds for the supersonic transport and I urge this Committee to strike out the $142,375,000 for that item in the bill now before it and to direct a severe stretch-out of the SST program utilizing the substantial funds left over from previous appropriations.

SUBTRACT SST BEFORE ADDING TAX SURCHARGE

It would be a mistake to vote more funds for the SST because we have better things to do with our money. First, we have an obligation to spend the taxpayer's money according to some rational set of priorities and the SST would stand at the top of the list only in a world turned upside down. And, second, we owe it to the taxpayer to cut out frivolous expenditures of this kind before we consider asking him to dig into his pocket to pay a 10 percent tax surcharge, as the President is proposing. This is particularly true at a time when we are fighting a costly war in Asia and are faced with growing pressures here at home to mount a massive assault on the problems of our beleaguered cities.

AN UNNEEDED PROTECTION

It would be a mistake to appropriate money for this project because it is an attempt to protect from foreign competition a thriving aviation industry which doesn't need the protection and to provide jobs for highly skilled workers who have all the work they want. The Boeing Company's backlog of orders for subsonic jets and space and defense items, for example, increased in the last year from $3.2 billion to well over $5 billion. United Airlines placed an order with Boeing a few weeks ago for 61 subsonic jet transports. That order was worth $520 million. Boeing is in the process of building the world's largest manufacturing plant at Everett, Washington, for construction of the 747 jumbo jet which, in its own way, promises to revolutionize air travel as much as the SST. To illustrate Boeing's financial prowess, the 747 program was funded by a $700 million financial package the company put together during a period of tight credit in 1966. The 747's will be flying before the Anglo-French SST, the Concorde, is introduced, and I believe these high payload, low fare jets will be extremely difficult to displace. The great damage we are told the Concorde will do to our aviation industry could turn out to be a myth.

If at some point in the future, the marketplace register a genuine need for an American SST, I have no doubt that it could be financed privately just as the 747 has been. As for manpower, the great demand for the scarce scientific and engineering talent required in the aircraft industry is reflected in the want ad section of nearly every West Coast newspaper. There are many more jobs than people to fill them. The SST would only put more pressure on this supply of skilled manpower which is far more urgently needed, at this point, in the production of defense materials and in other alternative areas.

THREAT TO AIR TRAVEL

It would be a mistake to spend additional money on the SST because it could threaten the predicted vigorous growth in air travel that we all hope for in the years ahead. The SST will be faster, to be sure, but not as safe as present airliners simply because it will be operating in a more hostile environment. By leaping into the supersonic speed regime, planes enter a completely different medium. Bo Lundberg, former Director General of the Swedish Aeronautical Research Institute, has said that even a decade of intense testing of full-scale SST structures would not give nearly the same confidence in structural safety as is obtainable in months for subsonic structures. For these, fatigue testing is greatly speeded up by high frequency testing machines in the laboratory.

I'm told this is not possible for heat exposure which is the principal stress at supersonic speeds. An SST disaster would strike a dramatic blow to the already tenuous public confidence in air travel which could seriously affect the now rosy market outlook for the air carrier industry. Safety and comfort are as important to potential airline passengers as speed. Yet, the passenger today is no safer spending an hour in the air than he was a decade ago, despite a high rate of technological gain. Fatalities per passenger mile have remained relatively static since 1955, compared to the steady and quite steep downward trend in the years before that. Air crashes grow even more spectacular. But as the Senate Committee on Aeronautical and Space Sciences reported last year, the FAA spent a total over the previous five years of only $20 million on research related to air safety.

It has been suggested by some aeronautics authorities that the air safety problem is partly due to the introduction every year or two of new transports, each bigger and faster than the preceding model and each requiring new handling techniques. Yet, in spite of the fact that we haven't mastered the problem of safety in the air at subsonic speeds, we're bulling ahead with construction of a supersonic transport that will only magnify the problem. A veteran airline pilot with 26 years of experience summed it up in a very pithy way in a recent NBC television program on the "Aviation Revolution". He said: "As far as the SST is concerned, I not only don't want to fly it, I don't want to ride in one."

It would be a mistake to spend more tax money on the SST because the enormous cost of buying, operating and maintaining these planes would, I think, ultimately be reflected in the general fare structure of the air carriers, perhaps checking the present steady and beneficial downward trend in air fares—a trend that would be sure to become even more pronounced when the jumbo jets and airbuses begin flying were it not for the cloud on the horizon represented by the SST's.

THREAT TO AVIATION INDUSTRY

It would be a mistake to appropriate this money because the present SST development plan raises the specter of monopoly in aircraft manufacturing if the plane is successful and even poses the threat that Government subsidization might be required to bail out airlines crushed by the financial burden of buying and operating a fleet of SST's. These are developments that would damage the aviation industry in this country far more than the Concorde ever could with its competition for sales.

CONTRACT LOOPHOLES

It would be a mistake to appropriate this money because under the contract arrangements worked out with the SST manufacturers by the Federal Aviation Administration, the taxpayer's entire investment—which by conservative estimates could run to $2.6 billion and probably much more—could be lost regardless of whether the plane is a roaring success or a huge failure. The contracts for prototype development contain a section outlining the formula by which the Government will recoup its investment in the program through royalties from the manufacturers when and if the plane goes into production. Contrary to the advice of a Recoupment Advisory Group consisting of Government lawyers and economists from the Budget Bureau and the Justice and Treasury Departments, the FAA wrote a definition of what will constitute a "royalty-bearing airframe" (one upon which royalties will be paid) that specifies that it would be "principally of titanium structure" and would achieve "a maximum speed of not less than Mach 2.2 nor more than Mach 3.1." This is so narrow that the Government could be completely cut out of its share of returns on the SST if changes are made in the production model if, after a couple of years, Boeing switches from titanium to another more superior metal alloy or if the top speed is pushed a hair above Mach 3.1.

Boron filament and boron reinforced plastics are only a couple of examples of materials that may have a big future in high-speed planes because of their extremely high tensile strength-to-weight ratios.

I am not saying, and never have said, that we have reached a point with any of these materials that would permit us to use them on the initial SST's. For one thing, at $300 a pound boron costs too much. But two years ago, its cost was close to $2,000 a pound. Yet, even now, the Defense Department is considering the possibility of using boron filament in the horizontal tail surface, the landing gear door and other sections of a selected number of F-111 production models. If the price of boron continues to drop, it could well become a strong competitor to titanium. And because the 4,000 mile range of the SST may be a significant limitation on its ability to compete in the market, switching to a lighter alloy could become important. And, don't forget, it will be six years before the first American SST goes into service, following the present schedule. And it would be another three or four years before the Government even *begins* to receive royalties on its investment. A lot can happen in metals technology in that time.

General McKee, the FAA Administrator, would have us believe—according to his testimony before this Committee last week—that if Boeing decided to wrap the SST in boron, the change would be so fundamental, so drastic, that it would be a completely new plane and the Government wouldn't deserve to collect royalties on it. I completely disagree. Going to another metal, like boron, or pushing the speed up

a little would be minor steps compared to the giant first step of developing an SST in the first place and the Government should not be cheated out of its investment in that first step by this kind of sophistry. Never in the past has development of a new commercial plane resulted, in one jump, in much more than a 20 percent increase in speed *or* more than a 40 percent increase in weight over previous models. The SST will represent a 200 percent increase in speed *and* a 200 percent increase in weight over present transports. These are enormous gains. The taxpayer is footing between 80 and 90 percent of the cost of making them. A contract should have been drawn to protect his interest. But the FAA neglected its responsibility to the public when it agreed to this contract.

MENACE TO MOST, BOON TO FEW

It would be a mistake to provide more funds for the SST, Mr. Chairman, because it would mean callously swapping the peace and well-being of the populations of whole continents because of the sonic boom in return for a fleet of planes that would streak from city to city carrying the miniscule one to five percent of all Americans it has been estimated would ride in them. Ironically, the time saved would be idled away as the plane circled in a holding pattern over the airport or wasted away in a taxi or bus inching through a traffic jam between the airport and the final destination.

In that connection, I recently came across an interesting comparison of flight times between New York and Philadelphia that illustrates the point. Twenty-seven years ago, you could fly from New York to Philadelphia in a 185-mile-per-hour DC-3 in 46 minutes. Today, during the dinner hour rush, it takes 51 minutes in a 500-mile-per-hour jet. It takes as long today, if you take off between 4 and 5 p.m., to fly from New York to Boston as it did back in 1946. Admittedly, these are short-run flights. Nevertheless, these statistics say something about our priorities, about the futility of building faster and faster planes.

Mr. Chairman, the SST would benefit only a tiny minority of the population while imposing a staggering list of social costs on the whole nation. It was a monumental mistake for the Government to get involved in this venture and it would be an even bigger mistake if at this time of great pressure on the Federal budget Congress failed to curtail its participation in the project not only for the purpose of easing budgetary pressures but also to allow time for a full-scale Congressional inquiry into the advantages and the many serious drawbacks of the SST.

LACK OF SPECIFIC AUTHORIZATION

Congress has never given specific formal authorization for the development of an SST. Yet it has already appropriated $511 million for it and if the SST funds in the bill before you are approved, the total will go to $653 million. When Phase III, the prototype stage, is completed, the Government by conservative estimates will have expended $1.3 billion on this project. Booz, Allen & Hamilton, the FAA's financial consultant, has predicted that, beyond Phase III, the Government will probably have to fund the major share of the program costs of the certification stage, Phase IV, and the early part of the production stage, Phase V. The consultant estimates that this would result in an additional cost to the Government of another $1.3 billion. This would put the total Government investment at $2.6 billion. And if there are major cost overruns, as there inevitably will be if our experience with the development of military aircraft is a good guide, the Government investment could go far higher than that.

Mr. Chairman, are we to go ahead with a spending program of this magnitude based on the shadowy implied authority of Section 312 of the Federal Aviation Act of 1958, which allows the FAA to procure "experimental aircraft"? This is the statutory authority upon which all appropriations for the SST have been based thus far. Haven't we in Congress already given away enough of our responsibilities to the Executive? Is the Congress going to allow billions of dollars worth of the Nation's resources to be committed to development and construction of an airplane that may well be irrelevant to the country's real needs without even giving it a hearing, without even taking a hard look at *both* sides of the issue?

There are those who will argue that the phrase in the law enacted last year creating the new Department of Transportation which empowers the Transportation Secretary to "develop and construct a civil supersonic aircraft" constitutes specific authorization for this program. This language, however, was never intended to be a mandate for, or an endorsement of, the SST program but simply an expression that administrative authority over SST development should rest with the Transportation Department when and if specific authorization is given. The program should receive no additional appropriations without such authorization.

STRETCH-OUT CALLED FOR

Let me say at this point, Mr. Chairman, that I am *not* proposing that the Government terminate its contracts with Boeing and General Electric for development of the prototypes at this time, although I do think the loopholes should be closed. What I *am* calling for is a severe stretch-out of the program utilizing the substantial amount of money left over the previous appropriations for the SST. Striking the SST funds from this bill will by no means leave the program penniless. There is a $99 million carryover from the money appropriated for Fiscal 1967. There is also $25.5 million in the payback reserve fund established by the FAA to repay the contractors in the event the Government unilaterally withdrew from the contract. The House Appropriations Committee ruled this fund was not necessary because the Government would be obligated to pay contract termination costs if it withdrew in any case and the Committee, therefore, directed that the money in the fund be applied to program costs. I think the House Committee's ruling was a wise one and I urge this Committee to endorse it.

The carryover from FY 1967 and the money in the payback reserve fund totals $124.5 million. This amount alone would constitute about a fourth of what the FAA has said would be needed for the SST program from all sources in FY 1968, if one subtracts from their "need" figure the $18.8 million they planned to put in the payback reserve fund in FY 1968.

There will also be another source of funds in FY 68: airline contributions. The ten U.S. air carriers with orders placed for SST's promised on June 5, 1967 in an agreement with the Boeing Company to contribute during 1968 a total of $52 million in risk capital toward development of the SST. These contributions are contingent, however, on Congressional appropriation of funds for FY 68 for financing "all or *any portion* of the costs of Phase III contract work."

I suggest the Congress approve a token appropriation of $1 million to ensure that this agreement continues to be legally binding. Six other airlines have promised in recent weeks, under a similar agreement, to contribute another $12 million in 1968. Thus, even if Congress doesn't appropriate a penny this year, the SST program could still have as much as $188.5 million to draw on in FY 68.

BENEFITS OF A STRETCH-OUT

A stretch-out of the program would allow more time for research on the sonic boom, which is really the fatal flaw in this project. And it would give the aviation industry an opportunity to explore the possibility of private financing if it was felt more rapid progress was required. Private financing of the SST is an option that has never been adequately investigated, in my opinion.

The resulting delay, far from being fatal, might, indeed, be quite beneficial in terms of the quality of the SST ultimately constructed. It would benefit not only from extended sonic boom research, but also from a detailed assessment of the performance of the Concorde prototypes. The Institute for Defense Analyses, which projected potential demand for the SST to 1990 for the FAA, declared that even if introduction of the American SST were set back from mid-1974, the current target, to mid-1976 the total number of Concordes and SST's sold would ultimately be substantially identical to the number sold if there had been no two-year slip. A two-year delay, in other words, would make almost no difference. We're behind the Concorde anyway. We're building what, in effect, is a second generation SST and we're doing it without waiting to find out how the 1st generation Concorde works out. We're not competing with the Concorde at all. It pushes aluminum technology to its limits. We're leapfrogging that and going to the more heat-resistant titanium, but it puts us in a different ball game. The success of our SST will depend much less on *when* we introduce it as how good it is when we do introduce it. If it's little better than the Concorde, then it won't matter whether it's introduced in 1974, 1976 or 1990, it will be a lemon in the marketplace. And my definition of a "better" plane is one that successfully incorporates *some* solution to the sonic boom problem. The French and the British can't afford to ignore this problem any more than we can. The SST that will take the brass ring will be the one that can fly at supersonic speeds over both land and oceans without turning the world into a huge drop forge foundry.

The tests at Oklahoma City in 1964 and those at Edwards Air Force Base, which were completed last January prove that for a very large proportion of the population the sonic boom even at relatively low intensities will never be acceptable. And if—because of this—the SST is restricted to transoceanic flights, as it should be if the boom isn't muffled, then I don't believe it has a very good chance of being a commercial success. Furthermore, how do we know the sonic boom won't have unacceptable consequences at sea when these planes begin plying ocean routes regularly? No one has attempted to gauge the effect on fish, for example. Officials in the Bureau of Commercial Fisheries will only begin talks with the FAA and the Defense Department *this week* to map out a study of this question.

The FAA, by pushing into the prototype stage even though the SST design was unsatisfactory from the sonic boom standpoint, demonstrated its total lack of concern for the public interest. By assuming, in addition, that an SST would be a commercial success even if it were restricted to ocean flights, the FAA has been guilty of looking at the market projections through rose-colored glasses. It has refused to accept the word of its own economic consultants, the highly respected Institute for Defense Analyses (IDA), which projected that a total of only 279 SST's would be sold by 1990 if the plane were restricted because of the sonic boom and if the selling price were $40 million, as the FAA now predicts it will be. The FAA insists, however, that under these conditions 500 SST's would be sold. The picture drawn by IDA looks even worse if costs outrun estimates, as they normally do in aircraft development. If the plane is priced at $60 million, IDA foresees a market under boom restrictions for only 101 SST's. Royalty payments designed to allow the Government to recoup its investment don't even begin until the 101st plane is

sold. The Government doesn't recover its investment, under the current recoupment plan, until the 300th plane is sold.

BALANCE OF PAYMENTS ARGUMENT COUNTERED

Mr. Chairman, one of the chief arguments which has been used to defend the Government's investment in the SST is the balance of payments argument. We must build the SST, we're told, because that is the only way we can defend ourselves from the severe negative impact on our balance of payments that would result from the sale of Concordes to U.S. airlines and the displacement of U.S. built subsonic planes in foreign airline fleets.

This argument, as Professor George W. Hilton of UCLA, chairman of the President's 1964 task force on transportation, points out, is based on an extremely optimistic view of the prospects of supersonic transports relative to the subsonic jets for which this country has a comparative advantage so great that it provides most of the commercial aircraft for the free world. I think we are being excessively alarmist if we think the Concorde is going to destroy that comparative advantage or even damage it very much. If the Concorde is successful, I'm confident the market mechanism will draw forth a privately-financed American SST that would preserve that advantage.

Even if we do build an SST, economists are not altogether certain it will have the dramatic positive effect on our balance of payments that the FAA predicts. The Institute for Defense Analyses, which studied this question for the FAA, agreed that there would be an effect on the balance of payments but said it could as easily be either very minor on the positive side or even slightly negative if export sales of American SST's reduced exports of American subsonic planes or if U.S. airlines lost passengers to foreign airlines operating American SST's.

The important point, it seems to me, is this: the SST, like a stone dropped into a pool of water, is obviously going to have an effect of some kind on international trade but, like the ripples in a pond, the effects will flow throughout the economies touched by it and it will cause an almost infinite number of economic reactions and counter-reactions, each with an influence on the balance of payments. To measure one ripple and say that that is the sum total of the stone's effect is an absurdity. The same is true if one looks only at the aircraft account in the balance of payments, as the FAA prefers to do in order to preserve its position on this issue. Most able economists consider the whole balance of payments question irrelevant to a decision on the SST. Let me read you a statement in a letter I received recently from Professor Charles Kindleberger of MIT, one of this country's leading international economists: "The United States ought to decide whether to invest in the SST on the basis of the cost-benefit criteria related to tastes and productive resources, not the balance of payments. The latter concept relates to liquidity, or the cash position, and should not have a major impact on expenditure decisions."

The SST program is simply unwise and the balance of payments argument does not change that. To quote Professor Hilton once more: "To undertake a program otherwise uneconomic to benefit our balance of payments position is a pure protectionist measure of the sort that American administrations of both parties have sought to avoid since the mid-1930's. As Adam Smith pointed out, a public subsidy of a commodity for export can only attract resources from more economic to less economic uses."

SST AN UNNECESSARY DEMAND

Professor Hilton, I might add, concluded in the article from which I am quoting that all the criteria used by economists to evaluate public expenditures—in particular, cost-benefit ratios—dictate hostility to the decision by the Federal Government to invest in the SST.

Mr. Chairman, I urge this Committee to heed the words of President Johnson in the message which accompanied his veto a week ago of the life insurance bill for Government employees. He said: "Today, we dare not divert our resources for unnecessary demands when there are many more crucial needs which urgently require our support." The SST is one of those unnecessary demands—one of the most expensive—and we owe it to the American taxpayer to bring Government financial participation in this project to an end.

INTERNATIONAL DRUM CORPS WEEK

Mr. BROOKE. Mr. President, International Drum Corps Week affords us an opportunity to call to the attention of the world some of the best of our American youth. In our efforts to reduce juvenile delinquency, we have often focused our attention—and that of the world—on the problem cases among our young people. It is fitting, then, that at this time we set aside a week to note the increased participation in another type of youth activity, the drum and bugle corps.

The boys and girls who have chosen to devote their time and efforts to drum and bugle activity have given America's image the rousing lift of a marching tune. They are showing the world that democracy is something to "blow their horns about." For a democracy can successfully exist only when the majority of the citizens exhibit responsibility, dependability, and cooperation; when they strive for improvement and, in so doing, continually raise their standards of performance. These very traits are developed, in no small measure, through drum and bugle corps participation. Hence, by their activity in such groups these young men and women of America are saying to the world: "We believe in our democracy." And they are saying it in music—the language of the world.

All the members of the drum and bugle corps are deserving of our pride and appreciation. But I would like to pay special tribute to a group from my own State, the Boston Crusaders, who are favored contenders in this year's national championship. It gives me great pleasure to represent in the Senate the type of youth who are representing America so favorably to the world.

USE OF NUCLEAR WEAPONS IN VIETNAM

Mr. McINTYRE. Mr. President, I was greatly disturbed to read statements by Gov. Ronald Reagan, of California, that the United States should use all the power at its command to win the war in Vietnam.

The Governor proposes that the military authorities be given full authority to use all the technology at our disposal to win the war in Vietnam. And, by that statement, I can only assume that he means the authority to utilize nuclear weapons.

Quite frankly, I am alarmed at even the most subtle suggestion that we consider using nuclear weapons in Vietnam. Such statements demonstrate a total misunderstanding of the stakes—and dangers—involved in a decision to deploy these weapons.

Such a proposal could easily lead to direct confrontation with the Soviet Union. The danger of a third world war is continually on the mind of our President. And he knows full well that the easiest—and potentially most costly—decision he could make would be to drop atomic bombs on North Vietnam. He has not made that decision because he knows both the costs and dangers of such an action.

I do not question the sincerity of Governor Reagan. But the implication that nuclear weapons could solve all our problems in Vietnam is, in my mind, neglectful of the real dangers that such a decision could pose.

Yes, we could end the Vietnam war in 30 days. But, by taking such a course, we could easily end the world in 40 days.

DIFFERENCE OF VIEWS REGARDING RIOT CAUSES

Mr. TYDINGS. Mr. President, no problem confronting America is more serious nor has aroused more concern and debate than the problem of rioting in our urban areas.

The recent Senate Judiciary Committee hearings on the bill to make it a Federal crime to travel in interstate commerce for the purpose of inciting a riot has vividly demonstrated the divergence of opinion among responsible persons as to the causes of these riots. Nowhere have I seen this contrast more clearly delineated than in the testimony of Maryland's adjutant general, George Gelston, one of the finest National Guard officers and outstanding military men in our country, and the editors of the Daily Banner of Cambridge, Md.

General Gelston, in his testimony before the Judiciary Committee, and the Daily Banner, in its editorial, both examined the causes of the recent riots in Cambridge. The disagreement between the general and the newspaper are so singularly demonstrative of the divergence in opinion one encounters as to the causes of the riots that I ask unanimous consent that both be printed in the RECORD for the examination of Members of Congress at the conclusion of my remarks.

I believe this divergence of opinion clearly indicates that the investigation of the riots which the Senate has authorized its Permanent Investigations Subcommittee to conduct must encompass the fullest possible range of opinion. It is my hope, and I know the hope of a great number of Senators, that the committee not restrict itself to the narrowest view of the riot situation—as a question of law enforcement—but go far beyond it into the problem areas in which the seeds of rioting are nurtured for long months and years before the outbreak of violence.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maryland?

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

TESTIMONY OF GEORGE M. GELSTON BEFORE THE SENATE COMMITTEE ON THE JUDICIARY REGARDING H.R. 421, AUGUST 25, 1967

I am George M. Gelston. I have been Adjutant General of Maryland since January 1, 1966 and I was Police Commissioner of Baltimore from February 3, 1966 to September 22, 1966. I commanded the National Guard in Cambridge, Maryland for five months in 1963, two months in 1964, and during the recent disorders in early August of this year. I might add that during this period the Guard has yet to fire its first round of ammunition and that no citizen has been injured by Guard action. Shortly after I was appointed Commissioner of Police, the Congress of Racial Equality announced Baltimore as its target city; there were demonstrations but no riots.

Based on experience in Cambridge and Baltimore and close observation of other areas, it is my opinion that the prevention of riots is not primarily the duty of police officers, but that of political administrations at all levels. Only they, by recognition of grievances, real or imagined, can apply the solution that can cure; law enforcement agencies can only apply a bandaid to the cancer.

However, the Chief of Police is in a unique position. The nature of his work takes him into the areas where conditions exist that provoke unrest, and gives him the opportunity of meeting and knowing the leaders of the so-called ghetto areas; the leaders who will be in the streets should trouble erupt and who may very well be his immediate adversaries. While administrations meet only with the middle class, educated lawyers, doctors, etc., who in many cases know little of what goes on in the poverty areas, the Police Chief has the opportunity to meet with the more isolated, frustrated groups, and he should take advantage of this.

By recognition of this group and of their grievances, he is in a situation where he can bring to the attention of other proper authorities conditions that can be cured easily and tensions thereby relieved. Many of the grievances are of a minor nature and indeed the responsible authorities may be unaware that they exist—but they are of the irritating variety that may very well, given some slight ignition, produce a violent reaction. I think we might face the fact that most of us here, faced with poor garbage collection, will get pretty fast reaction if we call the Department of Sanitation, but I doubt that the inhabitants of poverty areas would receive the same reaction, if they ever got through the bureaucratic red tape to present the problem.

In areas such as these the Police Chief, with agents in every area and with a constant source of intelligence and information, can present and resolve the problem, and thereby establish confidence that he is the man to whom to take troubles. Thus he can establish an invaluable link between the aggrieved and the administration—*but only if the administration backs him up with reasonable action.*

To further this, Baltimore, and I believe St. Louis led the way, has established "store fronts" in poverty areas, manned by police, where anyone can take a problem. Believe me, there is a marked reluctance on the part of many to go to a police station to protest, or seek help, but in the store front there is a man-to-man informal discussion. It is imperative that the police representative speak the language of the group. Not all of the aggrieved group are articulate and, in fact, the reason many of them follow the local leader is because the leader can usually put into words what they feel. Frequently an understandable explanation can resolve a problem satisfactorily. This, plus a strong Community Relations Department that responds to every potentially dangerous incident, has done much to maintain peace in Baltimore.

Despite the actions and efforts of the police, grievances will continue to exist beyond the police capacity to solve, and the threat of violent demonstrations and riots will continue until political action resolves the grievances. War is an extension of politics by force, and riots are a form of war.

When violence appears imminent the police must react, but in a manner not calculated to produce hysteria. The ranking members should be in the area trying to calm, not create agitation by over reaction, parading of police dogs and shotguns. In Baltimore last summer potentially dangerous demonstrations, where both demonstrators and counter demonstrators appeared, there was a reasonable show of police, but without helmets, without shotguns and carrying their nightsticks in a scabbard. Be assured we had ample offensive strength nearby, but out of sight.

When rioting, sniping and looting begin, the reaction must be swift and decisive, but should not involve indiscriminate shooting. Gentlemen, I guarantee you that harmless CS gas will clear any street and clear it immediately.

Much has been said about, and indeed this law is aimed at, so-called outside agitators. As a matter of fact, I have seen no evidence that at Watts, Detroit, or Newark, there were any "outside agitators" or indeed any agitation beyond an event that triggered an already existing disenchantment.

Many civil rights organizations, locally led, have called in outsiders to dramatize and call attention to themselves and to their problems. Were there no problem, there would be no need for an invitation. H. Rap Brown was invited into Cambridge in July of this year by a very minor group seeking to gain recognition for itself in the area. There had been numerous cases of arson in the town for three weeks prior to Brown's appearance, evidence of some unrest. Perhaps, had the local administration given some recognition to the group and heard their complaints, real or imagined, the group would not have sent for Brown and Cambridge would have been spared a disaster.

I think it to be a sweeping and inaccurate generalization to determine that an outsider—a very loose designation anyway—necessarily creates disorder. Further, I believe the laws of the several states are sufficient to deal with those inciting to riot regardless of their residence. For the police officer, unfortunately, it is difficult to enforce an "inciting to riot" law until it is too late.

[From the Cambridge (Md.) Daily Banner, Aug. 28, 1967]

When Maj. Gen. George M. Gelston testified before the Senate Judiciary Committee Friday, his remarks confirmed what most of us here in Cambridge learned about the man several years ago. And that is; he may know a little something about the army but he certainly does not understand the racial problem.

Consider his one remark, "Cambridge might have been spared a disaster last month if local officials had given some recognition to Negro grievances."

We don't know where the general has been concentrating his attention during the past few years, but for his edification, we'll outline a few of the things that have been done here "in recognition of Negro grievances."

For the past two and one-half years, a Community Action Agency, which has included membership from every segment of the Negro community, has heard and acted on every major Negro grievance that has been presented. The present leader of the Black Action Federation is a member of that Community Action Agency and has every opportunity to be heard. In addition, the Upward Bound Boys, a Negro group devoted to securing recreational facilities was organized and implemented by the Community Action Agency. According to the officials of that agency, at no time has a single grievance or request been neglected or denied study by the group.

Head Start, which is funded by the Office of Economic Opportunity has been established for the past three summers in Dorchester County. In 1966, $16,575 was spent on the program. During 1967, this year, a seven-week program was carried out costing $31,372.

An adult basic education program was carried out during the school year 1965–66 offering instruction to underprivileged adults. This program cost $12,500 for that year. During the school year 1966–67 adult basic education centers were conducted for the underprivileged at a cost of $14,397.

During the summer of 1965, a desegregated summer school was established at Cambridge High School with offerings in all the major secondary fields. The Office of Economic Opportunity underwrote the federal share for this project for $44,627. During the summer of 1966, the same type of program was offered to persons interested in furthering their education. $58,570 in federal funds were used to pay for this project.

This summer of 1967, the Dorchester County Board of Education developed a summer recreational-educational program costing $90,000. This program provided educational facilities, playgrounds and the Arena swimming pool for both Negroes and whites.

A six-week summer program for the children of migratory workers was held this summer at Hurlock. The program cost $35,361.

The Office of Economic Opportunity funded a program during the summer of 1967 designed to assist students financially to remain in school. One hundred twenty-nine Negro students and seven white students were hired in that project at a cost of $63,660.

During the school year 1966–67 a preschool program designed to provide help for children who are ready to begin school was held at a cost of $190,570. This was funded by the Dept. of Health, Education and Welfare.

Over 2,000 students, all Negro, received health counseling, guidance, social and psychological services during the school year, 1966–67 in an improvement of reading project which cost $113,128.

Since 1965, the Dorchester County Commissioners have put more cash into the antipoverty program than allocated by any of the other eight counties on the Eastern Shore.

45 teen-agers were enrolled this summer in work-training courses at the Eastern Shore State Hospital.

A manpower development and training program was started in Dorchester County four years ago and has graduated about 400 persons into gainful employment.

Courses are presently being offered by the vocational high school section of the State Department of Education in auto mechanics, other service station work, sewing and various types of hospital work.

In 1961, when Cambridge knew very little of racial troubles, the mayor and city council launched a federal housing program that created a model community in the Negro area housing 150 families. The housing project cost more than $2 million. Recently, the city council sent the Federal Department of Housing and Urban Development an application for funds to expand the 150 units by 75 more regular units plus 50 additional units for the elderly. This project is now on the drawing boards.

About 1,500 new jobs have been created in the county since 1961 as the result of an aggressive industrial development program and the bulk of these jobs have gone to Negroes. The unemployment rate this summer has been down to 3 percent. Since 1964, the annual rate has dropped from more than 9 percent to 6 percent.

All new industries moving into this county since 1961 have hired employees on a nondiscriminatory basis and Negroes and whites work side by side in these plants.

These are only a few of the things this community has done "in recognition of Negro grievances". We know Cambridge has a problem in race relations. So does Detroit, so does Newark, so does Minneapolis, and so do hundreds of other cities across this nation.

Before riots struck Newark, that city prided itself on the fact that it spends $277 per capita on repairing urban blight—the highest annual urban renewal figure for the nation's 50 biggest cities. Newark officials claim an overall unemployment figure of 7%—down from 14% since 1962. Newark had 125 federal poverty workers who spent $2,000,000 last year on community-action projects. Certainly Newark can say it "recognized Negro grievances" but the city had a riot.

In Detroit, fully 40% of the city's Negro families own their own homes. No city has waged a more massive and comprehensive war on poverty. The city has received $42 million in federal funds for its poverty programs. $10 million of that goes toward special training and placement programs for the unskilled and illiterate. A $4,000,000 medical program furnishes family-planning advice, outpatient clinics and the like. $3 million was allotted for this summer's Head Start and recreation program. Certainly Detroit can say it "recognized Negro grievances" but the city had a riot.

Much is being done to try and solve the Cambridge problem. Much remains to be done.

Maj. Gen. Gelston would perhaps have made a major contribution to the Senate Judiciary Committee's hearing had he pointed out that the recognition of every Negro splinter group's demands by government leaders and agencies, the passage of stopgap legislation, and trips to major league baseball games will not solve community problems. In fact, that kind of approach in Cambridge only tends to obscure the progress being made by the many community agencies presently in operation here.

After studying the experiences of Newark and Detroit and considering the efforts in Cambridge, the members of the Senate Judiciary Committee will find Gen. Gelston's unwarranted statement hard to follow.

THE COTTON SITUATION

Mr. TOWER. Mr. President, the Department of Agriculture has been conducting meetings in the Texas cotton belt recently in conjunction with the Texas Agricultural Stabilization and Conservation Committees to obtain an expression of views by cotton farmers on their problems and suggestions for future cotton programs.

Several groups of cotton producers thoughtfully sent me copies of their statements at these meetings, and I ask that they be reprinted in the RECORD at the conclusion of my remarks.

I am essentially in agreement with the views expressed in the statements. Particularly, I want to note that I am in total agreement with the organizations' idea that skip-row penalties should be eliminated. This would achieve the production of higher grade cotton, and is the only just course for the Department to take toward producers in skip-row areas of Texas.

It is also most important that the Department build an effective export program for cotton. I have urged this many times on the floor and to Secretary Freeman. Such a program would be most helpful now.

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

STATEMENT AND RECOMMENDATIONS PREPARED BY THE ROLLING PLAINS COTTON GROWERS, INC., OF STAMFORD, TEX., REPRESENTING 32 COUNTIES OF TEXAS, CONCERNING THE CURRENT COTTON SITUATION AND THE 1968 COTTON PROGRAM

History has proven that supply and demand and government policy have tended to create shortages and surpluses within the cotton carryover many times in past history. You do not have to look back many years to find the current situation completely reversed where shorter staple cottons were in short supply and longer staples cottons were being over-produced. At that time there were no major movements to curtail longer cotton production because everyone realized it was a short term condition. One which would work itself out if price, supply and demand were allowed to function.

We believe that the current situation will work itself out in the near future in much the same manner when price begins to fully dictate what cottons are spun or not spun by our mills.

However, Rolling Plains Cotton Growers recognizes the apparent forthcoming shortage of certain staple length. We recognize the need for maintaining adequate supplies of all qualities of cotton to meet mill market needs, both domestic and export.

We are in agreement, therefore, that some changes are needed in the 1968 program to meet these needs. However, if the cotton farmers interest is kept foremost in mind, which it most assuredly must be, we believe that restraint, good judgment and fair mindedness must prevail in making any adjustment in the current cotton program to encourage additional production in 1968.

With this in mind we wish to make six (6) specific recommendations:

1. The current crisis in cotton has been brought about largely by the lack of an effective export program. According to the National Cotton Council, our share of an expanded world market on an annual basis should fluctuate between 6 and 7 million bales.

In passing Section 203 of the Agricultural Act of 1956, Congress made it crystal clear that the United States Department of Agriculture was to adopt pricing policies and take all action necessary to re-etsablish and maintain a fair historical share of the world market for U.S. cotton. The fact of the matter is except for a few years, the general intent of the Act of 1956 has not been achieved.

The cotton export figures since 1956 clearly show this:

Year	*Bales*
1956	7,598,000
1957	5,717,000
1958	2,789,000
1959	7,182,000
1960	6,632,000
5-year average	5,988,600
1961	4,915,000
1962	3,351,000
1963	5,662,000
1964	4,060,000
1965	2,942,000
1966	4,832,000
6-year average	4,293,666

You will note that the average annual export for 1956–1960 exceeded average exports for 1961–66 by 1,687,934 bales. Had we maintained our exports at the 1956–60 rate, we would not have had to make as drastic reduction in the U.S. cotton crops as we have in the past 2 years and we would not now be facing any cotton crisis.

In order to re-create a healthy cotton industry in the U.S. we therefore recommend that Section 203 of the Agricultural Act of 1956 be again as Congress intended and that the U.S. regain its fair share of world markets.

2. We urge that restraint be used in making changes in the current program designed to increase production until new legislation can be enacted to protect producer income. With this in mind, we recommend that there be no change in the mandatory diversion provisions of the 1967 program. Every producer in the U.S. should be required to divert 12½% of his effective allotment with diversion payment in order to participate in the 1968 program.

3. We believe that the most logical first step in securing additional production of quality cotton in 1968 would be the elimination of skip-row penalties imposed for the past 2 years. Skip-row planting will not only raise more pounds but they will also be higher quality pounds and this is exactly what everyone wants. With the need for more bales of quality cotton clearly defined, therefore we recommend the abolition of skip-row penalties and return to measuring practices as they were in 1962–65.

4. According to departmental figures the present program will produce 11.2 million bales. If we remove skip-row penalties, production will increase to 12.8 million bales. We believe that this will not be a sufficient volume of cotton produced in 1968. We recommend therefore a reduction of voluntary diversion permitted from 22½% as it was in 1967 to 12½% in 1968 with full diversion payments. This will provide a projected production of 13.7 million bales in 1968, by USDA figures. We believe this to be adequate to meet all needs and protect producer income to the greatest possible limit under the present law in 1968.

5. We further recommend that government programs providing special assistance to foreign countries and involving shipments of U.S. cotton should to the greatest extent possible encourage the use of these qualities that are in surplus.

6. We also recommend that projected yields for all States, counties and individual farmers be fairly administered in 1968. We know that this was not done in 1967. It will be to the best interest of cotton that administration policies be developed that will pay fair returns to farmers who deserve these returns.

In conclusion we must say that the Rolling Plains Cotton Growers recognize the need for some additional production in 1968. We believe, however, that the methods herein outlined for reaching this production are better than the alternative. We wish to again point out that price, supply and demand have always in the past decided which cottons are spun and which are not. We sincerely hope that no action is taken by the Department which will keep us from finding out what the true price differentials on all qualities of cotton should be in 1967 and 1968.

I am Donnell Echols, representing the Dawson County Cotton Growers. This is an organization of both cotton producers and area businessmen who seek to promote the welfare of cotton and the economic environment of the Community. We want to express our appreciation for the opportunity to discuss the cotton program with you.

I. The Present Cotton Program:

A. As a producer and business organization, we recognize the merits of the existing program.

B. We are definitely aware of the surplus problems but feel that significant improvement has been made in this situation:

1. Due to acreage reductions.

2. Due to inclement weather the past two seasons.

3. Due to penalties on skip-row planting.

C. Cottons improved outlook brought about by the 1965 cotton bill has indicated a need to:

1. Gradually increase production in line with consumption.

2. Give particular emphasis to quality.

3. Improve our export market situation as the program was intended and written to do.

II. The economic situation in every local community is dependent upon cotton and cannot suffer further decline in cotton income. Every effort should be made to regain a full cotton economy as consumption and exports will permit.

III. Those of us in agriculture would like for you to recognize the role we play in the labor market. Our peak labor requirements come during the summer months at which time school children, women, older people, and others not qualified for full time employment, and thus could not locate other employment, are used to help produce cotton. We want you to represent our interests in the Welfare and Labor Departments of the Government because an Agricultural economy contributes greatly to the opportunities of many people not directly involved in cotton production.

IV. Improvements needed in program:

A. Permit the use of skiprow planting without penalty.

B. Move more cotton through export trade.

V. Skip row planting would achieve the goals of the Department of Agriculture and the cotton producer.

A. Would tend to increase production to a level that seems economically necessary.

B. Would enable producers to carry out improved methods of soil and water conservation.

C. Would permit production of a better quality cotton.

D. Would tend to have a stabilizing effect on volume of production.

E. Would not increase the cost of the cotton program;

1. Any increase in production resulting from skiprow planting would not cause an increase in the cotton program, to be accomplished by adjusting payment rates to yield.

VI. We sincerely feel that the goals of the Department of Agriculture and the goals of the cotton producer have never been closer. We also are convinced that these goals can best be achieved through the elimination of penalties on the practice of skiprow and that no other changes are necessary at this time.

Respectfully submitted,

DAWSON COUNTY COTTON GROWERS.

TEXAS COTTONSEED CRUSHERS' ASSOCIATION, INC.,

Dallas, Tex., September 6, 1967.

Hon. ORVILLE FREEMAN,
Secretary of Agriculture,
U.S. Department of Agriculture,
Washington, D.C.

DEAR SECRETARY FREEMAN: In the opinion of the Texas Cottonseed Crushers' Association none of the alternate 1968 programs outlined by U.S.D.A. in the Texas Hearings will result in the production of sufficient cotton to meet domestic and export market demands for the coming year. The economics of cotton production are such that merely eliminating diversion payments will not induce farmers to plant the acreage needed.

We respectfully propose, therefore, that the domestic allotment be increased to 75% of effective allotment and that 12.5% mandatory diversion be retained to provide some assurance of adequate grower income.

Exports should be increased to minimum of 5,000,000 bales which is well below our fair historical share of the foreign markets.

We do not attempt to tell you how these things can be done, but we would suggest that the per acre yield used in calculating the domestic allotment be lowered to a more realistic level, and that the domestic consumption estimate be set at a higher figure consistent with the results expected from our new CPI program.

The 1968 year will stand out as the year in which the U.S. cotton economy began its return to prosperity or the year in which it began a decline that led to poverty for many millions of people. No effort should be spared to prevent this latter possibility. Directors of the Texas Cottonseed Crushers' Association representing well over ⅓ of the total U.S. crushing capacity have voted unanimously for such a program and we will appreciate your earnest consideration of our views.

Yours very truly,

DIXON WHITE,
President.

LIFE INSURANCE INDUSTRY COMMITS $1 BILLION FOR CITIES

Mr. MONDALE. Mr. President, I was delighted to learn that Mr. Eugene Fitzhugh, president of the Metropolitan Life Insurance Co., and chairman of the Urban Problems Committee of the American Life Insurance Association, has announced a new $1 billion commitment by the Nation's life insurance industry to improve housing and to finance job-creating activities in urban areas. This is a new step that should be heralded by those who recognize the necessity for involving private enterprise in the job of rebuilding our core cities.

Also, this announcement clearly illustrates the need for supporting the rent supplement program. As noted by Mr. Fitzhugh, the rent supplement program offers the most promising avenue of participation by private enterprise. This announcement serves as an example of private enterprise's willingness to participate if Government programs encourage such participation.

Speaking today at a luncheon in New York City for top executives of New York banks and savings and loan associations, Robert C. Wood, Under Secretary of the Department of Housing and Urban Development, gave details of this new billion-dollar commitment by the life insurance industry. So that my colleagues might read his statement I ask unanimous consent to include in the RECORD a copy of the press release from Secretary Wood's office.

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

Under Secretary Robert C. Wood gave details today of a new $1 billion commitment by the nation's life insurance industry to President Johnson for investment in city core areas to improve housing and to finance job-creating activities. Mr. Wood explained this major effort at a luncheon in New York City for top executives of New York banks and savings and loan associations. The White House had previously announced the program at an 11:30 conference led by Secretary Weaver of HUD and Mr. Eugene Fitzhugh, who is the President of the Metropolitan Life Insurance Company and Chairman of the Urban Problems Committee of the American Life Insurance Association.

This is another step, Mr. Wood noted, in the development of a systematic and coordinated approach to the solution of America's urban problems, an approach which began with the enactment of the rent supplement and Model Cities programs.

During the last six months, Mr. Wood announced, major progress has been made in the Administration's plan for designing federal programs to insure maximum involvement of the private sector. The already proven Turnkey method for construction of low rent public housing has a new streamlined procedure allowing a developer to be designated quickly and reducing his risk. The Turnkey II effort, inaugurated on August 17, 1967, by President Johnson and Secretary Weaver, recognizes the profit element in *management* as well as construction of low income housing. In three cities, developers are already preparing private construction and *management projects.*

In New York City a 929-unit facility will be built by a private contractor and operated by a private management firm. Recently, Mr. Wood noted, HUD and SBA executed an agreement to aid the development of small businesses by encouraging the provision of commercial space in FHA 221(d)(3) projects. Another private involvement program, rent supplements, Mr. Wood noted, shows renewed promise with Senate Banking and Currency Committee's approval of a full appropriation.

In addition, a major new national program is underway, designed to make federal surplus land readily available to meet urban needs, especially in low and moderate income housing. The first site announced was a 335 acres formerly occupied by the National Training School in Washington.

The $1 billion life insurance commitment will provide capital for projects that would not, because of risk and location, ordinarily be financed under normal business practices. The plan contemplates, at least at the outset, that investments will be made under provisions of existing governmental programs, particularly FHA mortgages or loans under state development authorities. The rent supplement program offers the best opportunity for such constructive action. It is the industry's intention to make loans at interest rates no higher than regular market rates for normal operations.

The industry believes that through the combined cooperation of Federal, state and local agencies and the companies participating in the plan, new ways may be found to improve the quality of urban life.

VIETNAM DISENCHANTMENT

Mr. HARTKE. Mr. President, recently the Lou Harris poll showed that a growing number of disenchanted Americans, 34 percent, favor getting out of Vietnam as soon as possible. Only a few more, 37 percent, expressed favor for the administration policy of fighting a limited war with negotiations as a goal. These, together with the smaller number favoring fighting on for total military victory, comprise a majority in the combined category of "support" for our Vietnam policy.

But that combined total of 61 percent needs to be set against the figure for a 6-weeks-earlier poll where the figure was 72 percent. The fact is inescapable that support for what we are doing in Vietnam is dropping, so far as the military action is concerned. It is indeed remarkable that there should be 34 percent now committed to the idea of getting out as soon as possible. Probably, with the results of the election now in, and with the lapse of time since the interviews, that figure is now even higher.

The Terre Haute Tribune, in its September 2 issue, commented editorially on this situation. I ask unanimous consent that the editorial be printed in the RECORD.

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

VIETNAM DISENCHANTMENT

It is often remarked that the United States has never fought a war less popular with its citizens than the one now being fought in Vietnam. This appears to be a fair judgment, and not merely the self-serving conclusion of those who counsel pulling out of this confusing morass.

The evident unpopularity of the Vietnamese War has been further confirmed by a Louis Harris survey showing that basic public support of the U.S. presence in Vietnam has substantially declined over the past month and a half. The "support" figure in the poll combines those who favor total military victory and those who want our forces to continue fighting until peace negotions are achieved. This figure now encompasses 61 per cent of those interviewed, as compared with 72 percent in a similar poll six weeks before.

Sixty-one percent is still a substantial majority. It is far from the preponderance one might normally expect, however, when the nation has half a million troops committed to battle. Under ordinary circumstances, the emotional chords struck by involvement on such a scale would tend to rally all but a tiny percentage of the public to support of national policy.

This is emphatically not the case now. The Harris poll shows only 37 percent of those interviewed favoring the apparent administration policy of fighting under some self-imposed restraints with peace negotiations as the goal. Almost that many, 34 percent, favored getting out of Vietnam as soon as possible.

Though there seems to be a widespread feeling that our stand in Vietnam is required to curb the spread of communism in Asia, a great number of Americans are confused and uncertain about the reasons for our continuing involvement. The poll findings cited above, couple with other indications of public unrest, suggest rising disenchantment with the course that is being followed.

HEROISM IN VIETNAM

Mr. PELL. Mr. President, on April 28, 1967—3 days before his departure for the United States—a Rhode Island serviceman, Pvt. Norman Plante, of Pawtucket, was killed in Vietnam. Tonight in Providence, R.I., his mother will receive five medals of commendation which include the Purple Heart, the Silver Star for gallantry in action, the Bronze Star with first oak leaf cluster for heroism, and the Republic of Vietnam's Gallantry Cross with a bronze star.

It is quite probable that Private Plante would have qualified for a deferment from overseas duty since has father has been confined in a hospital for the past 4 years, he had two school age sisters, and his mother was not in the best of health. In fact, his mother had accumulated much documentation to support such a request. However, as Mrs. Plante states in a recent letter to me "he thought it was his duty to God and his country," and consequently asked that no further action be taken with regard to his remaining in the United States.

During these days when there are far too many instances of draft evaders and card burners, I find it most encouraging to know that there are those individuals who still possess the much-admired qualities of loyalty and integrity and still firmly believe in the fulfillment of those obligations which insure the safety and well-being of us all.

HAT DAY IN CONNECTICUT

Mr. DODD. Mr. President, I wish to bring to the Senate's attention a proclamation issued by the Honorable John Dempsey, Governor of the State of Connecticut.

The Governor's proclamation designates today, Wednesday, September 13, as Hat Day in Connecticut.

The hat has played a very prominent role in the history of Connecticut's economic development. Perhaps more than any other product of Connecticut's industry, the hat typifies Connecticut's tradition of superior workmanship.

I would like to take this opportunity to pay tribute to the many industries in Connecticut engaged in manufacturing products for the whole country and indeed, the world to enjoy. Many of Connecticut's products are famous the world over for their quality, beauty, and fine workmanship.

Mr. President, I ask unanimous consent that the proclamation be printed in the RECORD.

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

A PROCLAMATION OF THE STATE OF CONNECTICUT

By the middle of the 19th century Connecticut had attained a position of preeminence among the manufacturing states.

The skills of industrious workmen, the continuing effort on the part of manufacturers to improve production methods, and the development of sound marketing techniques brought early renown to our State as a source of quality goods.

Industrial production, even then, was a vital factor in the economy of many Connecticut communities. The busy looms in the textile mills of eastern Connecticut had largely eliminated the need for tedious weaving by hand at home. The factories in central Connecticut were finding new ways to produce vast quantities of clocks and other metal products. In Danbury, hat makers were turning out the then new "derby," a style which enjoyed popularity for many years.

In the 1860's, a few years after the introduction of the soft felt hat, the hat shops in the Danbury area were measuring their annual production in millions of units and were winning recognition for Connecticut as the nation's hat center.

The General Assembly has directed that a day be set aside each year to call public attention to the role of the hat industry in Connecticut's economic history. Accordingly, I designate Wednesday, September 13, to be Hat Day.

In honoring at this time the men and women who contributed to the development of the hat industry, let us also render deserved tribute to the employees in all types of manufacturing in our State for their commendable dedication to the Connecticut tradition of superior workmanship.

Attest:

JOHN DEMPSEY,
Governor.

By His Excellency's Command:

ELLA T. GRASSO,
Secretary of State.

OUR "FORGOTTEN" AMERICANS

Mr. HARTKE. Mr. President, not long ago I spoke in a newsletter sent to constituents of our "forgotten Americans." I said of them that—

> The forgotten Americans are those who work hard year after year to meet their bills and pay their taxes, giving generously of their time to civic, school and church activities. They are generally of middle class income, of all races and creeds. They have no lobbyists and neither do they demonstrate. In the twilight of their lives, their "riches" generally are grandchildren born of sons and daughters like themselves.
>
> Their distinguishing characteristic is that they want to earn their own way in life, neither asking nor receiving any special advantage. You, the reader, know who they are on your street and in your community; perhaps you are one of these "Forgotten Americans."

That concept, and that definition of our solid citizens whom we take so much for granted in our preoccupation with the problem children of all ages in our society, brought an unusually heavy response. It evidently struck a responsive chord.

One of those responses, in the warmest of terms, came from a longtime personal friend who sent along the text of an address bearing on the same theme. Its author was Miller Upton, president of Beloit College in Beloit, Wis., and it was delivered at an honors convocation at that college. It places a needed perspective on our scene, for a change lauding excellence instead of decrying the weak spots in our society. It is a refreshing reminder of values, and a word of encouragement to that "forgotten American" who is a solid citizen.

Mr. President, I ask unanimous consent that this address, published in the July 10 U.S. News & World Report, be printed in the RECORD.

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

IT'S TIME TO STAND UP FOR THE UPPERDOG

(From an address by Miller Upton, president of Beloit College, Beloit, Wis., which he delivered recently at the honors convocation of Ripon College, Ripon, Wis.)

I have just about reached the end of my tolerance for the way our society at the present time seems to have sympathetic concern only for the misfit, the pervert, the drug addict, the drifter, the ne'er-do-well, the maladjusted, the chronic criminal, the underachiever, the loser—in general, the underdog.

It seems to me we have lost touch with reality and become warped in our attachments, if not in fact psychotic.

In short, I feel it is time for someone like me to stand up and say, "I'm for the upperdog!" I'm also for the achiever—the one who sets out to do something and does it; the one who recognizes the problems and opportunities at hand and endeavors to deal with them; the one who is successful at his immediate task because he is not worrying about someone else's failings; the one who doesn't consider it "square" to be constantly looking for more to do, who isn't always rationalizing why he shouldn't be doing what he is doing; the one, in short, who carries the work of his part of the world squarely on his shoulders.

Not the wealthy, necessarily; not the ones in authority, necessarily; not the gifted, necessarily—just the doer, the achiever—regardless of his status, his opulence, his native endowment.

We are not born equal; we are born unequal. And the talented are no more responsible for their talents than the underprivi-

leged for their plight. The measure of each should be by what he does with his inherited position.

No one should be damned by the environmental condition of his life—whether it be privileged or underprivileged. . . .

It is a dying fashion to pay respect to those who achieve—who really "have it," to use the vernacular. This is the day when the fashion is to be for the underdog. The attitude is being developed that if you really want people to care for you—and who doesn't?—don't be successful; be a misfit, a loser, a victim of one's environment. This is an occasion to honor the successful—to say it is better to win than to lose, better to receive an A than a C, that class rank *is* meaningful, that those who have developed the pattern of achieving in college will go on achieving out of college, and, because of their achievement, the rest of us will live richer and easier lives.

I'm not entirely sure of the reason for what appears to me to be a general social-psychological aberration, but I suspect it springs from a massive social guilt.

Each of us individually is so aware of our personal limitations that we have developed a form of masochistic reaction to problems of the day. Instead of attempting to deal with the problems in a forthright way, we berate ourselves, we martyr ourselves, we pillory ourselves.

Or, if the problems seem too much for us to handle, we mitigate our sense of guilt by heaping all blame on convenient scapegoats or by concerning ourselves with the problems of others at a conveniently remote distance.

Let me illustrate my point by specific reference:

I have become increasingly bored and resentful of the ridicule and snide references made of the WASPS—the white, Anglo-Saxon, Protestant suburbanites. I wouldn't feel the point so strongly were the criticisms leveled by those outside of the circle. Such could be looked upon as healthy social criticism and competition. But when it comes mainly from those who are part of the circle—WASPS stinging themselves—it assumes the nature of sick self-immolation.

Our society's treatment of the Negro over the years is deplorable. In fact, that's too mild a term for it. The word "sinful" in its full theological sense is more accurate. But this fact does not justify us, in our sense of guilt, condemning a particular segment of society which in many ways constitutes the backbone of American social existence.

If damning by association is wrong, as I would maintain strongly it is, then how horribly wrong it is to level our guns of hostility, envy and ridicule in this fashion on the successful white man who more often than not struggled financially to get a college education, who more often than not works at his job more than 60 hours a week, who buys a comfortable home in the suburbs with the welfare of his family in mind, who is active in his church and community affairs, who gives his time to service on boards of education and social-welfare agencies, and in some cases is shortening his life span through overwork and anxiety resulting from the basic social responsibilities he must carry.

These are among the chief doers and achievers of today. And where would our society be without them? For one thing, we would not have Ripon College or Beloit College or the University of Wisconsin as we know them today were it not for the likes of these people. Nor could we afford to have a major portion of the population going to school for 12 to 20 years. Nor would we enjoy the leisure time, recreational activities and cultural advantages which are a direct product of our material welfare. However, there would be one by-product advantage: We would have to be so concerned individually with eking out our own meager existence that there would be no time to be wasted on such irrelevant and dishonest name-calling and buck-passing.

BLAMING ECONOMIC SYSTEM UNFAIRLY

Or, just as we point an accusing finger at those who succeed within our economic system, so we accuse the system itself of faults which are not of its creation. In short, we tend to blame the economic system for the faults of individuals who operate within it.

It is important to recognize that the quality of any society is directly related to the quality of the individuals who make it up. Therefore, let us stop referring naively to creating a "great" society. It is enough at this stage of our development to aspire to create a "decent" society. And to do so our first task is to help each individual be decent unto himself and in his relationship with other individuals.

A decent society cannot be created out of a vacuum and imposed. It can only evolve out of the lives of constituent members. In this regard, our economic system has become the scapegoat for the failures of our educational, religious and family institutions to develop decent and responsible individuals.

Whenever one blames another group of individuals for one or more of the ills of mankind—beware! He is expressing personal hostility and offering no solution. There is no single scapegoat for the world's ills, unless it be our own personal limitations as finite beings.

Also, the Puritan ethic and religious morality in general have come in for some heavy-handed humor and disdain. I can support that criticism which focuses on arbitrary value judgments. But we seem to be in the process of developing a much more perverse kind of moralism—a moralism which says that since love is the one absolute virtue of man, the one way we will solve the problems of poverty, crime, racial discrimination and the like is by forcing everyone to love everybody else—we must love the white man because he is white, or the black man because he is black, or the poor because he is poor, or the enemy because he is the enemy, or the perverse because he is perverse, or the afflicted because he is afflicted! Rather than because he is a human being, any human being who just happens to be white or black, poor or rich, enemy or friend.

This is a hideous abuse of the notion of love that avoids the hard facts that love is a uniquely personal experience.

If it is idle to attempt to legislate individual morality, it is even more idle, and even arrogant, to attempt to force individual love. There can be no love unless it is genuine and authentic. To love, or go through the pretense of loving, without truly feeling that way is one of the lowest forms of hypocrisy. It is dishonesty at its worst. And the fruit of such dishonesty, as with all forms of dishonesty, is distrust, degradation, chaos. We should respect all people so much that we would not dare demean one by pretending to love him when we don't. . . .

We need to start being honest with ourselves in more ways than one. It is too bad that we have failed to heed the charge that Polonius made to his son: "This above all, to thine own self be true." For were we to do so we would have to admit honestly and joyously that love in its very essence is selfish. Were it not so, there would be none—not real love—only a martyred imitation. . . .

We have serious problems and issues facing our society at the present time. Let there be no doubt about it. But they can be solved over time if we will attack them directly and honestly—that is, if we will be willing to pay the price in time and persistent personal effort.

They will never be subject to instant solutions—to wishing it so. Nor will they be solved by blaming others for their existence, or by making certain segments of society the scapegoat for the general ills of society. Nor will they be solved by running away from them by concerning ourselves with remote situations rather than those at hand. Nor will they be solved by application of the perverse notion that to love means only to sacrifice one's self.

The one most certain point is that they will be solved by doers—not people with good intentions, but individuals with good deeds. Not those who talk a good game, but those who play a good game—the achiever.

ENCOURAGE INDIVIDUAL EXCELLENCE

We will never create a good society, much less a great one, until individual excellence and achievement is not only respected but encouraged. That is why I'm for the upper-dog—the achiever—the succeeder. I'm for building an ever better society, and this will only be done by those who take seriously their responsibility for achievement, for making the most of their native ability, for getting done the job at hand.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, if there is no further morning business, I ask that morning business be concluded.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

PROTECTING PRIVACY AND RIGHTS OF FEDERAL EMPLOYEES

Mr. BYRD of West Virginia. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 519, Senate bill 1035.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1035) to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to; and the Senate resumed the consideration of the bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PRIVILEGE OF THE FLOOR

Mr. ERVIN. Mr. President, I ask unanimous consent at this time that George Autry and Marcia J. MacNaughton, members of the staff of the Subcommittee on Constitutional Rights, be allowed on the floor of the Senate to assist me in the presentation of this bill. They are members of the staff of the subcommittee which handled this bill, and their intelligent and industrious work on the bill has made the bill possible. Another member of the staff who has made an important contribution is Lewis Evans, who is also present in the Chamber.

The PRESIDING OFFICER. Is there

objection? Without objection, it is so ordered.

A BILL TO PROTECT THE CONSTITUTIONAL RIGHTS OF GOVERNMENT EMPLOYEES AND TO PREVENT UNWARRANTED INVASIONS OF THEIR PRIVACY—S. 1035

Mr. ERVIN. Mr. President, S. 1035 is a bill unanimously approved by the Judiciary Committee to protect the constitutional rights of civilian employees of the executive branch and to prevent unwarranted governmental invasions of their privacy.

The purpose of the bill is to prohibit indiscriminate requirements that employees and applicants for Government employment:

Disclose their race, religion or national origin; attend Government-sponsored meetings and lectures or participate in outside activities unrelated to their employment; report on their outside activities or undertakings unrelated to their work; submit to questioning about their religious beliefs and practices, personal relationships or sexual attitudes and conduct through interviews, psychological tests, or polygraphs; support political candidates or attend political meetings; buy bonds or make charitable contributions under coercion from supervisors; or disclose their own personal assets, liabilities, or expenditures, or those of any member of their families unless, in the case of specified employees, certain items would tend to show a conflict of interest.

It provides a right to have a counsel or other person present, if the employee wishes, at an interview which may lead to disciplinary proceedings.

It accords the right to a civil action in a Federal court for violation or threatened violation of the act.

It establishes a Board on Employees' Rights to receive and conduct hearings on complaints of violation of the act, and to determine and administer remedies and penalties.

Mr. President, with this bill, Congress has a chance to reaffirm the belief of the American people in a value system as old as Western civilization: That is, in the dignity of the individual; in the unfettered enjoyment of his personal thoughts and beliefs free of the control of government; and in the worth of the expression of his personality in the democratic society.

This bill affords Congress the opportunity to take a stand on one of the most crucial philosophical and practical problems facing our society—the preservation of individual freedom in an age of scientific technology.

Many learned people have analyzed the legal and scientific issues raised by the needs to meet certain goals of government in a country as vast and diverse as ours. But they have balanced the interests back and forth until they have lost track of the basic issues of liberty involved.

The Founding Fathers drafted a constitution that was meant to protect the liberty of Americans of every era, for its principles are enduring ones. One of the fundamental aspects of our liberty as freemen is the privacy of our innermost thoughts, attitudes, and beliefs: this includes not only our freedom to express them as we please, but the freedom from any form of governmental coercion to reveal them. Another aspect is the constitutional protection against self-incrimination for civil servants as well as for criminals and others.

In its report on S. 1035, the committee stated:

> Each section of the bill is based on evidence from many hundreds of cases and complaints showing that generally in the Federal service, as in any similar organizational situation, a request from a superior is equivalent to a command. This evidence refutes the argument that an employee's response to a superior's request for information or action is a voluntary response, and that an employee "consents" to an invasion of his privacy or the curtailment of his liberty. Where his employment opportunities are at stake, where there is present the economic coercion to submit to questionable practices which are contrary to our constitutional values, then the presence of consent or voluntarism may be open to serious doubt. For this reason the bill makes it illegal for officials to "request" as well as to "require" an employee to submit to certain inquiries or practices or to take certain actions.

Much has been said and written of the problems we deal with in S. 1035. The hearings and committee report, as well as the subcommittee's last three annual reports, amply document the need for such legislation. But let no one be deluded that this bill is a panacea for all the ills besetting the Federal service, all of the invasions of privacy, all of the violations of basic due process principles.

There are many areas left untouched, as the subcommitte daily mail will show. Passage of the bill will correct some violations, and provide some recourses against violations. But more importantly, it will establish a precedent in this area of the law and create a climate for decisionmaking in the executive branch.

The zealous men, the unthinking, careless, hurried, impatient, pressured, or misinformed men will still make unreasonable or illegal decisions. We cannot legislate against all manner of fools or their follies. Where their decisions affect the liberties of the citizen, we can only provide the basic standards by which they can be controlled. For the conscientious administrator anxious to do his job well, achieving the maximum benefit for Government and observing individual rights at the same time, the bill provides a uniform guide. He will not need to sit and ponder whether to follow his conscience or an illegal order or whether or not to utilize a questionable scientific method.

The law will state clearly what his own rights and duties are in certain areas.

I confess that were I legislating alone, I would rather see fewer compromises and exceptions than are now contained in the bill. I see no necessity for any of the practices prohibited in S. 1035.

Unfortunately, some people, both in Government and out, have not yet been alerted to the dangers posed by these policies and practices. For them, the symbolic act or the technique—the means—still triumph over purpose, however unrelated the two.

A threefold need for this bill is outlined in the committee report.

The first is the immediate need to establish a statutory basis for the preservation of certain rights and liberties of those citizens who now work for Government and those who will work for it in the future. The bill not only remedies problems of today but looks to the future in recognition of the almost certain enlargement of the scope of Federal activity and the continuing rise in the number of Americans employed by their Federal Government or serving it in some capacity.

Second, the bill meets the Federal Government's need to attract the best qualified employees, and to retain them with the assurance that they will be treated fairly and as people of honesty and integrity.

Third, is the growing need for the beneficial influence which such a statute would provide in view of the present impact of Federal policies, regulations, and practices on those of State and local government and of private business and industry. Considerable interest in the bill has been demonstrated in this respect. An example is the following comment by Allen J. Graham, secretary of the Civil Service Commission of the city of New York:

> It is my opinion, based on over 25 years of former Government service, including some years in a fairly high managerial capacity, that your bill, if enacted into law, will be a major step to stem the tide of "Big Brotherism," which constitutes a very real threat to our American way of life.
>
> In my present position as secretary of the Civil Service Commission of the City of New York, I have taken steps to propose the inclusion of several of the concepts of your bill into the rules and regulations of the city civil service commission.

AMENDMENTS

With one exception, all of the amendments added in subcommittee and committee are meritorious. They clarify possible ambiguities and insure that the purpose of the bill is achieved.

The one exception is the new section 6 pertaining to the Director of the Central Intelligence Agency or the Director of the National Security Agency. Upon a personal finding that any psychological testing, polygraph testing, or financial disclosure is required to protect national security, they could allow these measures in individual cases.

Prior to adoption of this amendment, I met several times with representatives of the CIA and NSA; and all legitimate objections on grounds of security were met.

Personally, I would not favor even the limited exemption in section 6. As I have stated before, the subcommittee's study of psychological testing clearly demonstrated that such tests are both useless and offensive as tools of personnel administration; and my own research has convinced me that polygraph machines are totally unreliable for any purpose. If the security of the United States rests on these devices, we are indeed pitifully insecure. Fortunately, it does not, for the FBI does not use these examinations.

But even if it could be shown that psychological tests and polygraphs have mystical powers and can be used to predict behavior or divine the truth, I would still oppose their being used to probe the

religious beliefs, family relationships, or sexual attitudes of American citizens. A fundamental ingredient of liberty is the right to keep such matters to oneself. And without liberty, "national security" is a hollow phrase. The truth is, there is no place for this sort of 20th century witchcraft in a free society.

Nevertheless, I am requesting the committee amendment granting a partial exemption to the CIA and NSA be accepted with the other amendments. I do this for two reasons. First, the amendment will require that use of the examinations by the two agencies be severely curtailed; and for the first time Congress will be withholding its permission for the agencies to kick American citizens around with impunity. Second, it is clear to me that a number of the bill's 55 cosponsors prefer that the CIA and NSA be allowed this partial exemption. I trust the Directors of the Agencies will use it with restraint.

I want to make clear my own convictions that for all of the policies and techniques restricted by this bill, there are valid alternatives.

In this connection, the subcommittee has found especially helpful the testimony of Prof. Alan Westin, of Columbia University, who directed the study by the special committee on science and law of the Bar Association of the City of New York. This bar committee has been concerned with an analysis of the ways in which science and technology are creating new pressures on traditional patterns of privacy in American society. Professor Westin analyzed the alternatives to show how we have allowed polygraphing and personality testing to expand the scope of questioning in a way that our law and our governmental practice have rejected for direct interrogation.

He makes the point which has been evident throughout congressional study of these problems that—

> One of the key problems of science and privacy is that things are being done in the name of science which we would not allow to be done directly.

Unfortunately, however the Constitutional Rights Subcommittee study shows that, in practice, the questions which our standards of fairness should not allow to be asked even in personal interviews are being asked directly, and that they are obviously beyond the control of the leadership in the executive branch.

Mr. President, I ask unanimous consent that excerpts from the testimony of Prof. Alan Westin before the Constitutional Rights Subcommittee hearings on S. 3779 be printed at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. ERVIN. Mr. President, in addition to the provisos for the Central Intelligence Agency and the National Security Agency, and technical amendments, the following major changes were adopted in the bill and are explained in the committee report.

An exemption was made for questions concerning national origin where the information is needed for security purposes and overseas assignments.

The section relating to prohibitions on patronizing business establishments has been deleted.

The criminal penalties have been deleted.

Provisos were added to assure that sections 1(f) and 2(b) will not be construed to prohibit an officer of the department, agency, or Civil Service Commission from advising the employee or applicant of a specific charge of sexual misconduct made against him and affording him an opportunity to refute the charge.

Another amendment spells out the power of the Attorney General, in certain circumstances, to defend an official against whom a charge is brought.

Section 9 was added to provide that nothing shall prohibit establishment of agency and department grievance procedures for enforcing the act, but the existence of such procedures shall not preclude a person from pursuing other remedies. It also provides that if an individual shall elect to seek a remedy through the Board on Employee Rights, he waives his right to proceed by an independent action through the U.S. district court. Similarly, if under the act he elects to proceed through the court, he waives his right to seek a remedy through the Board on Employee Rights.

I ask unanimous consent that the complete list of amendments from pages 1 to 3 of the committee report be included at this point in the RECORD.

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

AMENDMENTS

1. Amendment to section 1(a) page 2, line 13:

"*Provided further*, That nothing contained in this subsection shall be construed to prohibit inquiry concerning the national origin of any such employee when such inquiry is deemed necessary or advisable to determine suitability for assignment to activities or undertakings related to the national security within the United States or to activities or undertakings of any nature outside the United States."

2. Amendment to section 1(b), page 2, line 25: Strike "to" (Technical amendment.)

3. Delete section 1(e), page 4, lines 1–4 (prohibitions or patronizing business establishments,) and renumber following sections as sections 1 (e), (f), (g), (h), (i), (k), and (l), respectively.

4. Delete section 4, page 10, lines 12–23 (Criminal Penalties) and renumber following sections as section 4 and 5, respectively.

5. Amendment to section 1(f), page 4, line 25:

"*Provided further, however*, That nothing contained in this subsection shall be construed to prohibit an officer of the department or agency from advising any civilian employee or applicant of a specific charge of sexual misconduct made against that person, and affording him an opportunity to refute the charge."

6. Amendments to section 1(f), page 4, at lines 17 and 19: Change "psychiatrist" to "physician."

7. Amendment to section 1(k), page 7, at line 10: Change (j) to (i).

8. Amendment to section 2(b), page 9, at line 6 and line 9: Change "psychiatrist" to "physician."

9. Amendment to section 2(b), page 9, at line 15:

"*Provided further, however*, That nothing contained in this subsection shall be construed to prohibit an officer of the Civil Service Commission from advising any civilian employee or applicant of a specific charge of sexual misconduct made against that person, and affording him an opportunity to refute the charge."

10. Amendment to section 5, page 11, line 21: Insert after the word "violation." the following:

"The Attorney General shall defend all officers or persons sued under this section who acted pursuant to an order, regulation, or directive, or who, in his opinion, did not willfully violate the provisions of this Act."

11. Amendment to section 6(l), page 16, at line 24: Strike "sign charges and specifications under section 830 (article 30)" and insert in lieu thereof: "convene general courts martial under Section 822 (Article 22)" (Technical amendment.)

12. Amendment to section 6(m), page 17, line 14: Change subsection (j) to (k). (Technical amendment.)

13. Amendment, page 18, add new section 6:

"SEC. 6. Nothing contained in this Act shall be construed to prohibit an officer of the Central Intelligence Agency or of the National Security Agency from requesting any civilian employee or applicant to take a polygraph test, or to take a psychological test designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters, or to provide a personal financial statement, if the Director of the Central Intelligence Agency or the Director of the National Security Agency makes a personal finding with regard to each individual to be so tested or examined that such test or information is required to protect the national security."

14. Amendment, page 18, add new section 8, and renumber following section as section 9.

"SEC. 8. Nothing contained in Sections 4 and 5 shall be construed to prevent establishment of department and agency grievance procedures to enforce this Act, but the existence of such procedures shall not preclude any applicant or employee from pursuing the remedies established by this Act or any other remedies provided by law: *Provided, however*, That if under the procedures established, the employee or applicant has obtained complete protection against threatened violations or complete redress for violations, such action may be pleaded in bar in the United States District Court or in proceedings before the Board on Employee Rights: *Provided further, however*, That if an employee elects to seek a remedy under either section 4 or section 5, he waives his right to proceed by an independent action under the remaining section."

Mr. ERVIN. Mr. President, during the last few months, the Civil Service Commission has made a good faith effort to eliminate some of the privacy-invading practices of the Federal Government. Also, as a result of complaints which the subcommittee has sent to the Civil Service Commission, some individual grievances have been remedied.

But while isolated cases of injustice may be corrected by congressional intervention, they do not, as with judicial decisions on the rights of criminals, establish a precedent for protecting rights of all employees. There are vast numbers of Federal agencies with decentralized personnel systems, responsive in different ways to policy directives. In some cases, they lack any control at all by Congress, the President, the Civil Service Commission, or, in some instances, even by the head of the department or agency.

They are, in effect, beyond the reach of the law.

The reply of some in the executive branch has been that Government employment is a privilege, and if the individual does not like his treatment, he can quit.

The Association of the Bar of the City of New York has a reply to this. Their report on the bill states:

The Ervin bill recognizes the existence of some serious shortcomings in the behavior of the Executive Branch of the Federal Government as an employer. There are today almost three million persons employed by the Federal Government and the number can be expected to grow. It is not possible, therefore, to deal with the problem within the narrow framework of an employee's option to quit his employment if the conditions are not to his taste.

Employment by the Federal Government should not be regarded as a privilege to be withheld or conditioned as the Government sees fit. Indeed, there is an obligation on the part of the Federal Government to have more than the usual respect for rights of privacy.

It is already a late date for the Federal Government to begin showing respect for the rights of privacy. But the Senate can and must take the first step today by passing S. 1035.

I ask unanimous consent to insert at this point in the RECORD an excerpt from the Judiciary Committee report on the bill—Senate Report No. 534, pages 7 through 44. This contains the legislative history of the bill and a section-by-section analysis of S. 1035.

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

SENATE REPORT NO. 534, 90TH CONGRESS, FIRST SESSION; PROTECTING PRIVACY AND THE RIGHTS OF FEDERAL EMPLOYEES

LEGISLATIVE HISTORY

Violations of rights covered by S. 1035 as well as other areas of employee rights have been the subject of intensive hearings and investigation by the subcommittee for the last five Congresses.

In addition to investigation of individual cases, the Subcommittee on Constitutional Rights has conducted annual surveys of agency policies on numerous aspects of Government personnel practices. In 1965, pursuant to Senate Resolution 43, hearings were conducted on due process and improper use of information acquired through psychological testing, psychiatric examinations, and security and personnel interviews.

In a letter to the Chief Executive on August 3, the subcommittee chairman stated:

"For some time, the Constitutional Rights Subcommittee has received disturbing reports from responsible sources concerning violations of the rights of Federal employees. I have attempted to direct the attention of appropriate officials to these matters, and although replies have been uniformly courteous, the subcommittee has received no satisfaction whatsoever, or even any indication of awareness that any problem exists. The invasions of privacy have reached such alarming proportions and are assuming such varied forms that the matter demands your immediate and personal attention.

"The misuse of privacy invading personality tests for personnel purposes has already been the subject of hearings by the subcommittee. Other matters, such as improper and insulting questioning during background investigations and due process guarantees in denial of security clearances have also been the subject of study. Other employee complaints, fast becoming too numerous to catalog, concern such diverse matters as psychiatric interviews; lie detectors; race questionnaires; restrictions on communicating with Congress; pressure to support political parties yet restrictions on political activities; coercion to buy savings bonds; extensive limitations on outside activities yet administrative influence to participate in agency-approved functions; rules for writing, speaking and even thinking; and requirements to disclose personal information concerning finances, property and creditors of employees and members of their families."

After describing in detail the operation of two current programs to illustrate the problems, Senator Ervin commented:

"Many of the practices now in extensive use have little or nothing to do with an individual's ability or his qualification to perform a job. The Civil Service Commission has established rules and examinations to determine the qualifications of applicants. Apparently, the Civil Service Commission and the agencies are failing in their assignment to operate a merit system for our Federal civil service.

"It would seem in the interest of the administration to make an immediate review of these practices and questionnaires to determine whether the scope of the programs is not exceeding your original intent and whether the violations of employee rights are not more harmful to your long-range goals than the personnel shortcuts involved."

Following this letter and others addressed to the Chairman of the Civil Service Commission and the Secretaries of other departments, legislation to protect employee rights was introduced in the Senate.

S. 1035 was preceded by S. 3703 and S. 3779 in the second session of the 89th Congress. S. 3703 was introduced by the chairman on August 9, 1966, and referred to the Judiciary Committee. On August 25, 1966, the chairman received unanimous consent to a request to add the names of 33 cosponsors to the bill. On August 26, 1966, he introduced a bill similar to S. 3703, containing an amendment reducing the criminal penalties provided in section 2. This bill, S. 3779, was also referred to the Judiciary Committee, and both S. 3703 and S. 3779 were then referred to the Subcommittee on Constitutional Rights.

Comments on the bill and on problems related to it were made by the chairman in the Senate on July 18, August 9, August 25, August 26, September 29, October 17 and 18, 1966, and on February 21, 1967.

Hearings on S. 3779 were conducted before the subcommittee on September 23, 29, 30, and October 3, 4, and 5, 1966. Reporting to the Senate on these hearings, the subcommittee chairman made the following statement:

"The recent hearings on S. 3779 showed that every major employee organization and union, thousands of individual employees who have written Congress, law professors, the American Civil Liberties Union, and a number of bar associations agree on the need for statutory protections such as those in this measure.

"We often find that as the saying goes 'things are never as bad as we think they are,' but in this case, the hearings show that privacy invasions are worse than we thought they were. Case after case of intimidation, of threats of loss of job or security clearance were brought to our attention in connection with bond sales, and Government charity drives.

"Case after case was cited of privacy invasion and denial of due process in connection with the new financial disclosure requirements. A typical case is the attorney threatened with disciplinary action or loss of his job because he is both unable and unwilling to list all gifts, including Christmas presents from his family, which he had received in the past year. He felt this had nothing to do with his job. There was the supervisory engineer who was told by the personnel officer that he would have to take disciplinary action against the 25 professional employees in his division who resented being forced to disclose the creditors and financial interests of themselves and members of their families. Yet there are no procedures for appealing the decisions of supervisors and personnel officers who are acting under the Commission's directive. These are not isolated instances; rather, they represent a pattern of privacy invasion reported from almost every State.

"The subcommittee was told that supervisors are ordered to supply names of employees who attend PTA meetings and engage in Great Books discussions. Under one department's regulations, employees are requested to participate in specific community activities promoting local and Federal antipoverty, beautification, and equal employment programs; they are told to lobby in local city councils for fair housing ordinances, to go out and make speeches on any number of subjects, to supply flower and grass seed for beautification projects, and to paint other people's houses. When these regulations were brought to the subcommittee's attention several weeks ago, we were told that they were in draft form. Yet, we then discovered they had already been implemented and employees whose official duties had nothing to do with such programs were being informed that failure to participate would indicate an uncooperative attitude and would be reflected in their efficiency records.

"The subcommittee hearings have produced ample evidence of the outright intimidation, arm twisting and more subtle forms of coercion which result when a superior is requested to obtain employee participation in a program. We have seen this in the operation of the bond sale campaign, the drives for charitable contributions, and the use of self-identification minority status questionnaires. We have seen it in the sanctioning of polygraphs, personality tests, and improper questioning of applicants for employment.

"In view of some of the current practices reported by employee organizations and unions, it seems those who endorse these techniques for mind probing and thought control of employees have sworn hostility against the idea that every man has a right to be free of every form of tyranny over his mind; they forget that to be free a man must have the right to think foolish thoughts as well as wise ones. They forget that the first amendment implies the right to remain silent as well as the right to speak freely—the right to do nothing as well as the right to help implement lofty ideals.

"It is not under this administration alone that there has been a failure to respect employee rights in a zeal to obtain certain goals. While some of the problems are new, others have been prevalent for many years with little or no administrative action taken to attempt to ameliorate them. Despite congressional concern, administrative officials have failed to discern patterns of practice in denial of rights. They seem to think that if they can belatedly remedy one case which is brought to the attention of the Congress, the public and the press, that this is enough—that the heat will subside. With glittering generalities, qualified until they mean nothing in substance, they have sought to throw Congress off the track in its pursuit of permanent corrective action. We have seen this in the case of personality testing, in the use of polygraphs, and all the practices which S. 3779 would prohibit.

"The Chairman of the Civil Service Commission informed the subcommittee that there is no need for a law to protect employee rights. He believes the answer is 'to permit executive branch management and executive

branch employees as individuals and through their unions, to work together to resolve these issues as part of their normal discourse.'

"It is quite clear from the fearful tenor of the letters and telephone calls received by the subcommittee and Members of Congress that there is no discourse and is not likely to be any discourse on these matters between the Commission and employees. Furthermore, there are many who do not even fall within the Commission's jurisdiction. For them, there is no appeal but to Congress.

"As for the argument that the discourse between the unions and the Commission will remedy the wrongs, the testimony of the union representatives adequately demolishes that dream.

"The typical attitude of those responsible for personnel management is reflected in Mr. Macy's answer that there may be instances where policy is not adhered to, but "There is always someone who doesn't get the word." Corrective administration action, he says, is fully adequate to protect employee rights.

"Administrative action is not sufficient. Furthermore, in the majority of complaints, the wrong actually stems from the stated policy of the agency or the Commission. How can these people be expected to judge objectively the reasonableness and constitutionality of their own policies? This is the role of Congress, and in my opinion, Congress has waited too long as it is to provide the guidance that is desperately needed in these matters.

"As I have stated on many occasions, S. 3779 is merely a blueprint for discussion: the other 35 cosponsors and I have no pride of authorship in the language. However, we are determined that Congress shall take affirmative action to protect the constitutional rights of employees enunciated in the bill. Many illuminating and valuable suggestions have been made in the course of the subcommittee hearings and investigation, and they will be given careful and thoughtful study. It is my intention to reintroduce the bill next January in the hope of obtaining prompt action on it early in the next session."

S. 1035, 90th Congress

On the basis of the subcommittee hearings, agency reports, and the suggestions of many experts, the bill was amended to meet legitimate objections to the scope and language raised by administrative witnesses and to clarify the intent of its cosponsors that it does not apply to the proper exercise of management authority and supervisory discretion, or to matters now governed by statute.

This amended version of S. 3779 was introduced in the Senate by the chairman on February 21, 1967. As S. 1035, it was referred to the Judiciary Committee. The 54 cosponsors are Senators Fong, Burdick, Smathers, Long of Missouri, Tydings, Bayh, Eastland, Hruska, Scott, Dirksen, Thurmond, Brewster, Montoya, Prouty, Fannin, Bible, Byrd of Virginia, McIntyre, Young of North Dakota, Talmadge, Bartlett, Williams of New Jersey, Lausche, Jordan of North Carolina, Nelson, Jordan of Idaho, Yarborough, Randolph, Inouye, Miller, Metcalf, Mundt, Muskie, Cooper, McCarthy, Brooke, Sparkman, Moss, Hatfield, Hollings, Carlson, Hansen, Clark, Dominick, Church, McGovern, Tower, Hill, Percy, Pearson, Spong, Dodd, Magnuson, and Gruening.

Comparison of S. 1035 and S. 3779

As introduced, the revised bill, S. 1035, differs from S. 3779 of the 89th Congress in the following respects:

1. The section banning requirements to disclose race, religion, or national origin was amended to permit inquiry on citizenship where it is a statutory condition of employment.

2. The provision against coercion of employees to buy bonds or make charitable donations was amended to make it clear that it does not prohibit calling meetings or taking any action appropriate to afford the employee the opportunity voluntarily to invest or donate.

3. A new section providing for administrative remedies and penalties establishes a Board on Employee Rights to receive and conduct hearings on complaints of violation of the act, and to determine and administer remedies and penalties. There is judicial review of the decision under the Administrative Procedure Act.

4. A specific exemption for the Federal Bureau of Investigation is included.

5. Exceptions to the prohibitions on privacy-invading questions by examination, interrogations, and psychological tests are provided upon psychiatric determination that the information is necessary in the diagnosis and treatment of mental illness in individual cases, and provided that it is not elicited pursuant to general practice or regulation governing the examination of employees or applicants on the basis of grade, job, or agency.

6. The section prohibiting requirements to disclose personal financial information contains technical amendments to assure that only persons with final authority in certain areas may be subject to disclosure requirements.

7. For those employees excluded from the ban on disclosure requirements, a new section (j), provides that they may only be required to disclose items tending to show a conflict of interest.

8. Military supervisors of civilian employees are included within the prohibitions of the bill, and violation of the act is made a punishable offense under the Uniform Code of Military Justice.

9. A new section 2 has been added to assure that the same prohibitions in section 1 on actions of department and agency officials with respect to employees in their departments and agencies apply alike to officers of the Civil Service Commission with respect to the employees and applicants with whom they deal.

10. Section (b) of S. 3779, relating to the calling or holding of meetings or lectures to indoctrinate employees, was deleted.

11. Sections (c), (d), and (e) of S. 3779—sections (b), (c), and (d) of S. 1035—containing prohibitions on requiring attendance at outside meetings, reports on personal activities and participation in outside activities, were amended to make it clear that they do not apply to the performance of official duties or to the development of skill, knowledge, and abilities which qualify the person for his duties or to participation in professional groups or associations.

12. The criminal penalties were reduced from a maximum of $500 and 6 months' imprisonment to $300 and 30 days.

13. Section (h) of S. 3779 prohibiting requirements to support candidates, programs, or policies of any political party was revised to prohibit requirements to support the nomination or election of persons or to attend meetings to promote or support activities or undertakings of any political party.

14. Other amendments of a technical nature.

QUESTIONS ON RACE, RELIGION, NATIONAL ORIGIN

Many complaints received by the subcommittee concerned official requests or requirements that employees disclose their race, religion, or ethnic or national origin. This information has been obtained from employees through the systematic use of questionnaires or oral inquiries by supervisors.

Chief concern has focused on a policy inaugurated by the Civil Service Commission in 1966, under which present employees and future employees would be asked to indicate on a questionnaire whether they were "American Indian," "oriental," "Negro," "Spanish-American" or "none of these." Approximately 1.7 million employees were told to complete the forms, while some agencies including the Department of Defense continued their former practice of acquiring such information through the "head count" method. Although the Civil Service Commission directive stated that disclosure of such information was voluntary, complaints show that employees and supervisors generally felt it to be mandatory. Administrative efforts to obtain compliance included in some instances, harassment, threats, and intimidation. Complaints in different agencies showed that employees who did not comply received airmail letters at their homes with new forms; or their names were placed on administrative lists for "followup" procedures, and supervisors were advised to obtain the information from delinquent employees by a certain date.

In the view of John McCart, representing the Government Employes' Council, AFL-CIO:

"When the Civil Service Commission and the regulations note that participation by the employee will be voluntary, this removes some of the onus of the encroachment on an individual's privacy. But in an organizational operation of the size and complexity of the Federal Government, it is just impossible to guarantee that each individual's right to privacy and confidentiality will be observed.

"In addition to that, there have been a large number of complaints from all kinds of Federal employees. In the interest of maintaining the rights of individual workers against the possibility of invading those rights, it would seem to us it would be better to abandon the present approach, because there are other alternatives available for determining whether that program is being carried out."

The hearing record contains numerous examples of disruption of employee-management relations, and of employee dissatisfaction with such official inquiries. Many told the subcommittee that they refused to complete the questionnaires because the matter was none of the Government's business; others, because of their mixed parentage, felt unable to state the information.

Since 1963, the policy of the American Civil Liberties Union on the method of collecting information about race has favored the head count wherever possible. Although the policy is presently under review, the subcommittee finds merit in the statement that:

"The collection and dissemination of information about race creates a conflict among several equally important civil liberties: the right of free speech and free inquiry, on the one hand and the rights of privacy and of equality of treatment and of opportunity, on the other. The ACLU approves them all. But at this time in human history, when the principle of equality and nondiscrimination must be vigorously defended, it is necessary that the Union oppose collection and dissemination of information regarding race, except only where rigorous justification is shown for such action. Where such collection and dissemination is shown to be justified, the gathering of information should be kept to the most limited form, wherever possible by use of the head count method, and the confidential nature of original records should be protected as far as possible."

Former Civil Service Commission Chairman Robert Ramspeck told the subcommittee:

"To consider race, color, religion, and national origin in making appointments, in promotions and retention of Federal employees is, in my opinion, contrary to the merit system. There should be no discrimination for or against minority persons in Federal Government employment."

As the hearings and complaints have demonstrated, the most telling argument against the use of such a questionnaire, other than the constitutional issue, is the fact that it does not work. This is shown by the admission by many employees that they either

did not complete the forms or that they gave inaccurate data.

Mr. Macy informed the subcommittee:

"In the State of Hawaii the entire program was cut out because it had not been done there before, and it was inadvertently included in this one, and the feeling was that because of the racial composition there it would be exceedingly difficult to come up with any kind of identification along the lines of the card that we were distributing."

The Civil Service Commission on May 9 informed the subcommittee that it had "recently approved regulations which will end the use of voluntary self-identification of race as a means of obtaining minority group statistics for the Federal work force." The Commission indicated its decision was based on the failure of the program to produce meaningful statistics. In its place the Commission will rely on supervisory reports based solely on observation, which would not be prohibited by the bill.

As Senator Fong stated:

"It should be noted that the bill would not bar head counts of employee racial extraction for statistical purposes by supervisors. However, the Congress has authorized the merit system for the Federal service and the race, national origin or religion of the individual or his forebears should have nothing to do with his ability or qualifications to do a job."

Section 1(a) of the bill was included to assure that employees will not again be subjected to such unwarranted invasion of their privacy. It is designed to protect the merit system which Congress has authorized for the Federal service. Its passage will reaffirm the intent of Congress that a person's religion, race, and national or ethnic origin or that of his forebears have nothing to do with his ability or qualification to perform the requisite duties of a Federal position, or to qualify for a promotion.

By eliminating official authority to place the employee in a position in which he feels compelled to disclose this personal data, the bill will help to eliminate the basis for such complaints of invasion of privacy and discrimination as Congress has received for a number of years. It will protect Americans from the dilemma of the grandson of an American Indian who told the subcommittee that he had exercised his option and did not complete the minority status questionnaire. He did not know how to fill it out. Shortly thereafter he received a personal memorandum from his supervisor "requesting" him to complete a new questionnaire and "return it immediately." He wrote: "I personally feel that if I do not comply with this request (order), my job or any promotion which comes up could be in jeopardy."

The prohibitions in section 1(a) against official inquiries about religion, and in section 1(e) concerning religious beliefs and practices together constitute a bulwark to protect the individual's right to silence concerning his religious convictions and to refrain from an indication of his religious beliefs.

Referring to these two sections, Lawrence Speiser, director of the Washington office of the American Civil Liberties Union testified:

"These provisions would help, we hope, eliminate a constantly recurring problem involving those new Government employees who prefer to affirm their allegiance rather than swearing to it. All Government employees must sign an appointment affidavit and take an oath or affirmation of office.

"A problem arises not just when new employees enter Government employment but in all situations where the Government requires an oath, and there is an attempt made on the part of those who prefer to affirm. It is amazing the intransigence that arises on the part of clerks or those who require the filling out of these forms, or the giving of the statement in permitting individuals to affirm.

"The excuses that are made vary tremendously, either that the form can only be signed and they cannot accept a form in which 'so help me God' is struck out, because that is an amendment, and they are bound by their instructions which do not permit any changes to be made on the forms at all.

"Also, in connection with the giving of oaths, I have had one case in which an investigator asked a young man this question: 'For the purposes of administering the oath, do you believe in God?'

"It is to be hoped that the provisions of this bill would bar practices of that kind. The law should be clear at this time. Title I, United States Code, section 1 has a number of rules of construction, one of which says that wherever the word 'oath' appears, that includes 'affirmation,' and wherever the word 'swear' appears, that includes 'affirm.'

"This issue comes up sometimes when clerks will ask, 'Why do you want to affirm? Do you belong to a religious group that requires an affirmation rather than taking an oath?' And unless the individual gives the right answer, the clerks won't let him affirm. It is clear under the *Torcaso* case that religious beliefs and lack of religious beliefs are equally entitled to the protection of the first amendment."

The objection has been raised that the prohibition against inquiries into race, religion, or national origin would hinder investigation of discrimination complaints. In effect, however, it is expected to aid rather than hinder in this area of the law, by decreasing the opportunities for discrimination initially. It does not hinder acquisition of the information elsewhere; nor does it prevent a person from volunteering the information if he wishes to supply it in filing a complaint or in the course of an investigation.

CONTROL OF EMPLOYEE OPINIONS, OUTSIDE ACTIVITIES

Reports have come to the subcommittee of infringements and threatened infringements on first amendment freedoms of employees: freedom to think for themselves free of Government indoctrination; freedom to choose their outside civic, social, and political activities as citizens free of official guidance; or even freedom to refuse to participate at all without reporting to supervisors.

Illustrative of the climate of surveillance the subcommittee has found was a 13-year-old Navy Department directive, reportedly similar to those in other agencies, warning employees to guard against "indiscreet remarks" and to seek "wise and mature" counsel within their agencies before joining civic or political associations.

In the view of the United Federation of Postal Clerks:

"Perhaps no other right is so essential to employee morale as the right to personal freedom and the absence of interference by the Government in the private lives and activities of its employees. Attempts to place prohibitions on the private associations of employees; mandatory reporting of social contacts with Members of Congress and the press; attempts to "orient" or "indoctrinate" Federal employees on subjects outside their immediate areas of professional interest; attempts to "encourage" participation in outside activities or discourage patronage of selected business establishments and coercive campaigns for charitable donations are among the most noteworthy abuses of Federal employees' right to personal freedom."

An example of improper on-the-job indoctrination of employees about sociological and political matters was cited in his testimony by John Griner, president of the AFL-CIO affiliated American Federation of Government Employees:

"One instance of disregard of individual rights of employees as well as responsibility to the taxpayers, which has come to my attention, seems to illustrate the objectives of subsections (b), (c), and (d), of section 1 of the Ervin bill. It happened at a large field installation under the Department of Defense.

"The office chief called meetings of different groups of employees throughout the day * * *. A recording was played while employees listened about 30 minutes. It was supposedly a speech made at a university, which went deeply into the importance of integration of the races in this country. There was discussion of the United Nations—what a great thing it was—and how there never could be another world war. The person who reported this incident made this comment:

" 'Think of the taxpayers' money used that day to hear that record.' I think that speaks for itself."

Other witnesses were in agreement with Mr. Griner's view on the need for protecting employees now and in the future from any form of indoctrination on issues unrelated to their work. The issue was defined at hearings on S. 3779 in the following colloquy between the subcommittee chairman and Mr. Griner.

"If they are permitted to hold sessions such as this on Government time and at Government expense, they might then also hold sessions as to whether or not we should be involved in the Vietnam war or whether we should not be, whether we should pull out or whether we should stay, and I think it could go to any extreme under those conditions.

"Of course, we are concerned with it, yes. But that is not a matter for the daily routine of work.

"Senator ERVIN. Can you think of anything which has more direful implications for a free America than a practice by which a government would attempt to indoctrinate any man with respect to a particular view on any subject other than the proper performance of his work?

"Mr. GRINER. I think if we attempted to do that we would be violating the individual's constitutional rights.

"Senator ERVIN. Is there any reason whatever why a Federal civil service employee should not have the same right to have his freedom of thought on all things under the sun outside of the restricted sphere of the proper performance of his work that any other American enjoys?

"Mr. GRINER. No, sir."

With one complaint of attempted indoctrination of employees at a Federal installation, a civil servant enclosed a memorandum taken from a bulletin board stating the time, place, and date of a lecture by a sociology professor on the subject of the importance of racial integration. Attendance was to be voluntary but the notice stated that a record would be made of those attending or not attending.

Concerning such a practice, one witness commented: "If I had been a Federal employee and I cared anything about my job, I would have been at that lecture."

Employees of an installation in Pennsylvania complained of requirements to attend film lectures on issues of the cold war.

Witnesses agreed that taking notice of attendance at such meetings constituted a form of coercion to attend. Section 1(b) will eliminate such intimidation. It leaves unaffected existing authority to use any appropriate means, including publicity, to provide employees information about meetings concerning matters such as charity drives and bond-selling campaigns.

Section (c) protects a basic constitutional right of the individual employee to be free of official pressure on him to engage in any civic or political activity or undertaking which might involve him as a private citizen, but which has no relation to his Federal employment. It preserves his freedom of thought and expression, including his right to keep silent, or to remain inactive.

This section will place a statutory bar

against the recurrence of employee complaints such as the following received by a Member of the Senate:

"DEAR SENATOR ———: On ———, 1966, a group of Treasury Department administrators were called to Miami for a conference led by ———, Treasury Personnel Officer, with regard to new revisions in Chapter 713 of the Treasury Personnel Manual.

"Over the years the Treasury Department has placed special emphasis on the hiring of Negroes under the equal employment opportunity program, and considerable progress in that regard has been made. However, the emphasis of the present conference was that our efforts in the field of equal employment opportunity have not been sufficient. Under the leadership of President Johnson and based on his strong statement with regard to the need for direct action to cure the basic causes leading to discrimination, the Treasury Department has now issued specific instructions requiring all supervisors and line managers to become actively and aggressively involved in the total civil rights problem.

"The requirements laid down by chapter 713 and its appendix include participation in such groups as the Urban League, NAACP, etc. (these are named specifically) and involvement in the total community action program, including open housing, integration of schools, etc.

"The policies laid down in this regulation, as verbally explained by the Treasury representatives at the conference, go far beyond any concept of employee personnel responsibility previously expressed. In essence, this regulation requires every Treasury manager or supervisor to become a social worker, both during his official hours and on his own time. This was only tangentially referred to in the regulation and its appendages, but was brought out forcefully in verbal statements by Mr. ——— and ———. Frankly, this is tremendously disturbing to me and to many of the other persons with whom I have discussed the matter. We do not deny the need for strong action in the field of civil rights, but we do sincerely question the authority of our Government to lay out requirements to be met on our own time which are repugnant to our personal beliefs and desires.

"The question was asked as to what disciplinary measures would be taken against individuals declining to participate in these community action programs. The reply was given by the equal employment officer, that such refusal would constitute an undesirable work attitude bordering on insubordination and should at the very least be reflected on the annual efficiency rating of the employee.

"The principles expressed in these regulations and in this conference strike me as being of highly dangerous potential. If we, who have no connection with welfare or social programs, can be required to take time from our full-time responsibilities in our particular agencies and from the hours normally reserved for our own refreshment and recreation to work toward integration of white neighborhoods, integration of schools by artificial means, and to train Negroes who have not availed themselves of the public schooling available, then it would seem quite possible that under other leadership, we could be required to perform other actions which would actually be detrimental to the interests of our Nation."

Testifying on the issue of reporting outside activities, the American Civil Liberties Union representative commented:

"To the extent that individuals are apprehensive they are going to have to, at some future time, tell the Government about what organizations they have belonged to or been associated with, that is going to inhibit them in their willingness to explore all kinds of ideas, their willingness to hear speakers, their willingness to do all kinds of things. That has almost as deadening an effect on free speech in a democracy as if the opportunities were actually cut off.

"The feeling of inhibition which these kinds of questions cause is as dangerous, it seems to me, as if the Government were making actual edicts."

Witnesses gave other examples of invasion of employees' private lives which would be halted by passage of the bill.

In the southwest a division chief dispatched a buck slip to his group supervisors demanding: "the names * * * of employees * * * who are participating in any activities including such things as: PTA in integrated schools, sports activities which are intersocial, and such things as Great Books discussion groups which have integrated memberships."

In a Washington office of the Department of Defense, a branch chief by telephone asked supervisors to obtain from employees the names of any organizations they belonged to. The purpose apparently was to obtain invitations for Federal Government officials to speak before such organizations.

Reports have come to the subcommittee that the Federal Maritime Commission, pursuant to civil service regulations, requested employees to participate in community activities to improve the employability of minority groups, and to report to the chairman any outside activities.

In addition to such directives, many other instances involving this type of restriction have come to the attention of the subcommittee over a period of years. For example, some agencies have either prohibited flatly, or required employees to report, all contacts, social or otherwise, with Members of Congress or congressional staff members. In many cases reported to the subcommittee, officials have taken reprisals against employees who communicated with their Congressmen and have issued directives threatening such action.

The Civil Service Commission on its Form 85 for non-sensitive positions requires an individual to list: "Organizations with which affiliated (past and present) other than religious or political organizations or those with religious or political affiliations (if none, so state)."

PRIVACY INVASIONS IN INTERVIEWS, INTERROGATIONS, AND PERSONALITY TESTS

Although it does not outlaw all of the unwarranted personal prying to which employees and applicants are now subjected, section 1(e) of the reported bill will prohibit the more serious invasions of personal privacy reported. The subcommittee believes it will also result in limitations beyond its specific prohibitions by encouraging administrative adherence to the principles it reflects.

It will halt mass programs in which, as a general rule, agency officials conduct interviews during which they require or request applicants or employees to reveal intimate details about their habits, thoughts, and attitudes on matters unrelated to their qualifications and ability to perform a job.

It will also halt individual interrogations such as that involving an 18-year-old college sophomore applying for a summer job as a secretary at a Federal department.

In the course of an interview with a department investigator, she was asked wide-ranging personal questions. For instance, regarding a boy whom she was dating, she was asked questions which denoted assumptions made by the investigator, such as:

"Did he abuse you?

"Did he do anything unnatural with you? You didn't get pregnant, did you?

"There's kissing, petting, and intercourse, and after that, did he force you to do anything to him, or did he do anything to you?"

The parent of this student wrote:

"This interview greatly transcended the bounds of normal areas and many probing personal questions were propounded. Most questions were leading and either a negative or positive answer resulted in an appearance of self-incrimination. During this experience, my husband was on an unaccompanied tour of duty in Korea and I attempted alone, without success, to do battle with the Department.

"I called and was denied any opportunity to review what had been recorded in my daughter's file. Likewise my daughter was denied any review of the file in order to verify or refute any of the record made by the State Department interviewer. This entire matter was handled as if applicants for State Department employment must subject themselves to the personal and intimate questions and abdicate all claims to personal rights and privileges.

"As a result of this improper intrusion into my daughter's privacy which caused all great mental anguish, I had her application for employment withdrawn from the State Department. This loss of income made her college education that much more difficult.

"Upon my husband's return, we discussed this entire situation and felt rather than subjecting her again to the sanctioned methods of Government investigation we would have her work for private industry. This she did in the summer of 1966, with great success and without embarrassing or humiliating Gestapo-type investigation."

Upon subcommittee investigation of this case, the Department indicated that this was not a unique case, because it used a "uniform policy in handling the applications of summer employees as followed with all other applicant categories." It stated that its procedure under Executive Order 10450 is a basic one "used by the Department and other executive agencies concerning the processing of any category of applicants who will be dealing with sensitive, classified material." Its only other comment on the case was to assure that "any information developed during the course of any of our investigations that is of a medical nature, is referred to our Medical Division for proper evaluation and judgment." In response to a request for copies of departmental guidelines governing such investigations and interviews, the subcommittee was told they were classified.

Section 1(e) would protect every employee and every civilian who offers his services to his Government from indiscriminate and unauthorized requests to submit to any test designed to elicit such information as the following:

"My sex life is satisfactory.

"I have never been in trouble because of my sex behavior.

"Everything is turning out just like the prophets of the Bible said it would.

"I loved my father.

"I am very strongly attracted by members of my own sex.

"I go to church almost every week.

"I believe in the second coming of Christ.

"I believe in a life hereafter.

"I have never indulged in any unusual sex practices.

"I am worried about sex matters.

"I am very religious (more than most people).

"I loved my mother.

"I believe there is a Devil and a Hell in afterlife.

"I believe there is a God.

"Once in a while I feel hate toward members of my family whom I usually love.

"I wish I were not bothered by thoughts about sex."

The subcommittee hearings in 1965 on "Psychological tests and constitutional rights" and its subsequent investigations support the need for such statutory prohibitions on the use of tests.

In another case, the subcommittee was told, a woman was questioned for 6 hours "about every aspect of her sex life—real,

imagined, and gossiped—with an intensity that could only have been the product of inordinately salacious minds."

The specific limitation on the three areas of questioning proscribed in S. 1035 in no way is intended as a grant of authority to continue or initiate the official eliciting of personal data from individuals on subjects not directly proscribed. It would prohibit investigators, or personnel, security and medical specialists from indiscriminately requiring or requesting the individual to supply, orally or through tests, data on religion, family, or sex. It does not prevent a physician from doing so if he has reason to believe the employee is "suffering from mental illness" and believes the information is necessary to make a diagnosis. Such a standard is stricter than the broad "fitness for duty" standard now generally applied by psychiatrists and physicians in the interviews and testing which an employee can be requested and required to undergo.

There is nothing in this section to prohibit an official from advising an individual of a specific charge of sexual misconduct and affording him an opportunity to refute the charge voluntarily.

POLYGRAPHS

Section 1(f) makes it unlawful for any officer of any executive department or agency or any person acting under his authority to require or request or attempt to require or request any civilian employee or any applicant for employment to take any polygraph test designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs, practices or concerning his attitude or conduct with respect to sexual matters. While this section does not eliminate the use of so-called lie detectors by Government, it assures that where such devices are used for these purposes it will be only in limited areas.

John McCart, representing the Government Employees Council of AFL–CIO, supported this section of the bill, citing a 1965 report by a special subcommittee of the AFL–CIO executive council that:

"The use of lie detectors violates basic considerations of human dignity in that they involve the invasion of privacy, self-incrimination, and the concept of guilt until proven innocent."

Congressional investigation[1] has shown that there is no scientific validation for the effectiveness or accuracy of lie detectors. Yet despite this and the invasion of privacy involved, lie detectors are being used or may be used in various agencies of the Federal Government for purposes of screening applicants or for pursuing investigations.

This section of the bill is based on complaints such the following received by the subcommittee:

"When I graduated from college in 1965, I applied at NSA. I went to 2 days of testing, which apparently I passed because the interviewer seemed pleased and he told me that they could always find a place for someone with my type of degree.

"About one month later, I reported for a polygraph test at an office on Wisconsin Avenue in the District or just over the district line in Maryland, I talked with the polygraph operator, a young man around 25 years of age. He explained how the machine worked, etc. He ran through some of the questions before he attached the wires to me. Some of the questions I can remember are—

" 'When was the first time you had sexual relations with a woman?

" 'How many times have you had sexual intercourse?

" 'Have you ever engaged in homosexual activities?

" 'Have you ever engaged in sexual activities with an animal?

" 'When was the first time you had intercourse with your wife?

" 'Did you have intercourse with her before you were married? How many times?'

"He also asked questions about my parents, Communist activities, etc. I remember that I thought this thing was pretty outrageous, but the operator assured me that he asked everybody the same questions and he has heard all the answers before, it just didn't mean a thing to him. I wondered how he could ever get away with asking a girl those kind of questions.

"When I was finished, I felt as though I had been in a 15 round championship boxing match. I felt exhausted. I made up my mind then and there that I wouldn't take the job even if they wanted me to take it. Also, I concluded that I would never again apply for a job with the Government, especially where they make you take one of these tests."

Commenting on this complaint, the subcommittee chairman observed:

"Certainly such practices should not be tolerated even by agencies charged with security missions. Surely, the financial, scientific, and investigative resources of the Federal Government are sufficient to determine whether a person is a security risk, without strapping an applicant to a machine and subjecting him to salacious questioning. The Federal Bureau of Investigation does not use personality tests or polygraphs on applicants for employment. I fail to see why the National Security Agency finds them so fascinating."

COERCION TO BUY BONDS AND CONTRIBUTE TO CAUSES

The hearing record and subcommittee complaint files amply document the need for statutory protection against all forms of coercion of employees to buy bonds and contribute to causes. Involved here is the freedom of the individual to invest and donate his money as he sees fit, without official coercion. As the subcommittee chairman explained:

"It certainly seems to me that each Federal employee, like any other citizen in the United States, is the best judge of his capacity, in the light of his financial obligations, to participate or decide whether he will participate and the extent of his participation in a bond drive. That is a basic determination which he and he alone should make.

"I think there is an interference with fundamental rights when coercion of a psychological or economic nature is brought on a Federal employee, even to make him do right. I think a man has to have a choice of acting unwisely as well as wisely, if he is going to have any freedom at all."

The subcommittee has received from employees and their organizations numerous reports of intimidation, threats of loss of job, and security clearances and of denial of promotion for employees who do not participate to the extent supervisors wish. The hearing record contains examples of documented cases of reprisals, many of which have been investigated at the subcommittee's request and confirmed by the agency involved. It is apparent that policy statements and administrative rules are not sufficient to protect individuals from such coercion.

The president of the United Federation of Postal Clerks informed the subcommittee:

"Section I, paragraph (i) of S. 3779 is particularly important to all Federal employees and certainly to our postal clerks. The extreme arm-twisting coercion, and pressure tactics exerted by some postmasters on our members earlier this year during the savings bond drive must not be permitted at any future time in the Government service.

"Our union received complaints from all over the country where low paid postal clerks, most having the almost impossible problem of trying to support a family and exist on substandard wages, were practically being ordered to sign up for purchase of U.S. savings bonds, or else. The patriotism of our postal employees cannot be challenged. I recently was advised that almost 75 percent of postal workers are veterans of the Armed Forces and have proven their loyalty and patriotism to this great country of ours in the battlefield in many wars. Yet, some postmasters questioned this patriotism and loyalty if any employee could not afford to purchase a savings bond during the drive."

The president of the National Association of Government Employees testified:

"We are aware of instances wherein employees were told that if they failed to participate in the bond program they would be frozen in their position without promotional opportunities.

"In another agency the names of individuals who did not participate were posted for all to see. We have been made aware of this situation for some years and we know that Congress has been advised of the many instances and injustices Federal employees faced concerning their refusal or inability to purchase bonds.

"Certainly, the Government, which has thousands of public relations men in its agencies and departments, should be capable of promoting a bond program that does not include the sledge-hammer approach."

Some concern has been expressed by officials of the United Community Funds and Councils of America, the American Heart Association, Inc., and other charitable organizations, that the bill would hamper their campaigns in Federal agencies.

For this reason, the bill contains a proviso to express the intent of the sponsors that officials may still schedule meetings and take any appropriate action to publicize campaigns and to afford employees the opportunity to invest or donate their money voluntarily. It is felt that this section leaves a wide scope for reasonable action in promoting bond selling and charity drives.

The bill will prohibit such practices as were reported to the subcommittee in the following complaints:

"We have not yet sold our former home and cannot afford to buy bonds while we have both mortgage payments and rental payments to meet. Yet I have been forced to buy bonds, as I was told the policy at this base is, "Buy bonds or Bye Bye."

"In short, after moving 1,700 miles for the good of the Government, I was told I would be fired if I didn't invest my money as my employer directed. I cannot afford to buy bonds, but I can't afford to be fired even more."

* * * * *

"Not only were we forced to buy bonds, but our superiors stood by the time clock with the blanks for the United Givers Fund, and refused to let us leave until we signed up. I am afraid to sign my name, but I am employed at * * *."

A representative of the 14th District Department of the American Federation of Government Employees, Lodge 421 reported: "the case of a GS–13 professional employee who has had the misfortune this past year of underwriting the expenses incurred by the last illness and death of both his mother and father just prior to this recent bond drive. This employee had been unofficially informed by his supervisor that he had been selected for a then existing GS–14 vacancy. When it became known that he was declining to increase his participation in the savings bond drive by increasing his payroll deduction for that purpose, he was informed that he might as well, in effect, kiss that grade 14 goodby."

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[1] Hearings and reports on the use of polygraphs as "lie detectors," by the Federal Government before a Subcommittee of the House Committee on Government Operations, April 1964 through 1966.

DISCLOSURE OF ASSETS, DEBTS, AND PROPERTY

Sections (i) and (j) meet a need for imposing a reasonable statutory limitation on the extent to which an employee must reveal the details of his or his family's personal finances, debts, or ownership of property.

The subcommittee believes that the conflict-of-interest statutes, and the many other laws governing conduct of employees, together with appropriate implementing regulations, are sufficient to protect the Government from dishonest employees. More zealous informational activities on the part of management were recommended by witnesses in lieu of the many questionnaires now required.

The employee criticism of such inquiries was summarized as follows:

"There are ample laws on the statute books dealing with fraudulent employment, conflicts of interest, etc. The invasion of privacy of the individual employee is serious enough, but the invasion of the privacy of family, relatives and children of the employee is an outrage against a free society.

"This forced financial disclosure has caused serious moral problems and feelings by employees that the agencies distrust their integrity. We do not doubt that if every employee was required to file an absolutely honest financial disclosure, that a few, though insignificant number of conflict-of-interest cases may result. However, the discovery of the few legal infractions could in no way justify the damaging effects of forced disclosures of a private nature. Further, it is our opinion that those who are intent on engaging in activities which result in a conflict of interest would hardly supply that information on a questionnaire or financial statement. Many employees have indicated that rather than subject their families to any such unwarranted invasion of their right to privacy, that they are seriously considering other employment outside of Government."

The bill will reduce to reasonable proportions such inquiries as the following questionnaire, which many thousands of employees have periodically been required to submit.

(Questionnaire follows:)

CONFIDENTIAL STATEMENT OF EMPLOYMENT AND FINANCIAL INTERESTS

(For Use By Regular Government Employees)

Name (Last, First, Initial)	Title of Position
Date of Appointment in Present Position	Organization Location (Operating Agency, Bureau Division)

PART I. EMPLOYMENT AND FINANCIAL INTERESTS

List the names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational, or other institutions: (a) with which you are connected as an employee, officer, owner, director, member, trustee, partner, adviser, or consultant; or (b) in which you have any continuing financial interests, through a pension or retirement plan, shared income, or other arrangement as a result of any current or prior employment or business or professional association; or (c) in which you have any financial interest through the ownership of stock, stock options, bonds, securities, or other arrangements including trusts. If none, write None.

Name and Kind of Organization (Use Part 1 designations where applicable)	Address	Position in Organization (Use Part 1(a) designations, if applicable.	Nature of Financial Interest, e.g., Stocks, Prior Income (Use Part 1(b) & (c) designations if applicable)

PART II. CREDITORS

List the names of your creditors other than those to whom you may be indebted by reason of a mortgage on property which you occupy as a personal residence or to whom you may be indebted for current and ordinary household and living expenses such as household furnishings, automobile, education, vacation, and similar expenses. If none, write None.

Name and Address of Creditor	Character of Indebtedness, e.g., Personal Loan, Note, Security

PART III. INTERESTS IN REAL PROPERTY

List your interest in real property or rights in lands, other than property which you occupy as a personal residence. If none, write None.

Nature of Interest, e.g., Ownership, Mortgage, Lien, Investment Trust	Type of Property, e.g., Residence, Hotel, Apartment, Undeveloped Land	Address (If rural, give RFD or county and State)

PART IV. INFORMATION REQUESTED OF OTHER PERSONS

If any information is to be supplied by other persons, e.g., trustee, attorney, accountant, relative, please indicate the name and address of such persons, the date upon which you requested that the information be supplied, and the nature of subject matter involved. If none, write None.

Name and Address	Date of request	Nature of Subject Matter

(This Space Reserved for Additional Instructions)

I certify that the statements I have made are true, complete, and correct to the best of my knowledge and belief.

(Date) (Signature)

The vagueness of the standards for requiring such a broad surrender of privacy is illustrated by the Civil Service Commission's regulation applying this to any employee whose duties have an "economic impact on a non-Federal enterprise."

Also eliminated will be questionnaires asking employees to list "all assets, or everything you and your immediate family own, including date acquired and cost or fair market value at acquisition. (Cash in banks, cash anywhere else, due from others—loans, etc., automobiles, securities, real estate, cash surrender of life insurance; personal effects and household furnishings and other assets.)"

The view of the president of the United Federation of Postal Clerks reflected the testimony of many witnesses endorsing sections 1 (i) and (j) of the bill:

"If the conflict-of-interest questionnaire is of doubtful value in preventing conflict of interest, as we believe, we can only conclude that it does not meet the test of essentiality and that it should be proscribed as an unwarranted invasion of employee privacy. Such value as it may have in focusing employee attention upon the problem of conflict of interest and bringing to light honest oversights that may lead to conflict of interest could surely be achieved by drawing attention to the 26 or more laws pertaining to conflict of interest or by more zealous information activities on the part of management."

The complex problem of preserving the confidential nature of such reports was described by officials of the National Association of Internal Revenue Employees:

"The present abundance of financial questionnaires provides ample material for even more abusive personnel practices. It is almost inevitable that this confidential information cannot remain confidential. Typically, the financial questionnaire is filed with an employee's immediate supervisor. The net worth statements ultimately go into Inspection, but they pass through the hands of local personnel administrators. We have received a great number of disturbing reports —as have you—that this information about employees' private affairs is eing used for improper purposes, such as enforced retirement and the like."

Inadequacies in agency procedures for obtaining such information from employees and for reviewing and storing it, are discussed in the Subcommittee report for the 89th Congress, 2d session. Widely disparate attitudes and practices are also revealed in a Subcommittee study contained in the appendix of the printed hearings on S. 3779.

The bill will make such complaints as the following unnecessary in the future conduct of the Federal Government:

"DEAR SENATOR ERVIN: I am writing to applaud the stand you have taken on the new requirement that Federal employees in certain grades and categories disclose their financial holdings to their immediate superior. Having been a civil service employee for 26 years, and advanced from GS-4 to GS-15, and been cleared for top secret during World War II, and because I currently hold a position that involves the disposition of hundreds of thousands of the taxpayers' money, it is my conviction that my morality and trustworthiness are already a matter of record in the files of the Federal Government.

"The requirement that my husband's financial assets be reported, as well as my own assets and those we hold jointly, was particularly offensive, since my husband is the head of our household and is not employed by Government.

"You might also be interested in the fact that it required 6 hours of after-hours work on our part to hunt up all the information called for and prepare the report. Since the extent of our assets is our private business, it was necessary that I type the material myself, an added chore since I am not a typist.

"Our assets have been derived, in the main, from laying aside a portion of our earnings. At our ages (64 and 58) we would be far less deserving of respect had we not made the prudent provisions for our retirement which our assets and the income they earn represent. Yet this reporting requirement carries with it the implication that to have "clean hands" it would be best to have no assets or outside, unearned income when you work for the Federal Government.

"For your information I am a GS–15, earning $19,415 * * *.

"Thank you for speaking out for the continually maligned civil servant.

"Sincerely yours,

"_____ _____."

"DEAR SENATOR ERVIN: I am a GS–12 career employee with over 15 years service.

"The highest moral and ethical conduct has been my goal in each of my positions of employment and I have found this to be true of a vast majority of my fellow workers. It may be true a few people do put material gain ahead of their ethics but generally these people are in the higher echelons of office where their influence is much greater.

"Our office has recently directed each employee from file clerk to the heads of sections to file a "Statement of Financial Interest." As our office has no programs individuals could have a financial interest in and especially no connections with FHA I feel it is no one's business but my own what real estate I own. I do not have a FHA mortgage or any other real property and have no outside employment, hence have nothing to hide by filing a blank form. Few Government workers can afford much real property. The principal of reporting to "Big Brother" in every phase of your private life to me is very degrading, highly unethical and very questionable as to its effectiveness. If I could and did use my position in some way to make a profit I would be stupid to report it on an agency inquiry form. What makes officials think reporting will do away with graft?

"When the directive came out many manhours of productive work were lost in discussions and griping. Daily since that date at some time during the day someone brings up the subject. The supervisors filed their reports as "good" examples but even they objected to this inquiry.

"No single thing was ever asked of Government employees that caused such a decline in their morale. We desperately need a "bill of rights" to protect ourselves from any further invasion of our private lives.

"Fifteen years ago I committed myself to Government service because: (a) I felt an obligation to the Government due to my education under the GI bill, (b) I could obtain freedom from pressures of unions, (c) I could obtain freedom from invasion of my private life and (d) I would be given the opportunity to advance based solely on my professional ability and not on personal politics. At this point I certainly regret my decision to make the Government my career.

"Sincerely

"_____ _____."

"DEAR SENATOR: I write to beg your support of a 'Bill of Rights' to protect Federal employees from official snooping which was introduced by Senator Ervin of North Carolina.

"I am a veteran of two wars and have orders to a third war as a ready reservist. And I know why I serve in these wars: that is to prevent the forces of tyranny from invading America.

"Now, as a Federal employee I must fill out a questionnaire giving details of my financial status. This is required if I am to continue working. I know that this information can be made available to every official in Washington, including those who want to regulate specific details of my life.

"Now I am no longer a free American. For example, I can no longer buy stock of a foreign company because that country may be in disfavor with officials of the right or left. And I cannot 'own part of America' by buying common stocks until an 'approved list' is published by my superiors.

"I can never borrow money because an agent may decide that debt makes me susceptible to bribery by agents of any enemy power. Nor do I dare own property lest some official may decide I should sell or rent to a person or group not of my choosing.

"In short, I am no longer free to plan my own financial program for the future security of my family. In one day I was robbed of the freedom for which I fought two wars. This is a sickening feeling, you may be sure.

"It seems plain that a deep, moral issue is involved here that concerns every citizen. If this thing is allowed to continue, tomorrow or next year every citizen may come under the Inquisition. The dossier on every citizen will be on file for the use of any person or group having enough overt or covert power to gain access to them.

"Sincerely,

"_____ _____."

In August 1966 Federal employees who were retired from the armed services were told to complete and return within 7 days, with their social security numbers, a 15-page questionnaire, asking, among other things:

"How much did you earn in 1965 in wages, salary, commissions, or tips from all jobs?

"How much did you earn in 1965 in profits or fees from working in your own business, professional practice, partnership, or farm?

"How much did you receive in 1965 from social security, pensions (non-military), rent (minus expenses), interests or dividends, unemployment insurance, welfare payments, or from any other source not already entered?

"How much did other members of your family earn in 1965 in wages, salary, commissions or tips? (Before any deductions.) (For this question, a family consists of two or more persons in the same household who are related to each other by blood, marriage, or adoption.) If the exact amount is not known, give your best estimate.

"How much did other members of your family earn in 1965 in profits or fees from working in their own business, professional practices, partnership, or farm?

"How much did any other member of your family receive in 1965 from social security, pensions, rent (minus expenses), interest or dividends, unemployment insurance, welfare payments; or from any other source not already entered?"

RIGHT TO COUNSEL

Section 1(k) of the bill guarantees to Federal workers the opportunity of asking the presence of legal counsel, of a friend or other person when undergoing an official interrogation or investigation that could lead to the loss of their jobs or to disciplinary action.

The merits of this clause are manifold; not least of which is that uniformity and order it will bring to the present crazy quilt practices of the various agencies concerning the right to counsel for employees facing disciplinary investigations or possible loss of security clearances tantamount to loss of employment. The Civil Service Commission regulations are silent on this critical issue. In the absence of any Commission initiative or standard, therefore, the employing agencies are pursuing widely disparate practices. To judge from the questionnaires and other evidence before the subcommittee, a few agencies appear to afford a legitimate right to counsel, probably many more do not, and still others prescribe a "right" on paper but hedge it in such a fashion as to discourage its exercise. Some apparently do not set any regulatory standard, but handle the problem on an ad hoc basis.

On a matter as critical as this, such a pointless diversity of practice is poor policy. So far as job-protection rights are concerned, all Federal employees should be equal.

A second anomaly in the present state of affairs derives from recent developments in the law of the sixth amendment by the Supreme Court. In view of the decisions of *Miranda* v. *Arizona*, 384 U.S. 436 and *Escobedo* v. *Illinois*, 378 U.S. 478, it is clear that any person (including Federal employees) who is suspected of a crime is absolutely entitled to counsel before being subjected to custodial interrogation. Accordingly, some agencies, such as the Internal Revenue Service, acknowledge an unqualified right to counsel for an employee suspected of crime but decline to do the same for coworkers threatened with the loss of their livelihoods for noncriminal reasons. In the subcommittee's view, this discrimination in favor of the criminal suspect is both bad personnel policy as well as bad law. It would be corrected by this section of the bill.

The ultimate justification for the "right-to-counsel" clause, however, is the Constitution itself. There is no longer any serious doubt that Federal employees are entitled to due process of law as an incident of their employment relation. Once, of course, the courts felt otherwise, holding that absent explicit statutory limitation, the power of the executive to deal wih employees was virtually unfettered.

The doctrinal underpinning of this rule was the 19th-century notion that the employment relation is not tangible "property." Both the rule and its underpinning have now been reexamined. The Supreme Court in recent years has emphasized the necessity of providing procedural due process where a man is deprived of his job or livelihood by governmental action.

While the courts have as yet had no occasion to articulate a specific right to counsel in the employment relationship, there can obviously be no doubt that the right to counsel is of such a fundamental character that it is among the essential ingredients of due process. What is at stake for an employee in a discharge proceeding—often including personal humiliation, obloquy and penury—is just as serious as that involved in a criminal trial. This is not to suggest that all the incidents of our civilized standard of a fair trial can or should be imported into Federal discharge proceedings. But if we are to have fair play for Federal employees, the right of counsel is a sine qua non. It is of a piece with the highest traditions, the fairest laws, and the soundest policy that this country has produced. And, in the judgment of this subcommittee, the clear affirmation of this basic right is very long overdue.

The need for such protection was confirmed at the hearings by all representatives of Government employee organizations and unions.

The president of the National Association of Letter Carriers testified:

"It is a practice in the postal inspection service, when an employee is called in for questioning by the inspectors on a strictly postal matter that does not involve a felony, to deny the right of counsel. The inspectors interrogate the employee at length and, at the completion of the interrogation, one of the inspectors writes out a statement and pressures the employee to sign it before he leaves the room. We have frequently asked the postal inspection service to permit these employees to have counsel present at the time of the interrogation. The right for such counsel has been denied in all except a few cases. If the employee is charged with a felony, then, of course, the law takes over and the right for counsel is clearly established but in other investigations and interrogations no counsel is permitted."

Several agencies contest that right to counsel is now granted in formal adverse action proceedings and that appeals procedures make this section unnecessary for informal

questioning. Testimony and complaints from employees indicate that this machinery does not effectively secure the opportunity of the employee to defend himself early enough in the investigation to allow a meaningful defense.

The predicament of postal employees as described at the hearings reflects the situation in other agencies as reported in many individual cases sent to the subcommittee. While it is undoubtedly true that in some simple questioning, counsel may not be necessary, in many matters where interrogation will result in disciplinary action, failure to have counsel at the first level reacts against the employee all the way up through the appeal and review. In the case of a postal employee, the subcommittee was told—

"The first level is at the working foreman's level. He is the author of the charges; then the case proceeds to the postmaster, who appointed the foreman and, if the individual is found guilty of the charge at the first level, it is almost inevitable that this position will be supported on the second level. The third level is the regional level, and the policy there is usually that of supporting the local postmaster. A disinterested party is never reached. The fourth level is the Appeals Board, composed of officials appointed by the Postmaster General. In some cases, the region will overrule the postmaster, but certainly the individual does not have what one could style an impartial appeals procedure."

Employees charged with no crime have been subjected to intensive interrogations by Defense Department investigators who ask intimate questions, make sweeping allegations, and threaten dire consequences unless consent is given to polygraph tests. Employees have been ordered to confess orally or to write and sign statements. Such interviews have been conducted after denial of the employee's request for presence of supervisor, counsel, or friend, and in several instances the interrogations have resulted in revocation of a security clearance, or denial of access to classified information by transfer or reassignment with the resulting loss of promotion opportunities.

Witnesses testified that employees have no recourse against the consequences of formal charges based on information and statements acquired during a preliminary investigation. This renders meaningless the distinction urged by the Civil Service Commission between formal and informal proceedings.

EXCEPTIONS

The bill, under section 7, does not apply to the Federal Bureau of Investigation. Furthermore, section 6 provides that nothing in the act will prohibit an official of the Central Intelligence Agency and the National Security Agency from requesting any employee or applicant to take a polygraph test or a psychological test, or to provide a personal financial statement, designed to elicit the personal information protected under subsections 1(e), (f), (i), and (j). In such cases, the Director of the Agency must make a personal finding with regard to each individual to be tested or examined that such test or information is required to protect the national security.

ENFORCEMENT

Enforcement of the rights guaranteed in sections 1 and 2 of the bill is lodged in the administrative and civil remedies and sanctions of sections 3, 4, and 5. Crucial to enforcement of the act is the creation of an independent Board on Employee Rights to determine the need for disciplinary action against civilian and military offenders under the act and to provide relief from violations.

Testimony at the hearings as well as investigation of complaints have demonstrated that in the area of employee rights, a right is only as secure as its enforcement. There is overwhelming evidence that employees have heretofore frequently lacked appropriate remedies either in the courts or the Civil Service Commission for pursuing rights which belong to them as citizens.

Under the remedies afforded by sections 3, 4, and 5 of the bill, an employee who believes his rights are violated under the act has several courses of action:

(1) He may pursue a remedy through the agency procedures established to enforce the act, but the fact that he does not choose to avail himself of these does not preclude exercise of his right to seek other remedies.

(2) He may register his complaint with the Board on Employee Rights and obtain a hearing. If he loses there, he may appeal to the district court, which has the power to examine the record as a whole and to affirm, modify, or set aside any determination or order, or to require the Board to take any action it was authorized to take under the act.

(3) He may, instead of going directly to the Board, institute a civil action in Federal district court to prevent the threatened violation, or obtain complete redress against the consequences of the violation.

He does not need to exhaust any administrative remedies but if he elects to pursue his civil remedies in the court under section 4, he may not seek redress through the Board. Similarly, if he initiates action before the Board under section 5, he may not also seek relief from the court under section 4.

The bill does not affect any authority, right or privilege accorded under Executive Order 10988, governing employee-management cooperation in the Federal Service. To the extent that there is any overlapping of subject matter, the bill simply provides an additional remedy.

THE BOARD ON EMPLOYEE RIGHTS

As a result of hearings on S. 3779, the section creating a Board on Employee Rights was added to the bill for introduction as S. 1035.

Employees have complained that administrative grievance procedures have often proved ineffective because they are cumbersome, time-consuming, and weighted on the side of management. Not only do those who break the rules go unpunished many times, but the fearful tenor of letters and telephone calls from throughout the country indicate that employees fear reprisals for noncompliance with improper requests or for filing of complaints and grievances. Oral and written directives of warning to this effect have been verified by the subcommittee. Section 1(e) of the bill, therefore, prevents reprisals for exercise of rights granted under the act and in such event accords the individual cause for complaint before the Board or the court.

Concerning the original bill in the 89th Congress, which did not provide for a board, representatives of the 14th department of the American Federation of Government Employees commented that the remedies are the most important aspects of such a bill because "unless due process procedures are explicitly provided, the remaining provisions of the bill may be easily ignored or circumvented by Federal personnel management. As a matter of fact, we believe, the reason employees' rights have been eroded so rapidly and so devastatingly in the last few years is the absence of efficient, expeditious, uniform, and legislatively well defined procedures of due process in the executive departments of the Federal Government."

An independent and nonpartisan Board is assured by congressional participation in its selection and by the fact that no member is to be a government employee. Provision is made for congressional monitoring through detailed reports.

Senator Ervin explained the function of the Board established by section 5 as follows:

"The bill sets up a new independent Federal agency with authority to receive complaints and make rulings on complaints—complaints of individual employees or unions representing employees. This independent agency, which would not be subject in any way to the executive branch of the Government, would be authorized to make rulings on these matters in the first instance. It would make a ruling on action in a particular agency or department that is an alleged violation of the provisions of the bill, with authority either on the part of the agency or the part of the individual or on the part of the union to take an appeal from the ruling of this independent agency to the Federal court for judicial review."

Throughout its study the subcommittee found that a major area of concern is the tendency in the review process in the courts or agencies to do no more than examine the lawfulness of the action or decision about which the employee has complained. For purposes of enforcing the act, sections 3, 4, and 5 assure adequate machinery for processing complaints and for prompt and impartial determination of the fairness and constitutionality of general policies and practices initiated at the highest agency levels or by the Civil Service Commission or by Executive order.

Finding no effective recourse against administrative actions and policies which they believed unfair or in violation of their rghts, ndivdual employees and ther families turned to Congress for redress. Opening the hearings on invasions of privacy, Senator Ervin stated:

"Never in the history of the Subcommittee on Constitutional Rights have we been so overwhelmed with personal complaints, phone calls, letters, telegrams, and office visits. In all of our investigations, I have never seen anything to equal the outrage and indignation from Government employees, their families, and their friends. It is obvious that appropriate remedies are not to be found in the executive branch.

"The complaints of privacy invasions have multiplied so rapidly of late that it is beyond the resources of Congress and its staff to repel effectively each individual official encroachment. Each new program brings a new wave of protest."

Prof. Alan Westin, director of the Science and Law Committee of the Bar Association of the City of New York, testified that these complaints "have been triggered by the fact that we do not yet have the kind of executive branch mechanism by which employees can lodge their sense of discomfort with personnel practices in the Federal Government and feel that they will get a fair hearing, that they will secure what could be called 'employment due process.'"

To meet this problem, Professor Westin proposed an independent board subject to judicial review, and with enforcement power over a broad statutory standard governing all invasion of privacy. Although it is continuing to study this proposal, the subcommittee has temporarily rejected this approach in the interest of achieving immediate enforcement of the act and providing administrative remedies for its violation. For this reason it supports the creation of a limited Board of Employee Rights.

Perhaps one of the most important sections of the bill, if not the most important section, according to the United Federation of Postal Clerks, is the provision establishing the Board. The subcommittee was told—

"It would appear absolutely essential that any final legislation enacted into law must necessarily include such a provision. We can offer no suggestions for improvement of this section. As presently constituted the section is easily understood; and the most excellent and inclusive definition of the proposed 'Board on Employees' Rights' which could possibly be enacted into law. It defines the right of employees to challenge violations of the proposed act; defines the procedures involved, as well as the authority of the Board,

penalties for violation of the act, as well as establishing the right of judicial review for an aggrieved party, and finally provides for congressional review, and in effect, an annual audit by the Congress of all complaints, decisions, orders, and other related information resulting from activities and operations of the proposed act."

Sanctions

The need for sanctions against offending officials has been evident throughout the subcommittee's investigation of flagrant disregard of basic rights and unpunished flaunting of administrative guidelines and prohibitions. It was for this reason that S. 3779 of the 89th Congress and S. 1035, as introduced, contained criminal penalties for offenders and afforded broad civil remedies and penalties.

Reporting on the experiences of the American Civil Liberties Union in such employee cases, Lawrence Speiser testified:

"In filing complaints with agencies, including the Civil Service Commission, the Army and the Navy, as I have during the period of time I have worked here in Washington, I have never been informed of any disciplinary action taken against any investigator for asking improper questions, for engaging in improper investigative techniques, for barring counsel when a person had a right to have counsel, or for a violation of any number of things that you have in this bill. Maybe some was taken, but I certainly couldn't get that information out of the agencies, after making the complaints. I would suggest that the bill also encompass provision for disciplinary action that would be taken against Federal employees who violate any of these rights that you have set out in the bill."

Other witnesses also pointed to the need for the disciplinary measures afforded by the powers of an independent Board to determine the need for corrective action and punishment, and felt they would be more effective than criminal penalties.

In view of the difficulty of filing criminal charges and obtaining prosecution and conviction of executive branch officials which might render the criminal enforcement provision meaningless for employees, a subcommittee amendment has deleted the criminal penalties in section 4 from the bill as reported.

Although the Civil Service Commission and the executive agencies have advocated placing such administrative remedies within the civil service grievance and appeals system, the subcommittee believes that the key to effective enforcement of the unique rights recognized by this act lies in the employee's recourse to an independent body.

"The theory of our Government," Professor Westin testified, "is that there should be somewhere within the executive branch where this kind of malpractice is corrected and that good administration ought to provide for control of supervision or other practices that are not proper. But the sheer size of the Federal Establishment, the ambiguity of the relationship of the Civil Service Commission to employees, and the many different interests that the Civil Service Commission has to bear in its role in the Federal Government, suggest that it is not an effective instrument for this kind of complaint procedure."

SECTION-BY-SECTION ANALYSIS

SECTION 1

Section 1(a) makes it unlawful for a Federal official of any department or agency to require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency or any person seeking employment to disclose his race, religion, or national origin, or the race, religion, or national origin of any of his forebears.

This section does not prohibit inquiry concerning citizenship of such individual if his citizenship is a statutory condition of his obtaining or retaining his employment. Nor does it preclude inquiry of the individual concerning national origin when such inquiry is thought necessary or advisable in order to determine suitability for assignment to activities or undertakings related to national security within the United States or to activities or undertakings of any nature outside the United States.

This provision is directed at any practice which places the employee or applicant under compulsion to reveal such information as a condition of the employment relation. It is intended to implement the concept underlying the Federal merit system by which a person's race, religion, or national origin have no bearing on his right to be considered for Federal employment or on his right to retain a Federal position. This prohibition does not limit the existing authority of the executive branch to acquire such information by means other than self-disclosure.

Section 1(b)

Section 1(b) makes it unlawful for any officer of any executive department or executive agency of the U.S. Government, or for any person acting or purporting to act under this authority, to state, intimate, or to attempt to state or intimate, to any civilian employee of the United States serving in the department or agency that any notice will be taken of his attendance or lack of attendance at any assemblage, discussion, or lecture held or called by any officer of the executive branch of the U.S. Government, or by any person acting or purporting to act under his authority, or by any outside parties or organizations to advise, instruct, or indoctrinate any civilian employee of the United States serving in the department or agency in respect to any matter or subject other than (1) the performance of official duties to which he is or may be assigned in the department or agency, or (2) the development of skills, knowledge, or abilities which qualify him for the performance of such duties.

Nothing contained in this section is to be construed to prohibit taking notice of the participation of a civilian employee in the activities of any professional group or association.

This provision is designed to protect any employee from compulsion to attend meetings, discussions, and lectures on political, social, and economic subjects unrelated to his duties. It prevents Government officials from using the employment relationship to attempt to influence employee thoughts, attitudes, and actions on subjects which may be of concern to them as private citizens. In particular, this language is directed at practices and policies which in effect require attendance at such functions, including official lists of those attending or not attending; its purpose is to prohibit threats, direct or implied, written or oral, of official retaliation for nonattendance.

This section does not affect existing authority for providing information designed to promote the health and safety of employees. Nor does it affect existing authority to call meetings for the purpose of publicizing and giving notice of activities or service, sponsored by the department or agency, or campaigns such as charitable fund campaigns and savings bond drives.

Section 1(c)

Section 1(c) makes it unlawful for any officer of any executive department or agency, or for any person acting or purporting to act under his authority, to require or request or to attempt to require or request any civilian employee serving in the department or agency to participate in any way in any activities or undertakings unless they are related to the performance of official duties to which he is or may be assigned in the department or agency or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties.

This section is directed against official practices, requests, or orders that an employee take part in any civic function, political program, or community endeavor, or other activity which he might enjoy as a private citizen, but which is unrelated to his employment. It does not affect any existing authority to use appropriate techniques for publicizing existence of community programs such as blood-donation drives, or agency programs, benefits or services, and for affording opportunity for employee participation if he desires.

Section 1(d)

Section 1(d) makes it unlawful for any officer of any executive department or agency, or for any person acting under his authority to require or request or attempt to require or request, any civilian employee serving in the department or agency to make any report of his activities or undertakings unless they are related to the performance of official duties or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties, or (2) unless there is reason to believe that the employee is engaged in outside activities or employment in conflict with his official duties.

This section is a minimum guarantee of the freedom of an employee to participate or not to participate in any endeavor or activity in his private life as a citizen, free of compulsion to report to supervisors his action or his inaction, his involvement or his noninvolvement. This section is to assure that in his private thoughts, actions, and activities he is free of intimidation or inhibition as a result of the employment relation.

The exceptions to the prohibition are not legislative mandates to require such information in those circumstances, but merely provide an area of executive discretion for reasonable management purposes and for observance and enforcement of existing laws governing employee conduct and conflicts of interest.

Section 1(e)

Section 1(e) makes it unlawful for any officer of any executive department or agency, or any person acting under his authority, to require or request any civilian employee serving in the department or agency, or any person applying for employment as a civilian employee to submit to any interrogation or examination or to take any psychological test designed to elicit from him any information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters.

In accordance with an amendment made after hearings on S. 3779, a proviso is included to assure that nothing contained in this section shall be construed to prevent a physician from eliciting such information or authorizing such test in the diagnosis or treatment of any civilian employee or applicant where he feels the information is necessary to enable him to determine whether or not the individual is suffering from mental illness. The bill as introduced limited this inquiry to psychiatrists, but an amendment extended it to physicians, since the subcommittee was told that when no psychiatrist is available, it may be necessary for a general physician to obtain this information in determining the presence of mental illness and the need for further treatment.

This medical determination is to be made in individual cases and not pursuant to general practice or regulation governing the examination of employees or applicants according to grade, agency, or duties.

Under an amendment to the bill, this language is not to be construed to prohibit an official from advising an employee or appli-

cant of a specific charge of sexual misconduct made against that person and affording him an opportunity to refute the charge. While providing no authority to request or demand such information, the section does not prevent an official who has received charges of misconduct which might have a detrimental effect on the person's employment, from obtaining a clarification of the matter if the employee wishes to provide it.

This section would not prohibit all personality tests but merely those questions on the tests which inquire into the three areas in which citizens have a right to keep their thoughts to themselves.

It raises the criterion for requiring such personal information from the general "fitness for duty" test to the need for diagnosing or treating mental illness. The second proviso is designed to prohibit mass-testing programs. The language of this section provides guideliness for the various personnel and medical specialists whose practices and determinations may invade employee personal privacy and thereby affect the individual's employment prospects or opportunities for advancement.

A committee amendment in section 6 provided an exception to this prohibition in the case of the use of such psychological tests by the Central Intelligence Agency and the National Security Agency, only if the Director makes a personal finding that the information is necessary to protect the national security.

Section 1(f)

Section 1(f) makes it unlawful for any officer of any executive department or agency or any person acting under his authority, to require or request or attempt to require or request any civilian employee or any applicant for employment to take any polygraph test designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices or concerning his attitude or conduct with respect to sexual matters. While this section does not eliminate entirely the use of so-called lie detectors in Government, it assures that where such devices are used, officials may not inquire into matters which are of a personal nature.

As with psychological testing, the Central Intelligence Agency and the National Security Agency, under section 6, are not prohibited from acquiring such information by polygraph, provided certain conditions are met.

Section 1(g)

Section 1(g) makes it illegal for an official to require or request an employee under his management to support the nomination or election of anyone to public office through personal endeavor, financial contribution, or any other thing of value. An employee may not be required or requested to attend any meeting held to promote or support the activities or undertakings of any political party in the United States.

The purpose of this section is to assure that the employee is free from any job-related pressures to conform his thoughts and attitudes and actions in political matters unrelated to his job to those of his supervisors. With respect to his superiors, it protects him in the privacy of his contribution or lack of contribution to the civic affairs and political life of his community, State and Nation. In particular, it protects him from commands or requests of his employer to buy tickets to fundraising functions, or to attend such functions, to compile position papers or research material for political purposes, or make any other contribution which constitutes a political act or which places him in the position of publicly expressing his support or nonsupport of a party or candidate. This section also assures that, although there is no evidence of such activities at present, no Federal agency may in the future improperly involve itself in the undertakings of any political party in the United States, its territories, or possessions.

Section 1(h)

Section 1(h) makes it illegal for an official to coerce or attempt to coerce any civilian employee in the department or agency to invest his earnings in bonds or other government obligations or securities, or to make donations to any institution or cause. This section does not prohibit officials from calling meetings or taking any other appropriate action to afford employees the opportunity voluntarily to invest his earnings in bonds or other obligations or voluntarily to make donations to any institution or cause. Appropriate action, in the committee's view, might include publicity and other forms of persuasion short of job-related pressures, threats, intimidation, reprisals of various types, and "blacklists" circulated through the employee's office or agency to publicize his noncompliance.

Section 1(i)

Section 1(i) makes it illegal for an official to require or request any civilian employee in the department or agency to disclose any items of his property, income, or other assets, source of income, or liabilities, or his personal or domestic expenditures or those of any member of his family. Exempted from coverage under this provision is any civilian employee who has authority to make any final determination with respect to the tax or other liability to the United States of any person, corporation, or other legal entity, or with respect to claims which require expenditure of Federal moneys. Section 6 provides certain exemptions for two security agencies.

Neither the Department of the Treasury nor any other executive department or agency is prohibited under this section from requiring any civilian employee to make such reports as may be necessary or appropriate for the determination of his liability for taxes, tariffs, custom duties, or other obligations imposed by law. This proviso is to assure that Federal employees may be subject to any reporting or disclosure requirements demanded by any law applicable to all persons in certain circumstances.

Section 1(j)

Section 1(j) makes it illegal to require or request any civilian employee exempted from application of section 3(i) under the first proviso of that section, to disclose any items of his property, income, or other assets, source of income, or liabilities, or his personal or domestic expenditure or those of any member of his family or household other than specific items tending to indicate a conflict of interest in respect to the performance of any of the official duties to which he is or may be assigned.

This section is designed to abolish and prohibit broad general inquiries which employees have likened to "fishing expeditions" and to confine any disclosure requirements imposed on an employee to reasonable inquiries about job-related financial interests. This does not preclude, therefore, questioning in individual cases where there is reason to believe the employee has a conflict of interest with his official duties.

Section 1(k)

Section 1(k) makes it unlawful for a Federal official of any department or agency to require or request, or attempt to require or request, a civilian employee who is under investigation for misconduct, to submit to interrogation which could lead to disciplinary action without the presence of counsel or other person of his choice, if he wishes.

This section is intended to rectify a longstanding denial of due process by which agency investigators and other officials prohibit or discourage presence of counsel or a friend. This provision is directed at any interrogation which could lead to loss of job, pay, security clearance, or denial of promotion rights.

This right inures to the employee at the inception of the investigation, and the section does not require that the employee be accused formally of any wrongdoing before he may request presence of counsel or friend. The section does not require the agency or department to furnish counsel.

Section 1(l)

Section 1(l) makes it unlawful for a Federal official of any department or agency to discharge, discipline, demote, deny promotion, relocate, reassign, or otherwise impair existing terms or conditions of employment of any employee, or threaten to commit any such acts, because the employee has refused or failed to comply with any action made unlawful by this act or exercised any right granted by the act.

This section prohibits discrimination against any employee because he refuses to comply with an illegal order as defined by this act or takes advantage of a legal right embodied in the act.

SECTION 2

Section 2(a) makes it unlawful for any officer of the U.S. Civil Service Commission or any person acting or purporting to act under his authority to require or request, or attempt to require or request, any executive department or any executive agency of the U.S. Government, or any officer or employee serving in such department or agency, to violate any of the provisions of section 1 of this act.

Specifically, this section is intended to ensure that the Civil Service Commission, acting as the coordinating policymaking body in the area of Federal civilian employment shall be subject to the same strictures as the individual departments or agencies.

Section 2(b) makes it unlawful for any officer of the U.S. Civil Service Commission, or any person acting or purporting to act under his authority, to require or request, or attempt to require or request, any person seeking to establish civil service status or eligibility for civilian employment, or any person applying for employment, or any civilian employee of the United States serving in any department or agency, to submit to any interrogation or examination or to take any psychological test which is designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters.

This section is intended to assure that the Civil Service Commission shall be subject to the same prohibitions to which departments and agencies are subject in sections 1 (e) and (f). The provisos contained in section 1(e) are restated here to assure that nothing in this section is to be construed to prohibit a physician from acquiring such data to determine mental illness, or an official from informing an individual of a specific charge of sexual misconduct and affording him an opportunity to refute the charge.

Section 2(c) makes it unlawful for any officer of the U.S. Civil Service Commission to require or request any person seeking to establish civil service status or eligibility for employment, or any person applying for employment in the executive branch of the U.S. Government, or any civilian employee serving in any department or agency to take any polygraph test designed to elicit from him information concerning his personal relationships with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters.

This section applies the provisions of section 1(f) to the Civil Service Commission in instances where it has authority over

agency personnel practices or in cases in which its officials request information from the applicant or employee.

SECTION 3

This section applies the act to military supervisors by making violations of the act also violations of the Uniform Code of Military Justice.

SECTION 4

Section 4 provides civil remedies for violation of the act by granting an applicant or employee the right to bring a civil action in the Federal district court for a court order to halt the violation, or to obtain complete redress against the consequences of the violation. The action may be brought in his own behalf or in behalf of himself and others similarly situated, and the action may be filed against the offending officer or person in the Federal district court for the district in which the violation occurs or is threatened, or in the district in which the offending officer or person is found, or in the District Court for the District of Columbia.

The court hearing the case shall have jurisdiction to adjudicate the civil action without regard to the actuality or amount of pecuniary injury done or threatened. Moreover, the suit may be maintained without regard to whether or not the aggrieved party has exhausted available administrative remedies. If the individual complainant has pursued his relief through administrative remedies established for enforcement of the act and has obtained complete protection against threatened violations or complete redress for violations, this relief may be pleaded in bar of the suit. The court is empowered to provide whatever broad equitable and legal relief it may deem necessary to afford full protection to the aggrieved party; such relief may include restraining orders, interlocutory injunctions, permanent injunctions, mandatory injunctions, or such other judgments or decrees as may be necessary under the circumstances.

Another provision of section 4 would permit an aggrieved person to give written consent to any employee organization to bring a civil action on his behalf, or to intervene in such action. "Employee organizations" as used in this section includes any brotherhood, council, federation, organization, union, or professional association made up in whole or in part of Federal civilian employees, and which deals with departments, agencies, commissions, and independent agencies regarding employee matters.

A committee amendment provides that the Attorney General shall defend officers or persons who acted pursuant to an order, regulation, or directive, or who, in his opinion, did not willfully violate the provisions of the act.

SECTION 5

Section 5 establishes an independent Board on Employees' Rights, to provide employees with an alternative means of obtaining administrative relief from violations of the act, short of recourse to the judicial system.

Section 5(a) provides for a Board composed of three members, appointed by the President with the consent of the Senate. No member shall be an employee of the U.S. Government and no more than two members may be of the same political party. The President shall designate one member as Chairman.

Section 5(b) defines the term of office for members of the Board, providing that one member of the initial Board shall serve for 5 years, one for 3 years, and one for 1 year from the date of enactment; any member appointed to fill a vacancy in one of these terms shall be appointed for the remainder of the term. Thereafter, each member shall be appointed for 5 years.

Section 5(c) establishes the compensation for Board members at $75 for each day spent working in the work of the Board, plus actual travel expenses and per diem in lieu of subsistence expenses when away from their usual places of residence.

Section 5(d) provides that two members of the Board shall constitute a quorum for the transaction of business.

Section 5(e) provides that the Board may appoint and fix the compensation of necessary employees, and make such expenditures necessary to carry out the functions of the Board.

Section 5(f) authorizes the Board to make necessary rules and regulations to carry out its functions.

Section 5(g) provides that the Board shall have the authority and duty to receive and investigate written complaints from or on behalf of any person claiming to be affected or aggrieved by any violation or threatened violation of this act, and to conduct a hearing on each such complaint. Moreover, within 10 days after the receipt of such a complaint, the Board must furnish notice of time, place, and nature of the hearing to all interested parties, and within 30 days after concluding the hearing, it must render its final decision regarding any complaint.

Section 5(h) provides that officers or representatives of any employee organization in any degree concerned with employment of the category in which the violation or threat occurs, shall be given an opportunity to participate in the hearing through submission of written data, views, or arguments. In the discretion of the Board they are to be afforded an opportunity for oral presentation. This section further provides that Government employees called upon by any party or by any Federal employee organization to participate in any phase of any administrative or judicial proceeding under this section shall be free to do so without incurring travel cost or loss in leave or pay. They shall be free from restraint, coercion, interference, intimidation, or reprisal in or because of their participation. Any periods of time spent by Government employees during such proceedings shall be held to be Federal employment for all purposes.

Section 5(i) applies to the Board hearings the provisions of the Administrative Procedure Act relating to notice and conduct of hearings insofar as consistent with the purpose of this section.

Section 5(j) requires the Board, if it determines after a hearing that this act has not been violated, to state such determination and notify all interested parties of the findings. This determination shall constitute a final decision of the Board for purposes of judicial review.

Section 5(k) specifies the action to be taken by the Board if, after a hearing, it determines that any violation of this act has been committed or threatened. In such case, the Board shall immediately issue any cause to be served on the offending officer or employee an order requiring him to cease and desist from the unlawful practice or act. The Board is to endeavor to eliminate the unlawful act or practice by informal methods of conference, conciliation, and persuasion.

Within its discretion, the Board may, in the case of a first offense, issue an official reprimand against the offending officer or employee, or order the employee suspended from his position without pay for a period not exceeding 15 days. In the case of a second or subsequent offense, the Board may order the offending officer or employee suspended without pay for a period not exceeding 30 days, or may order his removal from office.

Officers appointed by the President, by and with the advice and consent of the Senate, are specifically excluded from the application of these disciplinary measures; but the section provides that, in the case of a violation of this act by such individuals, the Board may transmit a report concerning such violation to the President and the Congress.

Section 5(l) provides for Board action when any officer of the Armed Forces of the United States or any person acting under his authority violates the act. In such event, the Board shall (1) submit a report to the President, the Congress, and to the Secretary of the military department concerned, (2) endeavor to eliminate any unlawful act or practice through informal methods of conference, conciliation, and persuasion, and (3) refer its determination and the record in the case to any person authorized to convene general courts-martial under section 822 (article 22) of title 10, United States Code. When this determination and report is received, the person designated shall immediately dispose of the matter under the provisions of chapter 47 of title 10 of the United States Code.

Section 5(m) provides that when any party disagrees with an order or final determination of the Board, he may institute a civil action for judicial review in the Federal district court for the district wherein the violation or threatened violation occurred, or in the District Court for the District of Columbia.

The court has jurisdiction to (1) affirm, modify, or set aside any determination or order made by the Board, or (2) require the Board to make any determination or order which it is authorized to make under section 5(k) but which it has refused to make. In considering the record as a whole, the court is to set aside any finding, conclusion, determination, or order of the Board unsupported by substantial evidence.

The type of review envisioned here is similar to that obtained under the Administrative Procedure Act in such cases but this section affords a somewhat enlarged scope for consideration of his case than is now generally accorded on appeal of employee cases. The court here has more discretion for action on its own initiative. To the extent that they are consistent with this section, the provisions for judicial review in title 5 of the United States Code would apply.

Section 5(n) provides for congressional review by directing the Board to submit to the Senate and to the House of Representatives an annual report which must include a statement concerning the nature of all complaints filed with it, the determinations and orders resulting from hearings, and the names of all officers or employees against whom any penalties have been imposed under this section.

Section 5(o) provides an appropriation of $100,000 for the Board on Employee Rights.

SECTION 6

Section 6 is a committee amendment which provides that nothing in the act shall be construed to prohibit an officer of the Central Intelligence Agency or of the National Security Agency, under specific conditions, from requesting an applicant or employee to submit a personal financial statement of the type defined in subsections 1 (i) and (j) or to take any polygraph or psychological test designed to elicit the personal information protected under subsection 1(e) or 1(f).

In these Agencies, such information may be required from the employee or applicant by such methods only if the Director of the Agency makes a personal finding with regard to each individual that such test or information is required to protect the national security.

SECTION 7

Section 7 provides that the Federal Bureau of Investigation shall be excluded from the provisions of this act.

SECTION 8

Section 8 is a subcommittee amendment. It provides that nothing contained in sections 4 or 5 shall be construed to prevent the establishment of department and agency grievance procedures to enforce this act. The section makes it clear, however, that the

existence of such procedures are not to preclude any applicant or employee from pursuing any other available remedies. However, if under the procedures established by an agency, the complainant has obtained complete protection against threatened violations, or complete redress for violations, such relief may be pleaded in bar in the U.S. district court or in proceedings before the Board on Employee Rights.

Furthermore, an employee may not seek his remedy through both the Board and the court. If he elects to pursue his remedies through the Board under section 5, for instance, he waives his right under section 4 to take his case directly to the district court.

SECTION 9

Section 9 is a statement of the standard severability clause. In the event that any provision in this act is held invalid, the remaining parts of the act are not to be affected by its invalidity.

Mr. ERVIN. Mr. President, I ask unanimous consent that various articles and editorials reporting the purposes of the bill be printed at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. ERVIN. Mr. President, I ask unanimous consent that the committee amendments to the bill be agreed to en bloc, and that the bill, as amended, be considered as original text for the purpose of further amendment.

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

EXHIBIT 1

EXCERPT FROM TESTIMONY OF PROF. ALAN WESTIN BEFORE CONSTITUTIONAL RIGHTS SUBCOMMITTEE HEARINGS ON S. 3779

There is a wealth of evidence, including hearings and reports of this subcommittee, that show the seriousness of the problem of Federal practices in the areas that are being examined in these hearings. First of all, personnel selection and periodic employee checking by means such as polygraphs and personality testings have been used by a wide variety of Federal agencies, and are still used today, often in situations where there is no real need to resort to such techniques of psychological surveillance and when other methods that intrude far less into personal privacy are available to serve the legitimate needs of Federal agencies.

If I can give one example of this—in the general field of personality testing the main argument that is made for the need to use personality testing, either to select among employees or to screen employees for promotion purposes, is that other techniques of assessing them are not as profound or not as penetrating as the personality tests. This is a premise which has never been proved in the psychological literature. More than that, there are other techniques such as the careful interview, record analysis of a person's performance in jobs in the past, aptitude tests that will allow you to form a judgment on the individual's capacity to perform the kind of job that he is being considered for, and simulated exercises which will present the kinds of problems an individual will be called on to deal with on the job. This is illustrated by the in-basket executive technique, which gives a person a set of descriptions of a company, and calls on him to write certain memos and react to certain problems.

Another kind of important test which gets at things important in making personnel decisions, but does not invade privacy improperly are tests to gage whether a prospective employee understands the role that he is going to play in the organization. This calls for individuals to be able to describe what kind of qualities are desirable in a salesman for Sears, Roebuck or a person going to be a farm agent for the Department of Agriculture. To be able to describe these in a way of insuring that the candidate comprehends the social role he is being called on to play, but does not try to find out whether he really is such a person deep down in his private self.

This is not an invasion of privacy because it does not use questions about sex, religion, ideology, and personal life to try to get an individual to reveal what he really is inside, but rather you ask him to project himself into the role that he is being considered for in an agency, and thus you are able to ask a person: "Do you understand what is expected of you? Can you play the game that is expected of you as a corporate executive or as an employee of the Government?"

While some might argue that this still calls on him to say things that are an indication of his capacity to be like all others in the organization, it is not an invasion of privacy. * * *

It is often said that an interview is often more of an invasion of privacy than the administration of personality tests. This is not an effective argument because there is a saving human quality in the oral interview. People cannot be as aggressive or as deceptive in interviews as on the personality tests because American society has built up a set of social conventions about what is fair interviewing. Thus you cannot ask a person face to face many of the questions that are written down in personality tests for the individual to fill in or answer.

Also, if you ask someone a question directly, he knows about it, it becomes common knowledge in that agency, its use is reported to hearings such as this subcommittee is conducting or to the press. The questions are there for the public to judge and to assess. If an employer asks a candidate directly, "Do you believe in the second coming of Christ?" this would probably be regarded by the agency itself as an improper question for an interview, and society would decide very quickly that this is not the kind of question it wants in an oral interview for the selection of someone for the Peace Corps. But, because it is wrapped in the mantle of science, and there is supposed to be some kind of unproved scientific verification of this question being relevant in some way to the person's emotional stability, we have crept into the practice of allowing that question to be asked indirectly, through a personality test, in a way that we would never tolerate that question being asked directly in an interview with that person when he applied for selection or evaluation within an agency.

I use these as examples of the fact that we have allowed ourselves to let polygraphing and personality testing expand the scope of questioning in a way that our law and our governmental practice has rejected for direct oral questioning or written interrogation of individuals.

This is one of the key problems of science and privacy—that things are being done in the name of science which we would not allow to be done directly. It is at this point that scientists who support these techniques must justify their case, and do so in a way that persons who defend the personality test have never been able to justify in any public hearing—before the Congress or in their own literature nor has this been done in terms of the ethical issue of the role a psychologist is supposed to play in his relationship to the individual who trusts him and reveals himself for purposes of other kinds of occasions, such as helping an individual who is mentally disturbed or who seeks counseling for vocational choice. Trading on this kind of reputation for confidence the psychologist has allowed himself to become an agent of extraction for institutional employers—corporations and government.

I would suggest that, despite some ongoing work by special committees that have been set up by the executive branch, the Federal executive branch has not established clear and sensitive rules governing the occasions on which techniques such as polygraphs and personality testing might be used, and surely has not yet established careful procedures for conducting such interrogations in any of the limited areas in which it might be justified.

EXHIBIT 2

[From the Columbus (Ohio) Sunday Dispatch, July 30, 1967]

ERVIN BILL SEEKS TO CURTAIL NOSY ACTIONS OF BIG BROTHER

(By Richard Wilson)

Big Brother has been putting in overtime watching his good and faithful servants and reporting to the computers when and how long they go to the rest room, how many are pregnant, how they like their sex, and how many savings bonds they buy.

Five large filing cabinets in the offices of the Constitutional Rights subcommittee of the Senate Judiciary Committee are bulging with the complaints of the good and faithful servants who resent, not to say detest, Big Brother's nosiness.

Anyone who wishes to understand what intrusion of privacy really means can find out by getting a government job.

The range of the intrusion runs to psychiatric interviews, psychological testing, probing interrogations about religious, family, and sexual matters, coercion to buy bonds and support political parties, filling out race and national origin forms, disclosure of personal finances and creditors, pressure to take part in community activities having nothing to do with an employe's job, and the imposition of general behavior patterns conforming to those approved by a supervisor.

A majority of the United States Senate, 55 members, has joined in sponsoring legislation proposed by Sen. Sam J. Ervin, D-N.C., giving federal employes and their families, some 10 million people, a little more privacy.

But Senator Ervin's bill means more than that. It means that the federal government will set an example for many millions more of state and local employes, and for the still many more millions in the computerized world of private employment.

What is most astonishing about Senator Ervin's bill is that it must be stated in statutory form that executives of the government shall not order the federal employe to patronize any business establishment, shall not make him reveal "his attitude or conduct with respect to sexual matters," shall not make him take a lie detector test, shall not require him to buy savings bonds, shall not make him disclose his personal and domestic expenditures, shall not make him buy tickets to testimonial dinners, and so on.

And Senator Ervin's subcommittee could agree to a bill on employe rights only after eliminating criminal penalties for officials violating the act. The bill originally provided for a fine of $300 or 30 days in jail.

This indicated that a majority of the committee members had something less than strong convictions about the workability of the bill.

An independent board on employes rights would be set up and an employe could also make his complaint to a local federal judge.

As weak as these provisions are, they are at least a beginning in the war against the computerization of mankind.

A dozen million white collar workers ought to be grateful for this small beginning and write their congressmen about intrusions of privacy in private as well as public employment.

Either that, or be prepared for the day when all their behavior patterns and beliefs, private as well as public, have to be approved in advance by self-automated supervisors and bosses activated by the holes in IBM cards.

[From the Winston-Salem (N.C.) Twin City Sentinel, July 3, 1967]

ERVIN AND THE SNOOPERS

Before Sen. Sam Ervin Jr. came along, some federal agency chiefs evidently derived a great deal of pleasure—for what such pleasure was worth—snooping into the private lives of government employes.

The Library of Congress, for example, demanded from workers a complete description of their sexual habits. The U.S. Air Force, which was often portrayed by actor James Stewart as a swinging, liberal outfit, prohibited employes from visiting the personnel office without first explaining to their superiors why they wanted to visit the personnel office. The Federal Aviation Agency had a rule which threatened reprisals against employes who wrote letters of complaint to congressmen. The Defense Department twisted a few arms when it came to promoting saving bonds sales among military personnel—and the Civil Service Commission frowned on employes who were not part of a "Be a Booster" group.

These invasions of personal privilege and privacy have now gone by the board, not because the agencies no longer relish snooping but because Sen. Ervin is threatening them with his "Bill of Rights" for government workers. More than 50 senators have signed this bill and chances are that it will be passed in the 90th Congress. And just the threat of such legislation has been enough to scare federal officials into abolishing some of the more absurd regulations.

Sen. Ervin means many things to many people. But his efforts to free federal employes from bureaucratic pressures shows that his fight for individual choice is not strictly limited to restaurant owners engaged in interstate commerce. When Sen. Ervin says that the individual citizen must be absolutely protected from conformist government pressures, he isn't just whistling Dixie—and this connotes an honesty often lacking among those southern congressmen who, unlike Ervin, refuse to apply their "freedom of choice" doctrine to nonsoutherners.

[From the Washington (D.C.) Evening Star, June 20, 1967]

QUIET VICTORY FOR SENATOR ERVIN

The Civil Service Commission has moved to reduce the number of federal employes required to file statements on their personal finances. The announcement indicates this will affect a substantial segment of government workers, and it strikes us as a wise if overdue move by the Commission.

Until now employes in lower grades, with little or no influence in making policy, had been obliged to submit detailed information about their financial interests and those of their immediate families. The regulation was a blunderbuss, aimed at hundreds of thousands of persons who were not in a position to conduct conflict-of-interest shenanigans, even if they had the desire.

The development demonstrates that proposed legislation doesn't necessarily have to be signed into law to achieve results. Senator Ervin of North Carolina has been pressing for financial disclosure changes and included them in his "bill of rights" for federal employes introduced last year.

So far the Senate Constitutional Rights Subcommittee hasn't acted on the Ervin bill, but the CSC apparently has made this and other changes in response to reforms proposed in his legislation. The Commission has stopped federal agencies from requiring employes to state their race, for example. It also has taken action to bar unwarranted invasions of privacy, such as medical questionnaires which ask intimate sex questions.

The Ervin bill faces a long and difficult road before it can reach the President's desk. Even there the possibility of a veto exists because of objections to the harsh penalties provided for administrators who violate employes' rights.

But if the effects of the bill on the Commission continue at the present rate, it won't be many months before the Senator will have achieved most of his worthy ends in a bloodless battle.

[From the Greensboro (N.C.) Daily News, July 5, 1967]

PRIVACY FOR FEDERAL EMPLOYEES

Sen. Sam Ervin Jr. continues his praiseworthy efforts to insure that federal employees will not have their private rights threatened by the government they serve.

From an original attempt to protect the national security by assembling personal data files for key workers, some federal agencies have gone on to sweeping personnel policies that include financial investigation, psychological testing, crude sleuthing and "confidential" interviews that border on institutional voyeurism.

Perhaps less insidious but equally annoying are directives for after-hours conduct, discriminatory record-keeping, and group pressures for certain contributions and "loyalty" demonstrations.

Senator Ervin was not the first to notice and deplore all of this, but he is leading a strong attempt to stop it.

The senator's methods are varied. He has written a "bill of rights" for government employees, and has persuaded more than half of the U.S. Senate to sign it. He is pushing for full congressional consideration of the bill and is hoping it can become law.

Using the bill and growing public sentiment for its guarantees, Sen. Ervin is applying pressure on many federal agencies to change "invasion of privacy" policies toward their employees. The threat of congressional action already has had some laudable effects.

The Civil Service Commission, for example, has reduced its widespread requirements for financial disclosures and has stopped insisting on race listings on personnel forms. The Library of Congress has discarded inquiries about sex habits. The Federal Aviation Agency no longer discourages its employees from complaining to their congressmen. The Defense Department and its branches have reduced pressures on servicemen to buy savings bonds and have withdrawn directives concerning off-duty associations.

Obviously, Sen. Ervin is not the only person working to protect the privacy of government workers; other officials and many agency leaders realize that their personnel policies have gone too far. The reported results are encouraging, but the protection needs to be consistent among the agencies and guaranteed for all employees.

In a recent letter to constituents Sen. Ervin noted that "the need for the (privacy) bill is still great, because regulations by government agencies are subject to change according to the whim and caprice of the administrators." Well said.

The sentor's immediate concern is to protect employees of the federal government, and surely that is the most appropriate starting point. But no less compelling is the need to end invasions of employee privacy in business and industry. For that enormous task, Sen. Ervin will need the help of a great many others who believe that people have a right to be left alone.

[From the Federal Times, May 17, 1967]

BACK DOOR RIGHTS

The bill of rights proposed by Senator Sam Ervin may never become law. But, it already has had a good effect on government policy.

The Civil Service Commission now is acting to put into operation measures to curb abuses cited in the Ervin proposal.

Clear rules are being drafted on the conduct of charity drives. Ahead are restrictions on the use of lie detector tests and the requirement for financial statements.

Racial questions on applications are being re-examined.

Sufficient action by the commission may result in an agreement with Senator Ervin on the contents of his bill.

The present moves constitute a clear admission that the abuses pointed out by Ervin do in fact exist.

It is unfortunate that the commission had to wait to be pushed by Ervin before taking action.

[From the Indianapolis (Ind.) Star, April 23, 1967]

THE BOND BUSINESS

United States savings bonds are an excellent investment. They represent a share in the United States and are about as secure an investment as this nation is itself.

But the persons who purchase these bonds should have the right to decide for themselves if they wish to buy them.

In stories emanating from Vietnam are tales of American fighting men being badgered by their superiors to buy U.S. savings bonds. The reports are so prevalent that one is forced to believe the reports are true, which leads to the belief that the superiors doing the badgering are doing so on orders.

The situation is serious enough that Senator Sam J. Ervin, Jr., of North Carolina has introduced a bill to prohibit coercion of servicemen to buy bonds or contribute to charity fund drives. Senator Ervin said he was "disgusted" with stories of forced sale of bonds to servicemen flowing into his office.

These stories included one from a private who reported that men refusing to buy savings bonds had been threatened with extra duty and told it would "go hard" on anyone who did not subscribe to a bond plan.

We agree with the Army enlisted man who complained that his unit's savings bond officer had threatened to continue savings bond "pep rallies" until every soldier had signed up.

"I am here to do a job," the soldier wrote. "I ask little more than to be left alone to do that job. With commanders perpetually 'on one's back' it does not create a very good atmosphere for completing a mission."

The pay of our fighting men in Vietnam is the highest of any Army in the world. But we submit that those fighting men are privileged to spend their money in whatever way they see fit. By being in the service they are being asked to put their lives on the line for their country. They should not, in addition, be expected to finance their own service unless they choose, of their own free will, without coercion, to do so.

[From the Dothan (Ala.) Eagle, Apr. 24, 1967]

THEY HAVE RIGHTS, TOO

Senator Sam J. Ervin, Jr. (D.-NC) is chairman of the Senate's Subcommittee on Constitutional Rights and, as such, is concerned with the rights of all people—not merely those of loud, pushy and pampered minorities. In fact, he is exploring reports that rights of men in service have been abused and this is something all Americans will applaud.

Furthermore, Senator Ervin is letting the public in on what he finds as his search goes along. His latest accounting, which fol-

lows, should be of interest not only to members of the Armed Forces but to their families, friends and the public as well:

In the past two weeks numerous additional complaints about coercion to buy savings bonds have been received from servicemen stationed in many parts of the world, including Vietnam.

In connection with these cases, the Subcommittee's attention was directed to a recent advertisement which appeared in Sunday news supplements on March 26 showing men in battle uniform being presented a Minute Man flag for having over 90% participation in Payroll Savings plans. The ad states: "Buy bonds where you work—they do" and continues: "These men, now in Vietnam, deserve your support. When you purchase Savings Bonds regularly, you show men of the 1st Brigade you're with them."

Commenting on the letters from servicemen, the Chairman stated: "I deeply believe that the fighting men in Vietnam deserve the support of all Americans. However, on the same day that I read this advertisement, I also read a letter from Vietnam signed by over 30 enlisted men expressing support for the Subcommittee's efforts to end coercion of these same fighting men. I can only endorse the plea of the airman who wrote: 'Aren't we doing enough for our fellow man as it is?' "

During March, complaints included the following: A private at Fort Hood, Texas, was called a Communist and threatened with denial of promotion because he refused to participate. Another private wrote that he and his comrades were threatened with K.P. on weekends if they didn't buy bonds. Eventually, the Battalion Commander was presented with his own Minuteman flag for obtaining 100% participation. A private writing from Pleiku, Vietnam, reported that non-buyers had been threatened with extra work and loss of three-day passes. Another soldier wrote from Germany, "It is the policy of this Battery that in order to get promoted, one must have a savings bond." A private wrote that his sergeant had trumped up a minor disciplinary charge and then offered a choice—take the punishment or take a bond. He took a bond.

Letters of support for S. 1036 to prohibit coercion have been received from officers as well as enlisted men. According to a Lt. Colonel, "the charity-abuse bill will protect not only the men, but the commanders themselves who suffer fantastic pressures from post commanders and high-level commanders who want 100% participation. If the soldiers think they are being pressured they should attend a commanders' 'kick-off' meeting at about the time the local community chest drive begins."

A Captain in Massachusetts stated that junior officers are expected to display their military "leadership ability by getting 100% participation from their units." This officer said that after 7 years of such pressure he had finally adopted the practice of contributing his own money to cover those of his men who did not wish to participate. In that way "I can meet the goals set for me and still live with my conscience," the officer wrote. Commenting on these letters, Senator Ervin stated: "As long as senior officers measure the 'leadership ability' of their junior officers in this way, all the fine-sounding directives from the Pentagon expressing support for 'voluntarism' will not end this coercion. These military techniques are by no means limited to servicemen, but apply with equal force to civilian employees of the Defense Department. Clear and unequivocal legislative prohibitions such as S. 1035 and S. 1036 are urgently needed."

[WSPD editorial, April 27, 1967]

CONGRESS SHOULD PROTECT THE GI AGAINST HIGH PRESSURE PROMOTERS

We imagine that it's a rare ex-serviceman who does not recall having his arm twisted by some superior to contribute to a particular charity or to buy savings bonds.

In the past, the long-suffering G.I. would simply continue to submit in silence. He would contribute rather than balk and be marked for some kind of subtle retaliation . . . such as being picked for extra k.p. duty, or missing a pass or liberty.

Apparently, today's serviceman is getting the same kind of pressures to sign up, but he's not keeping mum about it.

According to Senator Sam Ervin, Jr., of North Carolina, letters from men in Viet Nam are flowing into his office. The letters complain of coercion being used to make the boys subscribe for savings bonds and charities.

One letter from a father was followed by a second which gave permission to use his name, since his son had been killed in action and was beyond any retaliation for complaining.

Expressing disgust at the whole sorry spectacle of men being squeezed for money while they're risking life and limb, Senator Ervin has introduced a bill to prohibit any and all high-pressure fund-raising.

Here's one proposal that should have been on the books wars ago. Nothing could be more contemptible than an eager-beaver leaning on his subordinates to meet specious quotas that make a mockery of voluntary giving.

There's nothing wrong with servicemen being given an opportunity to save. But if a man doesn't want to contribute to a charity or to buy bonds . . . or if he wants to limit his giving, no superior should be allowed to punish him. This goes double for servicemen who are already doing everything anyone should ask of them.

[From the Rocky Mount (N.C.) Telegram, Apr. 11, 1967]

THE COERCION MUST BE STOPPED

The government drive to force civil federal employes and servicemen to buy U.S. savings bonds and participate in other such fund drives is beginning to stir up protests from the victims. American troops fighting a war in Vietnam complain they are being badgered by their superiors to buy bonds; many are quite unhappy about it.

They have written to Sen. Sam Ervin expressing their anger at being pressured into such contributions. "Aren't we doing enough for our fellowman as it is?" one American airman demanded in a letter to the senior Tar Heel senator.

Ervin has been fighting such harassment for a long time. He has proposed legislation to prohibit coercion of servicemen and civilian employes to buy bonds or contribute to charity fund drives.

One Army specialist-five complained that his unit's "savings bond officer" had threatened to continue having savings-bond pep rallies until every soldier had signed up. This sort of thing disgusts Ervin, as it should disgust every citizen.

Certainly a serviceman wearing the uniform of his country is obligated to obey orders; he would be a poor citizen if he didn't. But there are some limits to what he should be required to do. What he does with his meager pay is his own affair; the government has no right to force him to buy bonds or participate in any other charity fund drive. That should be solely a matter for the individual to decide personally, without coercion.

One soldier wrote: "I am here to do a job. I ask to do that job. With commanders perpetually on one's back, it does not create a very good atmosphere for completing a mission."

From Pleiku, South Vietnam, a private reported that men refusing to buy savings bonds had been threatened with extra work and loss of three-day passes. Some 34 GIs wrote to thank Ervin for his bill. They called arm-twisting to buy bonds "a problem which has troubled members of the military for quite some time."

A private first-class serving in Vietnam now recalled that during training at Ft. Gordon his company commander would announce, "there goes a cheapskate," when spotting non-bond-buying soldiers.

Ervin's files turned up one letter from a father in California who reported his son was fighting in Vietnam, despite the family's conviction that the war was unjust. "This is insult enough without his also being forced to buy savings bonds which he does not want, to make it easier for a government to spend money on a war we are ashamed of."

The man's son was later killed near Saigon.

Citizens who oppose such bureaucratic coercion of individuals should offer their wholehearted support of Ervin in his fight to gain approval of his proposal which would prohibit coercion of servicemen and civilians who are on the government payroll.

[From the Southern Pines (N.C.) Pilot, Apr. 12, 1967]

MINOR FREEDOMS, TOO, ARE IMPORTANT

A "civilian employee privacy bill," to protect Federal workers from unwarranted invasions of their constitutional rights, was introduced recently in the U.S. Senate by Sen. Sam J. Ervin and 52 other Senators who are disturbed by the shocking amount of coercion and interrogations to which government agencies are increasingly subjecting their employees.

A companion bill was introduced at the same time, to protect the rights of military personnel from coercion in savings bond campaigns and charity drives.

The nation should be grateful for these efforts. How the proposed legislation stands as this is written we do not know, but we hope to see its enactment into law.

"Employees by the thousands," reports Senator Ervin, "are constantly badgered with interrogations on such intimate matters as sex, religion, their willingness to invest in savings bonds, their disclosures of property down to the last bottle-cap received from the Welcome Wagon hostess, and their willingness to work while off-duty for causes unrelated to their employment . . ."

All this, says the Tar Heel senator "smacks of Big Brotherism," and he makes this telling point: "What has been lost sight of in the bureaucratic process is that the best way to attract men of dignity to public service is to treat them with dignity."

There is a built-in coercive potential in a government job, in which a person's employer is not an individual or even a group of individuals, such as a private firm's board of directors—with whom rational, personal dealings are possible—but a vast, authoritative, administrative machine. This is even more true with the armed forces.

On the rights of military personnel, Senator Ervin notes: "I think it is a national disgrace to deny weekend passes, allot restrictions, assign K.P., specify forced marches and give adverse efficiency reports to military personnel simply because they are unwilling to spend their small paycheck as the Government dictates."

There is, of course, a great deal of sentimental nonsense spoken and written about the evils of "big government" and its domination of "private business"—and the like. In a huge nation, with a complicated economy and numerous areas of life in which "private" efforts are necessarily inadequate to meet people's needs, the government must be given and must exercise power.

However, the areas of rights and privileges and dignities which Senator Ervin's proposals would protect are a different matter and irrelevant to the main concerns of government.

Indeed, an old truth is revived here: the petty annoyances of minor bureaucrats can make life more miserable than legitimate

major invasions of personal privacy such as the income tax, social security and the draft.

Senator Ervin and his colleagues are on the right track in their attempts to protect what might be called the minor freedoms that all citizens, but most particularly government employees, should enjoy.

[From the Columbia (S.C.) Record, Mar. 16, 1967]

CONTROLLING BIG BROTHER

Big Brother has breathed too long down the necks of Federal employees, intruding without warrant into the privacy of their lives and unduly interfering with their constitutional rights.

Fifty-two Senators, including Sam Ervin of North Carolina, have set about correcting the injustice. Introducing his bill, the North Carolinian said: "It is time for Congress to forsake its outdated reluctance to tell the Executive branch how to treat its employees. When so many American citizens for so many years are subject to unfair treatment, to being unreasonably coerced or required without warrant to surrender their liberty, their privacy, or their freedom to act or not to act, or to reveal or not to reveal information about themselves, and their private thoughts and actions, then Congress has a duty to call a statutory halt to such practices and to penalize their resumption."

We hope that the bill passes and that Federal employees and their relatives will be relieved of the reams of regulations, guidelines and questionnaires they've been inundated with in the past.

We hope that the new Board on Employee Rights will protect the South Carolina employees of the Federal government from such indiscriminate requirements as disclosure of their race, religion or national origin; compulsory attendance at government-sponsored meetings not directly related to their work; submitting to very personal questioning needless to their employment; and support of political candidates or attendance at political meetings.

Coercion of employees to contribute to various charitable drives, to purchase bonds and the like will no longer—if the bill passes—be legal.

A great burden will have been lifted from the backs and minds of loyal federal servants, who've been smothered with Big Brotherism.

[From the Christian Science Monitor, Mar. 21, 1967]

IMPROPER QUESTIONS

Certain tests and questionnaires used by the federal government threaten an unjustified invasion of the privacy of government employees. For several years, Sen. Sam J. Ervin's subcommittee on constitutional rights has kept a sharp eye open to detect possible infringement of individual liberties.

The subcommittee extensively probed the psychological testing of federal government employees. It pointed to the use of some testing forms which include what many would consider objectionable questions relating to religion, sex, and other personal matters.

From one test, the following, for example, were to be answered "true" or "false":

"Christ performed miracles."

"I pray several times a week."

"I like to talk about sex."

"I am a special agent of God."

More recently, the subcommittee found that various government agencies were using a "report of Medical History" which includes questions of an extremely personal nature, some of which have no apparent bearing on the individual's physical fitness.

After the subcommittee and the American Civil Liberties Union pressed the matter with the United States Civil Service Commission, the commission dropped the form for all civilian employees and job applicants. But the Defense Department continues to use it for military personnel.

A "false or dishonest answer" to this questionnaire is punishable by fine or imprisonment. It was by no means clear that access to these forms would be strictly limited to medical staff. If they were made available to personnel or security officers, answers irrelevant to physical fitness might well have resulted in exclusion from government service.

Government must, of course, obtain certain information about applicants in order to select able, conscientious, and reliable employees. But there are some personal matters which government has no right to extract from an individual as a condition of employment.

We are encouraged that both Congress and an organization dedicated to the preservation of civil liberties have seen fit to look into the matter. It deserves continuing surveillance.

[From the Winston-Salem (N.C.) Journal, Mar. 8, 1967]

ERVIN'S PRIVACY CAMPAIGN

Sen. Sam Ervin Jr. has summoned the faithful—that means most of us—to join him in a crusade to rid government and industry personnel files of information that infringes on individual privacy.

We are with him, right down to the last cartridge.

It is preposterous, silly, idiotic and maybe even a trifle totalitarianist for a bureaucrat or an industrial personnel director to have in hand the most intimate information about an employee.

Who do you love more—your father or your mother?

Do you ever dream of fire?

Do you seek extra-marital relations?

Have you ever had an impulse to murder another person?

Would you rather go hunting with a group of male friends or take your wife on a second honeymoon?

These and thousands of other similarly goofy questions appear on dozens of "personnel questionnaires" across the land. Sen. Ervin dislikes the compilation of such information—and seeks to put an end to it.

The defenders of such questionnaires and dossiers and lie-detector tests are numerous and powerful; and they rationalize their enthusiasm for this peek-a-boo nonsense by solemnly intoning the need to find out what "motivates" a potential employe. Their arguments rarely touch on the efficiency or dedication of such employees; what they are interested in primarily is his private thoughts, dreams and frustrations.

But what may win this war for those Americans who believe individual privacy to be as important as the constitutional bar to self-incrimination is the fact that those officials who demand such questionnaires are not serious men at all. They are *voyeurs*—sophisticated versions of those poor souls who derive pleasure from peeking into other people's windows at night.

Sen. Ervin believes they can be curbed; and the American people have a greater stake than most of us realize in the success of his efforts to do just that.

[From the Gainesville (Fla.) Sun, Mar. 5, 1967]

BILL OF RIGHTS FOR FEDERAL EMPLOYES

The Central Intelligence Agency (CIA) was accused recently of having threatened to forge psychiatric records in an effort to discredit an officer of the National Student Association (NSA).

Whether this charge is true or not, there is reason to believe that officials in some federal agencies have accused employes of being mentally ill as a method of forcing them to retire. Robert G. Sherrill made this charge in an article in The Nation magazine on Civil Service Commission practices. More than 13,000 civil service employes left government employment between 1955 and 1962 for what was labeled mental or nervous disorders—half of them under protest.

An employe may be told he needs attention and ordered to go to a Civil Service psychiatrist. If he refuses, he can be discharged for violating orders. Usually the employe does not get the opportunity to go to a private psychiatrist. There is no hearing before or after the psychiatric examination.

Senator Sam Ervin (Dem., N.C.) is again pushing for action at this session on legislation to protect federal employees against such treatment. Interest in the proposed "bill of rights" for federal employes has increased as a result of disclosures of spying, coercion and invasions of privacy.

The Ervin bill would create an independent Board on Employe Rights. This would give employes a place to make complaints without fear or reprisal.

The legislation would prohibit indiscriminate requirements that employes submit to questioning about their religion, personal relationships or sexual attitudes through interviews, psychological tests or lie detector tests.

Federal employes would not be required to report to their bosses on outside activities unrelated to their business, nor would they have to attend political meetings. They couldn't be coerced into buying bonds. They would have the right to counsel or other representation at an interview which could lead to disciplinary proceedings. They also could bring civil action for violation of the act.

Senator Ervin thinks federal employes are being "smothered by tons of big brotherism." Congress has the responsibility, he believes, "to assure as far as possible that those in the executive branch responsible for administering the laws adhere to constitutional standards in their programs, policies and administrative techniques."

We agree with Senator Ervin and hope this legislation gets favorable attention at this session of Congress.

[From the Charleston (S.C.) Evening Post, March 1, 1967]

SAM ERVIN'S RIGHTS BILL

Sen. Sam J. Ervin of North Carolina recently introduced a civil rights bill that all good and reasonable men can support. If his bill passes, federal employes will get back those rights of citizenship that our heavy-handed bureaucrats have robbed them of. Moreover, any future robberies could land the offending bureaucrats in jail.

It has long been the practice in many federal agencies to recruit political ambassadors from the ranks of civil service. Sometimes this has taken the form of requiring government workers to further, in their off hours, various community projects of which Big Brother approves. A case that recently came to light involved an agency directive commanding civil servants to enlist in local projects aimed at promoting "open housing" laws. This is only one example. Such compulsion is commonplace.

In election years, the machinery of bureaucracy operates in such a way as to enrich the political warchest of the ruling party. Donations are solicited on the sly, and a variety of subterfuges are resorted to in an effort to escape the prohibitions of the Hatch Act. Government workers have even been known to get the word from above that outright campaigning is expected of them.

Invasions of privacy are likewise a common occurrence. In the famous case of Otto Otepka, to cite a single example, employes spied on a fellow worker, bugged his office phone, rifled his trash basket and even broke into his confidential files—all on orders from higher up in an attempt to get evidence in no way related to furthering national security. In many other less celebrated cases,

bureaucratic muckety-mucks have also trampled with impunity on the private rights of their underlings.

If Senator Ervin's bill is enacted into law, all this will change. His bill outlaws such practices altogether. Furthermore, it establishes a three-member Board of Employe Rights to investigate individual complaints, conduct hearings and fix penalties. No member of the board may be otherwise employed by the federal government, and the penalties it could impose are substantial: fines of up to $300 for each offense and jail terms up to 30 days.

Any federal supervisor who tampered with the rights or personal lives of his subordinates would be subject to punishment, and the *Washington Post* reports that the word is already spreading throughout the bureaucracy to lay off, lest some new scandal propel the Ervin measure through Congress.

Fortunately, the bureaucracy seems to have moved too late. Last year, the Johnson administration successfully fought off a similar measure, also introduced by Senator Ervin, but the bureaucrats learned little from the experience of a close shave. The old ways were resumed once the bill was beaten. This year is different. Senator Ervin has persuaded 50 of his colleagues—a majority—to co-sponsor the measure. If the House will go along, the temptation for the government to manipulate the private lives of its workers will be greatly reduced.

[From the Wilmington (N.C.) Morning Star, Feb. 23, 1967]

MATTER OF PRIVACY

The bugging with hidden microphones and the tapping of telephones are far from the only ways of depriving us of our personal privacy in this age which has become Orwellian before its forecast 1984 time.

Nearly every government questionnaire required to be filled out requests information that is not only pertinent to the subject and immediate usage, but gives away such personal matters as religion, living standards, politics, family relationships and like manner of data most of us have long held as privileged and private.

In the tracking down of income tax information, for further, instance, the federal government employs informers to come up with income dossiers on private citizens and taxpayers—for a fee, of course; a percentage of whatever additional taxable sums are unearthed.

As Sen. Sam J. Ervin, Jr., North Carolina's senior U.S. Senator charged Tuesday "a very large segment of our population is being smothered by tons of big-brotherism."

Sen. Ervin has introduced a bill, with 50 other senators as co-patrons, to protect the privacy of public workers. His bill would prohibit indiscriminate requirements that employes and applicants disclose their race, religion or national origin. It would also free these from having to report on much of their activity which is normally considered personal.

The Ervin bill would also protect servicemen from coercion in savings bond campaigns and in charity drives.

In this day of increasing person-to-person prying, Sen. Ervin's bill should be comforting to all those in public employment.

The bill, or an enlarging amendment to it, would be universally acclaimed if it could help restore a measure of privacy to private citizens.

[From the Richmond News Leader, Feb. 23, 1967]

THE PROPOSAL OF SENATOR ERVIN

Senator Sam J. Ervin of North Carolina was in fine form Wednesday night in his address here to the Virginia Sons of the Revolution and, needless to say, he was among friends. Senator Ervin's benignity, his judicial background and his shrewd balance have made him a formidable Southern tribune in Washington. All this was in evidence as he spoke in behalf of a remedy that would restrain the U.S. Supreme Court from acting as legislature and redeem it as an interpreter of the Constitution as written.

Yet Senator Ervin, for all the light he cast upon the subject and the force of his indictment of the court as a power pirate, did not convince all his listeners that he had indeed perfected the remedy.

Senator Ervin proposed a constitutional amendment altering the fashion in which justices of the court are appointed. He would provide that the chief justice of the highest State appellate courts recommend a small eligible roster of lawyers; the President would make a selection; the Senate would be called upon to confirm.

The fact is, the 1787 constitutional provisions concerning the U.S. Supreme Court and its powers represented an unfinished symphony. No qualifications for the justices were established (until this day a justice need not be a lawyer and a non-lawyer has served) and it required the genius, not to mention inventiveness, of John Marshall to establish something so basic as Judicial Revue.

The thrust of Senator Ervin's proposal for insuring the appointment of fit justices is by no means new and is found in the 1787 debates within the Constitutional Convention. There was a strong disposition not to endow the President with exclusive appointive power, though this disposition was overcome. The genius of Benjamin Franklin had to have its horse laugh along with a seventh-inning stretch and, in the debate on Ervin-like proposals, he pointed to the custom in Scotland. There, Franklin said, the judges were nominated by the lawyers, and the lawyers happily selected the ablest of their brethren "in order to get rid of him and share in his practice among themselves."

This sally launched James Madison on an alternate mode of selection in which the power of appointment would have been confided to the Senate.

For much of the life of this Republic, the Supreme Court has been abominated by one-half of the citizenry and cherished by the other half. It has been packed and unpacked. It has bent to the political winds and has been flatly defied by Presidents such as Andrew Jackson and Abraham Lincoln, not to mention some of the States. All in all, we wonder that Senator Ervin has not given more thought to the election of the kind of President who could be depended upon to appoint fit justices to the exclusion of legislative justices. The means is there, only the will is missing.

[From Roll Call (D.C.), Feb. 2, 1967]

RIGHT TO PRIVACY—GOVERNMENT IS BIG BROTHER TO ITS EMPLOYEES

(By Allan C. Brownfeld)

The Founding Fathers did not specifically write a "right of privacy" into the Constitution. They felt that this was understood by civilized men, but history has shown us that this was not the case. In fact, Mr. Justice Brandeis felt the need in Olmstead vs. United States in 1928 to clearly state that "The right to be alone—the most comprehensive of rights, and the right most valued by civilized men" was one guaranteed by our laws.

This week Senator Sam Ervin of North Carolina will introduce in the Senate a bill which he calls a "bill of rights" for federal employees, protecting them from what his committee's hearings have found to be clear invasion of their privacy, coercion, and often forced indoctrination.

Senator Ervin's committee found that far from creating a "welfare state" in which the good of each employee is considered of overriding importance, the government had created for its own employees a system which they felt deprived them of their own freedom, and unfairly pried into their pirvate lives.

The examples have been numerous. When President Johnson sought to increase the purchase of United States Savings Bonds the request that government employees step up their buying was often put in terms which left little to the imagination. At the National Science Foundation employees were asked if they had been "prudent and intelligent" and signed up for the program, or "are you a rebel without a cause who wants a little attention?" A marine general sent representatives into Vietnam foxholes and "kept track of the patrols so that every individual had an opportunity to hear how he could invest his money in a worthwhile program."

This, and other efforts by government agencies to intimidate their employees and pry into their privacy resulted during the last session of Congress in a series of hearings by Senator Ervin's Subcommittee on Constitutional Rights.

John F. Griner, president of the 220,000-member American Federation of Government Employees, spent nearly three hours before this committee telling of pressure, propagandizing, and intimidation, and of "secret dossiers" kept on government workers. In addition to the snooping, pressure to buy savings bonds, and similar coercion, Griner said that some Federal installations have held sessions with employees to mold their attitudes on civil rights, the United Nations, and other public issues.

He told of a case at a Defense Department field installation where groups of employees were assembled to hear a thirty minute recorded speech on the "Importance of integration" and the "greatness" of the United Nations. The AFL–CIO leader pointed out that if this continues an Administration with a different attitude might hold employee indoctrination sessions on the "Evils of the United Nations" or on whether or not we should be involved in the Vietnam war.

Government questionnaires ask employees to identify themselves as "American Indian, Negro, Spanish American, none of these." George B. Autry, a Committee staff aide, noted that preliminary reports indicate "that there are an awful lot of American Indians in the State Department which we didn't know about."

Employees have often refused to fill out such forms, believing that the government was meant to be "color blind" in its relationship with its employees, as with all citizens. It seems a clear double standard, for example, to have a national Civil Rights Act barring discrimination in private employment and have a federal government policy of keeping employee records on the basis of race.

Senator Ervin attacked the government questionnaires, which he said are supposed to be confidential but aren't, on the racial backgrounds of employees and their outside financial interests. He said that he "saw no need" for the racial questionnaires which the government says it uses to check on equal employment opportunities, "unless the government is interested in establishing a system of racial quotas."

Union leader Griner also accused the Internal Revenue Service of being especially hard on employees. He said it has bugged telephones and fired employees accused of, but not proven guilty of, taking bribes. He said that the IRS is an "outstanding example of an agency that believes every one of its employees is dishonest until proven honest."

In Huntsville, Alabama, the union leader said, Army investigators were questioning a man about some alleged thefts from a candy machine. During the long grilling session, they repeatedly asked "if he knew his wife was running around with a fellow employee?" In another instance a security investigator asked neighbors of a government employee whether or not he and his wife treated their

adopted children in a proper manner. Until that time, no one in the community knew that the children had been adopted. Government prying led to this unfortunate circumstance.

Senator Ervin's proposed bill is meant to put an end to pressure from higher up on civilian and military people voluntarily to join in charity or bond drives which have pre-set quotas or dollar amounts for all the volunteers. The bill may provide criminal and/or administrative penalties for supervisors, who join in the pressure exercise, or otherwise invade the privacy of their workers.

Supreme Court Justice William O. Douglas spelled out in graphic detail the full extent of this whole trend. He said: "We are rapidly entering the age of no privacy; where everyone is open to surveillance at all times; where there are no secrets from government. The aggressive breaches of privacy by the government increase with geometric proportion. Wiretapping and 'bugging' run rampant, without effective judicial or legislative control . . . Personality tests seek to ferret out a man's innermost thoughts in family life, religion, racial attitudes, national origin, politics, atheism, ideology, sex and the like."

Justice Douglas notes that "Taken individually, each step may be of little consequence. But when viewed as a whole, there begins to emerge a society quite unlike any we have seen—a society in which government may intrude into the secret regions of a man's life at will."

In 1901 in the case of Roberson v. Rochater Folding Box Company, Chief Justice Alton B. Parker of the New York Court of Appeals stated that "A man has a right to pass through this world, if he wills, without having his pictures published, his business enterprises discussed, his succesful experiment written up for the benefit of others, or his eccentricities commented upon, whether in handbills, circulars, catalogues, newspapers or periodicals."

This is not 1901, but 1967. Senator Ervin believes that this right of privacy still exists for Americans, and as the Senate begins discussions of this bill we will see whether or not that is, in fact, the case.

[From the Greensboro (N.C.) Record, Feb. 24, 1967]

FIGHTING BIG BROTHER

In his battle with "big brotherism" in the federal bureaucracy, Sen. Sam Ervin has picked up some varied supporters.

Among the 50 senators supporting the Tar Heel's proposals to give federal employes a "bill of rights" against overly inquisitive job interviewers or supervisors, are Democratic liberal Joe Clark of Pennsylvania and Republican conservative Strom Thurmond of South Carolina.

Senator Ervin has uncovered a number of cases in which would-be secretaries were subjected to psychological examinations which would be of dubious value even when applied to prospective CIA employes. The call to kick in to various "voluntary" fund drives is also a target for Senator Ervin's wrath. All too often, the drives are voluntary in name only, and he wants to put a stop to it.

The aims of the bill are laudable, and its prospects for passage appear bright, given the broad spectrum of support it has won from both sides of the Senate aisle, and from federal employe groups. Senator Ervin has often presented a lamentably blind eye to civil rights proposals, but his latest effort does something to redress the balance.

He is quite right in contending that federal employes should enjoy the rights of other citizens. Regimentation and unwarranted invasion of privacy should not be part of the price for employment with the government.

RIGHTS FOR FEDERAL EMPLOYES

(This Editorial was broadcast on February 24 and 25, 1967, over WTOP Radio and Television.)

This is a WTOP Editorial.

On the theory that federal employes are full-fledged American citizens, Senator Sam Ervin of North Carolina has proposed a bill to protect certain fundamental rights of members of the federal establishment.

To say that his measure is receiving support is to understate the case. So far, 50 senators of all shades of political opinion have joined as co-sponsors, including the two senators from Maryland and the two from Virginia.

Mr. Ervin undoubtedly has found a popular cause. It grows out of the well-founded suspicion that federal employes sometimes are exposed to interrogations and other techniques which go a long way beyond normal or decent practice.

By this we mean lie detector tests and impertinent psychological test questions about the private life of an employe or prospective employe, questions dealing with sex habits and other intimate matters which are nobody's business.

Inquiries like these, the senator declares, are intolerable invasions of privacy. He feels the same about attempts by the armed forces to use coercion—the threat of KP, for example—to compel servicemen to buy savings bonds or contribute to various charities. The bill would stop these abuses also.

The Senate Subcommittee on Constitutional Rights, which is handling the Ervin bill, intends to give the Civil Service Commission and other agencies plenty of time to make their views known. Civil Service was hostile to a similar measure last year; its attitude this year may be considerably more conciliatory.

Even if Senator Ervin's complaints about personnel abuses are overdrawn—which is always possible—there's plenty of reason to believe that abuses exist that ought to be corrected. Upward of three million federal employes obviously need protection they do not now have but are very likely to have before 1967 is over.

This was a WTOP Editorial, Jack Jurey speaking for WTOP.

[From the Washington (D.C.) Daily News, Aug. 2, 1967]

U.S. EMPLOYEES ARE DENIED BASIC RIGHT

(By John Cramer)

The Senate Constitutional Rights Subcommittee, headed by Sen. Sam Ervin (D., N.C.) reports a passel of Federal employe complaints alleging that U.S. agencies are ignoring—or greatly diluting—that recent Civil Service Commission order guaranteeing employes free access to their personnel offices.

Under heavy pressure, the commission issued the order several months ago after the sub-committee turned up numerous agency and installation policies virtually prohibiting employes with grievances or other problems from seeking personnel office advice.

The order itself is excellent. It directed agencies to make sure that they put no "road blocks" in the way of free access to personnel offices. Supervisors no longer can deny such access, as they frequently did in the past. They no longer can demand to know the employe's reasons. They may require only that he schedule his personnel office visit so as to cause minimum work disruption.

Consider, however, how descending echelons of the Railroad Retirement Board, Headquarters Chicago, diluted the order as they filtered it down to employees. According to the subcommittee files:

RRB itself relayed the order to major units almost word for word.

One lower echelon added language saying: "This is not to be construed as an invitation to go over the head of your immediate supervisor or violate lines of authority."

That can be read only as a warning to employees: Go to the personnel office, and you're in the doghouse.

And a still lower echelon told employees that if they wished to contact designated personnel officers, "you must ask your immediate supervisor to arrange an appointment for that purpose."

That, of course, was the precise sort of thing the commission order was designed to prevent.

SHOCKER

But for a real shocker, there's the Air Force case reported to the sub-committee by an Alaska official of the AFL–CIO American Federation of Government Employes.

The colonel in charge of a segment of a major AF unit there appeared, at least, to take the commission order seriously. He posted it on official bulletin boards. Along with it, he posted his personal notice assuring employees that he had "an open door" . . . that he and his station commanders were available "around the clock" to hear employe grievances . . . without fear of reprisal.

So a female employe took him at his word. She went to her station commander, an AF captain, with her problems.

Soon thereafter, she found herself confronted by her immediate superior and the base personnel director, who informed her she must never, ever go direct to the Station Commander again.

When she asked "Where, then, can I go?", the personnel director, according to the AFGE official, brightly replied:

"Oh, to the President, his name is Johnson, I believe . . . or the Vice President . . . or Secretary Rusk . . . or the Air Force Secretary."

RESOLVED

The AFGE took her grievance (an unusually messy one) to the Ervin sub-committee. It has since been resolved in her favor.

[From the Washington (D.C.) Daily News, July 27, 1967]

WHEN WILL THE NAVY GET WISE?

(By John Cramer)

Here I am, back again, on that piddling little matter I first wrote about a few weeks back—a Navy installation which requires its employes to display names and insurance expiration dates on bumper-sticker permits for on-base parking.

Piddling perhaps, but another example of Government-type privacy invasion which never would be tolerated by employes in private enterprise.

The installation is the big Naval Training Center, Great Lakes, Ill., where some 15,000 vehicles park daily.

PROTEST

Sen. Sam Ervin (D., N.C.), the Constitutional Rights Subcommittee chairman, wrote Navy to protest the privacy invasion in the Great Lakes practice.

In reply, he got a letter from Richard A. Beaumont, Deputy Under Secretary for Manpower, who blandly supported everything about the Great Lakes rule . . . finding nothing "unreasonable" . . . absolutely no privacy invasion.

As Mr. Beaumont explained it, Great Lakes requires employes to have not less than $10,000/$20,000 bodily injury and $5000 property damage insurance.

He said that each bumper (or maybe windshield?) sticker must be of a distinctive color to indicate "whether the owner is an officer, enlisted man, civilian employe, vendor, or contractor's employe."

That's just about as bureaucratic as you can get, but no doubt it won a promotion for the eager-beaver Navy milicrat who dreamed it up.

PREVENT THEFT

In Mr. Beaumont's view, however, it's a highly-desirable system because he said it assists in identifying non-insured characters who have stolen stickers . . . helps prevent theft and speeds the recovery of stolen vehicles . . . makes for rapid owner identification when it's "necessary to remove automobiles at the scene of fires, emergency construction work, snow removal operations, etc."

All this sounds great.

But consider a moment, and you'll begin to wonder whether the Great Lakes system really accomplishes the things Mr. Beaumont claims.

Maybe I'm thick, but I completely fail to see what it can do to prevent theft or help recover stolen cars. And I suspect the great U.S. Navy is entirely capable of identifying vehicles moved in emergencies—without requiring names and insurance expiration dates on parking stickers.

INSULTING

In fact if I were Sen. Ervin, I'd consider Mr. Beaumont's letter, with its absurd claims, pretty close to insulting.

That, however, isn't the point.

The point is that Government agencies have no damn business requiring of their employes more than is required by law . . . more than is required of employes in private enterprise.

No business demanding insurance in excess of state law—unless the agencies themselves are prepared to pay for it.

No business requiring an employe's name on his car—license tag identification is entirely enough.

At the risk of belaboring, let it be said again that if Government can require seat belts, and names-and-insurance-data on parking stickers, it also can require power brakes, power steering, air conditioning, roll bars, and any number of other desirable safety features.

I strongly suspect that Mr. Beaumont's letter was prepared by a subordinate . . . that Mr. Beaumont didn't take the time to read (or at least understand it).

May I say, sir: One of the things you're paid for is to double-check official Navy answers to U.S. Senators!

[From the Washington (D.C.) Daily News, July 6, 1967]

MONSTROSITY OF BIG BROTHERISM

(By John Cramer)

Perhaps this is just a piddling little thing. Perhaps it's something more.

Given the creeping Big Brotherism so evident in the Government's dealings with its employes (and the rest of us) I happen to think the latter. Mebbe I'm wrong. You judge.

Anyway, Senate Constitutional Rights Subcommittee Chairman Sam Ervin (D., N.C.), who had worked so effectively to educate U.S. agencies against invading Federal employe privacy, recently related a protest to Navy Department.

OBJECTED

Relayed the protest of employes at a small Navy installation, who resented an order directing that future bumper-style sticker permits for parking at the installation would carry spaces to show: (1) the employe's name; (2) the expiration date of his auto insurance.

To the Senator's letter, Navy blandly replied that it found in the order "nothing inappropriate"—or words to that effect.

Sen. Ervin disagrees. Me, too.

As it happens, I wish we had compulsory insurance for all drivers. But until we do, I can be nothing but unhappy with eager-beaver milicrats who buck for promotion by requiring more than is required by law.

ADVANTAGE

I can even see some advantage—to the milicrats—in requiring names to be displayed on parking stickers.

(And I also can understand that neither names nor insurance expiration dates would be necessary if the Navy people were bright enough to install relatively private coding systems for bumper stickers numbers.)

The line has to be drawn.

But so long as rank-happy "base security officers" or whatever they call them in various parts of the military, are permitted to do their own line drawing, we'll have privacy-invasions to disgrace the entire Federal Establishment.

COULD BE

Give them their heads, and we'll soon have base parking stickers with any number of additional blanks to help these characters perform their assigned duties with more promotable efficiency. Like:

Social Security numbers—Well, lots of people have them don't they?

Home phone number—In case of serious on-base traffic accident.

Office phone—Ditto.

Grade and pay—To guide the arresting officer in issuing on-base traffic tickets.

National origin, whether white, Negro, American Indian, Spanish-American, or other—for same purpose as above.

Finanical assets of employe and family—as above.

Blood type—In case the on-base accident requires a transfusion.

Religion—In case it threatens to be fatal.

Name and phone number of pastor—ditto.

SUCKLES

Answers to all of these questions can help the base security officers spend more time at their jobs and appear to be more efficient and more worthy of promotion.

But Big Brotherism suckles, thrives, and eventually flourishes to full monstrosity on just such things.

Piddling, they may be. "Nothing inappropriate," that may be.

On guard, good citizens! On guard!

[From the Washington (D.C.) Daily News, July 3, 1967]

FTS CALLED SAD-SACK OPERATION

(By John Cramer)

Here's more about that sad-sack operation, the Federal Telecommunications System (FTS).

FTS is Government's own long distance telephone network. It's supposed to save tax dollars, but actually wastes them—because Federal secretaries lose so much time getting busy signals from its overloaded circuits.

Anyway, an Office of Education official tells me:

OE does a lot of business by long distance phone with university executives. Frequently, an OE man will place a call to an executive who isn't immediately available. The latter ordinarily then will call back by commercial phone—collect.

When that happens, OE has a policy.

The policy says the OE man's secretary must reject the collect call, explaining that her boss is out.

The boss then is supposed to return the call by FTS. And this is supposed to save money—because, theoretically, FTS calls are cheaper than commercial calls.

In practice, however, what the policy does is to force the boss's secretary to waste another half hour or more getting thru by FTS.

Its circuits overload badly each day as soon as West Coast Federal offices go to work.

General Services Administration is the agency in charge of this mis-managed operation.

BITING COMMENT

The independent National Federation of Federal Employees, in the current issue of its monthly newspaper, has biting comment on that recent Civil Service Commission order telling U.S. agencies to make sure their employes have free access to agency personnel offices.

The order was issued after the Senate's Ervin Constitutional Rights Sub-committee turned up numerous instances in which agencies had made it difficult or impossible for employees to consult personnel people.

Says the NFFE:

"Does it not seem ironical . . . does it not strike any unbiased observer as a graphic commentary on the unhappy state of employee-management relations in the Federal service . . . that in this day and time the CSC should find it necessary to issue, belatedly, an order on such a basic matter?

"Consider this directive in all of its implications . . . or consider only the single statement that Federal agencies should not deny Federal employees' access to personnel offices.' In either case, as a whole or in its separate parts, this directive, certainly well enough intentioned by CSC, is an unwitting but nevertheless shocking indictment of conditions prevailing in too many Federal agencies.

"It reflects how far the Federal Government has yet to go to improve and bring its employee relations fully into the third quarter of the twentieth century.

"In this directive the CSC is asking Federal departments and agencies to take only the most elementary of steps . . . only to accord Federal employees rights which are the most basic . . . only to be sure that the door is not kept locked or slammed in the employee's face.

"It is scarcely to be wondered that the issuance of this revelatory directive has not been greeted with loud huzzas by career Fededal employes."

[From the Washington (D.C.) Daily News, June 13, 1967]

SHE SPOKE UP AND WAS FIRED

(By John Cramer)

Sen. Sam Ervin (D., N.C.), chairman of the Constitutional Rights Sub-committee, has called on Civil Service Commission to set up new safeguards for Federal employes fired from Government during their probationary first year of service.

He thoroly agrees with the idea of probation for newcomers.

His concern is for those who find their records permanently tarnished because they are dismissed by incompetent or unscrupulous supervisors.

WROTE MACY

Thus, he has written Commission Chairman John Macy:

"While I am aware of the need for a probationary period to insure that Government employes meet the highest standards, I believe that the present system may not contain sufficient guarantees to protect individuals, particularly professional people, from the impact of arbitrary dismissals and unfounded charges which can bar them from employment elsewhere, either in Government or private enterprise."

He suggested hearings, under certain circumstances, in such cases, or deleting the charges from personnel records.

The Ervin proposal was prompted by numerous complaints from former employes whose records—on the surface at least—strongly indicated they had been the victims of unscrupulous supervisors.

One case: A professional woman who antagonized her boss, and subsequently was dismissed as incompetent, because she correctly suggested that her agency's procedures in her field did not follow accepted professional safety standards.

Now she's saddled with a record—very possibly unwarranted—which may prove an insurmountable handicap when she seeks other employment.

Surely, Sen. Ervin can be nothing but right when he proposes some form of appeal in such cases.

[From the Washington (D.C.) Daily News, June 5, 1967]

COMPROMISE IN "BILL OF RIGHTS" FOR EMPLOYES

(By John Cramer)

Both sides are cagey—but there's at least reason to hope that the Administration may be nearing essential compromises with Sen. Sam Ervin (D., N.C.), the Constitutional Rights Subcommittee chairman, on his proposed "bill of rights" for Federal employes.

The Civil Service Commission, speaking for the Administration, has backed somewhat off its original position that there's no need whatsoever for the Ervin bill.

And Sen. Ervin, in response, has indicated increasing willingness to listen to commission proposals large and small, intended, it's said, to make the legislation more "workable."

There's a long way yet to go. But the signs are hopeful, a word used advisedly—because of an abiding conviction here that something approaching the Ervin bill is desperately needed to protect rank-and-file Federal workers against the father-knows-best inclinations of their well-intentioned superiors.

FROM STRENGTH

Sen. Ervin pitches from strength. His bill has been cosponsored by 54 other Senators.

But the commission has a lot of clout, too. So long as the bill remains in its present form, it has every reason to believe it could persuade LBJ to veto.

The bill is designed to protect Federal workers against invasions of privacy by their agencies—officious orders requiring any number of supposedly good things not required by law.

It would, among other things, prohibit the coercion of employes in charity drives and U.S. bond drives . . . restrict financial disclosure by employes to those potentially in true conflict-of-interest situations . . . prohibit agencies from requiring employes to state their race, creed, or national origin . . . prohibit lie detector tests . . . drastically restrict so-called psychological tests.

It would set up an independent Board of Employe Rights to adjudicate complaints against alleged violations . . . provide both civil and criminal penalties for violators . . . give employes direct access to Federal Courts to seek redress or injunction against real or threatened violations.

The commission particularly dislikes:

The proposed independent Board of Rights.

Criminal penalties for violators.

Direct access to the Courts.

On all of these things, however, there are signs—at least some signs—of compromise.

For instance, there's a proposal that the commission itself set up machinery to perform many of the functions proposed for the Board of Rights. It would do this by making violations of key "bill of rights" provisions subject to employe appeal under strengthened Commission grievance procedures.

PENALTIES SCRAPPED

There's another proposal that criminal penalties in the Ervin bill be scrapped with only civil penalties—dismissal, suspension or the likes—remaining for violators.

Under this proposal, the civil penalties could be invoked either by the commission, under its grievance procedures, or by the Courts.

Finally, there's a proposal to limit the almost-unrestricted access to Federal Courts provided in the original Ervin bill.

The orignal would allow employes to go direct to Court to seek redress or restrainers. The compromise plan first would force them to exhaust their administrative remedies—whatever appeals processes were available thru their agencies or the Commission.

But the compromise also would place a time limit on the appeals processes. Neither agencies nor employes would be permitted to stall indefinitely.

INSISTENT

Also—and it's understood Sen. Ervin is insistent on this—employes, once their administrative remedies were exhausted, would be permitted to take their cases to Court "de novo."

In legal parlance, that means their cases would be considered by the courts as new . . . not confined by Executive Branch interpretation of the law . . . in no way affected by decisions reached as they exercised their administrative remedies.

There's no assurance these compromises will be worked out. As of now, they're discussion points—on both sides.

It's promising, however, that both sides are discussing.

[From the Washington (D.C.) Daily News, June 1, 1967]

YOU CAN, TOO, BEEF IF YOU WANT

(By John Cramer)

Here are two more major victories for the Senate Constitutional Rights Sub-committee, headed by Sen. Sam Ervin (D., N.C.), which is pushing that proposed "bill of rights" for Federal employees.

Victory No. 1—Civil Service Commission has issued a strongly-worded directive to all agencies, telling them to make sure that employes have free access to their personnel offices, and that "road blocks are not placed in the way of an employe who wishes to visit the personnel office, file a grievance, or talk with" appropriate officials.

The CSC action stems directly from hundreds of letters to the Ervin Sub-committee from employes complaining that they were denied the right to take problems to their personnel offices.

SUPPORTED

In many cases, the denials were supported by agency (or installation) regulations.

The CSC directive said:

"An employe has the right to communicate with the personnel officials of his agency, the equal employment opportunity officer, and a supervisory or management official of higher rank than his immediate supervisor . . .

"An employe has the right to file a complaint, a grievance, or an appeal under the procedures of his agency or the Commission without interference or threat of reprisal. An employe acting in an official capacity for an agency shall not interfere with or attempt to interfere with such right . . .

"It is not enough for a supervisor to abstain from overt acts or threats of interference; he should refrain from making any statement or taking any action that has the flavor of threat, interference or intimidation."

CSC said it's permissible for an agency to require that an employe wishing to consult his personnel office ask his supervisor to designate a convenient time which will not disrupt work.

UNNECESSARY

But the employe is not required to state his reasons for wanting to see a personnel officer or other management official.

Victory No. 2—involved a 1954 (McCarthy era) Defense Department regulation, which:

Warned employes against "indiscreet remarks; unwise selection of friends or associates; membership in an organization whose true objectives are concealed behind a popular or innocuous title . . ."

Advised them "to study and seek wise and mature counsel prior to association with persons or organizations of any political or civic nature, no matter what their apparent motives may be . . ."

A companion directive ordered key officials to provide the "wise and mature counsel."

Under pressure from the Ervin Sub-committee, both recently were canceled.

In addition, however, the Commission has ordered all agencies to re-examine their own regulations to make sure they contain nothing similar.

The Commission quoted the Sub-committee as being "concerned with a general climate of fear and coercion revealed by employe letters to the Sub-committee, and with the implications of a Government-wide policy of surveillance of citizens, especially employes."

It said it "shares this concern."

Chief officers of the Patent Office Professional Association, have recommended that PO employes undertake a boycott of merchants at Crystal Plaza, Va., to which major units of the Office recently were moved under circumstances shrouded in unusual secrecy.

MAIN OBJECTION

Their chief complaint: After a month in the new location, parking privileges in the PO garage have been jumped "by a whopping 50 per cent" to $15 per month.

They allege that the garage is "filthy with trash, mud and dust costing you a small fortune just to keep your car clean . . . large stagnant lakes . . . and no lighting at all in some areas."

Patents Office management they say, disclaims all responsibility, but: "We challenge them to admit that they have a responsibility for the welfare of their employes."

The Association has asked all employes to ballot on the propositions: 1. Boycott of the garage; 2. Boycott of all Crystal Plaza facilities; 3. Boycott of both.

[From the Washington (D.C.) Daily News, May 19, 1967]

YOU COULD BE WRONG, MR. M!

(By John Cramer)

Civil Service Commission Chairman John Macy continues to insist there's absolutely no need for the "bill of rights" sponsored by Sen. Sam Ervin (D., N.C.) and 54 other Senators to protect Federal employes against privacy invasions by bureaucrats and milicrats.

He should read my mail! Yesterday's, for instance.

There was a note from an employe at Andrews Air Force Base—

"Base regulations say we must have auto insurance in order to qualify for registration stickers entitling us to drive and park on the Base.

"If you utilize the parking facilities at Air Force Systems Command and are a GS–7 or higher, all that is required is a verbal statement that you have adequate insurance.

"However, if you are a GS–6 or lower or an enlisted person, you are required to submit the actual insurance policy to the Air Police. "This surely shows that the old military adage, 'RHP (Rank has its privileges), is practiced at Andrews here with a vengeance."

Here, Your Government Reporter interrupts with two questions:

Even tho permitted, as it is by AF regulations, is it really the proper business of the Andrews milicrats to check employe insurance?

Do they honestly believe that GS–6s are less trustworthy that GS–7s?

The letter writer then goes on to say that, altho Andrews brass is real super-efficient about the insurance thing, it can't manage such a simple matter as soap for women's restrooms.

"There has been none for the last 2 or 3 weeks. We're told there will be none until the first of the fiscal year—July 1. No money appropriated for soap?!!"

By way of Sen. Ervin's Constitutional

Rights sub-committee came a letter from a GS-9 employe at a military installation—

"Recently, my military supervisor called me into his office, and told me to join the Officers' Club or face the loss of my job.

"It seems the commander of our installation was dissatisfied with the response of civilian employes in attending his cocktail parties (to which he invites many non-paying guests for his personal gain).

"Dues at the Club are $7.50 per month for civilians with no voting rights or say in the management of the club. The rate is the same for military officers, who can vote and manage the club!

"Needless to say, civilians are 'second-class' members who are tolerated only because the club wants and needs the dues money."

And finally, a letter from a serviceman's wife in Indianapolis—

"On April 5, I was interrupted at my Government job by two military police and a county police sergeant, who had papers stating my husband was AWOL. I told them he was at Ft. Carson. They called me a liar, and said he never had been there.

"Since I had received numerous telephone calls and letters from him at Ft. Carson, I knew their accusation was unfounded.

"They informed me the Army never makes mistakes, and requested proof that he was at Ft. Carson. The only way this could be accomplished was to drive to my home, approximately 15 miles.

"I had to return to my office for the keys to my car, and when I came back was escorted, like a common criminal, to the parking lot by the two M.P.'s. This was especially humiliating because the incident took place at a congested hour.

"At my home, they looked at the letters and still were not convinced. Therefore, I had to call Ft. Carson to satisfy them. When they had been assured that my husband was indeed there, they said it must have been a name mixup.

"After all this humiliation, I asked them to call my boss and explain.

"They refused."

Just one day's mail, Mr. Macy, from Federal employes who know just how badly they need a "bill of rights".

[From the Washington (D.C.) Daily News, Apr. 13, 1967]

KOOK HAS A PREGNANT QUESTION!

(By John Cramer)

Today, I crown a new Government privacy invading champion—A Pennsylvania-type kook, who richly deserves to be immortalized among the most officious of all Federal bureaucrats.

He succeeds to the throne briefly held by that Omaha, Neb., Air Force major, who, in an official order, now countermanded by top Pentagon brass, presumed to tell his subordinates exactly how far they could drive their private cars on week-end trips.

My new champion is a minor wheel—clearly of the two-bit variety—in Social Security Administration's Philadelphia Award Processing Branch.

LETTER

According to a letter to Sen. Sam Ervin (D., N.C.), chairman of the Constitutional Rights Subcommittee, from Lawrence B. James, president of Lodge 2006 of the AFL-CIO American Federation of Government Employes:

"On March 30, female employes of the Award Processing Branch, both married and single, were asked by their supervisors whether or not they were pregnant!

"We have signed statements from the employes who suffered this injustice."

On the phone, Mr. James told me:

That the Branch has about 200 female employes.

That the signed statements number 20.

That all eight supervisors in the Branch were asked to conduct the pregnancy poll.

That four, however, had the good sense to refuse.

That it's his understanding that Branch management justified the poll on "safety" grounds, saying it planned special consideration for the pregnant gals in fire drills.

REPORT ASKED

Sen. Ervin wrote Social Security Commissioner Robert M. Ball, April 5, requesting a full report.

So far, he has no reply.

When he gets one, I'll relay the word.

In the circumstances, I'd think Mr. Ball would want to convey his own apologies to the embarrassed employes.

And a sharp reprimand to my new privacy invading champ.

[From the Washington (D.C.) Daily News, Feb. 22, 1967]

BILL OF RIGHTS GETS BIG BACKING

(By John Cramer)

Sen. Sam Ervin (D., N.C.), chairman of the Constitutional Rights Subcommittee, yesterday re-introduced his proposed "bill of rights" for Federal employes, with impressive backing from 52 other Senators who signed as co-sponsors.

That means the bill now has the support of a clear majority of the Senate—a consensus which will bring no joy to Administration spokesmen who were alone in opposing it at Sub-committee hearings last year.

In 1966, co-sponsors totalled 35.

GUARD

The "bill of rights" is designed to protect Federal workers against growing invasions of their privacy by their agencies—invasion attested in a remarkable outpouring of thousands of letters to the Sub-committee.

In re-introducing it yesterday, in slightly-revised form, Sen. Ervin told the Senate:

"It is time for Congress to forsake its outdated reluctance to tell the Executive branch how to treat its employes.

"When so many American citizens for so many years are subject to unfair treatment, to being unreasonably coerced or required without warrant to surrender their liberty, their privacy, or their freedom to act or not to act, or to reveal or not to reveal information about themselves and their private thoughts and actions, then Congress has a duty to call a statutory halt to such practices, and to penalize their resumption.

"The reams of regulations, guidelines, and questionnaires issued for applicants, employes and their families to promote various causes make it clear that a very large segment of our population is being smothered by tons of big-brotherism."

The bill would prohibit these agency practices, among others:

Requiring or pressuring employees to disclose their race, religion, or national origin.

Requiring or pressuring them to attend meetings or participate in other outside activities not connected with their duties.

Forbidding them to patronize specified business establishments.

Requiring them to submit to psychological or lie detector tests which include questions about their relationships with relatives, religious beliefs, or sex attitudes and conduct. An exception to the general ban on psychological tests would be made for individual employes being examined for possible mental illness.

Requiring or pressuring employes to attend political fund-raising functions.

Coercing employes to purchase U.S. Bonds, or contribute to charity campaigns. However, reasonable, noncoercive solicitation would continue to be permitted.

Requiring employes to disclose financial assets and those of their relatives. The Ervin bill would restrict such disclosure to employes in potential conflict-of-interest situations—and only to such portion of their assets as might occasion a conflict.

Requiring employes undergoing criminal investigation to submit to questions without benefit of counsel.

WOULD APPLY

The bill's prohibitions would apply—in slightly different manner—to both civilian and military supervisors of civilian employes.

It would give employes the right to bring civil actions in Federal District courts to enjoin threatened violations—or redress actual violations.

And it would make "willful" violation a misdemeanor, punishable by up to $300 fine or 30 days in prison.

In addition, the bill would set up a three-member Board of Employe Rights, appointed by the President and confirmed by the Senate.

The Board would have the power to investigate and conduct hearings on alleged violations, and issue cease-and-desist orders.

In the case of first violations by civilian officials, it could issue official reprimands and suspensions up to 15 days. For subsequent violations, it could suspend up to 30 days, or order the official's dismissal.

Military violators would be reported to the President, the Congress and the heads of their services, and would be subject to Code of Military Justice procedures.

Both officials and employes would have the right to ask Federal District Courts to review Board decisions.

An Ervin bill introduced yesterday would outlaw coercion of military personnel in Savings Bond and charity campaigns.

[From the Greensboro, (N.C.) Daily News, June 28, 1967]

ERVIN BILL BRINGS FEDERAL WORKERS PERSONAL PRIVACY

(By Roy Parker, Jr.)

WASHINGTON.—Employes of the Library of Congress no longer must fill out medical forms describing their sexual habits.

The Air Force has called off a directive forbidding most employes from telephoning or visiting their personnel office without explaining to their immediate boss.

The Federal Aviation Agency has quietly buried a personnel rule which threatened reprisals against employes who wrote complaining letters to their congressman.

The Civil Service Commission has reversed a policy order which encouraged government workers to take part in off-duty "community activities."

These and other reversals of policy have flowed from North Carolina Sen. Sam Ervin's pressure on the federal bureaucracy to stop what he calls "invasions of privacy" of the army of government workers.

The Tar Heel senator has authored a "Bill of Rights" for government workers that has been signed by more than half the 100 members of the Senate.

Ervin this week listed some of the changes that have been wrought by the mere threat of the legislation.

While he negotiates with executive branch officials for even further shifts in policy, Ervin said he would continue to push for Senate consideration of his bill. He did not rule out the possibility that the original version might be watered down somewhat in view of the policy changes.

However, said Ervin in a newsletter to constituents, "the need for the bill is still great, because regulations by government agencies are subject to change according to the whim and caprice of the administrators."

One of the most significant results of Ervin's pressure was a Civil Service Commission order reducing the requirement that thousands of federal workers file financial

disclosure information in a program designed to head off influence-peddling and conflict of interest.

The commission has also called off its race-count program under which government workers were encouraged to list their race on personnel forms. Instead, government managers will keep such statistics through an informal "head count" method.

The government has also begun to relax some of the "be a booster" programs which were borrowed from private industry and business.

The Defense Department has watered down its promotional methods for savings bond sales among military personnel. It has also withdrawn a directive telling employes to "seek wise and mature counsel" concerning friendships, associations, and civic activities.

To head off Ervin's call for an independent personnel grievance council, the Civil Service Commission has also issued a new regulation spelling out employees' rights "without interference or threat of reprisal" to visit personnel offices and make formal complaints, appeals, and grievance claims under existing personnel regulations.

[From the Washington Post, June 8, 1967]

CSC LAUNCHES EMPLOYE STUDY

(By Jerry Kluttz)

A broad review of the Government's collection and use of data on its nearly 2.9 million civilian employes has been undertaken by the Civil Service Commission.

Chairman John W. Macy said the inquiry had a dual purpose: to assist Federal managers to plan and meet manpower needs, and to guarantee that the privacy of individual employes will not be violated.

The study is another victory for Sen. Sam J. Ervin (D-N.C.) who has been pounding away at the Government in general, and CSC in particular, for violating the privacy of Federal workers.

Charles J. Sparks, deputy director of CSC's Bureau of Management Services, will head the study group. Serving with him will be half a dozen agency personnel directors. The group also hopes to find better ways to use computers in personnel work.

Meantime, CSC is exploring the possibility of working out a compromise on Ervin's bill which is cosponsored by more than 50 senators, a majority of the Senate. The bill would protect the constitutional rights of both civilian and military personnel.

[From the Washington Post, Apr. 16, 1967]

ERVIN FIGHTING THE BATTLE

(By Jerry Kluttz)

Sen. Sam J. Ervin (D-N.C.) turned his spotlight yesterday on two practices at the Navy Finance Center here which he said were invasions of privacy and unwarranted surveillance of its civilian employees.

The chairman of the Constitutional Rights Subcommitte said that Navy efficiency experts monitor the women's restrooms to determine how many minutes they are in there.

The agency, located in the Munitions Building here, checks on all actions by its employes, including the blowing of their noses, according to the Senator, who was given the information by an employe there.

Ervin contends that we look to the First Amendment to the Constitution for protection against any form of tyranny and that Federal agencies in recent years had disregarded it. Said he:

"A regulation which threatens surveillance, or worse, for indiscreet remarks or unwise choice of associates is covered by this Amendment. Within its restrictions fall requirements to submit to interviews, tests and polygraphs which solicit information about a person's politics, religious beliefs and practices, sexual attitudes and conduct, or relationships with members of one's family.

"To condition a citizen's employment on submission to such pumping of his mind and thoughts and beliefs, is to exercise a form of tyranny and control over his mind which is alien to a society of free man.

"Similarly," the Senator continued, "to require him to state his associations, his outside activities, his financial interests and his creditors, and to make them factors in decisions affecting his employment interests, is to force conformity of thought, speech and action to some subjective, pre-established standard, unrelated to his official assignments.

"To ask him to report his civic and political organizations is as intimidating as to tell him to go out and lobby for legislation, or to take part in beautification projects when he would rather go fishing. Yet the Government does both.

"To coerce him to contribute a given amount to charity, or to buy savings bonds against his will as a condition of employment is equally reprehensible. Yet Federal officials do this.

"These practices affect not only the right to speak and act according to the dictates of his conscience; they invade also his right not to speak at all, not to act at all, and not to participate at all. In today's society . . . this may be the most precious right enjoyed by civilized man."

Voting Block: Nine Civil Service Commission investigators have been restrained from compiling eligible voter lists in the Louisiana parishes of DeSoto, Caddo, and Bossier. The temporary order was issued by Federal District Judge Ben Dawkins of Shreveport.

Dawkins concluded that Attorney General Ramsey Clark who had ordered CSC investigators into the three parishes, had said earlier that there was no voter discrimination in them. The Government will appeal the case.

Meantime, CSC will continue to list voters in five other Louisiana parishes that weren't affected by the ruling. Under the Voting Rights Act the Attorney General has the authority to order CSC investigators into counties where he believes voter discrimination is practiced to police voter registration and voting.

[From the Atlanta (Ga.) Constitution, May 20, 1967]

PROTECTING GOVERNMENT WORKERS

There has been considerable comment that college graduates find no challenge in working for private enterprise and that they would rather work for some branch of government. It is therefore interesting to read an article in the March, 1967, "Engineer in Government Newsletter," published monthly by the National Society of Professional Engineers.

It says that Sen. Sam J. Ervin of North Carolina is sponsoring a federal employe "Bill of Rights" which would guarantee employes legal protection from snooping and coercion by federal agency officials.

Ervin's bill "would . . . outlaw the practice of coercing employes to make political or charitable contributions, and would greatly restrict the conditions under which an agency could require the submission of information concerning an employe's financial or other private affairs . . . make it unlawful to: Require employes or applicants to take tests asking questions about their personal relationships . . . their attitudes about religion or sexual matters. . . . Forbid employes to patronize any business; require employes under investigation to answer questions without the presence of counsel; request or require employes to refrain from participating in outside activities unless related to official duties, or to state that notice will be taken of attendance or lack of attendance at non-job related meetings."

Other coercive practices are objected to by the engineers. Working under such restrictions would seem to be depressant rather than a challenge to an energetic and ambitious individual with forward-looking ideas.

[From the Washington Post, May 11, 1967]

PRESSURE HIT IN FUND DRIVES

(By Mike Causey)

Memo to fund-drive keymen and Savings Bond salesmen.

Subject: Arm-twisting.

From: Civil Service Commission Chairman John W. Macy Jr.

Remarks: Don't do it!

That, in effect, is the message Macy has sent around for all agencies to read and not forget.

Macy doesn't want to put a damper on any of the programs. But he wants to head off any intimidation or setting individual goals, which have been common in many agencies during the last couple of years.

The CSC Chairman echoed the words of Savings Bond Chairman Lawrence F. O'Brien, who earlier told his keymen not to lean on people to buy bonds.

Macy's directive said that agencies are to make it plain that the fund drive and bond programs are voluntary, and if people can't or won't give, they should be left alone.

Agencies may continue to use the "fair share" guides, which indicate what donations people might make according to their salary. "But there may be no requirement that individual employe contributions meet such guides," Macy warned.

In addition, donations and bond purchases are supposed to be kept confidential this year. They were supposed to be confidential last year, but some overzealous supervisors—military and civilian—posted the names of nongivers or "cheapskates" on bulletin boards, or accused them publicly of being un-American. Macy said CSC would issue instruction soon to advise employes of grievance procedures, if they are being pressured to give.

Sen. Sam J. Ervin Jr. (D-N.C.) has gotten CSC's report * * * which would protect employes from pressure, snooping and invasions of privacy. Fifty-five other Senators are cosponsoring Ervin's bill, which would provide stiff enforcement penalties for supervisors found guilty of invading employe privacy.

But Ervin says that CSC doesn't want any criminal penalties for arm-twisting officials, that it feels the situation can be met "with administrative proclamations."

Ervin, the chairman of the Senate Constitutional Rights Subcommittee, will meet with CSC officials Friday, when he hopes agreement can be reached on his bill.

[From the Durham (N.C.) Herald, April 29, 1967]

ERVIN OUTLINES BATTLE TACTICS IN ALL-OUT WAR ON SNOOPING

A U.S. Senator who has waged an all-out war against government snooping outlined his battle tactics at the Duke University Law School Friday.

Sen. Sam. J. Ervin Jr. denounced invasion of privacy on the part of federal administrators and predicted Congress will enact additional legislation this year to protect employes and job applicants.

Sen. Ervin said his experience as chairman of the Senate Constitutional Rights Subcommittee has convinced him "about the most important thing a man has is his right to privacy and to individual dignity."

The senator charged the federal government has been bent on setting itself up as the "Great Protector" of personal habits, thoughts, actions and emotions of its vast work force.

"This over-protectiveness and big brotherism of government has led it to devise ingenious means to rob employes of the American dream of freedom," he asserted.

Questions addressed to an individual's sex habits, religion, and family relationships were attacked by Ervin in his appearance before the Duke law students. He denounced them as "an unwarranted and substantial invasion of privacy."

Ervin said his investigation led to the uncovering of abusive uses of financial questionnaires required of employes as far down the Civil Service scale as the raisin inspectors in the Department of Agriculture.

He acknowledged that conflict-of-interest scandals provided the use of financial disclosures to apprehend a few corrupt individuals.

"Still it seems unwarranted to require countless thousands to reveal personal business and financial affairs," he added.

Ervin said he is proud to be a sponsor of the administration's current bill to restrict wiretapping. And he announced that his own bill restricting the use of questionnaires has the signatures of 54 colleagues in the Senate—or a comfortable majority.

Prior to his address, Ervin told a news conference he will vote for the censure of Sen. Thomas Dodd of Connecticut as recommended by the Senate Committee on Standards and Conduct.

He also criticized members of Congress who have voiced opposition to an address by Gen. William Westmoreland, commander of American forces in Vietnam.

"I'm a great believer in free speech. The people opposing him believe in free speech when they are involved," Ervin told the newsmen.

Expressing vigorous opposition to a bill that would allow taxpayers to deduct from their annual income taxes $1 for a presidential campaign fund. Ervin offered his own program for contributions.

He suggested that each taxpayer be allowed a "reasonable deduction"—he mentioned $50—for contributions to the party or candidates of his choice.

[From the Washington (D.C.), Evening Star, June 9, 1967]

RULES EASED ON EMPLOYE FILING OF DETAILED FINANCIAL STATEMENTS

(By Joseph Young)

The Civil Service Commission today acted to "significantly reduce" the number of federal workers who must file detailed financial statements on behalf of themselves and their families.

The CSC modified its regulations on the ethics and conduct of government employes after the Senate Constitutional Rights subcommittee headed by Sen. Sam Ervin, D-N.C., had sharply criticized the system. Heretofore hundreds of thousands of federal employes, many of them in lower grades and in non-policy jobs, had been required to file these statements.

The CSC said the revised program will be limited "to those in positions in which the possibility of conflict-of-interest involvement is clear."

RECOMMENDED DIVISIONS

The former mandatory inclusion of all employes above grade GS–15 and all hearing examiners has been eliminated. Statements on an employe's outside employment and financial interests, including those of members of an employe's immediate family, will be required only from employes in grade GS–13 and above who are responsible for making decisions or taking actions in regard to contracting, procurement, grant or subsidy administration, regulating a non-federal enterprise, or another activity having an economic impact on a non-federal enterprise.

An employe who merely recommends a decision or action will no longer be required to file a financial statement. An employe below grade GS–13 will be required to file only if his employing agency justifies to the CSC that his filing is essential.

To further assure that the filing requirement extends only to employes whose positions make it essential for the government to have the information sought, the CSC has authorized agencies to exclude any employe whose duties make the likelihood of his involvement in a conflict-of-interest situation remote.

Also, an agency may exclude employes from the reporting requirement when the agency has an alternative procedure that the CSC has approved.

The new regulations also specify that no question may be used in an agency's form on employment and financial interests unless it is one included on the CSC's standard form or has the CSC's approval.

GRIEVANCE PROCEDURE

Also, each employe must be informed that his agency's grievance procedure is available to settle any complaint against being required to file a statement. Also, agencies may excuse an employe from reporting an interest too remote or inconsequential to affect the integrity of his work.

The former requirement that employes file quarterly supplements to their statements of employment and financial interests has been canceled. From now on, only an annual statement will be required from those who must file.

Other changes will provide better assurance of the confidentiality of financial statements by requiring agencies to designate which employes are authorized to review the statements and by making these employes responsible for restricting the use of information contained to that necessary in carrying out the purpose of the ethics regulations.

The new regulations also incorporate a recent decision by the Comptroller General that federal officials and employes are not to accept non-government reimbursement (such as from industry) for travel on official business.

[From the Washington (D.C.) Evening Star, Apr. 21, 1967]

VOIDING OF "BIG BROTHER" DIRECTIVE MAY HAVE STARTED IN HOME DRAMA

(By Joseph Young)

From the Federal Spotlight Column, Evening Star, April 18: Ervin subcommittee discloses Defense directive cautioning civilian employes against joining any organization, political or civic or forming friendships, without first getting the "mature advice" of their supervisors. Employes also admonished about use of "indiscreet" remarks.

AP Story, Evening Star, April 20. Defense cancels directive.

The Defense Department's decision to cancel its Big Brother directive could have stemmed from its employes getting into sticky situations like the one described below.

Scene: the living room of a Navy civilian employe. The employe is seated, reading "Alone" by Adm. Richard Byrd, while his wife stands over him and glares.

WIFE. I'm sick and tired of our boring existence. No friends, not even neighbors that we can talk to . . . no place to go.

HUSBAND (sighing). I know what you mean. But I'm a loyal Navy employe. And you know what that means.

WIFE. I think you're a Casper Milquetoast. Why can't you at least make friends with some of our neighbors? We've lived here for a month now, but we're not on speaking terms with anyone.

HUSBAND. But you know what the directive said . . . It . . .

WIFE (interrupting). The hell with the directive!

HUSBAND. Careful! You know what it says about indiscreet language.

WIFE. (her face flushed with anger). I never was so humiliated in my life as I was the day we moved in. Mr. Jones, our next door neighbor came over to say hello and introduced himself . . . and what did you do!

HUSBAND. Well, I was sorry to have to ignore his outstretched hand. And I really felt very bad about slamming the door in his face without replying to his greeting. But what could I do? I'm not allowed to make any friendships without the mature advice of my supervisor.

WIFE. Well, why don't you clear it with your supervisor?

HUSBAND. I'm afraid to. He's a misanthrope. He hates everyone, and I'm sure he would blackball our neighbor.

WIFE (ignoring his explanation). And why did we have to hide and pretend we weren't home when the Welcome Wagon lady came to our door with those little gifts.

HUSBAND. Simply following instructions not to strike up new acquaintances or friendships.

WIFE (continuing to vent her indignation). And forbidding me to say good morning to the mailman. And to think that they're the ones who get us our pay raises each year!

HUSBAND (suddenly contrite). I guess we are a little harsh on him.

WIFE. As if all this isn't bad enough, you're even afraid for us to join the Parent Teachers Association or let Junior join the Boy Scouts.

HUSBAND. But you know what the directive says about that. (He moves over to the television set and takes from the top of the set the Defense directive. He looks for a particular passage.)

Here, I found it. (He reads aloud) . . . "A number of our citizens unwittingly expose themselves to unfavorable or suspicious appraisal which they can and should avoid. This may take the form of an indiscreet remarks, an unwise selection of friends and associates, membership in an organization whose true objectives are concealed behind a popular and innocuous title. . . .

Therefore, it is advisable to seek wise and mature counsel prior to association with persons or organizations of any political or civic nature. . . ."

WIFE (interrupting). That's enough. You've read that to me 50 times.

HUSBAND. But that's why I'm hesitant about us joining the PTA or Junior joining the Boy Scouts. The way things are happening these days, these groups could be fronts for hippies, topless something or others or heaven knows what.

WIFE (starting to cry). But what's left for us. What kind of a life are we destined to lead.

HUSBAND (suddenly brightening). Well, who knows. Maybe one of the television networks will reschedule our favorite program and we can "Sing Along with Mitch" again.

[From the Washington (D.C.) Star, Apr. 18, 1967]

SOME WORKERS CAN'T BLOW NOSES WITHOUT ENTRY IN PERSONNEL FILE

(By Joseph Young)

Such is the rapid encroachment of Big Brother in government that some employes literally can't even blow their noses without it being noted in their records.

The Senate Constitutional Rights subcommittee discloses that eagle-eyed methods engineers in one Navy unit sit in front of the room monitoring all actions of employes.

When an employe blows his nose, this is noted on his "personal" card, the subcommittee said.

In another Navy office, methods engineers monitor the women's restrooms to see how much time each female employe spends there.

Sen. Sam Ervin, D-N.C., chairman of the Senate unit, describes these indignities as ranging from the "ludicrous to the pathetic."

While Ervin feels such actions are definitely symptomatic of an increasing invasion of employes' rights to privacy, he is even more concerned over a recent Navy directive to employes.

The directive instructs employes not to join any organization, political or civil, or strike up new friendships without first securing "mature counsel" as to the wisdom of these moves.

Presumably the "mature counsel" is the employe's supervisor who will advise in this sort of thing.

Employes also are cautioned to be careful at all times of their conversation. "An indiscreet remark" could backfire on an employe, the Navy directive warns.

John Macy, chairman of the Civil Service Commission, in response to Ervin's query as to what he thought of the directive, said he felt Navy "had gone too far."

"It goes beyond the bounds of reasonable security precautions," he said.

Meanwhile, Ervin predicts early action by his subcommittee on his "bill of rights" for government employes.

He has given government agencies until April 20 to file their reports on this bill.

The subcommittee is expected to approve it shortly after that.

Fifty-four senators—a majority of the Senate—have joined Ervin in sponsoring the measure.

[From the Omaha World-Herald, Apr. 8, 1967]

U.S. EMPLOYEES SAY RIGHTS INVADED

The chairman of the Senate Constitutional Rights subcommittee has asked Defense Department opinion of a series of policy letters issued by an Omaha Army officer, which the Senator suggests are "misguided . . . paternalistic."

Senator Sam J. Ervin's (Dem., N.C.) letter to Secretary of Defense McNamara, which are tied to his long-continuing legislative battle to prevent unwarranted invasion into the private lives of military and civilian employees of the Government, deals with policy letters issued in January over the signature of Maj. Edward M. Corson, commander of the Armed Forces Examining and Entrance Station in Omaha.

Since the subcommittee began its investigation several years ago, it has received thousands of complaints from all the states from Federal employees contending that their rights have been invaded.

Mr. Ervin is the author of two pending bills, one relating to civilian employees and another to military personnel.

They are designed to prohibit coercion in solicitation of charitable contributions or the purchase of United States Savings Bonds—a frequent complaint—as well as requests for disclosure of race, religion and national origin, or pressure to attend functions, or reports on their outside activities unrelated to their work.

In one of his policy letters, Major Corson wrote that the President had urged Government personnel to buy Savings Bonds, and he said:

"All personnel of this station will aid this program by participation in the Army Savings Bond program."

Of this, Senator Ervin told Secretary McNamara:

"Major Corson's enthusiasm on behalf of the savings bond drive appears to be misguided."

A memorandum issued by the Pentagon last December 21 says "The choice of whether to buy or not to buy a United States Savings Bond is one that is up to the individual concerned. He has a perfect right to refuse to buy and to offer no reasons for that refusal."

In another policy letter, relating to military personnel, Major Corson wrote:

"Several functions and activities are planned and sponsored by this station during the course of the year. All personnel will attend such events unless excused by the commander because of extenuating circumstances, such as financial hardship, physical indisposure, leave, etc."

In another policy letter, the major said all personnel "are required to have at least two front seat belts in their privately owned vehicles." He said also that maximum travel in a privately owned vehicle on a two-day week end is 250 miles, for a three-day week end, 350 miles.

A number of Nebraska employes of the Federal Housing Administration protested FHA practices, particularly what they said was a requirement that questionnaires regarding outside employment include information on an employe's family and outside jobs held by them.

There was criticism of a regulation said to require information on either the sale or purchase of a residence even when FHA is not involved.

MAJOR CORSON: NO STATEMENT

Contacted in Omaha Friday, Major Corson said he has no statement at this time.

Russell M. Bailey, director of the Nebraska FHA, was asked for comment. He said his office follows the regulations of the Civil Service Commission and the Federal Employment Manual.

These include rules to avoid conflict of interest, he said, which is why questions are asked about outside employment and property purchases.

[From Newsday, Garden City, Long Island (N.Y.) 1967]

THE ABSOLUTELY TRUSTWORTHY IDIOT

(By Charles McDowell, Jr.)

WASHINGTON.—A reporter was talking on the telephone the other evening to an official of the International Monetary Fund who was working overtime in his office at the agency's fancy new building here. Suddenly the official said, "Oops, pardon me. The computer just turned off my lights."

There was the sound of the telephone being laid on the desk, followed by the sound of the official stumbling over his wastebasket in the dark. Then he returned to the telephone after switching on the lights.

The poor fellow explained that the agency's computer turned off the lights in all the offices at 6:30 p.m. every day. This officious machine's regular job involved, of course, things like calculating interest rates in Peru, car-loading in Zambia, and the potential export market for Australian wombats.

In its spare time, however, the computer handled a variety of economical housekeeping chores like turning off a man's lights and causing him to trip over his wastebasket.

This sort of reliance on computers is sweeping Washington. The federal government has 2,600 computers attended by 71,000 keepers. According to the Budget Bureau, the computers are saving money left and right as they track space satellites, issue Social Security checks, shuffle census figures, order supplies, file records and perform heaven knows what duties for the CIA.

Senator Sam J. Ervin, a Democrat of North Carolina, thinks the computers are getting out of hand and something ought to be done about them before it is too late.

He is worried but he is not stuffy about it. Ervin says, for instance, 'The day may come when we will replace politicians with computers. Judging from some of the reasoning of politicians I've seen over the years, I know I would sooner take the logic of a computer. The machine may suffer the same lack of intelligence as some politicians, but at least there is consistency in its idiocy."

As chairman of the Senate Subcommittee on Constitutional Rights, Ervin is seriously concerned about the information that computers are storing up on 3,000,000 civilian employees of the federal government. With every test and interview these people ever submitted to being available at the push of a button, Ervin sees the danger of wholesale invasions of privacy.

Various government agencies give so-called personality tests when screening people for employment and promotion. Ervin is frankly appalled to know that computers keep a record of individual citizens' reactions to such test propositions as these:

I am very seldom troubled by constipation.

At times I feel like swearing.

I do not always tell the truth.

I believe in a life hereafter.

My mother was a good woman.

Many of my dreams are about sex matters.

It is hardly reassuring to Ervin to know that mighty machines can remember forever anyone's responses to such nosiness, co-ordinate it with even more personal information gathered in lie-detector tests, cross-file it with job histories, credit checks and random gossip, and regurgitate it all instantly for a button-pusher. (Today a computer tricks a man into falling over his wastebasket; tomorrow it blabs his private life to a computer in California that tells anyone who is interested.)

Senator Ervin suggests "a massive nationwide clean-up campaign to cleanse present files of improperly acquired, irrelevant personal information." He is proposing legislation to protect federal employees from psychologists, snoops and Orwellian nuts working in conspiracy with computers.

Like everyone who gets serious about computers, Ervin knows that mankind must take the blame for what the machines do. As Dr. Charles DeCarlo, a computer expert, told him, "A computer is an absolutely trustworthy idiot."

And the villainy of small-minded men in all this reminds Sam Ervin of a line from William Faulkner: "Men ain't evil; they jest ain't got no sense."

[From the Boston (Mass.) Christian Science Monitor, Mar. 21, 1967]

IMPROPER QUESTIONS

Certain tests and questionnaires used by the federal government threaten an unjustified invasion of the privacy of government employees. For several years, Sen. Sam J. Ervin's subcommittee on constitutional rights has kept a sharp eye open to detect possible infringement of individual liberties.

The subcommittee extensively probed the psychological testing of federal government employees. It pointed to the use of some testing forms which include what many would consider objectionable questions relating to religion, sex, and other personal matters.

From one test, the following, for example, were to be answered "true" or "false":

"Christ performed miracles."

"I pray several times a week."

"I like to talk about sex."

"I am a special agent of God."

More recently, the subcommittee found that various government agencies were using a "report of Medical History" which includes questions of an extremely personal nature, some of which have no apparent bearing on the individual's physical fitness.

After the subcommittee and the American Civil Liberties Union pressed the matter with the United States Civil Service Commission, the commission dropped the form for all civilian employees and job applicants. But the Defense Department continues to use it for military personnel.

A "false or dishonest answer" to this questionnaire is punishable by fine or imprisonment. It was by no means clear that access to these forms would be strictly limited to medical staff. If they were made available to personnel or security officers, answers irrelevant to physical fitness might well have resulted in exclusion from government service.

Government must, of course, obtain certain information about applicants in order to se-

lect able, conscientious, and reliable employees. But there are some personal matters which government has no right to extract from an individual as a condition of employment.

We are encouraged that both Congress and an organization dedicated to the preservation of civil liberties have seen fit to look into the matter. It deserves continuing surveillance.

[From the Norfolk (Va.) Virginian Pilot, Mar. 8, 1967]

THOSE QUESTIONS—AGAIN

Senator Ervin of North Carolina, long a champion of the right to privacy, has renewed, and broadened, his crusade. In a speech before the American Management Association's annual conference on electronic data processing, he called for the government and private employers "to cleanse present files of improperly acquired, irrelevant personal information."

As examples of such information, the Senator cited questions being asked in Federal "personality tests" administered to job applicants. They include queries about sex life, belief in the second coming of Christ, and love of parents. Mr. Ervin says such questions, whatever the source, are invasions of privacy. We agree. And that such questions have been asked for a long time makes even more pertinent not only a purge of such information from present files, but a revision of business and government estimates of the nature and relevancy of information demanded from employes.

The spreading use of computers—which can instantly produce potentially damaging information without the applicant's having an opportunity to explain, modify, or challenge answers that might have been given under stress years before—heightens the urgency for regulation. Mr. Ervin's assessment of the threat as coming not from the computer as a machine but from its abuse by political executives, managers, and technicians is correct. His call for a "code of ethics" involving "self-regulation and self-restraints," however, seems insufficient.

The need is for a re-establishment of the Fourth Amendment, for congressional action to extend its guarantee of privacy to cope with the insidious erosion produced by man's amazing technology. Unnecessary probing into private lives by whatever means, and necessity exists only in national security cases, must cease if the Bill of Rights is to win the race with electronics—and the political executives, managers, and technicians.

[From the Charlotte (N.C.) Observer, May 7, 1967]

ERVIN HITS PRIVACY INVASION—NATIONAL DRIVE URGED BY SENATOR

NEW YORK.—Senator Sam J. Ervin, Jr., D-N.C., called Monday for a massive nationwide campaign to rid government and industry personnel files of data that jeopardizes privacy.

Ervin told the American Management Association that business and management must place immediate restraints on the type of information they force employes to give about themselves.

"They must launch a massive nationwide clean-up campaign to cleanse their present files of improperly acquired, irrelevant personal information," Ervin added.

Ervin said if these steps are not taken before proposed personnel data computer centers are set up, the public will demand strict congressional controls.

"Government appropriations for research and development will be denied and the computer will become the villain of our society," Ervin said.

Ervin, chairman of a Senate judiciary subcommittee on constitutional rights, addressed the association's annual conference on electronic data processing.

He said the subcommittee has a huge dossier of complaints by federal employes about computerized questionnaires and even lie-detector interviews that probe into their private affairs.

If such information is consolidated into a central computer center it will make possible a massive invasion of the privacy of millions of persons, Ervin said.

"Decisions affecting a person's job, retirement benefits, security clearance, credit rating or many other rights may be made without benefit of a hearing or confrontation of the evidence," he said.

"The computer reduces his opportunity to talk back to the bureaucrats," Ervin said. "It raises the specter of a possible program of routine denial of due process."

[From the Washington Post, Sept. 3, 1967]

OUTSIDE THE LAW

The Central Intelligence Agency has not shown any valid reason for its demands for exemption from a bill designed to protect the privacy of Federal employes. Senator Ervin hardly overstated the case when he asserted that the agency was seeking an "unmitigated right to kick Federal employes around." This "right" is sought, of course, in the name of national security; and there is no question that the CIA needs to screen its personnel with the utmost care. But national security is not served by disregarding the rights of Government employes.

As reported to the Senate, the Ervin bill already contains an amendment exempting the CIA and the National Security Agency from provisions which prohibit Federal agencies from asking their employes about their religion, sexual activities or family relationships. There is no reason for such an exemption and no reason why any Federal agency should intrude so offensively upon areas of privacy. Government investigators have too often been known to make such inquiries wantonly and pruriently. They demean the Government itself as well as the individuals involved. And it is highly doubtful that they yield information of the slightest value in determining the trustworthiness of employes.

To make matters worse, moreover, these offensive inquiries are commonly undertaken in conjunction with lie detector tests. Lie detector tests ought to be forbidden in determining qualification for employment in any Federal agency—and especially an agency affecting national security—if for no other reason than that they are, like the reading of tea leaves or other forms of divination, notoriously unreliable.

The CIA and the NSA are now seeking exemption, in addition, to provisions of the Ervin bill which give Federal employes the right to have legal counsel present during disciplinary hearings and which permit employes to bring suits to enforce their rights. These are elements of due process designed to insure fairness in dealing with employes, and there is no reason why sensitive agencies should be empowered to deal with personnel arbitrarily and capriciously.

Senator Ervin gave the CIA and the NSA ample opportunity to present their case for exemption in the course of committee hearings. Instead, they chose, after the bill had been reported out, to state their objections in a letter stamped "Secret" and in private conversations with Senators; and for this purpose they have persuaded the Senate to postpone a vote on the bill. One can hardly help supposing that their arguments are so specious that they will not bear inspection. We commend to the Senate Lord Acton's wise observation that "Everything secret degenerates, even the administration of justice; nothing is safe that does not show it can bear discussion and publicity."

[From the Raleigh (N.C.) News and Observer, Aug. 31, 1967]

IN THE NAME OF SECURITY

Sen. Sam J. Ervin has proposed, and already guided through the Senate Judiciary Committee, an excellent bill to protect the privacy and civil rights of federal employes. In the main, it would prevent agency officials from delving into the unquestionably private aspects of an employe's life. And it would give government workers protection against being pressured to support supposedly worthy causes unrelated to their jobs, sometimes outside of government offices.

Senator Ervin has worked long and carefully to shape this bill. It deserves—almost certainly it will gain—passage in both the House and the Senate. Perhaps it should apply equally to protect workers within the Central Intelligence Agency and the National Security Agency. But doubts about that, particularly from CIA officials, have resulted in postponement of Senate action and the provoking of Senator Ervin's anger. Some exceptions are written into the bill to meet CIA objections, he insists, and the measure ought not to be delayed further.

This is not just a collision between basic rights of individual workers and the practiced abuses of an overbearing employer. The CIA does indeed operate above the law, as most of us understand that phrase. It is answerable only to a small, select committee of the Congress; its appropriations are not identifiable in the budget; its expenditures are not audited for public accountability; its activities, which include discrete violation of American codes of law as well as those of enemy, neutral and allied nations, are shrouded in super secrecy. Such a spy agency is deemed essential to the security of this country and the furtherance of its foreign policy. Changing its posture or limiting the scope of its activities is not at issue in Senator Ervin's bill.

The question which his measure raises is whether CIA employes should not be entitled to legal protection of their privacy the same as all other government workers. That could be amended to ask whether the CIA should even seem to be just another government agency. It ought not to abuse the rights of its employes. It is given, and no doubt it uses, the authority to do much more in the name of security.

[From the Raeford, (N.C.) News-Journal, Sept. 7, 1967]

SAM GETS MAD

Sen. Sam Ervin of North Carolina all but "blew his stack" on the floor of the U.S. Senate one day last week after the Central Intelligence Agency (CIA) maneuvered behind the scenes and allegedly had scratched from the Senate agenda an Ervin-sponsored bill to safeguard the rights of federal employes. The senator was justifiably perturbed, and his allegation that the CIA wants "to stand above the law . . . wants the unmitigated right to kick federal employes around . . . deny them the basic rights which belong to every American" has the familiar ring of CIA super-secrecy and behind the curtain intrigue.

The Central Intelligence Agency, the Federal Bureau of Investigation, the Secret Service, and other agencies enjoy almost total immunity to regulation and supervision. There have been many criticisms of the CIA, dating back to the Bay of Pigs fiasco, but Senator Ervin's denunciation was the strongest attack to date.

He objects to the CIA and the National Security Agency—or any other investigating agency—asking employes or job applicants about their sex habits, family relations or religious beliefs as part of certain tests. The sole exception is that when the national security may be involved.

Senator Ervin contends federal employes

are brow-beaten by the CIA and others. Certainly, the rights of federal employes ought to be protected, and the CIA ought to be restrained from lobbying. Senator Ervin may have yet another shot at the CIA, however, because he is a member of the Senate Armed Services Committee, which has jurisdiction over the CIA.

[From the Boston (Mass.) Morning Globe, Aug. 29, 1967]

FOOT-IN-MOUTH DISEASE

The Central Intelligence Agency, backed by the National Security Agency, has been caught with its foot in its mouth again. This awkward position is deplorable in any event, but it is twice to be deplored in the case of agencies which could play a vital role in the international cloak-and-dagger market if they were run judiciously.

Their latest affront to the democratic process is the successful maneuver, uncovered by The Christian Science Monitor, to remove from the U.S. Senate calendar a scheduled debate on a bill designed to protect Federal employees from police-state intrusion. It is the so-called "Right to Privacy bill" sponsored by 54 senators who are appalled at the CIA–NSA technique of "strapping an applicant (for employment) to a machine and subjecting him to salacious questioning" to determine whether he would or would not be a "security" risk.

Sen. Sam J. Ervin (D-N.C.), chief sponsor of the bill, points out that the Federal Bureau of Investigation does not resort to such tests in hiring its staff and overseeing employee conduct because it knows that such tests are not foolproof in sifting truth from falsehood and because other and acceptable techniques are available for testing the character, reputation and capacity of job applicants.

"The basic premise of the bill," says Sen. Ervin, "is that employees of the Federal government sell their services, not their souls. The idea that a government agency is entitled to 'the whole man' and to the most intimate knowledge and control of all the details of his personal and community life, his religious beliefs and sexual attitudes is more appropriate for totalitarian countries than for a society of free men. The questioning process disgusts many applicants and sours some against taking any Federal job."

The CIA and NSA, which spurned all requests to testify before a Senate subcommittee, now demand to be heard by the Judiciary Committee behind closed doors. The request has been denied on the ground that there is already too much secrecy in government, that the public business should be conducted publicly.

A showdown on this issue can come none too soon, for it is even larger than the rights of Federal employees to be treated as American citizens. What is at stake is nothing less than the right of the U.S. Senate to conduct its own affairs, and certainly its own debates, without behind-the-scenes interference, especially from what is essentially a secret police agency.

[From the Christian Science Monitor, Aug. 29, 1967]

"SPY" AGENCIES RESIST "PRIVACY" BILL COVERAGE

(By Lyn Shepard)

WASHINGTON.—The Central Intelligence Agency is making an 11th-hour effort to remain exempt from a "right to privacy" bill before the Senate now.

The bill, sponsored by Sen. Sam J. Ervin, Jr. (D) of North Carolina, would protect federal employees from prying questionnaires and other means of invading a worker's private life.

But the CIA holds that its mission requires the "right to pry" by means of polygraph or "lie detector" tests in order to know the personal attitudes of its staff. It contends that the national security is often at stake.

The Ervin bill, which boasts 54 cosponsors, cleared the Senate Judiciary Committee unanimously Aug. 21. It was scheduled for floor debate Aug. 25 but withdrawn from the calendar following a unique CIA request.

Though the agency earlier spurned Senator Ervin's invitation to testify before his subcommittee, it now has asked to state its case before the full Judiciary Committee.

This poses an unusual dilemma for Sen. James O. Eastland (D) of Mississippi, its chairman. Senator Ervin has consented to the unprecedented request—but only if the CIA testifies in public. The agency follows a strict rule of speaking "off the record" and behind closed doors.

Thus Senator Eastland must decide whose wish to grant; the CIA's or a close Southern ally's. Senator Ervin holds two aces which could sway his chairman's thinking.

A committee amendment already gives the directors of the CIA and the National Security Agency (its counterpart in the Defense Department) the authority to use polygraph tests in individual cases when they believe the national security demands it.

The Federal Bureau of Investigation does not rely on such tests in hiring its staff or overseeing its conduct. Nor does it regard them as foolproof in sifting truth from falsehood.

Behind the closed doors of the Judiciary Committee, Senator Ervin had opposed any moves to grant the CIA and NSA special "right to pry" privileges. The limited-testing amendment proposed by Sens. Birch Bayh (D) of Indiana and Edward M. Kennedy (D) of Massachusetts, gained a majority anyway.

AGENCIES STAY QUIET

Despite this amendment, the agencies have sought a hearing in hope of recommitting the Ervin bill. In a letter to Judiciary Committee members dated Aug. 25 Senator Ervin fought back.

"These agencies are apparently lobbying for complete exemption on the Senate floor from all provisions of the bill, an action which I consider both unwise and unconstitutional," he wrote.

The Senator reminded his colleagues that FBI Director J. Edgar Hoover found the polygraph unreliable. Even if it were dependable, he said, qeustions relating to an applicant's family relationships, religious beliefs, and sexual attitudes do not belong in such a test.

"The basic premise of this bill," he noted, "is that a man who works for the federal government sells not his soul, but his services.

"The idea that a government agency is entitled to the 'total man' and to knowledge and control of all the details of his personal and community life is more appropriate for totalitarian countries than for a society of free men."

The security agencies decline official comment on their operation, including the use of polygraph tests without the proposed restrictions.

One Senate source close to the issue, however, said that such tests serve a dual purpose. At times they screen out undesirable applicants who might be subject to enemy blackmail pressure. And sometimes they are used to deliberately "screen in" such undesirables so the agency can make contacts in vice circles.

"The other big issue is the 'right to pry' " the source said. "These agencies are in the prying business. They have to ask some of these questions—no matter who they offend.

"They have to recruit some drug addicts and sex deviates to contact others like them in London, Paris, or hippy circles wherever to find out what the agencies need to know."

In this way, the source maintained, the CIA and NSA seek to justify their curiosity in the "total man." Senator Ervin contended during hearings that the questioning process disgusts many applicants and sours some against taking any federal job.

"Surely," he said, "the financial, scientific, and investigative resources of the federal government are sufficient to determine whether a person is a security risk, without strapping an applicant to a machine and subjecting him to salacious questioning."

SENATOR UNMOVED

The CIA–NSA arguments obviously leave Senator Ervin unmoved.

"They want the unmitigated right," he told other members, "to kick federal employees around, deny them respect for individual privacy and the basic rights which belong to every American regardless of the mission of his agency."

The administration has opposed the Ervin bill from the beginning. Its spokesman, the chairman of the Civil Service Commission, John Macy, testified that any grievances can be resolved without a law through federal employee unions.

But a majority of the Senate—including at least 35 Democrats—disagrees. It is this support which Senator Ervin looks to as a showdown with the security agencies draws near.

[From the New York Times, Aug. 30, 1967]

CIA WINS DELAY IN BILL TO RESTRICT U.S. JOB INQUIRIES

(By Fred P. Graham)

WASHINGTON, August 29.—The Senate granted today an 11th-hour plea by the Central Intelligence Agency for a delay in considering a bill designed to protect Federal employees from being asked personal questions.

The action evoked an angry outburst from the bill's author, Sam J. Ervin, Jr., Democrat of North Carolina, who said the C.I.A. was seeking a complete exception from the bill to give it the "unmitigated right to kick Federal employees around."

A spokesman said the agency would make no comment on Senator Ervin's charges. However, it was learned that the C.I.A. has complained that the bill might undermine its ability to protect itself from penetration by enemy agents.

Under the bill, which had been scheduled to be debated and possibly voted upon today, Federal agencies would be prohibited from asking their employes about their finances, religion, sex activities or family relationships. It would also forbid questions about employes' outside activities, unrelated to their work, and their race, religion or national origin. In addition the bill would prohibit pressure tactics aimed at coercing Federal workers to buy bonds or support political candidates.

The bill contains an exemption that would permit the C.I.A. and the National Security Agency to ask its employes about their finances, sex attitudes, religion and family affairs if necessary in specific cases to protect the national security.

FEAR OF DISCLOSURES

However, these agencies would be covered by the other provisions of the law, and the C.I.A. is said to fear that the law would expose it to suits that could embarrass the agency and disclose some of its secrets.

Among the provisions that reportedly worry the C.I.A. are those that give employes the right to have legal counsel present during disciplinary discussions with superiors and that permit employes to bring suits in Federal court to enforce their rights.

Both security agencies are also said to resent the fact that the Federal Bureau of Investigation has been exempted entirely from the bill.

A spokesman for Senator Ervin said today that this was done to give the F.B.I. a free

hand in investigating employes of other agencies.

Senator Ervin appeared particularly miffed today because the C.I.A., after declining twice in the last two years to testify publicly about the bill, asked for a delay only hours before the final Senate vote was scheduled to be held.

He said such a request by a Federal agency was "without precedent."

Senate majority leader Mike Mansfield said in an interview that he had "never heard of such a request" before, but that he granted it to give the agency time to explain its case to Senate leaders before the vote was taken.

Mr. Mansfield announced later from the Senate floor that the bill would be taken up on Sept. 19.

In his speech, Senator Ervin said the C.I.A. had given its objections to the bill in a 10-page letter stamped "secret," and in private meetings with his staff.

He said the agency's objections were so "specious" that he insisted that any C.I.A. testimony be given publicly. The intelligence agency has agreed only to private hearings. It is known that a number of changes have been made in the original bill to make it more palatable to the agency.

One significant C.I.A.-inspired amendment modified a section that, in the original version, forbade any agency to ask its employees "to support any candidate, program, or policy of any political party by personal endeavor or contribution of money or other thing of value."

The C.I.A., which has been accused on occasion of dabbling in foreign political affairs, was reportedly responsible for an amendment that changed this section to apply only to elections within the United States.

[From the Winston-Salem Journal, Aug. 30, 1967]

SENATOR ERVIN PROTESTS BILL'S DELAY

(By Bill Connelly)

WASHINGTON.—Sen. Sam J. Ervin, Jr. of North Carolina protested angrily yesterday when the Senate postponed action at the request of the Central Intelligence Agency, on a bill to protect the private rights of government employes.

In a 30-minute floor speech, Ervin said it was unprecedented for such an agency to hold up the Senate's business. He said the bill has been under study for a year.

He questioned whether the CIA, by seeking the Senate delay, has violated a federal law which forbids excessive lobbying activities by employes of federal agencies.

He also implied that CIA employes need more protection than most civil servants from snoopy supervisors and lie-detector tests.

HAS CLEARED COMMITTEE

Ervin introduced the bill, which prohibits federal departments from questioning employes on personal matters and from asking them to take lie detector tests and psychological tests.

The measure has cleared the Senate Judiciary Committee. It includes a partial exemption for the CIA and the National Security Agency. But the CIA is said to want total freedom in its personnel policies.

The bill was scheduled for floor action yesterday, but was postponed at the request of minority leader Everett Dirksen, R-Ill., who said the CIA had asked him to seek the delay.

Dirksen later told an informal news conference that he favors the Ervin bill, with or without an exemption for the security agencies, but feels there will be no harm in postponing a vote.

BLUNT SPEECH

Because of the postponement, the Senate probably wil not act on the measure until after the Labor Day recess. The majority leader, Mike Mansfield, D-Mont., said it likely would come up around Sept. 19.

Ervin said in his blunt speech that he sees "no practical or policy reasons" for exempting the CIA from his bill. "It is neither necessary nor reasonable," he said.

The safeguards of the Constitution, Ervin said, "were meant to apply to all Americans; not to all Americans with the exception of those employed by the Central Intelligence Agency and the National Security Agency.

"My research has revealed no language in our Constitution which envisions enclaves in Washington, Langley or Fort Meade, where no law governs the rights of citizens except that of the director of an agency. Nor have I found any decision of the (Supreme Court) to support such a proposition."

Ervin said it is inconceivable that the CIA and NSA could be hampered by provisions of the bill. The bill would—in addition to prohibiting personal questions, lie detector tests and psychological tests—keep agencies from making employes buy bonds, lobby for legislation, support political candidates or take part in activities unrelated to their work.

Do the CIA and NSA, Ervin asked, want to make their employes do these things?

"Is (their mission) such that they must be able to order their employes to go out and lobby in their communities for open housing legislation or take part in Great Society poverty programs?" he asked.

"Must they order them to go out and support organizations, paint fences, and hand out grass seeds . . .?"

Ervin said the Constitutional Rights subcommittee, of which he is chairman, has found ample evidence of very personal questioning of government employes and prospective employes. One of the worst offenders, he said, is the CIA.

He said "some of the brightest young people in this country" are refusing employment with the CIA because of its "deplorable personnel practices." He said applicants for jobs in this and other agencies had been asked intimate questions about sex, family relationships and personal finances.

Nevertheless, he said, the privacy bill as now written allows the directors of the CIA and NSA to waive the restrictions when they feel employes must be questioned in specific cases involving national security. Ervin opposed even this exemption, which he said was unnecessary.

"What more do they want?" Ervin asked. "Apparently, what they want is to stand above the law."

It was earlier reported that both the CIA and NSA were attempting to have Ervin's bill returned to committee. Ervin said yesterday, however, that only the CIA appears to be trying to hold up action. It is uncertain now whether there will be an attempt to return it to committee or whether an amendment will be offered on the Senate floor.

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

Mr. ERVIN. Mr. President, I gladly yield to one of the cosponsors, the able and distinguished Senator from Nebraska, who has done a tremendous amount of work in bringing the bill to its present state.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HRUSKA. Mr. President, I thank the Senator from North Carolina.

Mr. President, prior to the Labor Day recess, I spoke in favor of the Constitutional Rights Subcommittee's bill which had been approved by the full Judiciary Committee. S. 1035 is designed to protect Government employees as to personnel and employment practices, and it has my wholehearted approval.

This bill is long overdue. Case after case of flagrant violation of basic rights has been reported to and reported by the subcommittee. These documented incidents compel this Congress to draw the line, to decide how much of his dignity a man must surrender to become a Government employee.

This Government was the first to proclaim in a Constitution the first amendment freedoms, the fifth amendment freedoms, the concepts of due process and equal protection of the laws. Our courts vigorously defend these constitutional restrictions. Government agencies espouse the principles. And yet the Government is a flagrant violator of those rights.

Subcommittee hearings over the last three Congresses have documented the need to protect the employee. However well intentioned the Civil Service Commission, however voluntary the study, however beneficial the goal of surveys and fund drives, the fact remains that the individual has been coerced into revealing personal information, forced to account for his off duty hours, and compelled to donate his time and money to projects and drives. His integrity has been questioned without reason, and, in extreme cases, he has been stripped of his dignity. All of this has been done in the name of high ideals.

We all recognize that procedures are required to insure that capable employees perform governmental duties. We recognize that, in some cases, the security of the Nation depends on the integrity and stability of these employees. This bill does not restrict control over the qualifications of Federal employees.

What is prohibited is indiscriminate probing, snooping, direction, and control. Overzealous officials and well meaning supervisors are restrained. But with all the resources and resourcefulness of our Federal Government, security risks can be detected, criminal conduct can be discovered, and charitable fund drives can succeed. The legitimate activities of Government can continue, hampered only by the constitutional requirements of due process and equal protection.

Mr. President, I wish to take this occasion once again to commend the senior Senator from North Carolina for his very steadfast and persistent efforts. I hope and trust that the Senate will approve this measure.

Mr. ERVIN. I thank the Senator from Nebraska for his very gracious remarks. I should like to reiterate my statement that if it had not been for the diligence and the dedication of the Senator from Nebraska, this measure would not be here in its present state.

Mr. KENNEDY of Massachusetts. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. KENNEDY of Massachusetts. I should like to join with the Senator from Nebraska and the other Members of the Senate in congratulating the Senator from North Carolina for the work he has done in the preparation and the development of this measure. It is a tribute to his own sense of fairness and his conscientiousness, and his efforts to provide legislation which would protect Federal

employees, that S. 1035 is before us today.

I have had an opportunity to review the Senator's statement, and I am reminded that on page 3 the Senator said:

> I confess that were I legislating alone, I would rather see fewer compromises and exceptions than are now contained in the bill. I see no necessity for any of the practices prohibited in S. 1035.

Since I believe this is important, I am wondering if the Senator, recognizing that his own personal views may differ, could review for the Senate and for the record the principal reasons asserted for the exemptions in the bill and the need for such exemptions. I should also appreciate being apprised of the Senator's own attitude toward this matter.

Mr. ERVIN. There is an exception of a special type, and that is one which exempts the Federal Bureau of Investigation entirely from the provisions of the bill. That exemption was made for two reasons. In the first place, the Federal Bureau of Investigation has been operated in such a way that it has not been charged with any substantial violations of any of the provisions of this bill. On the contrary, if all the agencies and departments of Government had been operated in the manner in which the Federal Bureau of Investigation has been operated, there would be no necessity for a bill of this character. That is one of the reasons for the exemption of the Federal Bureau of Investigation.

The other reason for the exemption of the Federal Bureau of Investigation from the coverage of the bill is the feeling among many of the cosponsors of the bill that the Bureau should not be included for the reason I have stated, and for the further reason that it must conduct investigations in respect to violations of law and should not be handicapped in so doing by any of the provisions of the bill.

In addition to this specific provision exempting the FBI from the coverage of the bill, certain exemptions are written into the bill to meet objections voiced by various departments and agencies, principally the Central Intelligence Agency and the National Security Agency.

Most of the exemptions for certain activities otherwise covered by the bill were included in order to meet objections voiced by those agencies, for which I believed there might be some reasonable basis.

I believe that in its present form the bill meets all legitimate objections that can be raised to the bill by any agency or department of the Government. It also provides employees of the Federal Government a minimum of protection in having their constitutional rights observed and their rights to privacy respected.

I should also like to say that the distinguished senior Senator from Massachusetts, as a member of the committee which considered and reported this bill, has done a great service in assisting in bringing the bill to its present state.

Mr. KENNEDY of Massachusetts. I appreciate the comments of the Senator from North Carolina, and also the explanation that he has given with regard to the exemptions.

I, too, share the understanding of the Senator from North Carolina with respect to the fine record of the Federal Bureau of Investigation in conducting investigations and in recruiting their personnel. My understanding is similar to that of the Senator from North Carolina, that they have not, particularly recently, engaged in polygraph tests and the other kinds of tests which are proscribed in the pending measure.

Mr. ERVIN. That is my understanding. I have been assured by the FBI that it does not use psychological tests or polygraph tests in its personnel work.

Mr. KENNEDY of Massachusetts. Is the Senator satisfied, and has he received assurances from people within the Bureau who have the principal responsibilities in this connection, that in the future these rights will continue to be respected?

Mr. ERVIN. I have been assured by the FBI that it does not regard psychological testing or polygraph testing as a reliable method of determining the capacity and the loyalty of employees. I have been assured by the FBI that it considers other methods of determining these qualities of an employee far superior to those that are employed, unfortunately—more than by any other branches of the Government—by the Central Intelligence Agency and the National Security Agency.

Mr. KENNEDY of Massachusetts. And the Senator is further satisfied that the techniques which are utilized by the FBI are not violative of the spirit or the letter of the measure which the Senate is considering this afternoon?

Mr. ERVIN. Yes. With the exception of one case which has been called to the attention of the subcommittee, in which an employee was interrogated without an attorney or a friend, I have received no reports of transgression on rights or activity on the part of the FBI which would constitute a violation of the proposed bill. In that particular case, my understanding is that no request was made by the employee for the presence of counsel or a friend at the time of the interrogation.

Mr. KENNEDY of Massachusetts. Is the Senator prepared to give us what assurance he can that he at least is satisfied that the FBI will respect the purposes and the spirit of the measure? I would be interested in his assurances with respect to this matter, because I know of the great amount of time he has spent on the problem and the amount of study he has given to it. I am of the opinion that his assurances would be very helpful to many of us who are concerned about the problem of the exemptions from this bill.

Mr. ERVIN. I reiterate that if all the departments and agencies in the executive branch of the Government had been conducted as the FBI has been conducted in times past, insofar as its relationship with its employees is concerned, there would be no necessity for a measure of this nature.

In view of the statements made to me about their practices and their evaluation of psychological testing and the use of polygraphs, I am satisfied that the FBI will not resort to their use in the future.

However, I would say to the Senator from Massachusetts that if they should depart from that course of conduct, I would be one of the first to offer an amendment to the law to make the agency comply with the terms of the act.

Mr. KENNEDY of Massachusetts. I appreciate the response of the Senator.

Mr. ERVIN. I thank the Senator from Massachusetts not only for his concern in this matter, but also for the very fine assistance he gave in bringing the bill to its present state.

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

Mr. ERVIN. I yield.

Mr. HRUSKA. One of the complaints in the political field that was quite typical was the practice of soliciting Government employees to buy tickets to political testimonial dinners.

Page 5 of the bill, commencing at line 23, makes it illegal "to require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency to support by personal endeavor or contribution of money or any other thing of value the nomination or the election of any person or group of persons to public office in the Government of the United States or of any State, district, Commonwealth, territory, or possession of the United States, or to attend any meeting held to promote or support the activities or undertakings of any political party of the United States or of any State, district, Commonwealth, territory, or possession of the United States."

Is that language broad enough to cover letter solicitations of Government employees for the purpose of buying tickets to testimonial dinners, or other such political activities?

Mr. ERVIN. I think there is no doubt of that because this would prohibit requiring or requesting, or attempting to require or request any civilian employee of the United States serving in the department or agency to support by personal endeavor or contribution of money or any other thing of value, these political activities.

Mr. HRUSKA. However, that language is applicable only, as line 2 on page 6 indicates, to the "nomination or the election of any person or group of persons."

A testimonial dinner could be held to replenish the coffers of the Republican Party or the Democratic Party.

Mr. ERVIN. I think it is broad enough because the money put in the coffer of the national committee is put there to assist in the election of certain candidates for the presidency and vice presidency of the party.

Mr. HRUSKA. Even though the efforts of the national committee are somewhat indirect, nevertheless, they do affect the elections of certain persons or groups of persons. Is it sufficiently clear that the intent of the section would include such activity?

Mr. ERVIN. It is my judgment that a proper construction of this section would include that.

As the Senator from Nebraska knows, a person goes to one of these dinners and makes a contribution far in excess of the value of the food or entertainment he is going to receive. The object is to have a surplus above cost and value of those things, to be devoted to political purposes, to promote the election of the presidential and vice-presidential candidate, or the election of some person for some other office.

Mr. HRUSKA. My recollection is that the matter had been discussed in the subcommittee and in the committee; that the language is considered sufficiently broad for the purposes interrogated into; and that there are other statutes applying to such situations.

Mr. ERVIN. Yes.

Mr. HRUSKA. I am satisfied that this will be the fact. However, I thought it would be well to develop the legislative history and intent.

(At this point, Mr. INOUYE assumed the chair.)

Mr. BAYH. Mr. President, will the Senator yield at this point in this context, so that my remarks may be consistent?

Mr. ERVIN. Mr. President, I am delighted to yield to the Senator from Indiana, with the understanding that I do not lose my right to the floor.

Mr. BAYH. I would not want to deprive the Senator of his right to the floor. However, it might be helpful, inasmuch as the Senator from Nebraska is making some important legislative history, to point out specifically an item to which he referred, and that is the fact that we have just passed another measure, the campaign financing measure, which deals with Federal employees.

I thought it might be helpful to get the opinion of the Senator, as well as the opinion of the distinguished chairman of the committee, that Senators were careful, as I recall the colloquy on this amendment, to point out that we were talking about efforts made directly to zero in on coercion only of Federal employees. Indeed, we would not be wise, it seems to me, to consider in either of these bills the establishment of a small group or class of U.S. citizens which could be denied the right to participate in the political process. In other words, if a person were collecting funds throughout an entire neighborhood, and he solicited individual Federal employees by chance, we do not want to get ourselves into the position where the bill which was passed the other day or this bill would make that a crime.

Mr. HRUSKA. It would not, and this bill would make it unlawful for any officer of an executive department or executive agency to try to levy tributes on employees in his department, which is another thing from an active party official who can solicit contributions from Government employees, but any party official not an official in the executive agency or department would not be in a position to say, "Well, you are now up for this position, but when I sent a letter for that $100 ticket last fall, you did not respond. I am sorry."

That is the situation we are trying to meet here. There would be no detriment to engaging in politics by Government employees under the Hatch Act.

Mr. BAYH. I agree with the Senator. I wanted to be sure the RECORD brought that matter into better focus.

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

Mr. ERVIN. I yield to the Senator from Alaska.

GOVERNMENT EMPLOYEES SHOULD NOT BE TREATED AS SECOND-CLASS CITIZENS

Mr. GRUENING. Mr. President, for far too long loyal, dedicated Federal civil servants have often been made the object of unwarranted harassment. These civil servants perform a vital role in the functioning of the Federal Government, working quietly and efficiently at their tasks.

The least we could expect is that their constitutional rights should be safeguarded and that their right to privacy should be preserved.

Because a man or woman is employed by the Federal Government should not mean that he or she thereby is somehow downgraded to second-class citizenship.

S. 1035, which would protect the privacy and rights of Federal employees, is a highly commendable effort to clarify the position of Federal employees and to set an example of good employer-employee relations in this age of the growing use of electronic snooping devices and computers.

I am happy to be a cosponsor of S. 1035 and hope that it will go a long way toward accomplishing its three objectives of, first, establishing a statutory basis for the protection and preservation of the rights not only of those who work for the Federal Government now but also of those who will be employed in the future; second, serving as an incentive in attracting the best brains in the country to work for the Federal Government; and, third, acting as a model for the protections which should be accorded all employees in the United States working for State and local governments or working for private employers.

The able and distinguished senior Senator from North Carolina [Mr. ERVIN] is to be highly commended for his leadership in this very important matter and in bringing this bill to the Senate for a vote.

I hope that the bill will be speedily enacted and will be rigidly enforced so that no person employed by the Federal Government will be subjected to any form of harassment or will be considered to have given up any of his rights by virtue of that employment.

Mr. President, I have just recorded my enthusiastic support for the pending bill, but I wish to make a reservation against one of the amendments approved by the committee and now incorporated in the revised version.

In the report of the distinguished chairman, the Senator from North Carolina [Mr. ERVIN], on pages 21 and 22 of the report, is the section on polygraphs, beginning with the first paragraph and ending with the words "so fascinating," I ask unanimous consent to have it printed in the RECORD because it gives the reasons for the exclusion in the sponsor's draft of the bill of one very objectionable type of harassment, but which, regrettably, was in part restored by the committee.

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

POLYGRAPHS

Section 1(f) makes it unlawful for any officer of any executive department or agency or any person acting under his authority to require or request or attempt to require or request any civilian employee or any applicant for employment to take any polygraph test designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs, practices or concerning his attitude or conduct with respect to sexual matters. While this section does not eliminate the use of so-called lie detectors by Government, it assures that where such devices are used for these purposes it will be only in limited areas.

John McCart, representing the Government Employees Council of AFL–CIO, supported this section of the bill, citing a 1965 report by a special subcommittee of the AFL–CIO executive council that "the use of lie detectors violates basic considerations of human dignity in that they involve the invasion of privacy, self-incrimination, and the concept of guilt until proven innocent."

Congressional investigation[1] has shown that there is no scientific validation for the effectiveness or accuracy of lie detectors. Yet despite this and the invasion of privacy involved, lie detectors are being used or may be used in various agencies of the Federal Government for purposes of screening applicants or for pursuing investigations.

This section of the bill is based on complaints such as the following received by the subcommittee:

"When I graduated from college in 1965, I applied at NSA. I went to 2 days of testing, which apparently I passed because the interviewer seemed pleased and he told me that they could always find a place for someone with my type of degree.

"About one month later, I reported for a polygraph test at an office on Wisconsin Avenue in the District or just over the District line in Maryland. I talked with the polygraph operator, a young man around 25 years. He explained how the machine worked, etc. He ran through some of the questions before he attached the wires to me. Some of the questions I can remember are—

"When was the first time you had sexual relations with a woman?

"How many times have you had sexual intercourse?

"Have you ever engaged in homosexual activities?

"Have you ever engaged in sexual activities with an animal?

"When was the first time you had intercourse with your wife?

"Did you have intercourse with her before you were married? How many times?

He also asked questions about my parents, Communist activities, etc. I remember that I thought this thing was pretty outrageous, but the operator assured me that he asked everybody the same questions and he has heard all the answers before, it just didn't mean a thing to him. I wondered how he could ever get away with asking a girl those kinds of questions.

"When I was finished, I felt as though I had been in a 15 round championship boxing match. I felt exhausted. I made up my mind

[1] Hearings and reports on the use of polygraphs as "lie detectors," by the Federal Government before a Subcommittee of the House Committee on Government Operations, April 1964 through 1966.

then and there that I wouldn't take the job even if they wanted me to take it. Also, I concluded that I would never again apply for a job with the Government, especially where they make you take one of these tests."

Commenting on this complaint, the subcommittee chairman observed:

"Certainly such practices should not be tolerated even by agencies charged with security missions. Surely, the financial, scientific, and investigative resources of the Federal Government are sufficient to determine whether a person is a security risk, without strapping an applicant to a machine and subjecting him to salacious questioning. The Federal Bureau of Investigation does not use personality tests or polygraphs on applicants for employment. I fail to see why the National Security Agency finds them so fascinating."

Mr. GRUENING. Section 6, which is now in the bill, was also not favored by the sponsor of the bill, the distinguished Senator from North Carolina. He made an eloquent statement on it, pointing out that, although he was personally opposed to it, he decided to accept it.

I ask unanimous consent that that portion of his prepared statement, beginning on page 4 with the words "With one exception" and continuing through the words "use it with restraint," on page 5, be included in the RECORD as a part of my remarks. It gives his reasons for his personal opposition to the amendment and his acceptance of it because of the committee's action.

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

With one exception, all of the amendments added in Subcommittee and Committee are meritorious. They clarify possible ambiguities and insure that the purpose of the bill is achieved.

The one exception is the new section 6 pertaining to the Director of the Central Intelligence Agency or the Director of the National Security Agency. Upon a personal finding that any psychological testing, polygraph testing or financial disclosure is required to protect national security, they could allow these measures in individual cases.

Prior to adoption of this amendment, I met several times with representatives of the CIA and NSA; and all legitimate objections on grounds of security were met.

Personally, I would not favor even the limited exemption in section 6. As I have stated before, the Subcommittee's study of psychological testing clearly demonstrated that such tests are both useless and offensive as tools of personnel administration; and my own research has convinced me that polygraph machines are totally unreliable for any purpose. If the security of the United States rests on these devices, we are indeed pitifully insecure. Fortunately, it does not, for the FBI does not use these examinations.

But even if it could be shown that psychological tests and polygraphs have mystical powers and can be used to predict behavior or divine the truth, I would still oppose their being used to probe the religious beliefs, family relationships or sexual attitudes of American citizens. A fundamental ingredient of liberty is the right to keep such matters to oneself. And without liberty, "national security" is a hollow phrase. The truth is, there is no place for this sort of 20th Century witchcraft in a free society.

Nevertheless, I am requesting the Committee amendment granting a partial exemption to the CIA and NSA be accepted with the other amendments. I do this for two reasons. First, the amendment will require that use of the examinations by the two agencies be severely curtailed; and for the first time Congress will be withholding its permission for the agencies to kick American citizens around with impunity. Second, it is clear to me that a member of the bill's 56 cosponsors prefer that the CIA and NSA be allowed this partial exemption. I trust the Directors of the agencies will use it with restraint.

Mr. GRUENING. Mr. President, I share Senator ERVIN's view that this is not a desirable amendment. Considering its restraints, so that the action permitted it limited to the executive directors of the two agencies, and in view of the committee's action, we have to accept it, but I want to say I was not one of those referred to when the distinguished sponsor of the bill said it was clear to him that a majority of the 55 cosponsors preferred that the CIA and the NSA be given this partial exemption. I am not in favor of giving those agencies this partial exemption. I regret to see any vestige of salacious snoopery remain in the bill. Nevertheless, the bill has so much good in it that, with the reservation here stated, I repeat my expression of hope that this bill will become law.

Mr. HRUSKA. Mr. President, it is observed that the Senator from Delaware [Mr. WILLIAMS] is in the Chamber, and he was present in the Chamber when there was colloquy in connection with subsection (g), which has to do with soliciting political contributions from Government employees. I ask the Senator from Delaware if the colloquy between the Senator from Indiana [Mr. BAYH] and the Senator from Nebraska was in accord with his understanding insofar as his amendment to the elections law approved by the Senate yesterday is concerned?

Mr. WILLIAMS of Delaware. The amendment which was adopted yesterday specifically prohibits any solicitation of campaign contributions from Government employees as Government employees. I think we have adequately taken care of the situation. The present law reads to the effect that whoever being a Senator or Representative or delegate or resident commissioner to or candidate for Congress, or an individual elected as a Senator or Representative, and so forth, solicits these employees would be subject to certain penalties. But the loophole in the existing law was that someone could solicit employees on our behalf or on behalf of the political party. For example, the head of an agency would not be a Member of Congress nor would he be a candidate for public office, yet either he or on one of the State or national committees, could make the solicitation. Perhaps a private citizen outside of Government might make the solicitation. Thus, we amended that law in the bill passed yesterday. In addition to continuing the same prohibitions we also declared that whoever acting on behalf of a political committee or acting on behalf of any public official knowingly or intentionally solicits Government employees, would be subject to rather severe criminal penalties.

I believe that the amendment adopted yesterday to the campaign reform bill, will adequately take care of that situation and prohibit the solicitation of campaign contributions in any manner whatsoever, whether through the sale of dinner tickets or whatever, of Government employees by anyone acting either for or on behalf of elected officials or on behalf of any political committee.

Mr. HRUSKA. The Senator is aware, is he not, that section 1 of the bill, S. 1035, page 1, reads:

It shall be unlawful for any officer of any executive department or any executive agency of the United States Government, or for any person acting or purporting to act under his authority, to do any of the following things:

Mr. WILLIAMS of Delaware. Yes.

Mr. HRUSKA. So that the bill we are considering today is much more limited in character in this regard than the bill approved by the Senate yesterday; is that not correct?

Mr. WILLIAMS of Delaware. Yes, I think it will take care of the situation, coupled with the amendment adopted yesterday. I have the feeling that Government employees will be fully protected against any coercion in all of these solicitations. All that we will need is proper enforcement.

Mr. HRUSKA. I thank the Senator for his enlightening information.

Mr. BAYH. If the Senator from Delaware would indulge me, I should like to pursue this question one step further. I recall, last year, when we discussed this same amendment, the Senator and I had an exchange as to the interpretation of the amendment.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Indiana yield at that point for a unanimous-consent request?

Mr. BAYH. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. I thank the Senator from Indiana.

Mr. BAYH. Interpretation of the measure, as I understand it, last year, is different from the interpretation the Senator places on it this year.

In colloquy before passage of the bill last year, as I recall—and I would be the last one to want to put any words in the mouth of my distinguished colleague—the effort was directed at any solicitation of Federal employees, whereas this year the Senator makes clear the fact that the effort is to prohibit direct zeroing in on Federal employees, by organizations, parties, or candidates canvassing an entire neighborhood in which resides Federal employees, that they would be treated exactly as citizens; namely, that they would have the right to refuse or agree to make a contribution.

Mr. WILLIAMS of Delaware. I do not believe there is any difference between the amendment offered last year and the one of yesterday. That question was raised both times. I checked with legislative counsel, who made it clear that the amendment as it was drawn both times was directed to solicitation of Federal employees as such, and would not have covered a situation, for example, of a party making a wholesale mailing list

solicitation. For example, if they sent a form letter to all boxholders in the city of Washington and some of them happened to be Government employees they would have no way of distinguishing that. That was not intended to be covered. The amendment makes it clear that if solicitation were intentional and knowingly or willfully done it would be a violation of the law. It does stop the abuse which all of us know did exist; namely, that employees were being solicited on a more or less free-will offering as it was called, yet, at the same time, they knew they were going to be checked up on, either by their bosses or someone else, who would note whether they were present. On occasions they would invite the employees to stop by the bosses' house for a reception before the dinner, which made it easier to check up on those who were actually going, and at the same time it presented an opportunity to gently remind them of the dinner or the fund drive.

But all of those subtle approaches to coerce employees would be specifically abolished under the amendment approved yesterday. In my opinion the bill now before us carries out the same intent.

Mr. BAYH. I thank the Senator from Delaware for his information.

Mr. ERVIN. Mr. President, on that question, we had evidence—and placed an article in the record of the hearings on page 455—that the Democratic National Committee solicited the sale of $100 tickets to an affair in Washington and had the invitations sent out through the agency in such a way as to chill the employees who received them, because their grade number was written in ink on a corner of the invitation.

The article further stated they took that as an indication that if they wanted to rise to a higher grade, they had better buy a ticket. This, I think, is a very subtle form of coercion.

Mr. WILLIAMS of Delaware. I think it is, too. That was one of the specific examples in mind when the amendment was approved yesterday, and that would definitely be a violation of the law.

Mr. ERVIN. This bill covers only supervisors of employees and makes it illegal for any officer of any executive department or agency even to request any political contribution. We put in the word "request" there, along with the words "or require" advisedly. When we discussed the bill with the Chairman of the Civil Service Commission, Mr. Macy, he said that some of the things Federal employees were asked to do which are outlawed in this bill, were just requests and not requirements.

I told him that when I served in the Army and was studying the infantry drill regulations, one little sentence embedded itself indelibly in my mind; namely, that the request of a superior is equivalent to a command.

Mr. WILLIAMS of Delaware. Yes.

Mr. ERVIN. That is the reason why we used those words advisedly. I think this provision of the bill supplements the bill passed yesterday and also the provisions of the Hatch Act, in that it provides security from such coercive practices against Federal employees.

Mr. WILLIAMS of Delaware. I think it does. We recognized that occasionally the head of an agency or an official may turn over a list of names to someone entirely outside the Government who might act on behalf of these people. I think we have this fully airtight now, and the measure before us will supplement it.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BAYH. Mr. President, in the judgment of the junior Senator from Indiana, this bill, protecting the privacy and rights of Federal employees, could be called a monument to the determination and dedication of the distinguished Senator from North Carolina [Mr. ERVIN]; in particular, to his continuing dedication to the principles and spirit of the Constitution of the United States, for which he is so well known in this body.

We often hear in our Nation today the fear expressed that Government, unreined and unchecked, could become the "big brother" portrayed in the frightening Orwell novel. We have taken great and unprecedented strides throughout our history as a nation to guarantee to every individual American his sacred right to privacy; his right to be left alone; to have within his own home and in his own mind his own thoughts and hopes and dreams that could be his alone, inviolable by any power except that of the Almighty.

Like freedom itself, the right to privacy is a blessing which must be preserved through constant vigilance in every generation.

There have been chapters in our history that tend to darken the otherwise shining light of liberty that the United States of America has provided for the world—from the witch hunts in Salem to the witch hunts of the 1950's; from the panic over suspected Jacobins after the French Revolution to the panic over Americans of Japanese ancestry after Pearl Harbor.

But always, after that beacon of freedom had flickered so slightly, it burned back strong and true, as we remembered that ours is a government of laws and not of men, of inalienable rights and not of momentary emotions.

Ours has grown into a vast, complicated and interactive society in a complex and sometimes chaotic world—and the Government has, of necessity, grown apace.

We search for the most talented among us to devote at least a portion of their lives to Government service so that the difficult and often gravely important tasks of Government may be performed in a manner acceptable to and beneficial for the people, which is and must always remain the master of Government.

It seems, therefore, logical fitting, and supremely just that Government itself, in relation to its employees, should be the first and strongest guardian of all individual rights—not the least of which is the right to privacy.

This bill, S. 1035, upon which we will act today, was developed with the concept that Government employees—vast numbers of whom work for less than they could demand in private industry, and do so because they have a desire to serve their fellow Americans—should not be treated as second-class citizens; that they should not be subjected to indignities of prying, snooping, and inquisition that no other group of American workers would ever be subjected to, much less tolerate.

It is a straightforward proposal that does much to clarify and solidify the implicit and explicit guarantees contained in our fundamental law regarding an American's right to privacy.

I must admit that, if it were left to me alone, I would have preferred, as the distinguished Senator from North Carolina knows, to have exempted from the provisions of this bill two agencies of Government—the Central Intelligence Agency and the National Security Agency.

Just as the Senator from Alaska, as one of the cosponsors of the bill, reported that he was not one of those who supported the amendment contained in section 6, I did support it. I would like to point out that these two agencies, the CIA and the NSA, as most Members of this body know, deal every hour of every day with matters of the most urgent national security; and it is no exaggeration to say that much of the highly classified material that passes through these agencies is occasionally available to many individuals, ranging from the Director to a courier, to the person in the lowest echelon.

These agencies are so specialized in their work, and their work is of such a sensitive nature, it seemed to me that practices which I would not condone elsewhere in Government would be permissible, in regard to the interrogation and testing of prospective employees, in these two agencies, because, in my judgment, the interrogation might very well be necessary to protect the security of our country. It is an unfortunate fact of life that Communists and others who would wish to subvert our Government have made and will continue to make vigorous efforts to infiltrate these agencies or to find weaknesses among agency employees that could be viciously exploited at the expense of national security.

I would like to once again say that, in my judgment, the Senator from North Carolina has earned another star in his crown, which is already resplendent with many which have preceded this new one, because he has long championed this effort, over a period of 3 or 4 years. I trust that in the near future he will see the success of his efforts in this body and ultimately in the other body.

In my opinion the aspects of the bill as he described them are meritorious. I for one firmly believe that those who work for the Federal Government are dedicated persons and that we owe them deep gratitude for their service; many of them receive far less compensation than they could in private industry. The Government needs the best people it can get.

However, in my judgment—and I am sure the Senator from North Carolina agrees with me in this statement, although he disagrees on the import of the exclusion of these two agencies—I believe no one has a right to seek Federal employment if he would be a security

risk to our country. It seems to me no one can argue that question. The place where we have disagreed is in the means, the extent to which we should go to try to find, before a person is employed, whether one is a security risk who might endanger our Government.

This is not a milk and honey world. It is not entirely a rosy world. There are those who would try to take our freedoms away from us, and who would use tactics of the worst magnitude to do so. It seems to me it is important that the Nation have someone who is willing, if necessary, to fight fire with fire. I know the agencies involved have been subjected to a tremendous amount of criticism. I suppose it is not popular for one to stand on the floor of the Senate and say there is a need for a CIA or a National Security Agency. As long as there are those who would threaten our security, we need someone who can deal with them on a fight-fire-with-fire basis.

There are certain aspects of this measure which clearly should be applied to the National Security Agency and the CIA. For example, I do not think anyone should compel any of their employees to participate in political activities. I do not think anyone should compel them to contribute to political functions. I do not think they should be compelled to contribute to the Red Cross, meritorious as that sounds. I do not think they should be compelled to attend political meetings.

But if the directors of these agencies feel that it is important to use certain of these tests to try to ferret out weaknesses of character which sometimes exist in human beings today, if they feel that that is better than having the fact disclosed by a breach in our security, then I, for one, think those agencies should be excluded from the bill, and be given the opportunity to use such techniques.

The work and efforts of the Senator from North Carolina—as, let me say, I am sure he knows—will cause the directors and the interrogators of these agencies to pay much closer attention to the questions that are asked and the means that are pursued to guarantee our security. But I would be somewhat less than honest with myself, being a member of the Committee on the Judiciary, to sit here and watch this measure pass, and vote for it—which I intend to do—without pointing out that in my judgment it contains one or two weaknesses about which I would feel much better were they not there.

Mr. President, I have no further comment.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed——

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The bill is open to amendment.

Mr. ERVIN. Mr. President, I should like to make just a few observations in response to the remarks of my good friend, the distinguished Senator from Indiana.

I thank him, first, for his most gracious remarks.

Mr. President, there is nothing in this bill which will handicap the Central Intelligence Agency or the National Security Agency in protecting America against her enemies. All this bill does is try to make these agencies and every other Federal agency respect the right to privacy of their employees, and the constitutional rights of their employees.

Personally, I have no faith in the polygraph test. I have no faith in psychological tests which put such a question as this to applicants for Government employment:

> When telling a person a deliberate lie, do you have to look away, being ashamed to look him in the eye?

I have no respect for polygraph or personality tests that require the individual applying for employment to evaluate what kind of parents he has. I have no respect for the validity of psychological tests and polygraph tests which require an individual to reply to such questions as this:

> Have you ever committed a serious undetected crime? Have you ever suffered from a serious mental or nervous disorder? Have you taken part in any homosexual activity during your adult life? Have you engaged in any unethical practices? Have you been involved in any way with illegal drugs or narcotics? Have you done anything else of a similarly serious nature?

If they depend on the individuals to confess those things themselves, I do not think they are properly guarding the security of this country. I think they could better find out about those things by making inquiries about the individual involved, and conducting the thorough background investigations they should be making.

When I had the privilege to serve as a superior court judge in North Carolina, I was confronted with the problem of whether or not I would receive in evidence a polygraph test in a homicide case.

At that time, I made a serious study of the polygraph, and I have continued the study ever since. I have found that the polygraph test merely measures physical reactions such as respiration, temperature, blood pressure, pulse rate, and heart beat.

I found that the polygraph test is not admissible in any court in the United States, because of its unreliability. I came to the conclusion that you can give a polygraph test to a man, and if he is a brazen liar, he can pass it without difficulty. If he is a nervous man or an agitated person, or a person who resents insults, no matter how honest he might be, he would flunk the polygraph test. It is a totally unreliable test, and has been outlawed by statute in at least five States, including the State of Hawaii, whose able and distinguished junior Senator now occupies the chair.

I have done a little CIA-ing for myself, and I can tell you the number of polygraph tests that the CIA and the NSA administered to applicants for employment and to their employees during a recent year. I am not going to do it, but every Member of the Senate would be astounded to know how many thousands of people were required to take those tests.

I might say, incidentally, that the two employees of NSA who betrayed the United States and defected to Russia, Vernon F. Mitchell and William H. Martin, both passed polygraph tests.

Furthermore, Mr. President, it is my belief that a man who will believe in the polygraph will believe in witchcraft.

I hate to think that the security of the United States is dependent upon persons who want to have polygraph tests administered to those who seek employment in the U.S. Government.

Here is a complaint received by the subcommittee, which I cited in my remarks on August 29 when the bill was postponed. A man who applied for a job with the NSA was given a polygraph test in their installation in Maryland. Here is what he said about it:

> When I graduated from college in 1965, I applied at NSA. I went to 2 days of testing, which apparently I passed because the interviewer seemed pleased and he told me that they could always find a place for someone with my type of degree.
>
> About one month later, I reported for a polygraph test at an office on Wisconsin Avenue in the District or just over the district line in Maryland. I talked with the polygraph operator, a young man around 25 years of age. He explained how the machine worked, etc. He ran through some of the questions before he attached the wires to me. Some of the questions I can remember are—
>
> When was the first time you had sexual relations with a woman?
>
> How many times have you had sexual intercourse?
>
> Have you ever engaged in homosexual activities?
>
> Have you ever engaged in sexual activities with an animal?
>
> When was the first time you had intercourse with your wife?
>
> Did you have intercourse with her before you were married? How many times?
>
> He also asked questions about my parents, Communist activities, etc. I remember that I thought this thing was pretty outrageous, but the operator assured me that he asked everybody the same questions and he has heard all the answers before, it just didn't mean a thing to him. I wondered how he could ever get away with asking a girl those kind of questions.
>
> When I was finished, I felt as though I had been in a 15 round championship boxing match. I felt exhausted. I made up my mind then and there that I wouldn't take the job even if they wanted me to take it. Also, I concluded that I would never again apply for a job with the Government, especially where they make you take one of these tests.

If I were legislating all by myself, I would outlaw every polygraph test. The courts have found them totally unreliable; and, as I say, five States have outlawed them. However, this bill, as introduced, allows any official in the CIA or in the NSA to ask any kind of question during any polygraph test except questions about a man's religion, his personal relationship to his immediate relatives, and his sexual attitudes and practices. And even under the amendment which my good friend, the Senator from In-

diana [Mr. BAYH], offered and persuaded a majority of the members of the Judiciary Committee to accept, the Director of the CIA or the Director of the NSA can even ask questions of that type if he deems it necessary to the national security. I do not know what more the CIA or the NSA could want. They could ask all other questions at any time but with respect to these three restricted types, they could only ask them if it is directed by the Director himself.

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

Mr. ERVIN. I yield.

Mr. YARBOROUGH. Mr. President, under the provision that the distinguished Senator referred to, would it be possible for the Director of the CIA in his discretion to decide that he would ask everybody those questions?

Mr. ERVIN. It would not be.

Mr. YARBOROUGH. Does the Director have to have a good reason to ask that kind of question?

Mr. ERVIN. It has to be on the individual basis. And it has to be based on a personal finding by the Director that the examination of each individual to be so tested or examined is required to protect the national security.

Mr. YARBOROUGH. Is it not a fact also that the results of polygraph tests can often be determined by the examiner?

Mr. ERVIN. The polygraph test does not interpret itself. All the polygraph machine does is to note a record of various physical reactions such as blood pressure, respiration, temperature, and heart beat.

Mr. YARBOROUGH. And is it not a fact that a person who has taken the polygraph test a number of times can so conduct himself that the examiner cannot learn anything from the test?

Mr. ERVIN. The Senator is correct. I stated a moment ago that if a man is a brazen liar and cannot be insulted by insulting questions, he can pass the test with flying colors. However, a man such as myself who is concerned about the rights of individuals could not pass the test. I could not pass the test because if I happened to think about the outrageous conduct of the CIA and the NSA with respect to their employees, it would certainly make my blood pressure shoot up high.

Mr. YARBOROUGH. I congratulate the distinguished Senator for his leadership on this bill. I think he is fighting for the liberty and rights of the people of the United States.

I agree with the Senator. I wish that the restrictions on people who give the polygraph tests were tougher. They run around and when they give the test they ask about all the girl friends a man has ever had. I am suspicious of that type of test. Psychology teaches us to be suspicious of people that have that kind of matter on their minds all the time.

Mr. ERVIN. There is a very interesting article in the Science Newsletter of August 14, 1965, concerning an experiment being made in the development of a lie-detecting machine by means of which a person can be tested without his knowing it. It is a very interesting article.

The machinery referred to in the article is called the "wiggle seat." The device looks like an ordinary office chair. At least, that is what it is supposed to look like. A person sits in this office chair, which is really a "wiggle seat," and is given a lie detector test without his knowing anything about it.

I have been informed by reliable sources that the CIA has been engaged in research on the project.

So, if the Senator has any contact with the CIA, he had better be careful of where he sits. I do not know if they have it in operation yet, but they have contemplated it.

Mr. YARBOROUGH. A person does not generally come into one's office and say: "I am representing the CIA." We may have all seen representatives of the CIA without ever knowing it.

Mr. ERVIN. It grieves me to think that the security of the United States is in the hands of men who place their faith in the polygraph machine and the "wiggle seat."

The CIA has a most important job to do, and the NSA has a very important job to do. It is their duty to guard the security of the United States. I think they would do a far better job of it if they would spend less time kicking their employees around and abandoned their fascination with the polygraph machine and the "wiggle seat."

Mr. YARBOROUGH. I agree. I think they would win more of the confidence of the American people if they were to use a more ethical type of examination, pursue more ethical methods, and ask more ethical questions.

I do not believe that they can win the confidence of the American people with some of the tactics that the distinguished senior Senator from North Carolina has uncovered in the course of the hearings had on the pending bill.

Mr. ERVIN. The statement just read by me of the young man who applied for a job with the NSA shows that these methods are driving away from Government some of our most able young people. They are being driven away because they do not want to be insulted by the type of questions asked in the course of a polygraph test.

I thank the Senator from Texas.

Mr. YARBOROUGH. I congratulate the Senator from North Carolina.

Mr. ERVIN. The Senator from Texas is one of the cosponsors of the pending bill, as is, indeed, my good friend, the Senator from Indiana [Mr. BAYH], who has contributed much to bringing the bill in its present state.

Mr. BAYH. Mr. President, I wish to ask my friend, the Senator from North Carolina, some questions in order to explore the matter a little further for the RECORD.

How many complaints has the Senator received from applicants for positions, such as the young man whose sensitivity was shocked so greatly? I believe what the Senator from North Carolina and the Senator from Texas have said is very true—that the person who administers the polygraph can indeed, if he improperly administers it, get a wrong answer.

I, for one, believe that those charged with administering NSA and CIA—General Carter and Director Helms—have one primary objective: They both want to protect the security of the country. They do not want to embarrass young men and women newly graduated from school. They want to take the steps they believe are necessary for this purpose. If they have an unreliable or incompetent administrator, I believe they would be as anxious as the Senator or I would be to dismiss him, at least as far as polygraph tests are concerned.

Is there substantial evidence demonstrating that this particular series of questions is the series of questions that is asked repeatedly?

Mr. ERVIN. Yes.

Frankly, employees of these agencies come in and talk with staff members individually. They telephone, and in a few cases they have committed their complaints to writing.

I am informed by the general counsel of the Subcommittee on Constitutional Rights that 10 of them have called within the past week.

Mr. BAYH. Ten of them?

Mr. ERVIN. Yes; the majority of them telephone.

Mr. BAYH. How many people are employed at CIA and NSA?

Mr. ERVIN. I asked them that question. They said it is top secret information. But I can tell the Senator how many polygraph tests they have conducted.

Mr. BAYH. If we could clear the Chamber, I could tell the Senator how many people have been apprehended who have passed every other scrutiny, every other test that was given; yet, they were not discovered to be a weak link, in the judgment of the CIA, until these tests were given.

Perhaps it is unpopular to champion the CIA. I do not know. But I believe the Senator recognizes, as do I, that the country needs both the CIA and the NSA. It is rather foolish to say we need these agencies and then not give them the proper tools to make them as effective as possible.

Mr. ERVIN. I agree with the Senator. I would have them concentrate their attention on counterintelligence and preservation of our national security instead of devoting their time to these matters.

This is what one young lady informed the committee she was asked by the CIA:

> When did your mother stop buying your clothes?
>
> When did your great grandparents die, and where are they buried?
>
> What diseases did they have?

What does that have to do with protecting the security of this country?

Mr. BAYH. That is a good question, and I should like to take 5 minutes or so to state what, in my judgment, they may have to do with security.

I am not an expert polygrapher or a psychological tester. In fact, I hesitate to say what might be learned if I were asked to interpret an ink blot. But let me reiterate that I do not believe that those in charge of these programs are asking questions just for spite, or because they like to make people sit on the "wiggle

seat." Those who are charged with responsibility at CIA and NSA do not sit on the "wiggle seat"—they sit on the "hot seat." All of us recognize that this is a tough job.

Although I agree with the Senator from North Carolina in many respects, I do not agree with his statement that anyone who thought there was a place for polygraphs or psychological testing believed in witchcraft. I do not believe in witchcraft.

Mr. ERVIN. I say that, in my judgment, faith in polygraph testing is similar to belief in witchcraft.

Mr. BAYH. I am sure we have such respect for each other that, although the Senator from North Carolina might in all fairness think it is witchcraft, he would not attribute that to his friend from Indiana. I do not think it is witchcraft. In fact, I would be the first to say that even if applicants were given all sorts of tests, even if they were subjected to bodily torture—which no one in this Chamber would be in favor of—there is no perfect way of guaranteeing that a human being would not crack under some of the circumstances to which he might be subjected in some of the perilous posts where he would be asked to serve.

Mr. ERVIN. I would say that I think that a man who would not crack under the type of tests I read awhile ago is unfit to be trusted with employment with the Government.

Mr. BAYH. The Senator from North Carolina recited accurately some of the interrogatories that are asked. He doubted whether there was any reason to ask particular questions concerning whether a person had been previously convicted of a crime, whether he had any previous mental disorder, whether he was subject to the use of drugs, whether he had participated in homosexual activities, whether he had become involved in or ever practiced unethical conduct. It seems to me that those are very real matters of concern, not only so far as the NSA and the CIA are concerned, but also, frankly, so far as membership in this body is concerned. I believe those are proper questions for real concern.

The question that the Senator is driving at, it seems to me, is how do we find out whether the individuals involved are participating or have participated in this type of activity.

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

Mr. BAYH. I yield.

Mr. ERVIN. Does the Senator from Indiana not agree with the Senator from North Carolina that the FBI engages in investigations comparable with intelligence work within the borders of the United States?

Mr. BAYH. The Senator is correct.

Mr. ERVIN. The FBI does not use the polygraph machine or psychological testing. Why is it necessary for the NSA and the CIA to use a method of investigation which the FBI repudiates as being worthless?

Mr. BAYH. Let me suggest to the Senator that the FBI and the CIA are playing in a somewhat different league. The FBI is known to employ, perhaps, the highest-trained, highest-caliber individuals of any agency in the Government. The Senator from North Carolina, as a distinguished member of the bar, and I, as a relative neophyte member of the bar, know the extent to which the FBI will go in trying to get this caliber of individual. They ferret out persons accused of crimes and those who might be enemies of this country in every way possible, within the continental United States; and they are to be complimented for their jobs.

However, let me point out that the very nature of a CIA agent means that some individuals must be employed who will be able to associate with individuals of their type, with persons who are not college honor graduates, who are willing to work in a country that does not have the safeguards—the police at his telephone—that are available in this country. Some of these people have to go into the jungles of Communist countries and live with rather sordid and suspicious characters. If they cannot do that, they will not be successful agents.

For example, one of the subjects that has been a matter of some concern is whether an applicant should be asked what his race is. As the Senator from South Carolina knows, I have been one of the main supporters of some of the Civil Rights Acts. In fact, perhaps it is only in that area that we have differed, because we usually fight elbow to elbow for or against some of the most important issues; today I find myself in the unique circumstance of opposing the Senator on a matter of constitutional right such as this. But why should someone be asked what his race is? Is not that a violation of his constitutional rights? How in the world can a CIA agent be effective in one of the countries of darkest Africa, where everybody's skin is dark colored, if his own skin is not likewise so colored? So the CIA Director must know whether the agent's skin is dark colored.

Mr. ERVIN. Could not the CIA Director tell by looking at the agent's skin, without subjecting him to a polygraph test? [Laughter.]

Mr. BAYH. The Senator is absolutely correct; but when we talk about such a person being effective, it is then that the polygraph test becomes useful.

Another question sometimes asked concerns a man's religion or his ethnic background. It would be rather questionable wisdom to send a person of Jewish background into an Arab country today. I think there are reasons why it is often necessary to seek such information.

Let me discuss the practice that is followed. The Senator from North Carolina is absolutely correct in saying that if the only thing to be done is to bring prospective job applicants through the front door and immediately subject them to being wired for sound. That is the wrong way to approach the problem.

A complete check of prospective employees is made by the CIA. They are carefully investigated and interviewed. All procedures known to man, short of psychological and polygraphic testing, are used by the CIA in determining which persons it thinks are acceptable.

It is only at that stage, when the examination reaches the place where the CIA or NSA want and need to make the final check, that applicants have been subjected to tests that I wish, frankly, were not necessary. I wish that we lived in a world where it was not necessary to subject anyone who seeks Federal employment to a polygraphic test or a psychological test. But that is not the kind of world we live in.

In examining the procedure that is followed, it must be understood that neither the Director of NSA nor CIA asks these questions. I doubt whether either of these gentlemen is a qualified psychologist or polygraph operator. These agencies must rely on eminent psychologists for their purpose. If they are trying to find a flaw in someone's character, or determine whether someone participates in homosexual activity, or learn whether a person would crack under strain, what are the questions that are going to be asked? I could not say what those questions should be—a qualified psychologist must draw up those questions. Leeway must be allowed to ask those questions which will bring out the answers. For instance, it may be necessary to know whether an individual will crack when he is subjected to great strain or severe stress.

The Senator from North Carolina acquitted himself with honor and distinction in pursuing this measure to provide safeguards for Federal employees, but I wish to reiterate that no one in my opinion has a vested interest in seeking employment or being granted employment if his very presence might provide a security risk. To be sure, one cannot be perfect, but if I am going to err on matters of national security I would rather err on the side of safety rather than leniency.

(At this point, Mr. HOLLINGS assumed the chair.)

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

Mr. BAYH. I yield.

Mr. ERVIN. I think the Senator can answer this question without difficulty.

Is there anything in the bill that would prevent the Director of CIA from asking a person any question whatever by way of a psychological test or by way of a polygraph test?

Mr. BAYH. Shall we place section 6 in the RECORD at this time? I think the Senator from North Carolina, as a good lawyer, knows the answer before he asks the question. There is nothing in the bill to prohibit the Director of CIA from making a personal finding with regard to each individual to be so tested or examined.

That means that if the CIA agent in charge of an area in Eastern Europe feels we need an agent selected in one of the Communist countries, he cannot make a test or decision; no determination can be made in this area unless the Director himself makes it.

It seems to me if we are going to require the Director of CIA to determine all of these questions or make the test, we are going to give him a burden which would make him ineffective as the Director.

Mr. ERVIN. The President of the

United States, a rather busy man, has to sign every commission of a regular military officer and each of the hundreds of bills passed by Congress; is that correct?

Mr. BAYH. The Senator is correct. The President does not ask questions about polygraph and psychological testing.

Mr. ERVIN. And there is nothing in the bill which would prevent the CIA or the NSA from asking any question they wish to ask on a psychological test or on a polygraph machine test. A person can be asked any question on a polygraph test or psychological test by any department or agency of the Government with the exception of three types of questions: First, questions which relate to his personal relationship to his relatives; second, questions which relate to his religion; and, third, questions relating to his attitude on matters of sex. With the exception of those three questions, any department or agency can ask the questions during a psychological test or a polygraph test.

Under the amendment of my distinguished friend from Indiana, which was adopted by the Committee on the Judiciary, and which I have asked with reluctance be included in this bill, and which has been approved, the Director of the CIA or the Director of NSA can ask questions even in those three forbidden fields if he makes a personal finding that it is necessary to the national security.

Mr. BAYH. That is correct. I wish to explain. I do appreciate the willingness of the Senator from North Carolina to hear me on this matter. He is the author of this bill and has worked on it for many years. I know that he feels very strongly about it and he is a fighter. He does not think this should be in the bill at all.

Mr. ERVIN. I do not.

Mr. BAYH. This amendment is a great concession from him and I appreciate it. However, I would like to explain that as far as I am concerned and as far as the Directors of these Agencies are concerned this is a very small salve for a very deep wound. The problem is that a personal finding means, literally, a personal finding.

This means that a man who is supposed to be the director of an international intelligence agency will have to make a personal finding that an examination should be made using polygraph machines or psychological testing, which seems to me to be poor administrative practice.

Mr. ERVIN. All that means is that the Director has to make the decision instead of the agency charwoman.

Mr. BAYH. I think the Senator from North Carolina is correct. I do not want the charwoman or a half-baked psychologist making the determination. We want a psychologist who is thoroughly trained and competent.

I think the insistence of the Senator from North Carolina is going to make these two agencies more careful in applying the tests. Let me answer the question about the weakness I see in section 6. If we are talking about a personal finding, it seems to me that this means if an administrator is to abide by the law, and there is no need to put it in there unless he does so, he is going to have to accumulate a significant amount of evidence. By the time he can accumulate this evidence, in my opinion, it means the man could already be employed and already be in a position where he could damage the country. By the time the director could make a personal finding to fire him or not hire him, there would be no longer the need to make that finding.

Mr. ERVIN. I disagree with that interpretation.

Mr. BAYH. I know the Senator disagrees with the interpretation.

Mr. ERVIN. If the Director wanted to send an undercover agent to Poland or Czechoslovakia he could say, "I find it is necessary for him to have a polygraph test or take a psychological test in the interest of national security."

The very nature of the job assigned to him would fully justify making that finding.

Mr. BAYH. I explored this procedure in my mind, and I think that the Senator from North Carolina is judicious in his thoughts on this—at least we have both thought about it, so it must be judicious—but I have reached a different conclusion. Very frankly the National Security Agency, on occasion, has refused to inform the Congress of sensitive activities in which they are engaged until some public disclosure has necessitated replies to congressional inquiries. The CIA purchases land out in the country and attempts to secure it so that no one could shoot a laser beam off a window and read the sound vibrations inside to find out what the CIA is doing. If we are talking about security activities to protect the health, safety, and welfare of the country, then anyone, even a chauffeur or a courier could hide in the bushes and, by using the latest scientific technology available, acquire secrets which are important to the United States.

This may be an exaggeration, but we are living in a tough world. I know that the Senator from North Carolina is sincere in his thought, and I know that he shares my concern. As previously mentioned, I am going to support the bill, but I am obliged by my deep concern about this matter to speak out.

We live in a hard world in which war, bribery, and espionage are common intelligence tools. Frankly, I do not like polygraph tests or psychological tests. But, in this kind of world, these things do exist. The other side will use them. There will be occasions when we will have no alternative but to use the same unscrupulous methods in order to protect the freedom of this country.

Mr. STENNIS. Mr. President, the provisions of the pending bill that have been discussed by the Senator from North Carolina and the Senator from Indiana for the past several minutes are the subject to which I should like to address myself, if I may speak to the Senate on this subject as one of the members of the CIA Subcommittee of the Armed Services Committee—there is also a subcommittee on the CIA from the Appropriations Committee—and we sit and operate together.

Mr. President, the application of the bill to the CIA and the National Security Agency is a serious and far-reaching matter. These Agencies present some of the most sensitive questions and problems that we have to deal with, and they are difficult to operate.

In 1947, Congress passed the National Security Act. It provided for our entering a field that most of us wished we did not have to go into. Intelligence gathering had aspects and activities which our Government had never been in before, and our people still do not like.

Events of the past 20 years have certainly proved the wisdom of the enactment of this act in 1947, since which time we have had this worldwide activity, contending with revolutions, the changes, the unrest, and uncertainties all over the world, of systematized, organized, smart, diligent, effective intelligence organization on the other side pitted against us in the free West. As a whole, being novices in that field, we have made our share of mistakes, but we have also accomplished some very effective and far-reaching work, much of which will not be known.

The National Security Act provided that the Director of the CIA should have unrestricted authority to terminate the employment of any officer or employee of the Agency, whenever he determined that such termination was necessary or advisable in the interests of the United States. That power was thought to be necessary and it was far reaching as language could make it.

I speak with all deference to the author of this bill and the members of the committee who reported it, but the pending bill would make serious impingements on and would throw handicaps upon the Director of the CIA. With one sweep of the pen, so to speak, it would limit the main thrust of the power which in 1947 was considered necessary for the Director of the CIA to have—and time has proved that that power was necessary.

Mr. ERVIN. Mr. President, will the Senator from Mississippi yield at that point?

Mr. STENNIS. I should like to complete my brief remarks first. I do not have a prepared text. I have not made a special study in this particular field; if it is agreeable to the Senator from North Carolina, I should like to complete my statement first, before yielding to him.

Mr. President, this is no inconsequential matter. We are dealing with many thousands of employees all over the world, working under all kinds of conditions. We are dealing with activities of the CIA and the National Security Agency—my remarks apply to both—with many thousands of employees and an annual cost of many millions of dollars. Those exact figures are all classified. The budget is known by Congress but is not public knowledge.

I emphasize that now in stating that we are dealing with no small matter in just dollars and cents. Yet the bill, in an indirect way, would partly handicap and make ineffective the operation of these agencies.

I am convinced in my mind that these agencies should be totally excepted from the operations of the pending bill, that

there is far more good on the side of their exclusion than there is on the other, and that this partial exception which the bill would provide, in making it possible for the Director to make a personal finding, and thereby limit the application of some restrictions, would be impractical and burdensome. It would require the Director to devote disproportionate time to one aspect of his responsibility. Just as every Senator cannot personally answer every letter, compose every paragraph, or read every line of every report placed before him, as a pracitcal matter, this would be an impossible chore to place upon the Director.

I would rather this provision be in the bill than to leave it out entirely. I am not critical of the amendment so far as it goes, but, nevertheless, it would leave the Director of the CIA in a position where it would be difficult for him to operate.

In order to justify such changes as this bill makes in these basic laws, they deserve and should have the utmost consideration and the most minute examination by men who are highly versed in the field. I think they should be brought here and this question should be considered only in executive session, and explained to every Member of this body.

I warn now that if this bill becomes a law, it is going to be cited as an instance where the legislative branch of the Government stepped in and said, "We will assume full responsibility; we take it away from the executive agency, where it properly belongs. We assume the responsibility for the subject matter of this bill, so far as the employment of people is concerned."

We know that, if there is any kind of flaw in a person's character, the secret, highly organized, and effective agencies of the other side move in on it, whether it be financial distress, homosexuality, something about a relative, or anything else. That is why it is necessary to have the most exhaustive screening.

Mr. President, I am authorized to speak for the chairman of the CIA Subcommittee and the chairman of the Armed Services Committee [Mr. RUSSELL]. I am authorized to say that from the beginning he has thought, and still thinks, there ought to be a total exemption from this bill for the CIA and the NSA. He has thought that from the first, and he thinks it now; and if he can be present for the vote, he is going to vote against this bill on that account. That shows how serious this matter is—that from a man who I think knows more about the operation of the CIA than any man in the Congress, and I speak with all deference to others.

The Senator from North Carolina [Mr. ERVIN] asked that I yield to him. I yield to the Senator from North Carolina.

Mr. ERVIN. I would like the Senator from Mississippi to point out any provision in the bill which affects in any way the right of the CIA to discharge any of its employees, with or without any reason at all. There is not a thing in this bill in conflict with that right.

Mr. STENNIS. The main thing I am concerned about, frankly, is not about somebody being discharged. It is about getting the wrong kind of person in to begin with, who is a security risk, and, before anyone knows anything about it, the dirty work has already been done. To just discharge him then would be an act of futility, almost. That is where the rub is, the sore spot—the bringing in of these people. This was the problem. That is where the issue is.

Mr. ERVIN. With all due regard to the Senator's views, certainly the Senator from Mississippi could not say that the CIA should be exempted from the provisions of the bill which prevent employees from being forced to lobby open housing ordinances, engage in political activities, or join the NAACP.

Mr. STENNIS. One could make an argument like that about those provisions, but that does not go to the very gist of our concern. I do not think anybody on this particular committee supports everything the CIA has to do. I know almost none of the employees except some of those now carrying on some of the major responsibilities. The real problem is getting the wrong man or woman to start with so the devilment can be done and the security of this Nation imperiled.

Mr. ERVIN. I do not see how any provision of this bill would prevent the CIA from asking any question whatever.

Mr. STENNIS. Well, I have already covered the point. The limited exemption could be invoked only by the personal certification of the Director. That is just an impractical, inadequate authority for him to have. Even for a discharge—and I do not think that is so important—get a hearing. I stand on the danger of getting the wrong man in to start with.

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

Mr. STENNIS. I yield.

Mr. JACKSON. I should like to associate myself with the able remarks of the ranking member of the Armed Services Committee and the CIA watchdog subcommittee, on which I also have the honor to serve.

I also wish to associate myself with the able remarks of the Senator from Indiana. I think there are provisions of the bill in which the CIA should be included, namely, those stipulating that employees do not necessarily have to attend certain meetings and participate in bond drives, and so on. But I think the able Senator from Mississippi has pointed out one of the key problems, which is related to preventing people from getting in the CIA who should not, in the first instance, be in.

Last year over 100 security risks were stopped by the polygraph tests. All other means of security inquiry, all other means of testing failed. The polygraph does not necessarily establish truth or untruth. I have real questions about the polygraph as a general proposition, but it can be a valuable aid in providing investigative leads. I want to point out that last year the CIA was able to stop over 100 people who would have been definite security risks had it not been for the investigative leads given through the polygraph.

Some of us who have been in the Senate and the House over a period of many years remember that period not too long ago when the executive branch of Government was charged with being lax in personnel matters. There were charges about all kinds of security risks in the Government.

I think it would be most unwise to turn around now and unduly tie the hands of the Central Intelligence Agency and the National Security Agency, dealing as they do with the most sensitive matters in the Government.

I mention this because Congress, month in and month out, year in and year out, is taking after the executive branch for failing to do the job of rooting out security risks who should have been rooted out, and to stop security risks from getting in who should have been stopped from getting into the Federal Government.

What we are doing here, as I read the bill, is that if we are going to maintain the authority that the Director of the CIA or the Director of the National Security Agency has had heretofore, he would have to personally certify that these questions of a sensitive nature and of a highly personal nature must be asked. He could not even delegate that authority under the present provisions of this bill.

If the Director has to personally certify, when thousands of people are interviewed each year for jobs, what kind of certification will that be? It seems to me it is completely unrealistic.

As I have pointed out, 100 security risks have been stopped in 1 year because of investigative leads provided by the polygraph.

I can see what the Senate and the House would be doing if those risks had gotten into Government. Congress would be jumping down the throat of the Central Intelligence Agency and asking, "Why did you not do something about that? Why did you permit this person to get in?" Some of the most notorious defectors, people who have walked away with secrets vital to our country, have been sexual deviates.

I think the Senate should understand what it is doing in connection with the pending proposal. I say that every Member of the Senate has a solemn obligation to understand what is really involved as far as the Central Intelligence Agency and the National Security Agency are concerned, with the provisions of the bill as they now stand.

Mr. STENNIS. I thank the Senator very much for his timely remarks.

I yield now to the Senator from North Dakota [Mr. YOUNG], who is a very valuable member of the Appropriations Committee and of the subcommittee concerned.

Mr. YOUNG of North Dakota. I thank the Senator from Mississippi. I wish to associate myself with his comments.

All three of the Republican members of the Appropriations Committee dealing with the CIA take the same position, that the CIA should be exempted. There certainly is far more reason for the CIA to be exempted from the provisions of this bill than for the FBI. It deals with highly sensitive information from all over the world. Even the smallest countries now have intelligence agencies.

To cite one example, the CIA would have to know at all times what contact one of its agents might have with foreigners, one of whom might be, for example, a member of the Russian KGB. Therefore, they must have more authority over their employees than the Government has over the average employee. The information it would be necessary to have concerning a CIA agent is a far cry from that required on a postal clerk in my hometown.

He can make any kind of speech he wants to. His private life might be thoroughly reprehensible, and may not hurt the Government.

But the CIA does have to know as much as it possibly can about its agents, because they deal with highly sensitive information gathered all over the world, and not only on the main streets, but they have to go into the back alleys along with all the other intelligence agents of the world.

I think it would be a serious mistake if the CIA, the National Security Agency, and the Defense Intelligence Agency were not exempted from the provisions of the bill. As one of its cosponsors, I am very proud of its other provisions; but if those agencies are not exempted from the provisions of the bill, I shall be compelled to vote against it, although I am a cosponsor.

Mr. STENNIS. I thank the Senator.

Mrs. SMITH. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Maine, who is also a member of the subcommittee.

Mrs. SMITH. Mr. President, I share the concern of my able and distinguished colleagues, the Senator from Mississippi and the Senator from North Dakota.

I want Government employees to be protected but our national security must not be impaired. I find there is a potential conflict between national security and some individual employees employed by the CIA and the FBI.

I feel obliged to vote for the bill but I would hope that the conflict would be resolved in the House committee or in conference.

Mr. STENNIS. Mr. President, to reiterate a point I have already made: I am convinced, from what I know about the problems involved in getting the right kind of recruits from among so many different types of people in so many different circumstances, that this bill, as now written, puts too many far-reaching restrictions upon the CIA, and that we would thereby greatly impair our capacity to protect our security.

I think further that this matter about the possibility of some employee being unjustly discharged is purely a secondary matter. It is serious and important to the person involved, I do not discount that. But certainly it is secondary to the security of the Nation.

To have to go through a hearing in a regular court, and have a proceeding there that could be used to harass the agency and its director with endless litigation, would in itself impair our national security. Certainly there would be exposure. If we act here without having a chance to make a full study of the bill, I venture to say that once it becomes the law and these restrictions do apply, we are going to have a different reaction, a different attitude toward the CIA as an entity; and the same applies to the National Security Agency.

This organization being so vital and necessary, its activities should not be restricted, and certainly should not be restricted without the most minute inquiry and weighing of the language, and the points involved, and also submission of this matter to the Senate in executive session, where so many more of the actual facts that pertain to the problem could be fully aired, and thereby fully weighed by each Senator. Every Member of this body, before passing on these important matters, should have before him all the facts involved, and that is simply impossible to achieve in an open session, and at the same time protect the security of our country.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. YOUNG of North Dakota. Would not the CIA find themselves in much the same position we are in today, if they wound up in court over firing an employee? They are charged by Congress with protecting their sources of intelligence, no matter where they get them. We are charged with the same responsibility.

If we could have an executive session, and explain all the reasons why these agencies should be exempt, it would be a different matter. But we cannot do so publicly without divulging matters which should be kept secret.

Mr. STENNIS. That is a good point. I wish to point out again a point made by the Senator from Indiana: We exempt from the provisions of this bill the FBI, and very properly so. The FBI is an organization nearly all of the employees of which, I assume, are of the very highest character. They always seek to employ people of a high order of character and intelligence.

The CIA, without going into detail, has to employ for some missions persons who are not of the very top quality, and not the very finest characters. In producing intelligence information, we must at times use persons that would not be suitable as regular, full-time employees. But these agencies must go into every conceivable possibility or circumstance under which the man may operate, and what his reaction under given circumstances might be.

Furthermore—and I say this with emphasis—those with whom they have to deal, the agencies representing the Soviets and any others that are against us are always trying to pick and find flaws in the people we have, not only in the key spots but in the lower spots as well; and it is nearly always through that avenue that they are attempting to penetrate, achieve a sell-out, lead us down a blind alley, and get our secrets.

So we are dealing here with two of the most sensitive and important agencies of our Government; and with all due deference, I submit that we are going into it without sufficient knowledge and information.

The PRESIDING OFFICER (Mr. MONTOYA in the chair). The bill is open to amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the bill (S. 1862) to amend the authorizing legislation of the Small Business Administration, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House insisted upon its amendment to the bill (S. 1872) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MORGAN, Mr. ZABLOCKI, Mrs. KELLY, Mr. HAYS, Mr. ADAIR, Mr. MAILLIARD, and Mr. FRELINGHUYSEN were appointed managers on the part of the House at the conference.

Mr. BYRD of West Virginia. Mr. President, I ask that the Chair lay before the Senate, a message from the House on S. 1862, with the amendment of the House thereto.

AMENDMENT OF LEGISLATION AUTHORIZING THE SMALL BUSINESS ADMINISTRATION

The PRESIDNG OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1862) to amend the authorizing legislation of the Small Business Administration, and for other purposes which was, to strike out all after the enacting clause and insert:

TITLE I

SEC. 101. This title may be cited as the "Small Business Act Amendments of 1967".

SEC. 102. Paragraph (4) of section 4(c) of the Small Business Act is amended—

(1) by striking out "$1,400,000,000" and inserting in lieu thereof "$1,900,000,000";

(2) by striking out "$400,000,000" and inserting in lieu thereof "$450,000,000";

(3) by striking out "$200,000,000" and inserting in lieu thereof "$300,000,000"; and

(4) by striking out "$100,000,000" and inserting in lieu thereof "$200,000,000".

SEC. 103. Paragraph (4) of section 7(a) is amended by striking out "except that a loan made for the purpose of constructing facilities may have a maturity of ten years" and inserting in lieu thereof "except that such portion of a loan made for the purpose of constructing facilities may have a maturity of fifteen years".

SEC. 104. The subsection added to section 7 of the Small Business Act by the Disaster Relief Act of 1966 (Public Law 89–769), and designated thereby as subsection (e), is redesignated as subsection (f).

SEC. 105. Subparagraph (B) of paragraph (1) of section 8(b) of the Small Business Act is amended to read as follows:

"(B) in the case of any individual or group of persons cooperating with it in furtherance of the purposes of subparagraph (A), (i) to allow such an individual or group such use of the Administration's office facilities and related materials and services as the Administration deems appropriate; and (ii) to pay the transportation expenses and a per diem allowance in accordance with section 5703 of title 5, United States Code, to any such individual for travel and subsistence expenses incurred at the request of the Administration in connection with travel to a point more than fifty miles distant from the home of that individual in providing gratuitous services to small businessmen in furtherance of the purposes of subparagraph (A) or in connection with attendance at meetings sponsored by the Administration;".

SEC. 106. Paragraph (13) of section 8(b) of the Small Business Act is amended to read as follows:

"(13) to establish such advisory boards and committees as may be necessary to achieve the purposes of this Act and of the Small Business Investment Act of 1958; to call meetings of such boards and committees from time to time; and to rent temporarily, within the District of Columbia or elsewhere, such hotel or other accommodations as are needed to facilitate the conduct of such meetings; and".

SEC. 107. The subsection added to section 402 of the Economic Opportunity Act of 1964 by section 405 of the Economic Opportunity Amendments of 1966 (Public Law 89-794), and designated thereby as subsection (b), is redesignated as subsection (c).

TITLE II

SEC. 201. This title may be cited as the "Small Business Investment Act Amendments of 1967".

SEC. 202. (a) Title III of the Small Business Investment Act of 1958 is amended by inserting immediately after section 306 the following new section:

"REAL ESTATE DEVELOPMENT

"SEC. 306A. (a) In the case of any small business investment company licensed prior to October 1, 1966, under the provisions of this Act, which has received the approval of the Administration prior to that date of its articles of incorporation or investment policy, and which by the terms and provisions of the approved articles of incorporation or investment policy is empowered to invest in (whether through loans or equity securities) real estate development oriented enterprises and activities, the Administration shall not impose any limitation, formally or informally by regulation, order, advice, or otherwise, in respect of the company's investments in real estate oriented enterprises and activities which is more restrictive than, or otherwise at variance with, the company's articles of incorporation or approved investment policy.

"(b) No application to the Administration from any licensee referred to in subsection (a) of this section for participation in any of the programs, benefits, activities, or services available to licensees under the provisions of this Act shall be denied, or participation in any program limited or withheld by the Administration for the sole reason that the investments of the applicant in real estate development oriented enterprises and activities exceed a percentage of the applicant's total investment portfolio, unless such investments exceed the percentage allowable under the applicant's articles of incorporation or approved investment policy."

(b) The table of contents at the beginning of that Act is amended by inserting

"Sec. 306A. Real estate development."

immediately after

"Sec. 306. Aggregate limitations."

SEC. 203. Section 301(c) of the Small Business Investment Act of 1958 is amended to read as follows:

"(c) The articles of incorporation and amendments thereto shall be forwarded to the Administration for consideration and approval or disapproval. In determining whether to approve such a company's articles of incorporation and permit it to operate under the provisions of this Act, the Administration shall give due regard, among other things, to the need and availability for the financing of small business concerns in the geographic area in which the proposed company is to commence business, the general business reputation and character of the proposed owners and management of the company, and the probability of successful operations of such company including adequate profitability and financial soundness. After consideration of all relevant factors, if it approves the company's articles of incorporation, the Administration may in its discretion approve the company to operate under the provisions of this Act and issue the company a license for such operation."

SEC. 204. The second sentence of section 302(a) of the Small Business Investment Act of 1958 is amended by changing "$700,000" to read "$4,000,000".

SEC. 205. Section 302(b) of the Small Business Investment Act of 1958 is amended by striking "except that in no event shall any such bank hold shares in small business investment companies in an amount aggregating more than 2 percent of its capital and surplus." and inserting "except that in no event may any such bank acquire shares in any small business investment company if, upon the making of that acquisition,

"(1) the aggregate amount of shares in small business investment companies then held by the bank would exceed

"(A) 5 percent of its capital and surplus, or

"(B) $1,000,000

whichever is less, or

"(2) the bank would hold 50 percent or more of any class of equity securities issued by that investment company and having actual or potential voting rights."

SEC. 206. Section 303(b)(1) of the Small Business Investment Act of 1958 is amended by changing "$4,000,000" to read "$6,000,000".

SEC. 207. Section 103 of the Small Business Investment Act of 1958 is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by changing the period at the end of paragraph (7) to read "; and"; and

(3) by adding the following new paragraph at the end:

"(8) the term 'venture capital' means capital supplied by the purchase of common or preferred stock or subordinated debentures as to which there is no amortization or sinking fund requirement for at least five years after issuance."

SEC. 208. Section 310(b) of the Small Business Investment Act of 1958 is amended by adding after the first sentence thereof the following new sentence: "Each such company shall be examined at least once each year."

SEC. 209. The first sentence of section 401 (a) of the Small Business Investment Act of 1958 is amended by striking out "that are (1) eligible for loans under section 7(b)(3) of the Small Business Act, or (2) eligible for loans under title IV of the Economic Opportunity Act of 1964,".

SEC. 210. Section 308(g) of the Small Business Investment Act of 1958 is amended (1) by inserting the paragraph designation "(1)" after "(g)", and (2) by adding the following new subparagraph:

"(2) In its annual report for the fiscal year ended June 30, 1967, and in each succeeding annual report, the Administration shall include in its annual report, made pursuant to section 10(a) of the Small Business Act, full and detailed accounts relative to the following matters:

"(A) The Administration's recommendations with respect to the feasibility and organization of a small business capital bank to encourage private financing of small business investment companies to replace Government financing of such companies.

"(B) The Administration's plans to insure the provision of small business investment company financing to all areas of the country and to all eligible small business concerns including steps taken to accomplish same.

"(C) Steps taken by the Administration to maximize recoupment of Government funds incident to the inauguration and administration of the small business investment company program and to insure compliance with statutory and regulatory standards relating thereto.

"(D) An accounting by the Bureau of the Budget with respect to Federal expenditures to business by executive agencies, specifying the proportion of said expenditures going to business concerns falling above and below small business size standards applicable to small business investment companies.

"(E) An accounting by the Treasury Department with respect to tax revenues accruing to the Government from business concerns, incorporated and unincorporated, specifying the source of such revenues by concerns falling above and below the small business size standards applicable to small business investment companies.

"(F) An accounting by the Treasury Department with respect to both tax losses and increased tax revenues related to small business investment company financing of both individual and corporate business taxpayers.

"(G) Recommendations of the Treasury Department with respect to additional tax incentives to improve and facilitate the operations of small business investment companies and to encourage the use of their financing facilities by eligible small business concerns.

"(H) A report from the Securities and Exchange Commission enumerating actions undertaken by that agency to simplify and minimize the regulatory requirements governing small business investment companies under the Federal securities laws and to eliminate overlapping regulation and jurisdiction as between the Securities and Exchange Commission, the Administration, and other agencies of the executive branch.

"(I) A report from the Securities and Exchange Commission with respect to actions taken to facilitate and stabilize the access of small business concerns to the securities markets.

"(J) Actions undertaken by the Securities and Exchange Commission to simplify compliance by small business investment companies with the requirements of the Investment Company Act of 1940 and to facilitate the election to be taxed as regulated investment companies pursuant to section 851 of the Internal Revenue Code of 1954."

SEC. 211. The effective date of this title shall be ninety days after enactment.

TITLE III

SEC. 301. This title may be cited as the "Small Business Protection Act of 1967".

SEC. 302. The Administrator of the Small Business Administration shall conduct a special study of the impact on small business concerns of robbery, burglary, shoplifting, vandalism, and other criminal activities, with a view to determining ways in which such concerns may best protect themselves against such activities.

SEC. 303. The Administrator shall report to the President and to the Congress the results of the study conducted pursuant to this title, including such recommendations as he may deem appropriate for administrative and legislative action, within one year after the date of enactment of this title.

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Ala-

bama [Mr. SPARKMAN] I move that the Senate disagree with the amendment of the House and request a conference with the House thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. SPARKMAN, Mr. MCINTYRE, Mr. PROXMIRE, Mr. PERCY, and Mr. TOWER conferees on the part of the Senate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to; and (at 3 o'clock and 1 minute p.m.) the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 3:05 p.m., when called to order by the Presiding Officer (Mr. MONTOYA in the chair).

PROTECTING PRIVACY AND RIGHTS OF FEDERAL EMPLOYEES

The Senate resumed the consideration of the bill (S. 1035) to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. STENNIS obtained the floor.

Mr. STENNIS. Does the Senator from North Carolina desire that I yield to him?

Mr. ERVIN. Mr. President, will the Senator yield to me briefly?

Mr. STENNIS. Mr. President, I ask unanimous consent that I may yield to the Senator from North Carolina without losing my right to the floor.

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

The Senator from North Carolina is recognized.

Mr. ERVIN. Mr. President, I cannot modify the bill without unanimous consent, because the yeas and nays have been ordered. Therefore I ask unanimous consent that I may modify the bill on page 19 in the following respects:

On line 16, page 19 between the word "Agency" and the word "or" I would modify the bill so as to insert these three words "or his designee", and on line 17, page 19 between the word "Agency" and the word "makes" I would modify the bill by unanimous consent by inserting the words "or his designee", so that the bill would provide that the Central Intelligence Agency and the National Security Agency could ask the three forbidden types of questions if the Director of the Central Intelligence Agency or his designee, or the Director of the National Security Agency or his designee "makes a personal finding with regard to each individual to be so tested or examined that such test or information is required to protect the national security."

Mr. President, I ask unanimous consent that I may modify the bill by those amendments.

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

Mr. STENNIS. Mr. President, may I say to the Senator from North Carolina and to the Senate that in our opinion that meets, in part, some of the objections that several of us have felt to the bill.

If I may ask the Senator now, I raise the point with him about the court procedure that the bill before the Senate now contemplates on the part of an employee, particularly with reference to employees discharged from either one of the agencies.

Let me extend my question further not only to the matter of the discharge of an employee but also to the violation of any provisions of the National Security Act or the national security law. If the Senator would express himself on that, so far as security is concerned, because questions might arise in open court, I shall appreciate it.

Mr. ERVIN. In my judgment, this bill does not undertake to regulate in any way the tenure of a person's employment. It does not undertake to change any law relating to the tenure of any employment. It merely attempts to regulate the relationship between a department or agency and its employees as long as the employment relationship exists.

The statute relating to the CIA is found in title 50, section 403, subsection 3, of the United States Code, which provides that "notwithstanding the provisions of section 652 of title 5, on the provisions of any other law, the Director of the CIA may, in his discretion, terminate employment of any officer or employee of an agency whenever he shall deem such termination necessary or advisable in the interest of the United States."

There is a similar statute applicable to the National Security Agency.

There is not a thing in the bill which would alter those statutes, because the bill does not affect what summary dismissal powers they have.

The only question, as I see it, that could possibly come up before a court or the Board of Employees' Rights created by this bill would be whether the CIA or the National Security Agency had violated provisions of this act and had attempted to make an employee do something which the act forbids them to make him do. I cannot imagine any controversy arising pursuant to the bill in which any secret matter would be relevant in a hearing before a court or before the Board. I think that there is no danger there.

Mr. STENNIS. Let me interrupt the Senator there. I believe, as I understood it, he used the words "secret matter." The Senator was referring, was he not, to secret matters concerning the security of the country?

Mr. ERVIN. That is right. In other words, the sole question that would be relevant in any proceeding, either before a court or a board, under this act, would be whether the agency had violated the rights of employees as spelled out in the act.

Thus, I cannot imagine any circumstances under which any matter of national security would ever become germane or relevant to the suit. Besides, in my judgment, we have the rule of evidence which forbids disclosure of State secrets in litigation. I think that would exclude security information, if it were offered. That is my judgment.

Mr. STENNIS. On that last point, the Senator does not contend and does not believe that this proposed law we are passing on now changes that rule; is that correct?

Mr. ERVIN. That is correct.

Mr. STENNIS. I am happy to yield to the Senator from Indiana. Does he not want me to yield to him at this point?

Mr. BAYH. Yes. I thank my colleague. I should like to restate a point which the Senator touched upon earlier. That the Senator from North Carolina would not desire to take away any rights dealing with the protection of Government employees, or to remove the common law executive privilege of refusing to disclose information in the interest of national security of the country. This is an age-old tradition which we have had for a number of years. I think that the Senator from North Carolina, if I understood him correctly, comes out foursquare that that is not the intention of this act.

Mr. ERVIN. I do not think the statute would be relevant.

Mr. STENNIS. Would the Senator speak a little louder, please.

Mr. ERVIN. I said that I do not think any decision concerning disclosure of matters relating to national security would have any relevance to a case brought pursuant to the provisions of this bill.

Mr. STENNIS. It would not be admissible if deemed relevant.

Mr. ERVIN. There are a number of statutes dealing with this subject. I have here a letter from Mr. Lawrence Speiser, director of the Washington office of the American Civil Liberties Union, under date of August 29, 1967. He represents an organization very much concerned with the rights of individuals. He suggests that we should go further and change the statutes which give these organizations the right to discharge their employees without cause.

Frankly, I sometimes think that myself; but I am not attempting that now.

Mr. BAYH. If I might ask just one question——

Mr. ERVIN. Since CIA officials have

leaked so much material to the press in recent days, I should think it would be all right for me to do a little leaking, too. They would like to be exempted from all responsibility and accountability to law, and everything else on earth, in the heavens above, and the waters beneath them. I think that is asking a little too much. The CIA——

Mr. STENNIS. The Senator might be surprised to know how little the CIA has talked to me about this matter—virtually none. I certainly do not represent them, as the Senator knows.

Mr. ERVIN. I have suggested that perhaps the CIA could be brought into court for violating the statute which forbids lobbying at public expense, but I do not propose to ask for a prosecution at this time.

Mr. STENNIS. Mr. President, I yield further to the Senator from Indiana.

Mr. BAYH. I must say that I have indeed talked to both members of the CIA and the National Security Agency in an effort to try to secure more information about the impact of this legislation. The way the National Security Agency is structured, those who are serving on the committee to which it is directly responsible, are the only ones who really can tell us the impact of this particular legislation. Those who are on the Judiciary Committee have been forced to try to find out as best we could by talking to members of the agency involved—the Director and his staff.

Let me make this one last statement because my position on the Judiciary Committee has put me at least on the committee that is discharging this measure. As I see it, the Senator from North Carolina, by accepting the modification of the bill which he himself has proposed, and by the colloquy which we are proceeding with here, is dealing with two points that are the most sensitive.

First, which the Senator from Mississippi brought into the colloquy here, that the agencies are concerned about being brought into court and being compelled to disclose secrets of vital interest to the national defense and the security of this country. From the statement just made by the Senator from North Carolina, that is not his intention, nor the intention of the Senate.

The second point we discussed would require the Directors of these two agencies to assume a tremendous burden of personally validating the authenticity or the necessity of using these two particular kinds of tests, or asking the three kinds of questions.

By permitting the Directors to appoint a designee, the modification would shift the burden from their shoulders to the shoulders of a subordinate who would serve as a watchdog to prevent the practices which we are trying to prohibit. This would allow the maximum degree of protection insofar as security risks in these agencies are concerned. This would be going a long way toward correcting the weaknesses.

I thank the Senator from North Carolina for his contribution.

Mr. STENNIS. I thank the Senator. I think he has made a contribution in the debate as well as in the committee.

I yield now to the Senator from Nebraska.

Mr. HRUSKA. I thank the Senator for his courtesy.

Concern has been expressed that there are serious impingements on the authority of CIA inherent in this bill and that they would particularly bear on the right of the CIA to separate employees from their staffs.

Is it not a fact that in any appearance in court which would be entered by an employee or an applicant for employment with the CIA, they would have very limited recourse and the court would have its jurisdiction limited very highly in any such proceeding? At page 12 of the bill, starting with line 17, we have the language:

> Such United States district court shall have jurisdiction—

Skipping to line 22—

> to issue such restraining order, interlocutory injunction, permanent injunction, or mandatory injunction, or enter such other judgment or decree as may be necessary or appropriate to prevent the threatened violation, or to afford the plaintiff and others similarly situated complete relief against the consequences of the violation.

Mr. ERVIN. Yes.

Mr. HRUSKA. I ask the Senator if it is not true that the only questions involved in such a lawsuit would be whether there had been a violation of the prohibitions of psychological tests and polygraphs and questionings, and that only the question of the mechanics of those violations would be raised in the lawsuit, to the exclusion of any substance with regard to the disclosure of material which would be harmful to the national security.

Mr. ERVIN. That is true, because the controversies which would arise under the bill would relate only to the question of whether or not the agency was violating this act. This act has nothing to do with the collection of security information.

Mr. HRUSKA. Violation of the act with reference to the procedures used in employment practices, but not its substance?

Mr. ERVIN. Only as related to the rights enumerated in the bill.

Mr. HRUSKA. But only the procedural matter, the fashion in which it was done, not as to substance?

Mr. ERVIN. The right to discharge employees would remain unhampered, except the agency could not discharge an employee because he refused to comply with a request or requirement which is illegal under the act.

Mr. HRUSKA. So there would not be any serious impingement on the statutory power of the CIA to discharge if it saw fit, and this act would have no effect on that authority?

Mr. ERVIN. Except in the situation where the employee refused to agree to a violation of the act.

Mr. HRUSKA. That is what the act is for. It provides that the agency shall not use such procedures.

Mr. ERVIN. It would not affect the right of the agency to discharge employees on any other ground at all.

Mr. HRUSKA. That is my understanding. I am grateful to the Senator for his explanation.

The Senator from North Carolina and I have had long discussions on this subject. If there were any intimation, if there were any suggestion, that there would be an adverse effect upon the national security by this bill, I would not be for it and would not be urging the Senate to enact the bill into law.

Mr. ERVIN. As a matter of fact, I think the bill would promote the national security and would increase the value of the personnel of the CIA and NSA if the agencies would abandon this 20th century witchcraft, and ascertain information about their employees from other sources.

Mr. HRUSKA. I thank the Senator.

Mr. ERVIN. I think they are driving away from employment some of the best brains in this country—people who do not like to be humiliated by the questions put to them under the polygraph procedures.

Mr. STENNIS. Mr. President, I am going to yield to the Senator from Maryland [Mr. TYDINGS], but may I make this statement. Several Senators have inquired about this. As far as the Senator from Mississippi knows, there will be no further amendment offered to the bill.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. YOUNG of North Dakota. I may offer an amendment to strike out lines 20 and 21, on page 19, which exempt the FBI. I do not know why the FBI should not be included.

Mr. STENNIS. I beg the Senator's pardon. I had not been informed about that.

I yield now to the Senator from Maryland [Mr. TYDINGS].

Mr. TYDINGS. Mr. President, I wish to take this opportunity to commend the Senator from North Carolina on the splendid public services he has performed in the draftsmanship of this legislation for the protection of civil service employees. As he knows, I have worked with him in committee and worked on the language of one of the amendments which was adopted.

For the purpose of the legislative record of this debate, I would like to make clear what I already understand to be the Senator's position and the meaning of certain parts of the legislation. I am particularly concerned with those sections which have to do with the right of counsel by the employee and the right to judicial review. It is my understanding that the rights intended here are not intended to be used in such a way as to violate the national security.

The issue which I can see arising is on the discharge of an employee on the grounds of national security, with reference to the section on the right of counsel in taking the case into court or the right of judicial review, and in court the Government having the option of either trying to prove that it is a national security case and disclosing matters which might be vital to the national security or dismissing the prosecution. The situation arose in 1964 in the Buturko case in New Jersey. The Government had the option

of disclosing the nature of the evidence and going ahead with the dismissal proceeding—I think it was an espionage case—or dropping the proceedings and not disclosing the evidence.

I wanted to get the Senator's view on this particular problem as it could possibly or theoretically arise.

Mr. ERVIN. Under the statute I read a moment ago, the CIA has absolute authority to discharge an employee for any reason or no reason whatever, and there is no remedy for the employee.

Then, under Public Law 88-290, similar authority is given the Secretary of Defense to fire any employee of the National Security Agency. The only due process given the employee is the arbitrary decision that his dismissal is in the interest of the United States.

The only issue under S. 1035 that could ever be raised in court concerning a discharge of an employee would be whether he was discharged because he refused to violate the act or refused to accede to an action made illegal by the act. I repeat, that is the only limitation. I do not see how other matters could ever get into court under the act. The employee could be fired for any other reason on the face of the earth, or for no reason, and there could be no recourse. The only point that could be relevant would be whether the agency had violated the act.

Mr. TYDINGS. So the provisions of subsection (k), which have to do with the right to counsel, and also the provisions which the distinguished Senator from North Carolina read having to do with judicial review, would not be intended to circumscribe the right or the power of either of the intelligence agencies to discharge an employee without the disclosure of national security data.

Mr. ERVIN. That is true.

Mr. TYDINGS. I thank the Senator.

Mr. ERVIN. I believe that under the statutes any matters sought to be admitted but affecting national security would be held to be incompetent, even if they were relevant; and I do not see how they could be relevant.

I wish to thank the Senator from Maryland for his gracious remarks and to say that he has been instrumental in bringing the bill to its present state. As a member of the Committee on the Judiciary, he made a number of helpful suggestions.

Mr. TYDINGS. I thank the distinguished Senator.

Mr. STENNIS. Mr. President, I do not expect to continue to hold the floor for more than a few minutes. I should like to ask a question of the distinguished Senator from Nebraska, who is an eminent lawyer and devoted much time and work to the bill.

Do I correctly assume that the Senator from Nebraska heard the responses of the Senator from North Carolina [Mr. ERVIN] about the point that was raised concerning court proceedings, especially the response that any matter concerning the security of the Nation or the States would not be admissible in evidence?

Mr. HRUSKA. I am sure that is true.

Mr. STENNIS. Could I get the Senator's opinion on that point?

Mr. HRUSKA. Mr. President, I did hear the colloquy between the Senator from Mississippi and the Senator from North Carolina, and I fully subscribe to the interpretation that was placed upon this entire situation by the Senator from North Carolina.

The bill as drafted would not be the basis for permission to get into the substance in any manner whatsoever. If procedural matters which are prohibited in this bill have been violated, and the prohibitions have not been abided by, then a court action would lie. I have already read into the RECORD the language as to the jurisdiction of the district court in the matter; but I shall do so again, for purposes of emphasis. The jurisdiction of the court, after the evidence is in, would be "to issue such restraining order, interlocutory injunction, permanent injunction, or mandatory injunction, or enter such other judgment or decree as may be necessary or appropriate to prevent the threatened violation, or to afford the plaintiff and others similarly situated complete relief against the consequences of the violation."

So there would be no room under this bill, if it became law, to get into the substance of any of the records of the CIA or the NSA.

Mr. STENNIS. I thank the Senator. I value his opinion.

Mr. President, I propose to conclude my remarks, now, with this thought: I think the modification made by the Senator from North Carolina, adding at the proper place the words "or his designee," has met, in part at least, the objection to that provision of the proposed act.

In the second place, our colloquy with reference to the courts, while I do not suggest that Senators in debate can change the law or control the courts, as far as they go, with the Senators' statements of their ideas about the subject matter I think are a contribution to the debate and to the record of the legislative history.

Mr. President, under all the circumstances controlling here, I still have some very serious questions and very strong doubts in my mind about the applicability of this proposed act to the CIA and to the NSA; and for that reason I shall not vote for the bill, but will oppose it.

However, under all the circumstances, as far as I am concerned, I shall not offer any amendment; but I do wish to reserve the right, if the bill comes back, after it goes to the House of Representatives, with provisions in it that I think are seriously objectionable, to be free to oppose it at that time.

Mr. President, I yield the floor.

Mr. ERVIN. Mr. President, I should like to make just one comment. This bill would make only one limitation on firing employees. They can still be fired for any cause, or without any cause, except for the cause that they refused to violate the act or give up any of their rights under the act. That would be the only thing relevant to the inquiry.

Mr. STENNIS. I thank the Senator.

Mr. YOUNG of North Dakota. Mr. President, I send to the desk an amendment, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from North Dakota [Mr. YOUNG] proposes an amendment, as follows:

On page 19, strike out sections 6 and 7, lines 6 through 21, and insert:

"SEC. 6. Nothing contained in this Act shall be construed to prohibit an officer of the Central Intelligence Agency or of the National Security Agency or of the FBI from requesting any civilian employee or applicant to take a polygraph test, or to take a psychological test, designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters, or to provide a personal financial statement, if the Director of the Central Intelligence Agency or his designee, or the Director of the National Security Agency or his designee, makes a personal finding with regard to each individual to be so tested or examined that such test or information is required to protect the national security."

Mr. YOUNG of North Dakota. Mr. President, all this amendment would do would be to put the FBI in exactly the same category as the CIA and the NSA. I do not know why that should not be done. To single out these two Agencies—the CIA and NSA—would certainly give them a bad name throughout the world. All three are intelligence-gathering agencies, and why one should be expected and not the others, I cannot understand.

I hope that the author of the bill will accept the amendment.

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

Mr. YOUNG of North Dakota. I yield.

Mr. ALLOTT. Is the Senator aware that in the reading of the amendment, in that portion which is now at lines 16 and 17, the Director of the FBI or his designee is omitted?

Mr. YOUNG of North Dakota. No; I am not.

Mr. ALLOTT. It was omitted.

Mr. YOUNG of North Dakota. Mr. President, I ask to modify my amendment to include it.

THE PRESIDING OFFICER. The Senator may modify his amendment.

Mr. ALLOTT. Mr. President——

The PRESIDING OFFICER. The Senator from North Dakota has the floor.

Mr. ALLOTT. Will the Senator yield?

Mr. YOUNG of North Dakota. I yield.

Mr. ALLOTT. I see that in the amendment, as sent to the desk, the FBI is included at that point, although it was omitted when the amendment was read.

I thank the Senator for yielding.

The LEGISLATIVE CLERK. The amendment as proposed by Mr. YOUNG of North Dakota was as follows:

On page 19, strike out sections 6 and 7, lines 6 through 21, and insert:

"SEC. 6. Nothing contained in this Act shall be construed to prohibit an officer of the Central Intelligence Agency or of the National Security Agency or of the FBI from requesting any civilian employee or applicant to take a polygraph test, or to take a psychological test, designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters, or to provide a personal fi-

nancial statement, if the Director of the Central Intelligence Agency or his designee or the Director of the National Security Agency or his designee or the Director of the FBI or his designee makes a personal finding with regard to each individual to be so tested or examined that such test or information is required to protect the national security."

Mr. YOUNG of North Dakota. Mr. President, I would hope that the Senator from North Carolina, who is handling this bill, would be able to accept this amendment. If not, I shall ask for the yeas and nays.

Mr. ERVIN. Mr. President, I feel I cannot accept the amendment, because my committee, having voted on the question of whether the FBI should be included in the bill, voted to exempt it.

I can answer my good friend from North Dakota as to the reason for the exemption. If all of the departments and agencies of the Government had conducted their relationships with their employees in the same manner in which the FBI has conducted its relationships with its employees, this bill would not have been introduced. There would have been no occasion whatever for it.

I do not see much use in putting restrictions on use by the FBI of polygraph tests or psychological tests, because it does not use either of them. The other two security agencies to which the restriction has been applied use them all the time. They use them daily, and they are driving away from Government employment some of the best brains that come to them, because of the insults they heap on their applicants in these polygraph tests. That is the distinction.

Mr. YOUNG of North Dakota. In effect, what we are doing then is legislating to exonerate one official and condemn another.

The Director of the Central Intelligence Agency has been changed three times since I have been a member of that committee. I do not know which particular Director the legislation is directed at. If it is not directed at any particular one, why should we not put them all in the same category?

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. MONTOYA in the chair). The question is on agreeing to the amendment of the Senator from North Dakota.

The Senator from New Hampshire is recognized.

Mr. COTTON. Mr. President, in view of the fact that the yeas and nays have been ordered on the amendment of the distinguished Senator from North Dakota [Mr. YOUNG], the Senator from New Hampshire wants to make it plain before the roll is called that he is perfectly willing to vote for, and will vote for, the amendment. He sees no reason why the very meritorious bill of the distinguished Senator from North Carolina should not be universally applied. However, in voting for the amendment, the Senator from New Hampshire wants it distinctly understood he recognizes the fact that insofar as he knows and has ever heard in the years he has been here, the FBI has not been guilty of any conduct that would require this legislation, and that this amendment is to be agreed to merely in the interest of uniformity.

Mr. President, the Senator from New Hampshire recognizes the undoubted service that the CIA has rendered in the interest of national security. It is very rare that the Senator from New Hampshire finds himself somewhat in disagreement with some of the distinguished Senators who have so seriously defended the CIA. He certainly wants its functions in preserving national security to be unhampered and thoroughly preserved.

However, although he is perhaps regarded as a conservative and not too popular with many of the organizations who hold themselves out as being the champions of individual rights, the Senator from New Hampshire wants to say that from his experience in the Senate, he is reluctantly compelled to observe that the CIA has been in many instances a very arrogant and very powerful agency of our Government.

The Senator from New Hampshire does not question the motives of patriotism or the diligence of any of the executives of that Agency, but all of the enemies of our country are not necessarily foreign enemies. I do not imply that we have any enemies in the CIA as individuals. However, the Senator from New Hampshire for a number of years has viewed with some degree of apprehension the growth of power and secrecy of this particular organization, as he views with apprehension any department of the Government that can operate with such secrecy and so much power, because there is always danger of the invasion of our country's liberties when we create within the Government any kind of a Frankenstein monster that enjoys particular privileges of secrecy and exercises those privileges to such degree.

Certainly, no one wants any of our agents endangered by the disclosure of information. It has been the experience of this Senator, however, that even as a member of the Appropriations Committee, he has not only found it impossible to get certain information about the expenditures of money and about the general policies of the CIA, but he has also actually had the experience of going to his colleagues in the Senate who serve on committees and who are possessed of that information, and those colleagues have been compelled to tell him that they cannot even disclose the information to him because the nature of the information is so secret that it can be known only to a few Members of Congress who serve on certain committees.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. YOUNG of North Dakota. Does this same situation not apply to other classified information? We get highly classified information on military affairs, and oftentimes I do not feel that I should tell a colleague what I was told in committee.

The same thing applies with regard to the Atomic Energy Commission. I have never been able to get much information there.

Mr. COTTON. The Senator from New Hampshire specifically referred to the expenditure of money. I do not have and do not want military secrets, but at the same time I have no difficulty in determining how our military appropriations are being spent. I do not want to know secrets of the Atomic Energy Commission, but again I have had no trouble in finding out how its money is being spent. This is not true of expenditures made by CIA.

I think, however, that every Member of the U.S. Senate is entitled to a reasonable amount of information, particularly if he serves on the Appropriations Committee, as to how money is being expended. And I doubt whether it is necessary to divulge dangerous secrets to do so.

This is not said with hostility toward the CIA. It may sound so. It is said merely because I did not want the debate to close without indicating the apprehension at least one Senator feels about the creation of this or any other blue-ribbon agency within the structure of the U.S. Government.

I think the Senator from North Carolina is to be commended for his bill.

I, of course, refrained from impeding the progress of the Senate by objecting to his request for unanimous consent to revise and accept an amendment. I will be honest and say that I regretted the acceptance of that amendment. I felt that it unnecessarily weakened his bill and that it practically meant that the Director of the CIA could delegate to anybody, or to a different person every day, the authority to do the acts that the bill was intended to curb.

I shall vote for the amendment offered by the distinguished Senator from North Dakota. That vote, however, is not to be construed as a reflection on the FBI, an agency for which I have the greatest respect. It merely reflects the belief of this Senator that every department and agency should be subject to the provisions of the very meritorious bill presented by the Senator from North Carolina and his colleagues.

I yield the floor.

Mr. HOLLAND. Mr. President, I shall vote for the amendment of the distinguished Senator from North Dakota, but for a different reason from any that have been suggested.

If Senators will note the title of the bill, they will note that it reads:

To protect the civilian employees of the executive branch of the United States Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy.

I would not like to see the Senate take action which would make it appear that we are less interested in protecting the employees of the FBI than we are in protecting the employees of any other Government agency from any action of the type that is protected against.

My own feeling is that there is no real justification for the section that excludes the FBI—that is section 7—and that unless there is some justification about which I have not yet heard, we shall all desire to give similar treatment and similar protection to all employees of the executive agencies, which I surely be-

lieve we should give. For that reason, I shall support the amendment.

Mr. YOUNG of North Dakota. Mr. President, if the Senate is ready to vote, I ask unanimous consent to rescind the order for the yeas and nays.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). Is there objection to the request of the Senator from North Dakota? The Chair hears none, and the order for the yeas and nays is rescinded.

The question is on agreeing to the amendment of the Senator from North Dakota.

The amendment was agreed to.

Mr. COTTON. Mr. President, in view of the fact that the remarks just made by the Senator from New Hampshire were made simply because of the yeas and nays having been ordered, the Senator from New Hampshire now asks unanimous consent that his remarks be stricken from the RECORD, although he meant every word. But there was no need for his remarks unless there was to be a roll-call vote on including the FBI.

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

Mr. ERVIN. Mr. President, the Senator from New Hampshire was so eloquent that I am inclined to object to his request. I am inclined to object, especially since he paid me a nice compliment in his remarks. In order that I not be put in the position of making such objection, I ask the Senator from New Hampshire to withdraw his request that his remarks be stricken from the RECORD. [Laughter.]

Mr. COTTON. Mr. President, I am willing to yield to the Senator's request. I now ask unanimous consent that my remarks remain in the RECORD.

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

Mr. FONG. Mr. President, every American is aware of the fact that under our republican form of government, the will of the people is accorded primacy. Our Government is responsive to this will, for it is a government of laws—administered by men whose decisions reflect the value judgments of the governed.

Whenever administrative decisions have not reflected those values, the electorate usually responded by electing to office men whose views are in tune with public sentiment.

By statute, the representatives of the people have implemented many of the protections guaranteed under our Constitution. These laws have provided extensive protection for the rights of citizens against arbitrary administration.

In recent years, Federal activities have expanded at a breathtaking rate. With this expansion and with the rapid escalation of technological dvelopments, departures from constitutional liberties once deeply cherished have become increasingly evident.

This has been particularly true in the case of one large and vitally important segment of our population—the thousands of employees and private citizen-advisers who serve the Government.

It seems to me rather ironic that Government employees, so necessary in the carrying on of the functions of Government, do not themselves reap the harvest of liberty, but rather are more and more subject to harassment and intrusions into their private lives.

For some time now, the Judiciary Subcommittee on Constitutional Rights, of which I am a member, has received disturbing reports from responsible sources concerning violations of the rights of Federal employees. The invasions of privacy have apparently reached such alarming proportions and are assuming such varied forms, that the matter now demands immediate corrective measures.

The misuse of privacy-invading personality tests for personnel purposes has been the subject of extensive subcommittee hearings. Other matters, such as improper and insulting questioning during background investigations and abridgment of due process guarantees in denial of security clearances have also been the subject of study.

Other employees complaints, fast becoming too numerous to catalog, concern such diverse matters as psychiatric interviews; lie detectors; restrictions on communicating with Members of Congress; pressure to support political parties, and yet, restrictions on political activities; coercion to buy savings bonds; extensive limitations on outside activities, and yet, administrative influence to participate in agency-approved functions; rules for writing, speaking, and even thinking; and requirements to disclose personal information concerning finances, property, and creditors of employees and members of their families.

Many of the practices now in extensive use have little or nothing to do with an individual's ability or qualification to perform a job.

The subcommittee has sought by hearings and investigation to remedy these problems on a case-by-case, agency-by-agency basis. Although response has been uniformly courteous, it has brought no satisfaction. Corrective legislation is clearly required.

The bill now before the Senate, S. 1035, introduced by the distinguished Senator from North Carolina and chairman of the subcommittee [Mr. ERVIN], is designed to halt many of the practices of which Federal employees have complained and to protect them from further incursions into their privacy.

This measure is intended to be a bill of rights for government employees. The bill contains provisions for administrative remedies and penalties, to be administered through an independent Board of Employees' Rights, which the proposal would create.

Creation of this Board will assure that employees have a place to lodge their complaints of violations of the act without fear of reprisal and with the knowledge that the issues will be considered free of administrative and executive interference.

The bill would make it unlawful for an officer of any department or agency to require or request, or attempt to require or request, any employee or applicant for employment to disclose his race, religion, or national origin. It should be noted that the bill would not bar head counts of employee racial extractions, for statistical purposes, by supervisors.

However, Mr. President, the Congress has authorized a merit system for the Federal service—and the race, national origin, or religion of an individual or his forebears should have nothing to do with his ability or qualification to do a job.

An inquiry as to citizenship, where it is a statutory condition of employment, would be allowed.

The bill prohibits requiring or requesting employees to participate in any function or activity not within the scope of official activities.

Reports have come to the subcommittee, for instance, that some agencies have either prohibited flatly or required employees to report all contacts, social or otherwise, with Members of Congress or congressional staff members.

The prohibitions of the bill regarding attendance at outside meetings, reports on personal activities, and participation in outside activities do not apply to the performance of official duties or to the development of skill, knowledge, and abilities which qualify the person for his duties, or to participation in professional groups or associations.

Under the bill, officers may not forbid or attempt to forbid any employee of the department or agency to patronize any business establishment offering goods and services to the public. This provision is designed to meet complaints that some agencies tell the employees where they can eat, shop, or do business.

The bill would forbid the Government to submit its employees or any applicant for employment to any interrogation, examination, or psychological or polygraph test which is designed to elicit from him information concerning his relationship to any person related to him by blood or marriage, or concerning his religious beliefs and practices, or his attitude or experience in sexual matters.

Testimony received by the subcommittee, as well as other committees of Congress, shows that the instruments testing response to questions about such personal areas of an individual's life, habits, and private thoughts are of questionable validity.

The invasion of personal privacy by use of such techniques has no place in the Government's relationship with its employees or applicants for employment. Nor do interview techniques used on job applicants in some agencies.

Scandalous cases have been reported to the subcommittee involving high school graduates, college students, and professional people seeking Government employment who have been subjected to harrowing sessions with security investigators or psychologists. They probe the relationships of the applicant with friends and members of their families regarding religious and sexual experiences. Surely, these practices can only seriously damage the image of our Federal civil service, increase the turnover in good people, and jeopardize recruitment.

Exceptions to these privacy-invading practices are provided upon psychiatric determination that the information is necessary in the diagnosis and treatment of mental illness in individual cases.

Such personal questions, however, may not be a part of a general practice or regulation governing the examination of employees or applicants on the basis of grade, job, or agency.

Under the bill employees may not be required or requested to support any candidate, program, or policy of any political party or to support any political party by personal effort or contribution of money or other thing of value. These activities are prohibited, whether they are designed to support the election or the nomination of persons to public office.

A major area of complaint received by the subcommittee has related to outright coercion and intimidation of employees to buy everything from savings bonds to electric light bulbs for playgrounds.

While the bill would prevent coercion to invest in Government bonds or other securities, or make donations for any cause, it would not prevent calling meetings or taking any action appropriate to afford employees the opportunity to invest or donate voluntarily.

This bill, with a few limited exceptions, would prohibit requiring disclosure of an employee's assets or liabilities, or his personal or domestic expenditures or those of any member of his family.

Only persons with final authority in certain areas may be subject to disclosure requirements.

The massive disclosure requirements issued by many Federal agencies pursuant to Executive Order No. 11222 go far beyond the proper concern with the prevention of conflict of interest and corruption in Government. At the time of the issuance of the Presidential directive, White House and civil service spokesmen said that it would affect but 2,000 political appointees. Now, as agency after agency issues regulations to implement the order—with the imprimatur of the Civil Service Commission—not only has a big brother counseling system been established in each agency, but thousands of regular employees and private sector advisers and consultants are being required without option to fill out such questionnaires periodically.

Aside from the invasion of privacy, and the fact that the Federal Government is made to look foolish, the expense of these programs to the taxpayers is simply so much money poured down the drain.

Moreover, it has become evident that the cost in terms of civil service morale is already being reflected in frustration and indignation by many of our civil servants.

An individual's economic liberty and his right to privacy are so important, that an employee suspected of misconduct should not be required to submit to interrogation which could lead to disciplinary action, without the presence of counsel or other person of his choice. The bill would give him this right.

The Subcommittee on Constitutional Rights has been studying this matter for some time, investigating numerous serious complaints. It found that there were widely divergent practices among the regulations of agencies involving this fundamental right.

Our system of justice affords every accused facing criminal charges the right to counsel, even in preliminary interrogations. Certainly, we can do no less for civil servants facing severe economic penalties in the loss of jobs or loss of clearance for sensitive positions in Government and private defense industry.

The bill would make it unlawful to discharge, discipline, or deny promotion to an employee who refuses or fails to submit to any of the requirements, requests, or actions described in the bill. Penalties are established for any officer who willfully violates the act.

The bill would thus enable the employee or applicant to look to the Federal district court at any point in the administrative process to halt privacy invasions. He may ask for an order, injunction, or other judgment, and for complete relief against the consequences of the violation.

The bill rightly takes into account national security considerations. Specifically exempted from all provisions of the bill is the Federal Bureau of Investigation. In addition, nothing in the bill would prohibit an official of the Central Intelligence Agency and the National Security Agency from requesting any employee or applicant to take a polygraph test or a psychological test, or to provide a personal financial statement designed to elicit the personal information protected under other provisions of the bill. In these cases, the Director of the Agency must make a personal finding with regard to each individual to be tested or examined that such test or information is required to protect the national security.

Mr. President, when this bill was initially scheduled for Senate debate more than 2 weeks ago, consideration of the proposal was postponed because of objections raised by the Central Intelligence Agency and the National Security Agency. These Agencies felt that they should be completely exempted from the requirements of the bill.

I do not believe they should be exempted.

The subcommittee has been giving this matter our most careful study and analysis during the past 3 years, when we first started investigation of the broader aspects of the problem.

The distinguished chairman of the subcommittee [Mr. ERVIN], who has been in the forefront of efforts to protect the constitutional rights of Federal employees, has been in almost constant touch with all the agencies of our Government having to do with national security questions.

After a most exhaustive analysis of the whole picture, the subcommittee adopted amendments to the bill exempting the FBI, and granting a partial exemption to the CIA and NSA, as I explained earlier.

I strongly agree with my good friend, the distinguished senior Senator from North Carolina [Mr. ERVIN], that all Federal employees should be accorded the protection of their privacy and basic rights, regardless of the mission of the agency for which they happen to work.

The CIA and NSA have had ample opportunity to present their views and discuss their problems with the subcommittee over these last 3 years. By raising objections to the bill at the 11th hour is to me only an attempt to kill the legislation.

Mr. President, the invasions of privacy under threats and coercion and economic intimidation are widespread in our Federal civil service system today. They represent tyranny of the worst kind. In their effect on individuals and in their impact on society as a whole, they surpass any privacy invasions and illegal searches and seizures to which arbitrary rulers and administrators attempted to subject our forefathers.

They constitute an admission by the Civil Service Commission and the agencies that they are having great difficulty in operating the merit system, despite all the tests and rules for determining the qualifications of applicants and employees, and making a selection on the basis of merit.

The degree of privacy in the lives of our civil servants is small enough as it is, and is still shrinking with further advances in technical know-how. That these citizens are being forced by economic coercion to surrender this precious liberty in order to obtain and hold jobs is a form of tyranny which should greatly disturb every American.

S. 1035 is a good, strong measure, which at the same time effectively balances the interests involved, first, on one hand, the interest of the Government in attracting the best qualified individuals to its service, in protecting the national security, promoting equal employment opportunities, assuring mental health, and conducting successful bond-selling campaigns; and, second, on the other hand, the interest of the individual in protecting his rights and liberties as a private citizen.

The balance of these interests achieved by S. 1035 assures our Government employees constitutional rights long considered minimal in our democracy.

Congressional action on this legislation to protect the constitutional rights of our citizens who are also employees of Government is long overdue. I urge the Senate to adopt the bill S. 1035.

Mr. MONTOYA. Mr. President, I congratulate the distinguished Senator from North Carolina [Mr. ERVIN] for his initiative, foresightedness, and determination in making it possible for us to be considering here in the U.S. Senate today, a most essential measure designed to safeguard the right of privacy of Federal employees. I am indeed pleased to be one of the cosponsors of this measure.

S. 1035 is long overdue. The establishment and enforcement of minimum standards in this area is essential if our cherished American concept of personal freedom is to be vital and meaningful.

Safeguarding constitutional guarantees and civil liberties of our Federal employees must come high on our list of musts, without which there can be no individual freedom for any of us. Government and the people it serves suffer when such workers are not protected from the overzealous or overly curious investigator. Unwarranted snooping or coercion of any kind must stop now, not later.

The provisions of this bill are of special significance in this moment in his-

tory when science and technology are busy producing a multitude of new procedures and devices which, although they have great potential usefulness for mankind, might also, unless their use is carefully regulated and controlled, result in great personal damage or hardship to the individual, either in or out of Government service.

The provisions of S. 1035 have been spelled out for us here today. I believe that each of us are familiar with and know of the very practices which it is designed to protect against. The corridors of Government are being stalked by the specter of the lie detector test, the unwarranted psychological and so-called sanity test, enforced buying of bonds and probing questions asked on religious beliefs and sexual attitudes.

Too often do we hear of a Federal employee being, in effect, forced into attending Government-sponsored meetings and lectures out of fear of losing their jobs or not receiving that long-expected promotion. Too often do we hear of Federal employees being forced to participate in outside activities or undertakings unrelated to their work.

Government employees have had their constitutional guarantees eroded or abrogated outright, and have been inhibited in their behavior, if not outrightly coerced to a frightening extent. How can our Government function and serve our people with this type of repressive atmosphere anywhere within its confines?

We must put a stop to these practices now and S. 1035 will provide the necessary machinery.

I do not wish to leave the impression that these practices are the rule rather than the exception. I am confident the great majority of Federal supervisors do not resort to such practices. But it is important that the rights of the employee be protected from the unwise or prejudicial actions of the few who are less scrupulous or conscientious.

Rightly so, section 1 not only makes it unlawful to do any of the acts prohibited by the bill but it also makes it unlawful to persuade or attempt to persuade others to take such prohibited actions. Thus a supervisor cannot subject his subordinates to performing any of the acts or submit to any of the requirements made unlawful by this measure.

Significantly, the bill cannot be characterized as an exercise in wishful thinking. The bill before us has teeth in it.

Under section 4, the injured Federal employee or the applicant for Federal employment, may bring a civil action for violation. We can anticipate, however, that the more usual enforcement procedure will be through the Board of Employees' Rights which the bill establishes under section 5.

The Board of Employees' Rights shall have the authority and duty to receive and investigate written complaints from or on behalf of any person claiming to be affected or aggrieved by any violation or threatened violation of this measure and to conduct a hearing on each such complaint. After a fair and impartial hearing if the Board determines that there has been a violation of this act, the act provides for appropriate remedies and punishment.

The Board in and of itself represents a significant advance. Many of the complaints that can be expected to be handled under this act will inevitably be of the kind that in the past were handled under the existing grievance procedures. Professional people have been complaining for a long time that these procedures were seriously inadequate, particularly in that the department or agency concerned acted simultaneously in inconsistent capacities.

So far as its own actions are concerned, the very actions about which the employee was complaining, the defendant department or agency acted as both judge and jury. The aggrieved employee was never able to present his case before an impartial tribunal, and the result has been that employees generally lost faith in the system and did so to such an extent that it has come to be used relatively little.

The establishment of this Board will surely represent a long step forward in correcting this situation. If the bill did nothing more than this—although it does do much more—it would still be worth enacting.

Finally, if these procedures do not prove, in any given case, to be efficacious, the aggrieved employee is specifically authorized to file suit in the U.S. District Court.

This bill is a most essential one and it is a most timely one. In this period of extraordinary unrest and discontent, groups of all sorts are organizing and demanding rights which, in the past, they never realized they had. It seems to me that this proposed legislation reflects a degree of foresight and statesmanship on the part of the distinguished Senator from North Carolina, SAM ERVIN, and he should be greatly commended for his initiative.

By enacting this bill, the Congress will be recognizing at least by implication, what mistakes have been made in this area in the past; but by taking steps to prevent their repetition in the future, it will be reinforcing the procedures of law and order, and above all it will be protecting the rights of the individual.

I urge this body to give this measure prompt and final approval and I call upon our colleagues in the House of Representatives to join us in the immediate future in our action here today.

Once again, my congratulations to Senator SAM ERVIN for proposing this landmark bill and my thanks to him for permitting me the opportunity to become a cosponsor of the measure.

Mr. YARBOROUGH. Mr. President, there are certain individual rights which must be considered fundamental to our social and political framework, and as such, the protective mechanisms which we erect about them must always remain impregnable. Those imaginative and perceptive gentlemen who gathered in Philadelphia in the spring of 1787 were well versed on the subject of individual rights, and the fruit of their labors is above all an affirmation of the inherent dignity and inalienable liberty of the individual citizen.

Of all individual rights, that of personal privacy is most basic in our system. The very First Congress submitted and the requisite States subsequently ratified the first amendment to the Constitution, the spirit of which protects the citizen's private thoughts, beliefs, attitudes, and actions. This principle is the essence of constitutional liberty in our free society. It has long been affirmed and has been continually extended by the courts of the land.

Yet it is nonetheless a fact that there are today an intolerable number of cases involving Federal employees where even minimal bounds of privacy have been invaded. Much has been written of the progressiveness of the Federal Government as employer, but these blatant violations blight the record and cannot be ignored. Thus it is that I joined with scores of my colleagues in the Senate to cosponsor S. 1035, a bill to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy. I take this opportunity to commend especially the distinguished gentleman from North Carolina [Senator ERVIN] for his sponsorship of this urgently needed measure, and for the leadership that he has provided throughout its legislative history.

A civil servant relinquishes no constitutional rights by seeking a public career, and he cannot be considered less a citizen for having made this choice. The public employee remains a private man, and Congress has a moral and legal obligation to maintain a rigid separation between the restrictions of the former and the liberties of the latter.

In a society that includes a rampantly developing technology, a propensity for centralized organization, and an appetite for the mass produced, there is a vital need for leaders to look beyond efficiency and take care that individual liberty and privacy are protected from unwarranted intrusions. S. 1035 takes this long look. Mr. President, for the benefits that it would provide our Federal employees today and for the promises that it holds for tomorrow, I have cosponsored, will actively support, and recommend passage of this Federal employee rights bill.

Mr. SCOTT. Mr. President, I am pleased to support S. 1035, which I cosponsor. The bill is designed to protect the constitutional rights of Federal employees and prevents unwarranted invasion of their privacy.

This is one more step in the historical defense of American privilege, liberty, and of our inherited rights.

S. 1035 prohibits indiscriminate requirements that employees and applicants for Government employment disclose their race, religion, or national origin, prevents unwarranted invasion into or control over personal attitudes, opinion, and activities unrelated to their employment.

It makes it illegal to coerce an employee to buy bonds or make contributions; or to require him to disclose his personal assets, liabilities, or expenditures or those of any member of his

family except where conflict of interest is possible.

Under S. 1035, an employee is given the right to have counsel present at any interview which could lead to disciplinary proceedings, accords the right to civil action in a Federal court for violation or threatened violation of the act, establishes a Board on Employees' Rights to receive and conduct hearings on complaints of violation of the act, and to determine and administer remedies and penalties.

Mr. STENNIS. Mr. President, I ask for the third reading.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

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

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada [Mr. BIBLE], the Senator from Oklahoma [Mr. HARRIS], the Senator from Michigan [Mr. HART], the Senator from Montana [Mr. MANSFIELD], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], and the Senator from Missouri [Mr. SYMINGTON] are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Pennsylvania [Mr. CLARK], the Senator from North Carolina [Mr. JORDAN], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Montana [Mr. METCALF], and the Senator from Florida [Mr. SMATHERS] are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada [Mr. BIBLE], the Senator from Pennsylvania [Mr. CLARK], the Senator from Oklahoma [Mr. HARRIS], the Senator from Michigan [Mr. HART], the Senator from North Carolina [Mr. JORDAN], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Utah [Mr. MOSS], and the Senator from Florida [Mr. SMATHERS] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. DOMINICK] and the Senator from Arizona [Mr. FANNIN] are absent on official business.

The Senator from New York [Mr. JAVITS] is also necessarily absent.

If present and voting, the Senator from Colorado [Mr. DOMINICK], the Senator from Arizona Mr. [FANNIN], and the Senator from New York [Mr. JAVITS] would each vote "yea."

The result was announced—yeas 79, nays 4, as follows:

[No. 248 Leg.]

YEAS—79

Aiken	Bennett	Byrd, Va.
Allott	Boggs	Byrd, W. Va.
Baker	Brewster	Cannon
Bartlett	Brooke	Carlson
Bayh	Burdick	Case
Church	Jackson	Pearson
Cooper	Jordan, Idaho	Pell
Cotton	Kennedy, Mass.	Percy
Curtis	Kennedy, N.Y.	Prouty
Dirksen	Kuchel	Proxmire
Dodd	Lausche	Randolph
Ellender	Long, Mo.	Ribicoff
Ervin	McCarthy	Scott
Fong	McClellan	Smith
Fulbright	McGee	Sparkman
Gore	McGovern	Spong
Griffin	McIntyre	Talmadge
Gruening	Miller	Thurmond
Hansen	Mondale	Tower
Hartke	Monroney	Tydings
Hatfield	Montoya	Williams, N.J.
Hayden	Morse	Williams, Del.
Hickenlooper	Morton	Yarborough
Hill	Mundt	Young, N. Dak.
Holland	Murphy	Young, Ohio
Hruska	Nelson	
Inouye	Pastore	

NAYS—4

Eastland	Russell	Stennis
Hollings		

NOT VOTING—17

Anderson	Hart	Metcalf
Bible	Javits	Moss
Clark	Jordan, N.C.	Muskie
Dominick	Long, La.	Smathers
Fannin	Magnuson	Symington
Harris	Mansfield	

So the bill (S. 1035) was passed.

Mr. ERVIN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HOLLAND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make all necessary technical corrections in the engrossment of the bill which has just been passed by the Senate.

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

Mr. HOLLINGS. Mr. President, even though I am a cosponsor, I voted against the bill because it weakens the security of our Nation by hamstringing the CIA, the NSA, and other intelligence agencies in their work.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I would like to ask the distinguished acting majority leader about the program for the remainder of the day, and also what he foresees for tomorrow and possibly the rest of the week.

Mr. BYRD of West Virginia. Mr. President, it is my understanding that the distinguished junior Senator from Mississippi [Mr. STENNIS] will proceed immediately to bring before the Senate the Defense appropriation conference report. In discussing this report with the Senator from Mississippi, I am led to believe there will be no rollcall vote on this conference report. That being the case, there will be no more votes today.

It is anticipated that the Senate will adjourn until 12 o'clock noon tomorrow when it completes its business today.

Before adjourning, it will be the intention of the leadership to lay before the Senate as the pending business for tomorrow, S. 1985, a bill to amend the Federal Flood Insurance Act of 1956.

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

Mr. BYRD of West Virginia. I yield.

Mr. STENNIS. The Senator mentioned the conference report. Even though I shall not ask for a rollcall vote, as I see it, there are matters of interest to many Senators that will doubtless come up for discussion and other Senators may ask for the yeas and nays.

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

Mr. BYRD of West Virginia. I yield.

Mr. TOWER. Will the matter of the House insistence on the denial of the opportunity for the British to bid on the seven minesweepers in the bill come up? Is this going to be a matter of controversy?

Mr. STENNIS. I would like to make a statement on that point in a few minutes, if the Senator will permit the leadership to finish the statement.

Mr. BYRD of West Virginia. Following action by the Senate on S. 1985, the Federal Flood Insurance Act of 1956, it is the intention of the leadership to bring before the Senate S. 798, a bill to provide compensation to survivors of local law enforcement officers killed while apprehending persons for committing Federal crimes, which is a bill by the Senator from Arkansas [Mr. MCCLELLAN] and the Senator from Pennsylvania [Mr. SCOTT].

That is all the leadership can foresee at the moment. If the Senate completes its business on those three measures this afternoon and tomorrow, it is anticipated that the Senate, on the completion of business tomorrow will go over until Monday next.

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

Mr. BYRD of West Virginia. I yield.

Mr. MILLER. I was hoping to have a rollcall vote on the conference report, and I do not want to do anything to inconvenience my colleagues, but as I understand it, there will not be a long discussion on it.

Mr. BYRD of West Virginia. The Senator is not precluded by anything I have said from asking for a rollcall vote. I merely stated that it was the feeling of the Senator from Mississippi that he did not intend to ask for a rollcall vote and he did not foresee any.

Mr. STENNIS. Mr. President, I want to make it clear that the reason why we were not going to ask for a rollcall vote, so far as the conferees were concerned, was that the bill we bring back has somewhat less money than the Senate bill, and less than the House bill. It is under last year's budget appropriation. It is under the budget estimate by $1.6 billion.

There are two amendments in which we are interested, which I shall explain.

Mr. MILLER. Mr. President, I should like to ask for the yeas and nays on the conference report.

The PRESIDING OFFICER. The Chair informs the Senator that the conference report is not yet before the Senate.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1968—CONFERENCE REPORT

Mr. STENNIS. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10738) making appropriations for the Department of Defense for

the fiscal year ending June 30, 1968, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of Sept. 12, 1967, pp. 25191–25193, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

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

Mr. MILLER. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. Let me state that I do not object to the yeas and nays on the conference report, but since the bill is less than that voted on by the Senate previously, when we did have a rollcall vote, I thought it was agreeable to omit a rollcall. However, I have no objection to one.

Mr. MILLER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, the committee of conference on this bill spent approximately 5 hours in considering the Senate amendments and have reached agreements on all of them with the exception of No. 18, pertaining to the construction of naval vessels in foreign shipyards. This matter is in actual disagreement, and I will discuss it in detail in a few minutes.

The conferees agreed on appropriations totaling $69,936,620,000, which is under the Senate bill, $195,700,000; under the House bill, $358,580,000; under the budget estimates, $1,647,380,000; and under appropriations for fiscal year 1967, $293,002,000.

As is usual in conferences on appropriation bills, there were compromises on most of the Senate increases and decreases, and I will be glad to respond to any questions with respect to any specific item that Members may have.

Mr. President, I invite the attention of the Senate to the fact that the amount agreed to is under the budget. In large measure, that is due to the very careful analysis and rewriting of the bill by the distinguished Senator from Georgia [Mr. RUSSELL], who makes us all very happy by being in the Chamber this afternoon.

He is the architect of the bill, together with the distinguished Senator from North Dakota [Mr. YOUNG]. They did their usual fine piece of work—in fact, it is an extraordinarily fine piece of work.

Mr. President, compromises were made, particularly with reference to the appropriation amounts, as is always true in a conference of this kind, for the House had also given the utmost study to the bill. It was a harmonious conference, even though there was one matter in complete disagreement.

The committee of conference devoted considerable time to the Navy's F–111B aircraft program and finally agreed on an appropriation of $147,900,000, which is an increase of $32,900,000 over the Senate allowance for this aircraft program. The program agreed upon by the conference committee differs in only one respect from the program approved by the Senate; namely, the Senate provided for the procurement of six aircraft to continue the Navy's research and development program, and the conference committee has agreed upon the procurement of eight aircraft for this purpose. The Senate program also included approximately $10 million for the advance procurement of P–12 aircraft engines to support a possible future buy of this aircraft. No funds were included in the Senate program for the advance procurement of long leadtime components other than these engines. The committee of conference did not change this advance procurement program. Thus, essentially, it was just an increase of two airplanes, and that was the essential difference.

Mr. President, I ask unanimous consent that the two paragraphs appearing on page 6 of the statement of the managers on the part of the House be printed in the RECORD at this point, and it should be noted that these paragraphs reflect the intent of the full committee of conference.

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

Provides $147,900,000 for the F–111B aircraft program instead of $208,800,000 as proposed by the House and $115,000,000 as proposed by the Senate. In recommending $147,900,000 for this program, it is the intent of the committee of conference to provide for the procurement of only 8 F–111B aircraft to continue the Navy's research and development program, and to provide not to exceed $10,000,0000 for the procurement of P–12 engines to support a possible future buy of this aircraft. No funds have been provided for advance procurement of long leadtime components other than the engines referred to above.

Further, it is the intent of the committee of conference in recommending these funds that it considers the F–111B program to be in the research and development stage, with primary emphasis on efforts to prove that the aircraft can be made carrier suitable. The fact that these funds are provided in this appropriation should not be considered as an indication of approving this aircraft for production.

Mr. STENNIS. Mr. President, as I indicated earlier, amendment No. 18, on which the committee of conference could not reach an agreement, pertains to the construction of naval vessels in foreign shipyards. This amendment reads as follows, and I quote from page 17 of the bill as it passed the Senate:

Provided further, That none of the funds herein provided shall be used for the construction of any naval vessel in foreign shipyards.

During the consideration of the bill in the Senate, it was pointed out that the Senate committee had recommended the deletion of this provision inasmuch as it was the view of the committee that this provision would impair our efforts to improve the balance-of-payments situation through the sale of military equipment to our allies, and the Senate concurred in this recommendation. That is what is known as the Byrnes amendment, Mr. President, which was passed by the House and, as I just stated, omitted from the Senate bill.

The Senate conferees stood solidly against that amendment. The House conferees stood solidly, perhaps with one exception, for its inclusion.

Mr. President, I desire to take a few minutes to present the issue involved.

The United Kingdom has agreed to purchase from U.S. manufacturers military equipment, mostly airplanes, the value of which totals approximately $2 billion, during the period 1966 through 1977. In return, the United States has agreed to allow United Kingdom manufacturers to compete on Department of Defense procurement contracts without the application of the "buy American" differential until these manufacturers had successfully bid on contracts totaling $325 million during this 12-year period.

To date, the United Kingdom has placed firm orders with U.S. manufacturers totaling $1.4 billion, and the United Kingdom manufacturers have received orders from the Department of Defense and its contractors totaling $143 million.

This provision is applicable to the $1.3 billion included in this bill for the construction and conversion of naval vessels. Of this total amount, $60.7 million is for the construction of seven wooden ocean minesweepers.

That was the only amount in controversy—the $60.7 million.

In addition to the funds in this act, there is available $76.7 million from prior years for the construction of nine of these minesweepers. Pursuant to our agreement to let British manufacturers bid on an equal footing with American manufacturers on certain Department of Defense procurement actions, the Secretary of Defense has advised the Government of the United Kingdom that the United Kingdom shipyards will be permitted to bid on all 16 of these minesweepers without the application of the "buy American" differential. If the amendment I have referred to remains in the bill, it will not be possible for the Secretary of Defense to fulfill his commitment with respect to all 16 of these minesweepers. However, it should be noted that if this provision is retained in the bill, the Secretary of Defense could allow the United Kingdom shipyards to bid on those nine that were funded in prior fiscal years without the application of the "buy American" provision. On the other hand, with respect to the original agreement calling for $325 million of U.S. orders to United Kingdom manufacturers, there would still be ample opportunity for the Department of Defense to fully comply with this agreement during the 12-year period.

Of course, that means if it were not prohibited by the Congress. The only appropriation involved is $60.7 million for the construction of seven wooden minesweepers. They are in this bill. The nine mentioned were in last year's bill, and that money can be spent as the Secretary of Defense wishes, letting bids in Great Britain for the minesweepers if they are the low bidders. The agreement will be open for the 12-year period. But we thought, the agreement having been

made in good faith by all parties, and in the process of being carried out by Great Britain, that there ought not to be a refusal on our part to follow through with the agreement, especially in view of the relatively small amount involved.

The Byrnes amendment to which I referred was originally adopted on the House floor on a division vote of 119 to 61.

For the benefit of Senators who may not have been here previously, I state again that we held out for the Senate's position. So the House conferees took the amendment back to the House floor in disagreement. But yesterday the House again approved this amendment by a rollcall vote of 233 to 144. That was after a thorough and exhaustive debate in which a substantial number of interested parties on both sides participated.

I think it is unfortunate that the House has insisted on this action, which places the Secretary of Defense and the Nation in the position of not being able to fulfill a commitment they have made with respect to these minesweepers. However, I do not think that anything could be gained by further insisting on the Senate amendment and requesting another conference with the House on this matter.

That was a conclusion reached after a very careful survey of the situation. I am not much of a nose counter, but I found out that perhaps we could sustain our position here in the Senate. That is my opinion. But I was overwhelmingly convinced that we would be up against a wall in the House that would not yield, and that there was no use in going back to conference. With all deference to the Senate position, it would be a vain thing. The Members of the House had argued this thoroughly, considered it a long time, and had gone on record by an 89-vote majority. So it was only a practical matter, that the conferees concluded to recommend to the Senate to take the Byrnes amendment, with the hope—I want to express this—that the agreement with Great Britain will be carried out in time in some manner.

I do not think there is anything else to do. The agreement was made. We are accepting the fruits from the tree, and I think we ought to let them have their fruit. I know this is a delicate matter with many.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from North Dakota, who has worked so hard in this conference and in other conferences.

Mr. YOUNG of North Dakota. I thank the Senator for his kind comments.

Mr. President, I want to associate myself with the comments of the Senator from Mississippi. I fully supported the Senate's position, and I think we had a good position. In fact, I think there should be a little more competition in shipbuilding here in the United States. A ship can be built for half the cost and one-fourth the time in Japan. A little competition would do a lot of good. But the House has taken a strong position in two separate votes. I think if we went back they would probably have a bigger vote. In the meantime the Defense Department is losing a great deal of time by not letting contracts that they should for their major equipment items.

Mr. STENNIS. I thank the Senator for his remarks. The Senate can be doubly assured that we studied this matter thoroughly. I talked to people in the House who are in a position to know. I talked to Mr. McNamara. I talked to many Senators. I do not think there is any doubt that the Senator is correct in his conclusion.

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

Mr. STENNIS. In 1 minute, if I may. I want to make clear that we are not, by this action, repudiating a promise on an obligation, because the matter is still open. I believe in another atmosphere, it will be worked out in some fashion.

Although this was not the controlling issue, we also felt that the appropriation bill should not be deferred any longer. For these reasons I shall move, at the appropriate time, that the Senate recede from amendment No. 18. The effect of that would be to put in the bill the Byrnes amendment.

Now I am glad to yield to the Senator from Maryland, who has expressed interest in this matter for some time.

Mr. BREWSTER. Mr. President, first of all, let me thank the Senator from Mississippi for yielding, and commend and congratulate him on the great effort he has put into this measure and upon the great wisdom he has displayed. I would like to comment here only briefly upon amendment No. 18.

On August 21 here in the Senate I argued the point that the U.S. merchant marine was a very, very important part of the Armed Forces of America; that our merchant marine had very sadly deteriorated; that our shipbuilding industry was at rockbottom; that it was on the shoals; that we ought to do something about it; that if we were faced with another international confrontation similar to Vietnam, we could not build the ships needed to defend the United States.

I then argued, as I argue now, that at the end of World War II the United States was the preeminent maritime nation of the world; that its shipbuilding industry was second to none. Today, of all the major shipbuilding nations, we are 16th.

I have a very particular, personal interest in this, because we build a lot of ships—regrettably we do not build more—in the Port of Baltimore.

Today only 7 percent of U.S. shipping is carried in our own bottoms. Therefore, in view of the condition of the maritime industries, I argued on August 21, and argue again today, that it only makes sense to build U.S. naval vessels exclusively in U.S. shipyards; and I am very pleased that it is now apparent that the House position will prevail here.

I recognize that there is a need for give and take; and I do not recommend that we raise high, strict, tariff barriers or other legal barriers to the purchase of equipment overseas. But I do think that when our merchant marine is in such terrible shape, it only makes sense to build our own naval vessels in our own ports.

Therefore, I am very pleased that the chairman has taken the position he has just indicated.

I thank the chairman for yielding.

Mr. STENNIS. I thank the Senator for his remarks. I know of his great interest in these matters.

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

Mr. STENNIS. I yield to the Senator from Colorado.

Mr. ALLOTT. I should like to say a few words at this point, because I feel that the legislative history on this conference report, as stated by the distinguished Senator from Mississippi, should be made very clear here.

The principle involved in Amendment No. 18 was really whether or not we should continue to sell extensive equipment to Great Britain, and not give Great Britain a small chance to recoup some part of the adverse balance of trade created by reason of her dealing with us.

I know that the distinguished Senator from Mississippi, as well as the distinguished Senator from North Dakota, worked very hard in the conference committee. But I think it is important that the history of this legislation, as the Senator has already made clear, is such that the practical, political possibilities of the conference report at the present time do not justify going back to the House with it, because we might achieve even a larger vote against us.

However, it is important to make the legislative history here that we are not in any way abrogating, with Great Britain, the implied and tacit understanding we have with them that, in consideration of their purchase of these millions of dollars worth of material and equipment from us, they be permitted to offset it to some degree by building in Great Britain some—and it is a very small proportion—of the ships which we would need.

This needs to be underscored very strongly. If there is one nation in the world upon whom we have been able to count in almost every instance, it has been Great Britain. We cannot walk away from this obligation and feel that we have done ourselves, Great Britain, and the world justice, if we lie down and take the action of the House of Representatives as the final word in the matter.

I congratulate both the chairman of the committee and the senior Senator from North Dakota for the work they have done, and particularly for this legislative history, which makes it clear that we are not abrogating our responsibility.

In this respect, I should also pay my great respects to the distinguished senior Senator from Georgia [Mr. RUSSELL], who is the chairman of the committee, and for whom the distinguished Senator from Mississippi has been acting recently, because in most of this legislation the distinguished Senator from Georgia, with his great sense of balance, has shown, like the other members of the committee, his understanding of the real nature of the balance between these countries, and that we must not abrogate

our implied or tacit or actual agreement and understanding with Great Britain.

Mr. STENNIS. Mr. President, the Senator from Colorado, as always, has made his reasoning very clear, and I think he has contributed substantially to the legislative history on this question, and has made a fine statement.

May I emphasize, without seeking to make unfavorable comparisons with the managers on the part of the House, that the Senate conferees stood solidly for continuing this matter with Great Britain. Some of the House conferees, at considerable, I will not say hazard, but political inconvenience, stood with us. Earlier, the Senator from Georgia had greatly inspired the Senator from Mississippi to hold to that position, and, as a matter of fact, I called him on the telephone during the conference and talked to him again about it, and, as always, he stood for the very highest principles as he saw them, and for reciprocity with respect to this agreement. I would not say that he did so at political hazard—I doubt whether one could find anything that would constitute a political hazard for him—but it was not exactly the easiest route to follow.

I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, in the first place, I commend the distinguished Senator from Mississippi and the other members of the committee for their substantial reduction in spending. This was a $1.647 billion reduction below the administration request. I compliment the Senator from Georgia, the chairman of the subcommittee, Senator STENNIS, Senator YOUNG of North Dakota, and others on the subcommittee who did such a fine job in this respect.

Frankly, I am very grateful to the distinguished chairman and to the members of the committee for agreeing to accede to the House position and accept the Byrnes amendment. The shipbuilding industry in this country is not a growing, thriving, booming industry. It is a vital industry, but one that has been in trouble, and serious trouble, in my State and throughout the country.

Here is an industry which, by giving up the nine minesweepers in the 1967 appropriation bill for Britain's bid of $76.7 million, has already made what I think could well be considered a very large contribution to the total of $325 million, which is the 12-year total of U.S. procurement which Britain is to provide until 1977. Now, to provide that seven of the minesweepers can be constructed in this country makes sense, from a defense standpoint as well as from a recognition of the serious importance that this is going to have to the American shipbuilding industry.

I express my gratitude, not only in my own behalf, but that of my colleague [Mr. NELSON] and of all the people of my State. The people of Wisconsin, especially in the Sturgeon Bay, Superior, Manitowoc, and other shipbuilding areas, but in other areas as well, have expressed themselves very strongly on this point, and I think the Senator from Mississippi, the Senator from Georgia, the Senator from North Dakota, the Senator from Maine, and other Senators, have done a very fine job on this bill. I believe they were wise to recognize that there was some equity in the House position.

Mr. STENNIS. I thank the Senator. I yield now to the Senator from Texas.

The PRESIDING OFFICER (Mr. BREWSTER in the chair). The Senator from Texas is recognized.

Mr. TOWER. Mr. President, I think I stand second to no one in this body in my concern for the fate of the American merchant marine. As a matter of fact, I am the author, with 10 cosponsors, of Senate Joint Resolution 104, which I introduced here on the 16th of August, which calls for a study by a commission of the deterioration of our merchant marine, and calls attention to our dwindling fleet, as opposed to the growing Soviet fleet. That fleet is a potential economic weapon in the cold war.

I have noted that we must present a complete program for the renovation of our merchant marine to Congress for its consideration and action. It is true that about 70 percent of our vessels now in service are 17 or more years old; many of them are much older than that. We are in a sad plight, with fewer than 1,000 blue-water vessels carrying American foreign trade overseas, although we are the No. 1 naval power.

But I submit that the building of seven wooden hulls is not going to have a very great effect on the American shipbuilding industry.

We are talking about seven small wooden hull vessels, and we are just talking about the hulls. The diesel engines and tubing are all to be procured in the United States of America.

We have made a commitment to the British. They have virtually dismantled their military aircraft industry in order to rely almost in toto now on the United States of America to fabricate, plan, design, and build the military aircraft that they will use, and many of their other weapons systems.

We are now selecting one thing that they are pretty good at, and that is building wooden hull vessels, and saying: "No. We will not even let you bid on it."

There are a few things that are made in my State that are also made by the British. Perhaps I should have gotten my oar in earlier and said: "Let us exempt a few things that are made in Texas."

This is the kind of introspective, self-seeking, engraft type of exclusion that we include in legislation that, if it is carried to its logical conclusion, lets everybody who has a special interest get into the boat. Then, what will happen?

We must remember that they are buying $2.5 billion worth of military hardware in this country, and we are committed, not to buy $325 million worth of supplies, but only to let them bid on $325 million worth.

I think that the House action was not responsible. How long can we expect the British Government to be able to justify to its people the dismantling of a domestic industry on the ground that the United States can supply that material for them and at the same time affect our procurement in Britain of things they can provide for us, things that they do well. We from time to time say: "Well, we mean everything but little bitty wooden hull vessels. We mean everything but this, that, or some other thing we make in this country that somebody back home has got a vested interest in protecting."

The British make a number of things that we make in Texas, and they do a good job of it. Does that mean that I should come here every time there is a bill affecting the manufacture of that product and say: "Let us bar this item or that item?"

I hope that we will not be shortsighted from now on and if, indeed, we are in a position of having to accept the House position on this matter, I hope that we make it clear in the Senate—and I hope that somebody else will say something about it—that we will not make it a recurring practice to exclude this or that item.

If we do that, we cannot expect to maintain good relations with the British. We have been urging them: "Please keep your military commitment. Please help us police the world from Asia to Hong Kong."

The British say: "Good grief. We can't afford it. The pound is in danger. We are overextended. We are facing an unfavorable balance of payments."

How do we expect them to aid us in military commitments all over the world if we pull this kind of doublecross on them, and that is precisely what it is.

I hope that this will not be a habit in the future.

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

Mr. STENNIS. Mr. President, I yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, along the line of what the Senator has been saying, I think it might be well to place in the RECORD the fact that we have firm orders from Great Britain at the present time—and this is just a part of it—for 50 F-111 aircraft with support, over 200 F-4 aircraft with support, over 60 C-130 aircraft with support, 15 Chinook helicopters with support, and Polaris equipment for submarines with support, all of which comes to more than $2.5 billion.

This is just one point that I bring up along the line of the statement expressed so ably and well here by the Senator.

Mr. TOWER. Mr. President, I thank my friend, the Senator from Colorado, for including that itemized list. It is an accurate list.

I point out further that the provision of those items includes the job of rendering support on those items. We will be selling spare parts on those things for a long time.

What we propose to do here, if we refuse to accept the House position on the Amendment No. 18, would be to say to them: "You can come in and bid on the construction of these wooden hulls. We are not saying that we will buy them from you. You can bid on them, but the machinery and the tubing and everything else will be made in our country."

This is pretty petty on the part of a great power like the United States of America, with its tremendous gross national product, to engage in this kind of practice, in my judgment.

Mr. STENNIS. Mr. President, because of the principle involved here, I would like the Senator from Georgia to address himself to this matter.

Mr. RUSSELL. Mr. President, I had not intended to undertake to add anything to the very able statement made on this subject by the distinguished Senator from Mississippi.

I feel very strongly that the other body has made a grievous mistake with respect to this matter. It is not going to help anyone in this country very greatly, and it is going to tend to impair the image of this Nation as one which carries out its commitments to the letter.

I am glad that the Senator from Mississippi has made it perfectly clear that this is not a precedent, and that we intend in the future to undertake to see that commitments of this kind are carried out.

I will say in all candor that I think it would be somewhat better if the committees of the respective Houses had been completely advised of the commitments that had been made. However, that was not done. The Senate would have been in a much stronger position if that had been the case.

The Senator from Texas has said that it does not mean that we will award the contract to the British yards. It only means that the British yards would be permitted to bid without application of the "buy America" differential on the construction of these seven wooden minesweepers, which are very small vessels.

While it is likely that these vessels would be built in the British yards, it should be noted that the engines and other equipment will have to be procured in the United States. It does get into a rather petty classification when we create such a tremendous commotion over a small item.

As I said, we do not consider it to be a precedent. In the future, I hope that we will have a clear understanding with the executive branch of the Government with relation to these matters, so that no one can claim that he was not fully advised or that any advantage was being taken of him or of his constituency.

Mr. President, while I am on my feet, I wish to express my profound appreciation to the distinguished Senator from Mississippi [Mr. STENNIS], the distinguished Senator from North Dakota [Mr. YOUNG], and to the other Senate conferees for the magnificent job they did on this measure.

I did a great deal of hard work on the bill in committee. Unfortunately, I could not be present at the time the bill was taken up on the Senate floor nor when it went to conference.

I do point with pride to the fact that this bill is more than $1.6 billion below the budget figure that was sent to Congress by the executive branch of the Government.

I think I can say that the requested funds were eliminated with most extreme care and that no muscle or bone from our fighting forces has been in anywise affected by that reduction. It is a substantial sum of money. As a matter of fact, I do not know of any other bill this year in which a comparable amount or larger percentage of the total has been eliminated.

I congratulate the conferees on the part of this body—and I can do it with all modesty, because I was not sitting in the conference—on the magnificent job they did in reconciling the positions of the two bodies and reporting out a sum that was below both that of the Senate and of the House. I am very pleased and very proud of the subcommittee that I am honored to chair, the Subcommittee on Appropriations for the Department of Defense, for the magnificent job they did.

I wish to reiterate, before I take my seat, that this is in nowise to be considered a precedent, but rather it is merely a matter of such little consequence to the overall relations between the two nations that it did not justify holding up this bill any longer and delaying very important contracts that should be let which have a direct relationship to the fighting power and strength of the American Armed Forces.

Mr. STENNIS. I thank the Senator from Georgia, and express great delight that he is here to vote on the bill.

Mr. President, I ask unanimous consent that I may yield to the Senator from West Virginia for the purpose of making a unanimous-consent request.

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

Mr. BYRD of West Virginia. I thank the distinguished Senator.

Mr. President, I ask unanimous consent that, notwithstanding rule 12, the Senate agree to a vote on the pending matter at 10 minutes after 5 o'clock this afternoon.

Mr. MORSE. I object, Mr. President.

Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. MORSE. I have been in the committee room of the Committee on Foreign Relations, and I did not know that this bill had been brought to the floor of the Senate until I was notified there. Therefore, I need answers to a few questions for my information.

After this discussion I will be interested, may I say to the Senator from West Virginia, in reaching a unanimous-consent agreement; but I am in no position to agree to such a request until I have all the information I need before I vote. I have missed the Senator's preliminary remarks, and I am sorry if there will be some repetition.

My understanding is that in connection with the conference report, the House conferees went back to the House for instructions. Is my understanding correct?

Mr. STENNIS. The Senator is correct, with respect to what is called the Byrnes amendment, which related to the construction of naval vessels in foreign shipyards.

Mr. MORSE. Is it correct that the House, by a vote of nearly 100 majority——

Mr. STENNIS. Yes. A majority of 89 were in favor of insisting on the retention of the Byrnes amendment. I will give the Senator the exact figures on that vote, so he will have the information before him. It pertained to amendment No. 18. The vote was 233 to 144.

Although I do not know which side the Senator is on, I say further that it was only after the most exhaustive consideration——

Mr. MORSE. I am on the House side.

Mr. STENNIS. Of this matter that we decided to yield without asking the Senate to vote for a further conference.

Mr. MORSE. I want to be sure that I understand the procedure before I vote. Does the vote in the House, in effect, mean that the House has rejected the report of its conferees?

Mr. STENNIS. Not at all. It means that it has accepted the report of the conferees but voted to stand firm on the Byrnes amendment. It was reported in disagreement by the conferees, and the House then voted to stand by its position. But the remainder of the conference report has been agreed to.

Mr. MORSE. Is the situation in the Senate at the present moment that the House conferees have receded on this matter?

Mr. STENNIS. No. They moved to insist on the inclusion of the Byrnes amendment—offered by Representative BYRNES, of Wisconsin—which would prohibit Great Britain being allowed to bid on these minesweepers.

The Senate took the other position, and deleted the Byrnes amendment. In conference we did not yield and they did not yield. We agreed on everything else in the bill. They took the Byrnes amendment back in actual disagreement, and on a rollcall vote, which I have already recited, the House voted to stand by its original position on the Byrnes amendment, which prohibited the construction of ships in foreign shipyards.

The Senate conferees recommend to the Senate that the Senate recede. If that motion is agreed to, the Byrnes amendment will be a part of the law.

Mr. MORSE. I was not aware of that point. That is the procedure I want to understand.

So that when we have the rollcall vote in the Senate, it is in effect, a rollcall vote that the Senate conferees recede on the Byrnes amendment. Is my understanding correct?

Mr. STENNIS. There will be three votes. We first must vote on the conference report. Following that vote, I will move that the Senate concur in the amendments of the House to amendments Nos. 12, 14, 20, 21, and 36, which are the amendments in technical disagreement. When these amendments are disposed of, I will then move that the Senate recede on amendment No. 18, which is the Byrnes amendment. This procedure provides the Senate with an opportunity to vote specifically on the Byrnes amendment.

Mr. MORSE. I am sorry. I am still perplexed.

Let us assume, hypothetically, that we adopt the conference report. That does not mean that you have an agreement with the House, if the House is standing firm on the Byrnes amendment. All it means is that you go back to conference——

Mr. STENNIS. No. We can take a vote in the Senate instead of going back to conference. We can take a vote here, following the agreement on the remainder of the report, and that would adopt the Byrnes amendment into the bill.

Mr. MORSE. If we take the conference report——

Mr. STENNIS. No.

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

Mr. STENNIS. I yield.

Mr. RUSSELL. This amendment is in disagreement. The remainder of the bill has been agreed to.

The first question will come on the adoption of the conference report, which does not affect this amendment in any degree. The second question will come on the motion made by the Senator from Mississippi with respect to the five amendments in technical disagreement, which will be followed by a motion dealing specifically with the Byrnes amendment.

Mr. MORSE. Take me through the next step. Let us assume, hypothetically, that the Senate adopts the conference report and——

Mr. RUSSELL. I has no effect whatever on the Byrnes amendment.

Mr. MORSE. And on the rollcall vote, the Senate refuses to recede with respect to amendment No. 18.

Mr. RUSSELL. It means that the bill will be sent back to conference, to consider further the Byrnes amendment.

But I may say that in view of the position taken by the conferees on the part of the Senate, that is a highly unlikely and speculative question that the Senator has raised.

Mr. MORSE. I have seen so many highly unlikely and speculative things come to pass in the Senate, that I want to look at that bridge before I crossed it.

I understand the procedure. I only wish to say that I completely agree with the position of the House, for several reasons. The Senator from Georgia has put forth the most important reason, so far as I am concerned, for I had looked into the matter and found that the legislative committee, I am advised, had not been advised by the administration that it was seeking to eliminate this arrangement. So the legislative committee, the Appropriations Committee, apparently was confronted with an accomplished fact—that the understanding had been entered into. Is that true?

Mr. STENNIS. The Senator from Georgia can answer that.

Mr. RUSSELL. I do not know that that is wholly correct, but that is essentially correct. We knew that an agreement was in process—at least I did, as chairman. I was apprised of that fact by the Secretary of Defense.

I may say that, of course, it is not binding on the legislative branch of the Government. The Senator from Oregon is well aware of that, as is every other Member of this body. If the executive department is not aware of it, they will be when the vote is had on this amendment. But under our system, the executive branch cannot commit this Nation to a proposal of this kind without the approval of Congress.

In this instant case I would think, although we were not advised of all the details, that the agreement was highly favorable to this country from the standpoint of the balance of trade. It would give us about $2.5 billion to make up for the enormous loss we have had in the balance of trade and help protect what little gold reserves we have left. But apparently the other body did not see it that way. They agree with the Senator from Oregon.

The Senate, rather than prolong the passage of the bill with its hundreds of other items of much greater importance, in my opinion, will agree with the House and will accept this amendment.

Mr. MORSE. This is the first point I want to make a few brief remarks about. I, too, am accustomed to the growing trend in this country of the executive branch entering into arrangements, agreements, or understandings with foreign countries without officially notifying the committees of Congress in regard to their arrangements until after it is an accomplished fact; then they present them to us. That is one of the great problems developing in foreign policy.

Mr. RUSSELL. I agree with the Senator. I think it is a mistake for the executive branch to enter into these agreements without at least taking into their confidence the committees that are directly affected. So far as the Senator from Georgia is concerned, I have no hesitancy in voting against any arrangement the executive branch makes, whether or not it has advised the Congress of its purposes. I go on my obligation to the Nation and to my oath of office and vote for what I think is good for the country. I vote against what I think is injurious, whatever the source of thinking of the agreement.

It so happens that in this instance, as a procedural matter, Congress had not been advised. However, this is one of the few contracts made by the Department of Defense in recent years that is highly favorable to the economic position of this Nation.

Mr. MORSE. I understand the record of the Senator from Georgia on the principle I am talking about. In fact, it has been one of the encouragements to me in taking the position I have taken because of my respect for his understanding of our constitutional system.

However, if we do not stop always yielding to this kind of, what I consider to be, extra constitutional conduct on the part of the administration, I do not know when the trend will stop. This principle is worth a lot to the American people that cannot be spelled out in dollars and cents; what some may think of as favorable contracts that secret economic diplomacy has resulted in.

I have had considerable experience with this problem in connection in the Committee on Foreign Relations in dealings with Latin America. In recent years we have made some progress in correcting the situation, because now, as members of the Committee on Foreign Relations listening to me know, there has been quite a change in the State Department's dealings with our Committee on Latin America. They know they had better not come up to us about an agreement entered into about which we only had rumors, or not even rumors. They are beginning to pay some attention to what the constitutional process calls for.

When I heard that we were dealing here, to all intents and purposes, with another secret deal as being entered into, in this case by the Department of Defense and Great Britain, I did not look on it with favor. I would vote against it if that was the only mistake made. We have to stop the administration from entering into these deals ahead of time and then coming to us and saying, "You cannot let us down. We got it negotiated. It was hard to do, We had to make concessions, but we got many benefits."

That is the line. I heard it for many years, but it is not in keeping with the relationship of cooperation that should exist between the administration and the committees of Congress. As long as we take it they are going to give it to us. But when we start exercising our rights of checking that extralegal conduct of the executive branch of Government we can stop it.

Not long ago we had this problem in connection with proposals for amending the OAS Charter. Some of us got wind of it and suggested on our initiative that the department come and tell us about it. When we put them on the spot, so to speak, they said negotiations had been going on and commitments made. We made clear that if they were to bring up a treaty based on those commitments, they were headed for serious trouble in committee and on the floor of the Senate.

This is what the Fulbright resolution is about: whether or not we are going to place a check on the executive branch from doing this very thing. I hope that when we get to the Fulbright resolution, we will be able to convince a good many Senators that we cannot approve of these behind-the-scenes agreements; we have to deny them.

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

Mr. MORSE. I yield.

Mr. STENNIS. I think this matter has been through the wringer so much that the Department of Defense knows now that it would be better to notify the committes in advance.

Mr. MORSE. The Senator is a wonderful optimist. If the Senator thinks they will learn without turndowns, I think he is wrong. The only way to exercise the right of Congress is to exercise it. When they bring up behind-the-scenes agreements, we should reject them until they go through normal procedures. I would have voted against this deal on that principle alone. I shall vote against it.

MARGINAL INDUSTRIES SHOULD NOT BE SACRIFICED FOR PROFITABLE INDUSTRIES

That brings me to my second point. I will vote against it because of the effect of the deal on my own country. I do not agree with the argument that we are dealing with a deminis problem here of seven wooden hulls. We are dealing with a precedent that is mighty important to the defense economy of this country.

From reading the House debate and

the communications of the Defense Department, there is not the slightest doubt in my mind that these minesweepers are being offered for foreign bidding because the American bidders are small shipyards. They are not the giants of industry that maintain stables of expense account lobbyists to create and track down Defense contracts.

They are the sacrificial lambs in this deal with Britain. Their sacrifice is intended to bring even more business—foreign business—to the huge aircraft companies that already receive the vast proportion of U.S. defense contracts.

What we are dealing with is an attitude on the part of the Pentagon, that is a big-business attitude. It says: "To heck with the little fellow." We had better start paying more attention to the small business problems in this country. It is the small businesses that are in economic trouble, not the big-business aircraft manufacturers, such as Lockheed, General Dynamics, Boeing, Martin, and the rest. The big companies are making economic killings out of contracts with our own Government for our own great air armada. Those companies are not starving for want of contracts from England, Germany, or any other country.

We have enough to worry about on an economic basis and a full-employment basis in this country, without worrying about the aircraft-manufacturing industry. We had better pay attention to how we are letting slip away a highly important shipbuilding industry in this country. Seven wooden hulls are merely a symbol, in this instance, of the plight of the small shipbuilding firms in this country. They are desperate for contracts. They are the ones that should be guaranteed defense business. The foreign competition should come in industries that have ample business.

There has been a tendency in the past few years for the Pentagon to involve itself not only in this instance but in other instances of ship construction in foreign shipyards. We had better take a look at the interests and the rights of the small shipbuilding interests on the gulf, the Great Lakes, and the two coasts of the country. We can take all the lead pencils we want and add up the so-called dollars-and-cents balance sheet to show the losses on the seven hulls, as to which it is argued that they have the opportunity to bid.

I shall let time prove me wrong if Senators think such bids will not end up in British shipyards, whose wage standards are not comparable with the high standards of our own yards. If Senators think the foreign shipyards are not going to get business, they could not be more wrong, in my judgment. That is the purpose of this arrangement.

He is a great symbol that we ought to protect. We ought to make it perfectly clear that we are going to recognize the importance of protecting our own shipbuilding industry. There is where we have an employment problem. There is where we need to put men to work. It is not necessary to put men to work in the manufacture of military aircraft in this country; the aircraft manufacturers are loaded with contracts.

These small yards know that the repair work will be done in British yards, too, and because they are prototype vessels, future minesweepers will also be built in Britain.

I ask unanimous consent to have printed at this point in my remarks two communications I have received from affected Oregon businesses on this matter.

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

WILLAMETTE IRON & STEEL CO.,
August 29, 1967.

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

DEAR SENATOR MORSE: We respectfully refer you to Appropriations Bill HR 10738 containing Rep. Byrnes amendment prohibiting use of any funds appropriated therein for use in building U.S. naval ships in Foreign yards. We understand that this is the one issue outstanding between the House and Senate versions of the Appropriations Bill, and it is to come up for consideration on September 12.

It goes without saying that we certainly urge you to please vote to retain the Byrnes' amendment or any other legislation that will prohibit the building of U.S. Navy ships in foreign yards.

We do not enter the field of new construction here in Portland, Oregon, but we do endeavor to provide an average of 400 to 600 steady jobs on repairs and reconversions of Navy vessels, and it is very obvious that should the building of U.S. naval vessels be permitted in foreign yards, it would be only a matter of time until repair and conversion work would follow.

From the standpoint of economic logic and patriotic common sense, we just cannot see where contracting work to foreigners that should be accomplished by American workmen is buying us anything. We have seen many thousands of man-days lost here in our shops in Portland to foreign turbine and valve manufacturers on Bureau of Reclamation, Corps of Engineers and Public Utility District Projects which are paid for with American taxpayers' dollars. We cannot comprehend a government policy such as this, and any justification is unrealistic. Please bear in mind that if we make a profit on our work, the Federal and State corporation taxes take over 50% of it. Then too, considering the raw material from the point of origin, at least 80% of our end product represents labor, and all of our people enjoy at least a participation in income taxes of both Federal and State up to 25 to 30% of their gross wages. This is important revenue, and in view of our deplorable unbalanced budget, it should not be lost. Furthermore, our balance of payments and gold drain are in a rather sad state.

With these things in mind, it is so obvious to us that just the thought of building U.S. Navy ships in foreign yards is not worthy of serious discussion. We certainly hope that you share our opinion on this issue, and that you uphold Mr. Byrnes' amendment prohibiting any funds for foreign construction.

Thank you.

Very truly yours,

G. W. WINTZ,
Vice President and General Manager.

COLUMBIA ASBESTOS CO.,
Portland, Oreg., August 30, 1967.

Re H.R. 10738.

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

DEAR SENATOR MORSE: We understand that Bill HR-10738, Defense Appropriations Bill will be returned for consideration of the Byrnes (R.Wisc.) amendment to prohibit funds to build ships for the U.S. Navy in foreign ship yards. We understand that this is scheduled for final vote on September 12, 1967.

In a future emergency, such as we have experienced in the past, it would be well to have immediate facilities to construct ships in this country. However, if we award U.S. Navy ship contracts to foreign countries, it may discourage some of our local yards which will cause them to dismantle their present facilities.

You of course realize that our local yards profits are limited, and these profits are also subject to Federal Income Taxes, State Income Taxes, real estate and personal property taxes, without considering the loss of Payrolls to our workmen, when construction contracts are awarded to foreign countries.

After considering the possible losses that we could have, we believe that you will give the Byrnes Amendment your very serious consideration, and vote to prohibit building U.S. Navy ships in foreign countries.

Very truly yours,

CHARLES D. FOX,
Secretary-Treasurer.

Mr. MORSE. Mr. President, finishing this point, let me say that I would vote against adopting a conference report that would permit carrying out this deal that the Pentagon entered into without even notifying committees of the Senate, not only because of the principle I have already discussed, which I considered to be an extra-legal course of action for the Pentagon, but also because on the merits I think the small shipbuilding yards of this country should be protected by rejection of this deal. This symbol will spread to other contractors if we do not stop it today. If we can make perfectly clear that we are not going to approve this deal, then perhaps the administrative branch of the Government will take a look at some of the other deals they may be contemplating and take judicial notice that they are for the transferral of other maritime contracts, especially when the small maritime businesses in this country would be interested.

The third and last point I wish to make—I do not ask for agreement on it—deals with basic philosophical views in regard to how much we are promoting peace by encouraging arms races.

If we read the British press we know there are no "huzzahs" being shouted over in Great Britain about a contract for the building of the F-111B. There is a divided public opinion. There is no certainty that Britain will ever buy them, even if it is ever perfected. The deal could end up like the Skybolt deal ended. I am not too enthusiastic in the name of the balance-of-payments argument contributing to what I think in the long term will prove to be increasing the danger of war by encouraging Great Britain to buy these planes when, at the same time, she wants to reduce her manpower in Germany on the basis of her balance-of-payments problem—another rationalization she gives, although she has never, at any time, kept her commitments under NATO.

Thus, I have a few doubts in my mind as to whether agreement for the building of more mankillers in the air is the way to promote peace. I would be much more interested if they were building passenger planes, which would be more conducive toward promoting peace, than

building the F-111B to be used for further devastation and possible annihilation of civilization itself, if we get into that third world war.

I do not think much of the deal, if it materializes. I do not think we are helping our reputation around the world by encouraging Great Britain to buy these mankillers in the air from the United States. I would much rather sell her something else which would promote peace.

Therefore, let the RECORD show that I shall vote against the conference report, and if given the opportunity, shall vote to support the House in the position it has taken on ship construction.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may yield to the Senator from West Virginia for the purpose of making a unanimous-consent request.

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

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the vote on the adoption of the conference report occur at 25 minutes to 6 o'clock, and that that vote be immediately followed by a vote on the amendments in disagreement.

Mr. STENNIS. That includes the Byrnes amendment.

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

Mr. STENNIS. Mr. President, I yield now to the Senator from Texas.

Mr. TOWER. Mr. President, I do not object, and thank the Senator from Mississippi for yielding to me.

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

Mr. TOWER. Mr. President, I certainly do not favor the idea of deals being made behind the back of Congress, without Congress being informed. I just fail to understand why we select out one item and say, "This is one you cannot have."

I think what we should do, perhaps, is to have some reservations in the Senate that we are not going to approve any more such deals, or at least not permit any such deals unless Congress is fully informed.

Mr. President, I understand that the F-111 program has come in for further discussion this afternoon, and I would like to add a few thoughts on what has become a continuing dialog on the subject.

First, I hope that Senators will resist the temptation to blame the contractors and their employees for shortcomings which are, in fact, a direct result of an originally mistaken management decision in the Office of the Secretary of Defense.

Neither General Dynamics nor Grumman Aircraft, nor their employees, is at fault in this controversy which properly lies only between the Congress and the Secretary of Defense. Nor are the Navy and Air Force to be ridiculed and penalized for their civilian superiors' bad decisions.

Let us remember that we must today view this problem from where we are today, not from where we were 2 years ago. It is impossible to turn back the clock. The facts are that both the Navy and Air Force desperately need new and advanced aircraft to face the enemy threat projected for the 1970's. I know all Senators are concerned that those aircraft be provided.

The original managerial decision on the F-111 was abysmally bad. One aircraft cannot be made to do the work of two or four. It cannot be the best high and the best low. It cannot be the best fast and the best slow. It cannot be a top penetrator and a top loiterer. This was obvious from the first to everybody but the Secretary of Defense. The subsequent contractor and technicians cannot be blamed for the massive problems flowing from such a mistaken original concept.

But, neither can our Navy and Air Force be doomed to exist in the 1970's with no plane because we cannot give them a perfect plane. The tyranny of time and enemy threat force us today to make the best of the situation. We must continue to develop and perfect the F-111A and the F-111B because for all their problems they are a workable weapons system and the best that can be available when we need them.

I do not think anybody in this Chamber or outside of it expected that the few already-flying research models of the F-111B would be either perfect or combat ready. Research models never are. Those who tell us the F-111B research models are not suitable for combat are attacking a strawman—they were never supposed to be suitable for combat. This Senate's proper concern has been that the F-111B program proceed in an orderly fashion toward developing a combat-suitable plane. That is exactly what is going to happen unless we substitute emotion for commonsense.

If any Senator in the Chamber can tell me where and how we can start from scratch and produce for the Navy a better plane in time to meet the requirements of the very near future, I will be the first to join the Senator in accomplishing that goal.

But it simply cannot be done in time.

I would like to make another important point today. I see that the distinguished senior Senator from Arkansas is quoted today by UPI as saying the "whole family" of F-111 planes is somehow unsatisfactory.

I am sorry to see the F-111A—the Air Force version—lumped into what have previously been concerns directed at the Navy version.

The facts are that the Air Force version is progressing very nicely indeed and may even be engaged in combat operations before the year is out.

Perhaps the most telling testimony on the value of the Air Force version come from the Air Force test pilots who have flown the aircraft at Nellis Air Force Base, Nev. A complete report on these pilot reactions was published a month ago in the Fort Worth Star-Telegram.

I ask unanimous consent that that report be printed in the RECORD subsequent to my remarks.

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

(See exhibit 1.)

Mr. TOWER. I want to quote just briefly from the detailed reports from talented test pilots as published in the Fort Worth Star-Telegram:

Col. James Randall said the F-111A "exceeds expectations."

Gen. R. G. Taylor calls the F-111A "a great airplane."

Col. Robert Mead calls the F-111A "a fine bird."

Col. Charles Reed calls the F-111A a pilot's "complete challenge."

Other pilots have referred to it as a "Cadillac of the air," a "super battle bird," and "the greatest thing with wings since angels."

I commend this test-pilots' view to the attention of my colleagues. I hope that they will study carefully the success which has attended the F-111A.

May I also take this opportunity to urge all of my colleagues to take advantage of the opportunity to see the F-111 display now at the Sheraton Park Hotel in conjunction with the Air Force Association meeting here. This display containing a wing and yoke section of the plane provides a clear explanation of the capabilities of the aircraft.

The F-111A is a variable swept-wing aircraft. There is no such aircraft in any other country. The Soviets have their version in the embryo stage. We have a variable swept-wing aircraft that can travel at high speed, at high altitudes; it can be slowed down so that it can have a runway landing capability with about a 3,000-foot roll.

I urge my colleagues to go to the Air Force Association and take a look at it. The Russians have an experimental version; we have an operational version. I think we should accept it.

[From the Fort Worth Star-Telegram, Aug. 15, 1967]

SUPER-BIRD GOING TO WAR SOON—AIR FORCE PILOTS EAGER TO TEST F111 IN BATTLE

(By Jerry Flemmons)

NELLIS AIR FORCE BASE, Nev.—The F111 is a super battle bird, the greatest thing with wings since angels.

It is the "Cadillac of the Air."

It flies high and low, fast and slow, throws a power punch tougher than five World War II heavy bombers and sniffs out targets like a thirsty vampire.

The F111 and its internal organs are a "radical effective departure" from any contemporary aircraft. The supersonic plane is "the shape of things to come."

Air Force pilots—who should have been asked earlier—are saying these things about the Fort Worth-built F111. They like the plane. It exceeds expectations, they agree.

All of which causes one to ponder the last five exhausting, often infuriating, years in which the swing-wing aircraft was treated like a sweatshop orphan, flogged with angry words and pushed around like a shuffleboard puck from political whim to political fancy.

The doers, pilots who will use the plane, have the F111 here, hardly a silver dollar's throw from Las Vegas' gaudy neon-nylon gambling and entertainment strip.

In the words of one pilot, the F111 is "having its legs flown off."

"We're flying in the morning, flying in the afternoon and sitting in the cockpit when it's on the ground. We want to learn about this aircraft," he added.

Nellis Air Force Base is a Tactical Air Command headquarters, home of TAC Command Center—"Central authoritative agency for deployment of fighters worldwide." It is the only such center in the continental United States.

The base's principal runway stretches north and south before a bare, red-clay mountain. Fronting the runway is a wooden building, out of which operates the 4520th Combat Crew Training Unit.

Presently the unit incorporates the activities of about 20 students and seven instructor pilots.

This is Harvest Reaper.

The code name, or project designation, will carry the F111 to war, which means Vietnam since Vietnam is the only war the United States has at the moment.

"Of course, it will be used in Southeast Asia," one 4520th member said. "You don't build a $5 million aircraft to fly over the Nevada desert."

Harvest Reaper, however, officially is a closed subject. Ask, and the reactions are uniformly similar. Officers assume a bland military expression, toe the ground in abstract gesture.

Eyes turn to the blue Nevada sky or to the reptilian-backed scraggy mountains which ring the Las Vegas basin. The officer searches for the right words. Eventually, he finds them: "No comment."

"No comment" is a fine, standardized, all-purpose retort full of security preservation and non-information. Military officialdom is no-commenting itself into hoarseness.

What it means, though, is that the F111 is going to war. Soon. Probably within six months.

One clue to the Air Force's anxiety to place the new aircraft in battle is the fact that the pilot training program was scheduled to begin in September when first production models of the F111A—Air Force version of the plane—emerge from General Dynamics-Fort Worth.

Instead, pilots began the familiarization procedure last month, leaving General Dynamics to rush through replacement parts and ground support equipment.

When plane No. 31—the first assembly line model—is delivered to Nellis in September, Harvest Reaper will become the 4480th Tactical Fighter Wing, a 250-man unit whose ultimate strength will be as many as 72 F111's.

And, by Jan. 1, 1968, or thereabouts, the F111 will be flying in Vietnam.

The first F111 arrived here July 17, without prior public announcement or fanfare. Still, word moved around the base that the already-famous plane was due in. Children, wives and off-duty airmen swarmed to the field to see the aircraft.

"It wasn't an arrival, it was a welcoming."

That was George Davis, a General Dynamics-Fort Worth executive, speaking. He and a GD crew are watching the training with a cautious eye.

Davis, who shoulders the heavy title of executive assistant to the vice president in charge of the General Dynamics F-111 program, admits his company is maintaining a special vigil over the swing-wing aircraft ("closer than normal"), presumably because of the controversy that still rages around the plane.

Davis, a test pilot for 12 years, has flown his pet plane and knows the project from blueprint to finished product.

"The F111 is a highly versatile plane—this is an overworked word—but it really is readily adaptable," he said. "It has a good fuel and good load capacity, high speed, good systems, can navigate well plus deliver a heavy weapons load.

"One F111 can put more bombs on target than any other contemporary airplane," he added.

The F111 is a needle-nosed, crew-of-two with cockpit-loaded mysterious black boxes capable of directing the fighter anywhere in the world in one day, carrying nuclear or conventional weapons.

Its terrain radar scanning devices and automatic pilot capabilities lock in on any target in any kind of weather. Sweptback wings ("Like the ears of a racing greyhound") allow speeds up to Match 2.5—about 1,750 miles per hour.

The Air Force doesn't think of it as an airplane: It is a weapons system.

The Department of Defense has ordered 439 of the planes, 331 of which are for TAC. Remainder will go to the Navy, Strategic Air Command, the Royal Australian Air Force and the British Royal Air Force.

Pilots are undergoing the transition from conventional jet to the super F111. ("We take off and land and fly in between.") Here, there is no bombing—yet—nor is there an attempt to reach the maximum flight speed.

TAC pilots work within a "tight envelope" of the plane's capability. Still, they test and suggest improvements within the restrictions imposed upon them.

What they think is important, perhaps more so than the political and high brass faction which has warred over the F111 since its conception—five years ago.

Capt. John D. Phillips is an experienced pilot. He first flew the F111 at Edwards Air Force Base in California, later came to Fort Worth to continue training. He was one of four pilots who flew two F111's to Paris in June for an air show.

"The weapons system is the most advanced I have seen," he says. "Unbelievable.

"It is far advanced over anything else we have got. It is no longer necessary for a pilot even to see the terrain or the target. He can make a hit by using the terrain following radar.

"This (the F111) is the forerunner of all other aircraft to come," he added.

Gen. R. G. Taylor is commander of the USAF Tactical Weapon Center. He has flown the F111. "It's a great airplane, a smooth airplane," he claims.

He particularly likes the plane's slow approach speeds and landing techniques.

Col. James E. P. Randall, an 18-year Air Force veteran, is director of operations for the F111 project. He flew P51s in Korea and the F105 in Vietnam. He has 109½ hours in the F111.

"It is an easy airplane, a smooth airplane. The plane is more than I expected, particularly the radar systems. The radar systems exceeded all expectations," he said.

The auto-pilot-radar-scanning system is a little unnerving at first, he said. "It's hard enough for a pilot to trust himself to fly a plane, let alone a little black box."

Col. Charles Reed, director of the F111 project at Nellis, called the plane "real new and different, a complete challenge to pilots."

Capt. John Shatz, the project maintenance officer, praised the plane's easy maintenance capabilities. "It is engineered and designed well. Maintenance was well thought out. The craft is easier to work with than the F105. Everything on the F111 is tailored to fit."

Col. Bobby Mead is the wing commander. He is a Vietnam combat veteran.

"It's easy to fly," he says.

"There are a lot of gauges which make it look hard but the gauges are easy to go through and control. A pilot can go in blind and still do a good job, good or bad weather.

"One of the biggest problems is to get used to that guy in the seat next to you."

(The F111 has lateral seating with the aircraft commander on the left; the second man is navigator, systems operator and backup pilot.)

For those who will fly it in battle, this is the picture of the F111.

The super battle bird is going to war, to put the claims of its maker and its fliers to the ultimate test, despite the no-commenting of officials.

Painted a natty two-tone green and tan camouflage, packed with computerized innards and holding the confidence of the men who will fly it, the F111 is going to war.

That's war by Jan. 1, 1968.

Happy New Year, F111.

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

Mr. STENNIS. Mr. President——

Mr. COOPER. Mr. President, I said I reserved the right to object. I shall be brief.

My understanding is that the Senate will vote on the conference report and then on the so-called Byrnes amendment.

Mr. STENNIS. Yes.

Mr. COOPER. I shall vote for the conference report. I shall then vote against acceptance of the Byrnes amendment.

I know that there is a great deal of controversy today about the effect of an executive agreement as a commitment and also about arms sales, but I do not believe we should vote for this amendment upon that basis. It seems to me, as a practical matter, that the arrangements which have been made between our Government and Great Britain are greatly to our favor and advantage.

As I understand the Byrnes amendment, it would require that all United States vessels be built in American shipyards. In studying the debate of the House I note that the subject matter of the disagreement concerns seven minesweepers costing $60.7 mililon, and representing only about 1 percent of the total of the shipbuilding contracts which have been let in this country and for which appropriations have now been made.

Furthermore, I note from the House debate that Great Britain will purchase from U.S. industry $2,645,000,000 worth of equipment, while we have agreed to buy in return only $325 million worth.

Presently Great Britain has reduced its shipping, and aviation construction capacities, with the result that Great Britain is dependent upon other countries, and more dependent upon the United States for certain types of procurement.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. COOPER. Yes.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the previous order be vacated and that the Senate vote on the pending matter at 15 minutes until 6 o'clock.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD of West Virginia. And that the vote be immediately followed by the vote on the amendments in disagreement, and that the time after the Senator from Mississippi completes yielding to the Senator from Kentucky [Mr. COOPER] be given to the Senator from Oklahoma [Mr. MONRONEY].

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. COOPER. Mr. President, I have the floor.

I would hope the Senate would not accept the Byrnes amendment, for these reasons:

First, the procurement arrangements agreed to are distinctly to our economic advantage;

Second, our longstanding relation-

ship with Great Britain is unique in the world today in our relations with other countries;

Third, by reducing her aviation manufacturing facilities and domestic procurement programs, Great Britain has placed herself in a position of great dependence on U.S. procurement.

Last, I view the Byrnes amendment as an irresponsible act entirely inconsistent with our country's position of world leadership.

I hope very much the Senate will vote against the Byrnes amendment.

Mr. STENNIS. Mr. President, I yield 2 minutes to the distinguished Senator from South Carolina [Mr. THURMOND].

Mr. THURMOND. Mr. President, I wish to thank the distinguished Senator from Mississippi.

I just want to commend the members of the conference committee for their fine job on this bill.

This bill from conference is under the budget estimates by $1,647,380,000.

It is under the House bill by $358,580,000.

It is even under the Senate bill by $195,700,000.

This bill is a most important bill. It is one of the most important bills the Senate can act on this year. We are now in a war in Vietnam. This bill carries the important appropriations for that war.

I think the Senate conferees have done a very fine job in handling the matter. I especially wish to commend the distinguished and able Senator from Mississippi [Mr. STENNIS] and the distinguished and able Senator from Georgia [Mr. RUSSELL] for the outstanding leadership they have provided in the formulation, preparation, and action upon this bill.

Mr. STENNIS. Mr. President, I thank the Senator.

I yield the remaining time to the Senator from Oklahoma.

Mr. MONRONEY. Mr. President, I too appreciate the wonderful job done on this complex and difficult bill and the bringing about as much agreement as has been brought about. I know it has been largely due to the sound leadership of the distinguished chairman of the Appropriations Subcommittee on Military Matters [Mr. RUSSELL] and his very able colleague, Senator STENNIS, that so much agreement has been obtained. But I do want to take this time to urge that the Senate send back to the House the matter dealing with the exchange or swap of British minesweepers for the F-111. I think we are being very unwise or careless in refusing this very logical, sensible, and cooperative enterprise to permit Great Britain to supply these minesweepers in such small numbers while we supply in such large number our F-111's.

As we all know, it is most important to have our own planes supplied to our allies. It simplifies and reduces the spare parts problem. It simplifies the manufacture. It makes for a commonality in fighting equipment that is beneficial to us and our allies.

The F-111 is a good airplane. It is a fine airplane for land use, but because of its present weight, it is less desirable for carriers.

Anybody familiar with aviation difficulties would have expected this. It has been impossible thus far, as I understand it, to reduce the weight of the F-111 sufficient for its use on aircraft carriers. Quite to the contrary, with adequate runways, the F-111 is practical, useful, and valuable.

If we do not supply these planes to Great Britain and proceed with our purchase from them of minesweepers, I do not know where Great Britain will get a variable geometry wing supersonic fighter. Practically all future supersonic fighters, from what I see in aviation circles, will have to be of the swept wing, variable geometry wing type.

The fact that we have been able to interest Great Britain in this plane has led to their giving up the joint manufacture, with France, of another airplane of a variable geometry configuration. They would concentrate, if they could on their purchases here.

It is going to be quite difficult, I feel sure, for the present Government of Great Britain to explain to the people of Great Britain why they should be buying such a great quantity of our F-111 sweptwing aircraft, if we cannot permit our oldest, closest, and I believe most valuable ally to supply something as simple and as easy to make in their shipyards as these minesweepers.

Mr. President, I am growing quite weary of having the Appropriations Committee of the House of Representatives dictating, in so many, many bills, the course of appropriations of this Congress. I have sat in a number of conferences, and have seen the conferees from the other body insist on their point of view, even to the exclusion of an adequate discussion of the differing votes between the two Houses. Mr. President, we are coequal bodies. It is true that the Constitution gives the House of Representatives the right to originate tax bills. Because the Ways and Means Committee of the House of Representatives formerly not only wrote the tax bills, but also made the appropriations, the House has preempted unto itself primacy on appropriation matters.

But though they can claim, by tradition, the right to originate appropriation bills, it does not give them the exclusive right to dictate in this field. I think on a matter where foreign policy is concerned in appropriations—and as I think every Member of this body must realize, our foreign policy is involved here—the Senate should insist upon making this slight concession on these minesweepers, in order for our closest ally to have the same type of fighter, and I think the finest swept-wing fighter that is available in mass production. It could be delivered promptly to the European theater, where it is so greatly needed to buttress the western wall against any threat from the Communist world.

Mr. President, I plead that when the vote comes, following this next vote, on insisting on our disagreement with the House, and insisting on this amendment that so wisely provides for the manufacture of this plane and its sale to England, and to consummate the purchase of the minesweepers. We should vote to send it back to the House, and insist that we are a coequal body, and that we have a right to be heard in these matters, militarily as well as otherwise. I hate to see a strong point in foreign policy carelessly or callously disregarded because a few people in the House of Representatives want to say, temperamentally, "We intend to remain isolationist, even though we are geared closely together with our allies of Western Europe.

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

Mr. MONRONEY. I am not criticizing our conferees. I am criticizing the attitude of Members of the House when they go to conference with Members of the Senate, especially with our distinguished leaders in the military appropriations field, who have been engaged in this activity so long and so ably.

Mr. STENNIS. Mr. President, I think the Senator misunderstands the situation. As far as I know, and I am sure the other conferees will agree, we did not yield on this point. The Byrnes amendment did not originate in the House Appropriations Committee, but originated on the floor of the House of Representatives. It went back to the House in disagreement, and was reaffirmed yesterday on a rollcall vote, by an 89-vote margin. I think that is the situation.

Mr. MONRONEY. But the members of our Appropriations Committee, I am certain, could persuade the Senate, if they would insist we go back, not by an 89-vote margin out of 435, but could come up with the votes of almost 100 percent of the Senate, by insisting on disagreement with the House of Representatives on this vital matter.

The PRESIDING OFFICER. The Senator's time has expired. All time having expired, 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 roll.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. What is the question?

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. STENNIS. That does not include the Byrnes amendment, is that correct?

The PRESIDING OFFICER. It does not include the Byrnes amendment; the Senator is correct.

Mr. STENNIS. I thank the Chair.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Nevada [Mr. BIBLE], the Senator from Mississippi [Mr. EASTLAND], the Senator from Michigan [Mr. HART], the Senator from Montana [Mr. MANSFIELD], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], and the Senator from Missouri [Mr. SYMINGTON] are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Pennsylvania [Mr. CLARK], the Senator from North Carolina [Mr. JORDAN], the Senator from Louisiana

[Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Montana [Mr. METCALF], and the Senator from Florida [Mr. SMATHERS] are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada [Mr. BIBLE], the Senator from Michigan [Mr. HART], the Senator from North Carolina [Mr. JORDAN], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Utah [Mr. MOSS], and the Senator from Florida [Mr. SMATHERS] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. DOMINICK] and the Senator from Arizona [Mr. FANNIN] are absent on official business.

The Senator from New York [Mr. JAVITS] is necessarily absent.

The Senator from Vermont [Mr. AIKEN], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from Illinois [Mr. PERCY], and the Senator from Pennsylvania [Mr. SCOTT] are detained on official business.

If present and voting, the Senator from Vermont [Mr. AIKEN], the Senator from Colorado [Mr. DOMINICK], the Senator from Arizona [Mr. FANNIN], the Senator from New York [Mr. JAVITS], the Senator from Illinois [Mr. PERCY], and the Senator from Pennsylvania [Mr. SCOTT] would each vote "yea."

The result was announced—yeas 74, nays 3, as follows:

[No. 249 Leg.]

YEAS—74

Allott	Hansen	Morton
Baker	Harris	Mundt
Bayh	Hartke	Murphy
Bennett	Hatfield	Nelson
Boggs	Hayden	Pastore
Brewster	Hill	Pearson
Brooke	Holland	Pell
Burdick	Hollings	Prouty
Byrd, Va.	Hruska	Proxmire
Byrd, W. Va.	Inouye	Randolph
Cannon	Jackson	Ribicoff
Carlson	Jordan, Idaho	Russell
Case	Kennedy, Mass.	Smith
Church	Kennedy, N.Y.	Sparkman
Cooper	Kuchel	Spong
Cotton	Lausche	Stennis
Curtis	Long, Mo.	Talmadge
Dirksen	McCarthy	Thurmond
Dodd	McGee	Tower
Ellender	McGovern	Tydings
Ervin	McIntyre	Williams, N.J.
Fong	Miller	Williams, Del.
Fulbright	Mondale	Yarborough
Gore	Monroney	Young, N. Dak.
Griffin	Montoya	

NAYS—3

Gruening	Morse	Young, Ohio

NOT VOTING—23

Aiken	Hart	Metcalf
Anderson	Hickenlooper	Moss
Bartlett	Javits	Muskie
Bible	Jordan, N.C.	Percy
Clark	Long, La.	Scott
Dominick	Magnuson	Smathers
Eastland	Mansfield	Symington
Fannin	McClellan	

So the report was agreed to.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. KUCHEL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STENNIS. Mr. President, I ask that the amendments in technical disagreement be stated.

The PRESIDING OFFICER. The amendments will be stated.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 12 to the bill (H.R. 10738) entitled "An Act making appropriations for the Department of Defense for the fiscal year ending June 30, 1968, and for other purposes", and concur therein with an amendment, as follows: In lieu of the sum proposed, insert "$5,462,500,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 14, to aforesaid bill, and occur therein with an amendment, as follows: In lieu of the sum proposed, insert "$2,939,100,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 20, to aforesaid bill, and concur therein with an amendment, as follows: In lieu of the matter proposed, insert "and $55,000,000 of the funds available under this head shall be available only for the F-12 aircraft program; $5,493,400,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 21, to aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed, insert "$2,429,800,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 36, to aforesaid bill, and concur therein with an amendment, as follows: In line 7 of the matter proposed to be inserted by said amendment, strike out "fifteen", and insert "forty-five".

Mr. STENNIS. Mr. President, these amendments do not involve the Byrnes amendment at all. These are mere technical disagreements because of a peculiar situation in the bill. This, I am sure, is satisfactory to everyone. We can agree to these amendments by voice vote.

I move that the Senate concur in the amendments of the House to the Senate amendments numbered 12, 14, 20, 21, and 36.

The PRESIDING OFFICER (Mr. SPONG in the chair). The question is on agreeing en bloc to the amendments of the House.

The amendments were agreed to.

Mr. STENNIS. Mr. President, that brings us to the single remaining matter in this bill, and that is amendment No. 18, pertaining to the construction of ships in foreign shipyards.

I ask that the amendment be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Resolved, That the House insist upon its disagreement to the amendment of the Senate numbered 18, to aforesaid bill.

Mr. STENNIS. Mr. President, I move that the Senate recede on its amendment No. 18.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the previous order be vacated, and that the vote on amendment 18 occur within 10 minutes, the time to be equally divided between the Senator from Mississippi [Mr. STENNIS] and the Senator from Oklahoma [Mr. MONRONEY].

Mr. MORSE. Mr. President, may we have the yeas and nays ordered on the amendment before we have the agreement? I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Without objection, the unanimous-consent agreement is entered.

Mr. STENNIS. Mr. President, at this time I should like to state this rather important matter. This amendment concerns the question of permitting foreign shipyards, particularly those of Great Britain, to bid on seven wooden minesweepers without the application of the "Buy American" differential.

It relates to an agreement that Mr. McNamara made with Great Britain concerning the purchase of a great number of planes by them from us, and in turn British concerns were to be permitted to bid, over a 12-year period, on an equal basis with American concerns, until they received contracts totaling $325 million. The House of Representatives, on amendment from the floor, prohibited the use of funds for the construction of naval vessels in foreign shipyards. It pertains only to this fiscal year.

We did not adopt that amendment in the Senate, but in conference everything was agreed to except that one item. The Senate would not yield, and the House would not yield, so it went back to the House in disagreement.

Yesterday, on a rollcall vote, the House stood by its previous position by a majority of 89—233 to 144.

The conferees on the part of the Senate do not want to yield in principle, but we are driven to the conclusion that the House will not yield on this point this year. We made full inquiry about that of Members on both sides of the aisle in the House, of Mr. McNamara, and got the opinion of all concerned in connection with it. I have no doubt about that, and neither does anyone else who was at the conference.

This is a practical matter. Time is running out. It is now the 13th of September. The bill involves more than $69 billion. There are new items in the bill that must move. For that reason, the conferees move that we recede on our amendment, which means that we approve the Byrnes amendment.

I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, I believe we should back up our conferees and recede from our former action. I regret that we have to do that.

I have read the debate of yesterday. I find that the chairman of the House Appropriations Committee, Representative MAHON, of Texas, who is also chairman of the subcommittee, and Representative SIKES, of Florida, both argued very diligently for the House to recede from its former action, and they lost by 89 votes.

Mr. President, this bill covers $20 billion for our men in Vietnam. We have already been necessarily delayed by our little vacation and for other reasons. I do not believe we should hold this matter up longer, particularly when the Senator from Mississippi, the Senator from North Dakota, and the senior Senator from Georgia all join in saying that they believe we should now recede from our former action, and I hope we shall do so.

The PRESIDING OFFICER. The first 5 minutes under the unanimous-consent agreement have expired.

Mr. MONRONEY. Mr. President, I

yield such time as he may desire to the distinguished senior Senator from Texas.

Mr. YARBOROUGH. Mr. President, I regret that our commitments with Great Britain in this matter have been cast aside with respect to this item of procurement, particularly in a situation which means so much to the United States in the field of international relations with one of its most friendly powers in the world.

I commend our conferees for the fight they have made. They have been turned down twice by the House. This is a matter involving agreements with respect to an item of procurement, not a change in American law. If we cannot swap goods in this manner, I believe that in the future we will have great difficulty working out such procurement agreements.

I shall vote against concurring in the House amendment. I do not desire to take more time, because I know that other Senators wish to speak.

Although I am appreciative of the great skill of our conferees, I do not believe we should yield on this point. If we do yield, and if the amendment is adopted, I still will be hopeful that the administrative officers of the Defense Department and the executive department, supported by the able Senate conferees and the Senate Armed Forces Committee, will find other means of implementing this agreement, which was made in good faith, without any idea that it would be turned down by either branch of Congress.

Mr. MONRONEY. Mr. President, I yield 1 minute to the Senator from Maryland.

Mr. BREWSTER. I thank the Senator from Oklahoma.

I believe we can argue with great honor that the U.S. Navy should be built in U.S. shipyards. I argue that our shipbuilding industry has fallen to an all-time low; that in this area alone, Congress should do something about this industry, which is vital to the security and defense of America.

Mr. MONRONEY. Mr. President, I yield 1 minute to the Senator from Texas.

Mr. TOWER. Mr. President, as I have said earlier, I have always been interested in building our maritime fleet in this country. I have a bill pending to study our maritime fleet.

We are talking about seven little wooden hulls for small boats. This will have no significant effect on the American shipbuilding industry. On military hardware we have reduced the British. They have contracted for $2.5 billion for military hardware. All we have agreed to is that we will allow them to bid on some $325 million worth of orders from this country to be constructed or provided by British manufacturers or industry.

I think it is pretty petty for a great power like the United States to welsh on an agreement of this kind.

Mr. MONRONEY. Mr. President, I think the United States would be making a great mistake if we would throw Great Britain down in this crucial hour. She asks to send us or sell us 11 minesweepers. She starts a program that will run hundreds of millions of dollars of her money to buy our planes, and then she will buy the swept-wing supersonic transport. Mr. President, it is to our vital interest to equip Great Britain with our type aircraft. It is an infinitesimal amount she asks in return.

We embarrass her government, we embarrass her cabinet, and we embarrass ourselves by the failure to be a good partner with our oldest and most reliable ally. This was approved by the President, the Department of Defense, the Committee on Armed Services, the Subcommittee on Military Affairs, the Committee on Appropriations, by the Senate itself, by the conferees, by the House and the Senate; and then, because of a sudden drive, we know not why, the Byrnes amendment comes in and all of the investigation, study, and common sense go out the window.

I think we should go back to the House of Representatives and insist on our rights as a coequal body and not give up on this matter which is of vital interest to our country.

Mr. GRIFFIN. Mr. President, I wish to emphasize that my vote for the so-called Byrnes amendment does not indicate a position on my part that the United States should buy no ships constructed in foreign shipyards.

After this appropriations bill is enacted, funding will be available for construction of 16 minesweepers.

The Byrnes amendment requires only that seven out of the 16 minesweepers will be built in U.S. shipyards. The British will still be able to bid for construction of the other nine.

Under the circumstances, I believe the Byrnes amendment is a reasonable limitation which merely assures that a minimum capability in the United States to construct such ships will continue to be available.

Mr. STENNIS. Mr. President, the conference report and all amendments in disagreement, with the exception of amendment No. 18 pertaining to the construction of ships in foreign shipyards, have now been disposed of.

As I stated earlier, I think that it is unfortunate the House has insisted on its position on this amendment. However, I do not think there is any purpose to be gained by requesting another conference with the House on this amendment.

Therefore, I move that the Senate recede on its amendment No. 18.

Mr. President, in substance, a vote of "yea" would sustain the recommendation of the Senate conferees and that will complete the bill.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Mississippi that the Senate recede on its amendment No. 18. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Ohio [Mr. YOUNG], the Senator from Alaska [Mr. BARTLETT], the Senator from Nevada [Mr. BIBLE], the Senator from Mississippi, [Mr. EASTLAND], the Senator from Michigan [Mr. HART], the Senator from Montana [Mr. MANSFIELD], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Georgia [Mr. TALMADGE], are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Pennsylvania [Mr. CLARK], the Senator from North Carolina [Mr. JORDAN], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Montana [Mr. METCALF], and the Senator from Florida [Mr. SMATHERS] are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. DOMINICK] and the Senator from Arizona [Mr. FANNIN] are absent on official business.

The Senator from New York [Mr. JAVITS] is necessarily absent.

The Senator from Iowa [Mr. HICKENLOOPER] is detained on official business.

If present and voting, the Senator from Arizona [Mr. FANNIN] would vote "yea."

On this vote, the Senator from Colorado [Mr. DOMINICK] is paired with the Senator from New York [Mr. JAVITS]. If present and voting, the Senator from Colorado would vote "yea," and the Senator from New York would vote "nay."

The result was announced—yeas 49, nays 29, as follows:

[No. 250 Leg.]

YEAS—49

Allott	Hill	Prouty
Boggs	Holland	Proxmire
Brewster	Hollings	Randolph
Burdick	Hruska	Ribicoff
Byrd, Va.	Inouye	Russell
Byrd, W. Va.	Jackson	Scott
Carlson	Jordan, Idaho	Smith
Case	Lausche	Sparkman
Curtis	McGee	Spong
Dodd	McGovern	Stennis
Ellender	McIntyre	Thurmond
Ervin	Miller	Tydings
Fong	Morse	Williams, N.J.
Griffin	Mundt	Williams, Del.
Hansen	Nelson	Young, N. Dak.
Hartke	Pastore	
Hayden	Pearson	

NAYS—29

Aiken	Fulbright	Mondale
Baker	Gore	Monroney
Bayh	Gruening	Montoya
Bennett	Harris	Morton
Brooke	Hatfield	Murphy
Cannon	Kennedy, Mass.	Pell
Church	Kennedy, N.Y.	Percy
Cooper	Kuchel	Tower
Cotton	Long, Mo.	Yarborough
Dirksen	McCarthy	

NOT VOTING—22

Anderson	Hickenlooper	Moss
Bartlett	Javits	Muskie
Bible	Jordan, N.C.	Smathers
Clark	Long, La.	Symington
Dominick	Magnuson	Talmadge
Eastland	Mansfield	Young, Ohio
Fannin	McClellan	
Hart	Metcalf	

So Mr. STENNIS' motion was agreed to.

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

Mr. HOLLAND. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. STENNIS. Mr. President, I ask

unanimous consent to have printed in the RECORD a tabulation giving a summary of the professional action on each appropriation, including the Department of Defense appropriation bill for fiscal year 1968.

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

SUMMARY OF CONGRESSIONAL ACTION ON DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1968 (H.R. 10738)

TITLE I—MILITARY PERSONNEL

Item	Appropriations, 1967	Budget estimates, 1968	House allowance	Senate allowance	Conference action	Conference action compared with— Budget estimate	House	Senate
Military personnel, Army	$6,893,400,000	$7,870,000,000	$7,794,000,000	$7,760,300,000	$7,760,300,000	−$109,700,000	−$33,700,000	
Military personnel, Navy	3,950,600,000	4,065,000,000	4,063,600,000	4,029,100,000	4,029,100,000	−35,900,000	−34,500,000	
Military personnel, Marine Corps	1,265,900,000	1,402,000,000	1,400,800,000	1,396,300,000	1,396,300,000	−5,700,000	−4,500,000	
Military personnel, Air Force	5,500,800,000	5,694,000,000	5,692,900,000	5,619,300,000	5,619,300,000	−74,700,000	−73,600,000	
Reserve personnel, Army	309,311,000	297,200,000	297,200,000	297,200,000	297,200,000			
Reserve personnel, Navy	113,400,000	116,100,000	116,100,000	116,100,000	116,100,000			
Reserve personnel, Marine Corps	37,300,000	38,300,000	38,300,000	38,300,000	38,300,000			
Reserve personnel, Air Force	70,800,000	67,700,000	72,300,000	72,300,000	72,300,000	+4,600,000		
National Guard personnel, Army	370,333,000	345,000,000	345,000,000	345,000,000	345,000,000			
National Guard personnel, Air Force	84,200,000	85,700,000	87,600,000	87,600,000	87,600,000	+1,900,000		
Retired pay, Defense	1,839,000,000	2,020,000,000	2,020,000,000	2,020,000,000	2,020,000,000			
Total, Title I—Military personnel	20,435,044,000	22,001,000,000	21,927,800,000	21,781,500,000	21,781,500,000	−219,500,000	−146,300,000	

TITLE II—OPERATION AND MAINTENANCE

Item	Appropriations, 1967	Budget estimates, 1968	House allowance	Senate allowance	Conference action	Conference action compared with— Budget estimate	House	Senate
Operation and maintenance, Army	$7,148,477,000	$7,103,000,000	$6,907,000,000	$7,003,375,000	$6,942,375,000	−$60,625,000	+$5,375,000	−$61,000,000
Operation and maintenance, Navy	4,667,400,000	4,706,000,000	4,636,000,000	4,664,500,000	4,653,000,000	−53,000,000	+17,000,000	−11,500,000
Operation and maintenance, Marine Corps	424,600,000	395,000,000	391,100,000	392,150,000	391,600,000	−3,400,000	+500,000	−550,000
Operation and maintenance, Air Force	5,537,100,000	5,412,000,000	5,352,500,000	5,371,475,000	5,367,025,000	−44,975,000	+14,525,000	−4,450,000
Operation and maintenance, Defense Agencies	912,600,000	966,000,000	955,000,000	947,520,000	947,520,000	−18,480,000	−7,480,000	
Operation and maintenance, Army National Guard	231,000,000	241,000,000	241,000,000	241,000,000	241,000,000			
Operation and maintenance, Air National Guard	254,700,000	266,970,000	272,570,000	272,570,000	272,570,000	+5,600,000		
National Board for the Promotion of Rifle Practice, Army	494,000	428,000	448,000	428,000	428,000			
Claims, Defense	34,000,000	[1] 30,000,000	[1] 30,000,000	[1] 30,000,000	[1] 30,000,000			
Contingencies, Defense	15,000,000	15,000,000	15,000,000	10,000,000	10,000,000	−5,000,000	−5,000,000	
Court of Military Appeals, Defense	600,000	602,000	602,000	602,000	602,000			
Army Stock Fund	315,000,000	60,000,000	60,000,000	60,000,000	60,000,000			
Navy Stock Fund	77,000,000							
Marine Corps Stock Fund		4,000,000				−4,000,000		
Air Force Industrial Fund		44,000,000				−44,000,000		
Defense Stock Fund	107,000,000	133,000,000	133,000,000	118,400,000	118,400,000	−14,600,000	−14,600,000	
Total, Title II—Operation and maintenance	19,760,971,000	19,377,000,000	18,994,200,000	19,112,020,000	19,034,520,000	−342,480,000	+40,320,000	−77,500,000

TITLE III—PROCUREMENT

Item	Appropriations, 1967	Budget estimates, 1968	House allowance	Senate allowance	Conference action	Conference action compared with— Budget estimate	House	Senate
Procurement of equipment and missiles, Army	$5,598,300,000	$5,581,000,000	$5,475,000,000	$5,478,600,000	$5,462,500,000	−$118,500,000	−$12,500,000	−$16,100,000
Procurement of aircraft and missiles, Navy	3,541,900,000	3,046,000,000	2,946,500,000	2,950,700,000	2,939,100,000	−106,900,000	−7,400,000	−11,600,000
Shipbuilding and conversion, Navy	1,756,700,000	1,824,000,000	1,420,000,000	1,297,000,000	1,297,000,000	−527,000,000	−123,000,000	
Other procurement, Navy	2,255,300,000	2,359,000,000	2,346,000,000	2,336,000,000	2,336,000,000	−23,000,000	−10,000,000	
Procurement, Marine Corps	515,900,000	665,000,000	665,000,000	665,000,000	665,000,000			
Aircraft procurement, Air Force	5,320,300,000	5,582,000,000	5,588,900,000	5,547,400,000	5,493,400,000	−88,600,000	−95,500,000	−54,000,000
Missile procurement, Air Force	1,234,500,000	1,343,000,000	1,340,000,000	1,340,000,000	1,340,000,000	−3,000,000		
Other procurement, Air Force	2,658,600,000	2,477,000,000	2,439,800,000	2,433,800,000	2,429,800,000	−47,200,000	−10,000,000	−4,000,000
Procurement, Defense Agencies	51,300,000	40,000,000	40,000,000	38,000,000	38,000,000	−2,000,000	−2,000,000	
Total, Title III—Procurement	22,932,800,000	22,917,000,000	22,261,200,000	22,086,500,000	22,000,800,000	−916,200,000	−260,400,000	−85,700,000

TITLE IV—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Item	Appropriations, 1967	Budget estimates, 1968	House allowance	Senate allowance	Conference action	Conference action compared with— Budget estimate	House	Senate
Research, development, test, and evaluation, Army	$1,568,700,000	$1,539,000,000	$1,501,000,000	$1,510,700,000	$1,505,700,000	−$33,300,000	+$4,700,000	−$5,000,000
Research, development, test, and evaluation, Navy	1,794,100,000	1,858,000,000	1,806,700,000	1,826,400,000	1,816,400,000	−41,600,000	+9,700,000	−10,000,000
Research, development, test, and evaluation, Air Force	3,129,600,000	3,287,000,000	3,225,100,000	3,255,000,000	3,240,000,000	−47,000,000	+14,900,000	−15,000,000
Research, development, test, and evaluation, Defense Agencies	476,059,000	464,000,000	444,000,000	449,000,000	446,500,000	−17,500,000	+2,500,000	−2,500,000
Emergency fund, Defense	125,000,000	125,000,000	125,000,000	100,000,000	100,000,000	−25,900,000	−25,000,000	
Total, Title IV—Research, development, test, and evaluation	7,093,459,000	7,273,000,000	7,101,800,000	7,141,100,000	7,108,600,000	−164,400,000	+6,800,000	−32,500,000

TITLE V—SPECIAL FOREIGN CURRENCY PROGRAM

Item	Appropriations, 1967	Budget estimates, 1968	House allowance	Senate allowance	Conference action	Conference action compared with— Budget estimate	House	Senate
Special foreign currency program	$7,348,000	$16,000,000	$10,200,000	$11,200,000	$11,200,000	−$4,800,000	+$1,000,000	

TITLES I, II, III, IV, AND V—TOTALS

Item	Appropriations, 1967	Budget estimates, 1968	House allowance	Senate allowance	Conference action	Conference action compared with— Budget estimate	House	Senate
Grand total	$70,229,622,000	$71,584,000,000	$70,295,200,000	$70,132,320,000	$69,936,620,000	−$1,647,380,000	−$358,580,000	−$195,700,000

[1] Submitted as an annual indefinite; considered as $30,000,000 request in this tabulation.

ORDER FOR ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

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

TRYING TO FIND OUT WHAT HAPPENS TO OUR TAX DOLLARS

Mr. BAKER. Mr. President, Charles Keely, the astute correspondent in Rio de Janeiro for Copley News Service, has written an article on problems he encountered in trying to get an answer to what appears to be a relatively simple question. This is a classic example of the old runaround. I sincerely hope that this is not indicative of the kind of treatment representatives of such highly respected organizations as Copley News Service are receiving from our representatives abroad. The public has a full right to know what is happening to the tax dollars that we are spending in foreign aid.

I ask unanimous consent that the article by Charles Keely of Copley News Service be printed in the RECORD.

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

OFFBEAT DIARY: TRACKING A TAX DOLLAR IS TOUGH

(By Charles Keely)

RIO DE JANEIRO.—If you wonder what happens to your tax dollars earmarked for foreign aid, think twice before asking the U.S. Agency for International Development (AID).

AID has more than 100 U.S. specialists in their new, 11-story modernistic offices here. There's a well-staffed press section to answer reporters' questions, turn out a newsletter, newspaper, photographs, speeches, press releases.

This press section, of course, is entirely separate from the smaller U.S. Embassy press staff. The undermanned embassy has only 65 Americans in its 10-story building.

I telephoned AID the other day and asked how much money the United States has spent in Brazil since 1962 on education programs. I also asked what percentage of total U.S. aid to Brazil during this period it would represent.

"That's very difficult," the press officer told me. "You see, the overlapping disbursements of the obligations and of course commitments along with self-generating funds from Food for Peacewise spending tied to matching funds must be taken into consideration."

"How much money has the United States spent in Brazil under the Alliance for Progress?" I asked.

"You mean dollar-wise expenditures programmed through fiscal '67 including undisbursed pipeline funds?"

"Yes, yes," I responded. "Exactly."

"Well, that I just don't know. Apart from balance of payments loans and counterpart funds generated from programs initiated before the Alliance . . ."

"How about just education?" I interrupted.

A quick answer: "We have seven current programs. Actually there were many more since way back after the war which we have at times terminated or otherwise modified into these seven."

"Ah, I see," I said.

"Can you tell me how much money went into these programs?"

"I should have that here," he answered. "We're writing an article about this for our 'Alliance Reporter' for the (pause of profound reverence), sixth anniversary of the Alliance for Progress.

"Yes, here it is. It's 10.5 per cent of total U.S. assistance."

"And what's the total?" We were back where we started.

"Well, as I said, it's almost impossible to compute unless . . ."

I thanked him and called the AID director's office.

"That shouldn't be very difficult," an assistant told me. "We'll get back to you in a few minutes."

Ten minutes later my press officer friend called me. "I have a note here from the director's office to call you," he said. I suggested we let the whole thing drop.

"Say," he added brightly before I could hang up. "We're having a cocktail party tonight to celebrate our anniversary. Why don't you come? Probably the director or his assistant will be there. You could ask them. It's a great opportunity. They know everything.

INFLATION

Mr. LAUSCHE. Mr. President, on the subject of inflation, I should like to read into the RECORD part of a letter which I received from Milford, Ohio, today, written by the Rev. Carl R. Steinbicker, of St. Andrews Church in Milford, Ohio.

In it, he states in part:

A year and a half ago I had to close Blessed Elizabeth Seton school at Mt. Repose, Ohio, because a neighboring farmer had secured an injunction against our sewage disposal plant; this school belongs to this parish but is situated six miles from here; at present there are 306 pupils attending it.

At the time of its closing, you came to our assistance magnificiently; within days you secured for Clermont County some $139,000.00 planning money to get busy preparing an adequate sewage system for the whole area; that money has been used, the plans have been accepted all round, but for some reason I do not know of, the work was not started this spring when we were all expecting it would be started. Now the County Commissioners have let me know that the cost of the work, since the plans were accepted, has risen roughly from $3,800,000 to over $5,000,000; it's my understanding that about half of this must be raised by the County through bonds, while the remainder will come from Uncle Sam. This situation looks like it will result in the indefinite postponement of the installment of a sewage system for us at Mt. Repose.

Mr. President, the point I want to make is that in the course of approximately a year and a half the cost of this project rose from $3.8 million to $5 million—less than 33 percent.

The cause of that rise has been a 40-percent increase over a period of 3 years in the wages of building craftsmen.

Why the Federal Government did not intervene through Mr. Ackley while the negotiations were being carried on, and through which the labor unions were granted a 40-percent increase in wages over a period of 3 years, I do not understand.

If Senators are worried about inflation, I ask them to consider this project in Milford, Ohio.

In the course of 18 months, the cost has risen from $3,800,000 to $5 million.

LEGISLATIVE PROGRAM

Mr. BYRD of West Virginia. Mr. President, before asking the clerk to state the pending business for tomorrow, I wish to state that that pending business will be the bill to amend the Federal Flood Insurance Act of 1956.

Following the completion of that bill tomorrow, the Senate will consider Calendar No. 506, S. 798, a bill to provide compensation to survivors of local law-enforcement officers killed while apprehending persons for committing Federal crimes.

Then, for the information of Senators who may read the RECORD in the morning, it will be the intention of the leadership, upon completion of business tomorrow, to make Calendar No. 532, H.R. 9960, a bill making appropriations for the Department of Housing and Urban Renewal, the pending business for consideration when the Senate again meets at 12 o'clock noon on Monday next.

There is a possibility that there will be one or more rollcall votes tomorrow.

FLOOD INSURANCE PROGRAM

Mr. BYRD of West Virginia. Mr. President, for the purposes of making it the pending business for tomorrow, I move that the Senate proceed to the consideration of Calendar No. 533, S. 1985.

The PRESIDING OFFICER. The bill will be stated for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1985) to amend the Federal Flood Insurance Act of 1956, to provide for a national program of flood insurance, 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 Banking and Currency, with amendments, at the top of page 5, to insert a new section, as follows:

DEFINITIONS

SEC. 4. As used in this Act, the term—

(1) "Flood" shall have such meaning as may be prescribed in regulations of the Secretary, and may include inundation from the overflow of streams, rivers, or other bodies of natural water, and from tidal surges, abnormally high tidal water, tidal waves, hurricanes, and other severe storms or deluge;

(2) "United States" (when used in a geographic sense), and "State", respectively, include the several States, the District of Columbia, the territories and possessions, and the Commonwealth of Puerto Rico;

(3) "Insurance company", "other insurer", "insurance agents and brokers" include any organizations and persons authorized to engage in the insurance business under the laws of any State (as "State" is defined in paragraph (2));

(4) "Insurance adjustment organizations" includes any organizations and persons engaged in the business of adjusting loss claims arising under insurance policies issued by any insurance company or other insurer authorized to engage in the insurance business under the laws of any State (as "State" is defined in paragraph (2));

(5) "Person" includes any individual or group of individuals, corporation, partnership, association, or any other organized group of persons, including State and local governments and agencies thereof; and

(6) "Secretary" means the Secretary of Housing and Urban Development.

On page 13, line 15, after the word "after", to strike out "the identifications of hazardous flood plain areas under paragraph (1) of section 301 have been published by the Secretary," and insert "identification of the area in which such property is located has been published under paragraph (1) of section 301,"; on page 15, line 2, after the word "section", to strike out "215" and insert "214"; in line 4, after the word "section", to strike out "216" and insert "215"; in line 21, after the word "section", to strike out "216" and insert "215"; on page 19, line 20, after the word "person", to strike out "for the physical loss, destruction, or damage of real or personal property, to the extent that such loss, destruction, or damage"; after line 22, to insert:

"(1) for the physical loss, destruction, or damage of real or personal property, to the extent that such loss, destruction, or damage"; on page 20 in line 4, after "(2)", to insert "except in the situation provided for under paragraph (3) for the physical loss, destruction, or damage of real and personal property, to the extent that such loss or destruction, or damage"; after line 24, to insert:

(3) in order to assure that the provisions of paragraph (2) will not create undue hardship for low-income persons who might otherwise benefit from the provision of Federal disaster assistance, the Secretary shall provide by regulation, for the circumstances in which the provisions of paragraph (2) shall not be applicable to any such persons.

On page 22, line 10, after "SEC. 113" to strike out "(a)"; on page 23, line 4, after the word "laws" to strike out "which shall consist of not more than fifteen persons selected from among representatives of the insurance industry and from among members of the public,"; after line 11 to insert:

(b) Such committee shall consist of not more than fifteen persons and such persons shall be selected from among representatives of—

(1) the insurance industry,
(2) State and local governments,
(3) lending institutions,
(4) the home building industry, and
(5) the general public.

At the beginning of line 20, to strike out "(b)" and insert "(c)"; on page 26, line 14, after the word "participate" to strike out "proportionately"; at the beginning of line 16, to strike out "including the maximum amount of profit which may be realized by such pool (and the companies or other insurers participating therein),"; after line 18, to insert:

(3) the maximum amount of profit established by the Secretary under section 108 (and prescribed in regulations under section 108(a)), which may be realized by such pool (and the companies or other insurers participating therein),

At the beginning of line 24, to change the section number from "(3)" to "(4)"; on page 27, at the beginning of line 1, to change the section number from "(4)" to "(5)"; in line 2, after the word "section" to strike out "215" and insert "214"; in line 3, after the word "section" to strike out "216" and insert "215"; on page 28, line 1, after the word "claim" to insert "or upon the refusal of the claimant to accept the amount allowed upon any such claim,"; in line 4, after the word "disallowance" to insert "or partial disallowance"; after line 11 to strike out:

AUDIT OF ACCOUNTS

SEC. 214. Any pool authorized to be formed, associated, or otherwise created under this part (and the companies or other insurers participating therein) shall maintain an integral set of accounts which shall be subject to audit by the Secretary.

At the beginning of line 19, to change the section number from "215" to "214"; on page 29, line 3, after the word "section" to strike out "216" and insert "215"; on page 30, at the beginning of line 8, to change the section number from "216" to "215"; on page 31, line 8, after the word "Program" to strike out "With Industry Assistance"; in line 11 after "SEC. 221." to insert "(a)"; in line 21, after the word "utilizing" to strike out "as may be practicable"; at the beginning of line 23, to strike out "insurance companies and other insurers, insurance agents and brokers, and insurance adjustment organizations, as fiscal agents of the United States." and insert "either-"; at the top of page 32, to insert:

(1) insurance companies and other insurers, insurance agents and brokers, and insurance adjustment organizations, as fiscal agents of the United States,

(2) officers and employees of the Department of Housing and Urban Development, and such other officers and employees of any Executive agency (as defined in section 105 of title 5 of the United States Code) as the Secretary and the head of any such agency may, from time to time, agree upon, on a reimbursement or other basis, or

(3) both the alternatives specified in paragraphs (1) and (2).

(b) Upon making the determination referred to in subsection (a), and at least thirty days prior to implementing the program of flood insurance authorized under title I through the facilities of the Federal Government, the Secretary shall make a report to the Congress and such report shall—

(1) state the reasons for such determination,

(2) be supported by pertinent findings,

(3) indicate the extent to which it is anticipated that the insurance industry will be utilized in providing flood insurance coverage under the program, and

(4) contain such recommendations as the Secretary deems advisable.

On page 33, line 6, after the word "claim" to insert "or upon the refusal of the claimant to accept the amount allowed upon any such claim"; in line 9, after the word "disallowance" to insert "or partial disallowance"; on page 37, after line 12, to insert a new section, as follows:

RECORDS AND AUDITS

SEC. 234. (a) Any flood insurance pool formed, associated, or otherwise created under section 211 of this Act receiving financial assistance under part A of this title and any such pool, or insurance company or other private organization executing any contract, agreement, or other appropriate arrangement with the Secretary under parts B and C of this title shall keep such records as the Secretary shall prescribe, including records which fully disclose the total costs of the program undertaken or the services being rendered, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the pool, insurance company, or other private organizations that are pertinent to the costs of the program undertaken or the services being rendered.

On page 39, line 26, after the word "damage" to insert "where appropriate,"; on page 41, after line 6, to strike out:

DEFINITIONS

SEC. 401. As used in this Act, the term—

(1) "Flood" shall have such meaning as may be prescribed in regulations of the Secretary, and may include inundation from the overflow of streams, rivers, or other bodies of natural water, and from tidal surges, abnormally high tidal water, tidal waves, hurricanes, and other severe storms or deluge;

(2) "United States" (when used in a geographic sense), and "State", respectively, includes the District of Columbia, the territories and possessions, and the Commonwealth of Puerto Rico;

(3) "Insurance company", "other insurer", "insurance agents and brokers", and "insurance adjustment organizations" include any organizations and persons authorized to engage in the insurance business under the laws of any State (as "State" is defined in paragraph (2));

(4) "Person" includes any individual or group of individuals, corporation, partnership, association, or any other organized group of persons, including State and local governments and agencies thereof; and

(5) "Secretary" means the Secretary of Housing and Urban Development.

On page 42, at the beginning of line 8, to change the section number from "402" to "401"; at the beginning of line 23, to change the section number from "403" to "402"; on page 43, at the beginning of line 4, to change the section number from "404" to "403"; at the beginning of line 9, to change the section number from "405" to "404"; in line 10, after the word "contrary" to strike out "and" and insert "any"; at the beginning of line 18, to change the section number from "406" to "405"; at the beginning of line 23, to change the section number from "407" to "406"; and on page 44, at the beginning of line 16, to change the section number from "408" to "407"; so as to make the bill read:

S. 1985

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Flood Insurance Act of 1967".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress finds that (1) from time to time flood disasters have created personal hardships and economic distress which have required unforeseen disaster relief measures and have placed an increasing burden on the Nation's resources; (2) despite the installation of preventive and protective works and the adoption of other public programs designed to reduce losses caused by flood damage, these methods have not been sufficient to protect adequately against growing exposure to future flood losses; (3) as a matter of national policy, a reasonable method of sharing the risk of flood losses is through a program of flood insurance which can complement and encourage preventive and protective measures; and (4) if such a program is initiated and carried out gradually, it can be expanded as knowledge is gained and experience is appraised, thus eventually making flood insurance coverage available on reasonable

terms and conditions to persons who have need for such protection.

(b) The Congress also finds that (1) many factors have made it uneconomic for the private insurance industry alone to make flood insurance available to those in need of such protection on reasonable terms and conditions; but (2) a program of flood insurance with large-scale participation of the Federal Government and carried out to the maximum extent practicable by the private insurance industry is feasible and can be initiated.

(c) The Congress further finds that (1) a program of flood insurance can promote the public interest by providing appropriate protection against the perils of flood losses and encouraging sound land use by minimizing exposure of property to flood losses; and (2) the objectives of a flood insurance program should be integrally related to a unified national program for flood plain management and, to this end, it is the sense of Congress that within two years following the effective date of this Act, the President should transmit to the Congress for its consideration any further proposals necessary for such a unified program, including proposals for the allocation of costs among beneficiaries of flood protection.

(d) It is therefore the purpose of this Act to (1) authorize a flood insurance program by means of which flood insurance, over a period of time, can be made available on a nationwide basis through the cooperative efforts of the Federal Government and the private insurance industry, and (2) provide flexibility in the program so that such flood insurance may be based on workable methods of pooling risks, minimizing costs, and distributing burdens equitably among those who will be protected by flood insurance and the general public.

(e) It is the further purpose of this Act to (1) encourage State and local governments to make appropriate land use adjustments to constrict the development of land which is exposed to flood damage and minimize damage caused by flood losses, (2) guide the development of proposed future construction, where practicable, away from locations which are threatened by flood hazards, (3) encourage lending and credit institutions, as a matter of national policy, to assist in furthering the objectives of the flood insurance program, (4) assure that any Federal assistance provided under the program will be related closely to all flood-related programs and activities of the Federal Government, and (5) authorize continuing studies of flood hazards, in order to provide for a constant reappraisal of the flood insurance program and its effect on land use requirements.

AMENDMENTS TO THE FEDERAL FLOOD INSURANCE ACT OF 1956

SEC. 3. (a) The second sentence of section 15(e) of the Federal Flood Insurance Act of 1956 (79 Stat. 1078) is amended—

(1) by striking out "rate" the second time it appears in such sentence, and inserting in lieu thereof "market yield", and

(2) by striking out "as of the last day of", and inserting in lieu thereof "during".

(b) Section 15(e) of such Act is further amended by striking out the last sentence thereof.

(c) Sections 2 through 14, subsections (a) through (d), and (f) and (g) of section 15, and sections 16 through 23 of such Act are hereby repealed.

DEFINITIONS

SEC. 4. As used in this Act, the term—

(1) "Flood" shall have such meaning as may be prescribed in regulations of the Secretary, and may include inundation from the overflow of streams, rivers, or other bodies of natural water, and from tidal surges, abnormally high tidal water, tidal waves, hurricanes, and other severe storms or deluge;

(2) "United States" (when used in a geographic sense), and "State", respectively, include the several States, the District of Columbia, the territories and possessions, and the Commonwealth of Puerto Rico;

(3) "Insurance company", "other insurer", "insurance agents and brokers" include any organizations and persons authorized to engage in the insurance business under the laws of any State (as "State" is defined in paragraph (2));

(4) "Insurance adjustment organizations" includes any organizations and persons engaged in the business of adjusting loss claims arising under insurance policies issued by any insurance company or other insurer authorized to engage in the insurance business under the laws of any State (as "State" is defined in paragraph (2));

(5) "Person" includes any individual or group of individuals, corporation, partnership, association, or any other organized group of persons, including State and local governments and agencies thereof; and

(6) "Secretary" means the Secretary of Housing and Urban Development.

TITLE I—THE NATIONAL FLOOD INSURANCE PROGRAM

BASIC AUTHORITY

SEC. 101. (a) To carry out the purposes of this Act, the Secretary of Housing and Urban Development is authorized to establish and carry out a national flood insurance program which will enable interested persons to purchase insurance against loss resulting from physical damage to or loss of real property or personal property related thereto arising from any flood occurring in the United States.

(b) In carrying out the flood insurance program the Secretary shall, to the maximum extent practicable, encourage and arrange for—

(1) appropriate financial participation and risk-sharing in the program by insurance companies or other insurers, and

(2) other appropriate participation on other than a risk-sharing basis by insurance companies or other insurers, insurance agents and brokers, and insurance adjustment organizations,

in accordance with the provisions of title II.

SCOPE OF PROGRAM AND PRIORITIES

SEC. 102. (a) In carrying out the flood insurance program the Secretary shall afford a priority to making flood insurance available to cover residential properties which are designed for the occupancy of from one to four families.

(b) If on the basis of—

(1) studies and investigations undertaken and carried out and information received or exchanged under section 104, and

(2) such other information as may be necessary,

the Secretary determines that it would be feasible to extend the flood insurance program to cover other properties, he may take such action under this Act as from time to time may be necessary in order to make flood insurance available to cover, on such basis as may be feasible, any types and classes of—

(A) other residential properties,

(B) business properties,

(C) agricultural properties,

(D) properties occupied by private nonprofit organizations, and

(E) properties owned by State and local governments and agencies thereof,

and any such extensions of the program to any types and classes of these properties shall from time to time be prescribed in regulations.

(c) The Secretary shall make flood insurance available in only those States or areas (or subdivisions thereof) which he has determined have—

(1) evidenced a positive interest in securing flood insurance coverage under the flood insurance program, and

(2) given satisfactory assurance that by June 30, 1970, permanent land use and control measures will have been adopted for the State or area (or subdivision) which are consistent with the comprehensive criteria for land management and use developed under section 302, and that the application and enforcement of such measures will commence as soon as technical information on floodways and on controlling flood elevations is available.

NATURE AND LIMITATION OF INSURANCE COVERAGE

SEC. 103. (a) The Secretary from time to time shall, after consultation with the advisory committee authorized under section 115 and appropriate representatives of the insurance authorities of the respective States, provide by regulation for general terms and conditions of insurability which shall be applicable to properties eligible for flood insurance coverage under section 102, including—

(1) the types, classes, and locations of any such properties which shall be eligible for flood insurance;

(2) the nature of and limits of loss or damage in any areas (or subdivisions thereof) which may be covered by such insurance;

(3) the classification, limitation, and rejection of any risks which may be advisable;

(4) appropriate minimum premiums;

(5) appropriate loss-deductibles; and

(6) any other terms and conditions relating to insurance coverage or exclusion which may be necessary to carry out the purpose of this Act.

(b) In addition to any other terms and conditions under subsection (a), such regulations shall provide that—

(1) any flood insurance coverage based on chargeable premium rates (under section 105) which are less than estimated premium rates (under section 104(a)(1)), shall not exceed—

(A) in the case of residential properties which are designed for the occupancy of from one to four families,

(i) $15,000 aggregate liability for any dwelling unit, and $30,000 for any single dwelling structure containing more than one dwelling unit, and

(ii) $5,000 aggregate liability per dwelling unit for any contents related thereto; and

(B) in the case of any other properties which may become eligible for flood insurance coverage under section 102, $30,000 aggregate liability for any single structure; and

(2) any flood insurance coverage which may be made available in excess of any of the limits specified in subparagraphs (A) and (B) shall be based only on chargeable premium rates (under section 105) which are not less than estimated premium rates (under section 104(a)(1)), and the amount of such excess coverage shall not in any case exceed an amount which is equal to any such limit so specified.

ESTIMATES OF PREMIUM RATES

SEC. 104. (a) The Secretary is authorized to undertake and carry out such studies and investigations, and to receive or exchange such information as may be necessary, to estimate on an area, subdivision, or other appropriate basis—

(1) the risk premium rates for flood insurance which,

(A) based on consideration of the risk involved and accepted actuarial principles, and

(B) including—

(i) applicable operating costs and allow-

ances prescribed under section 108 to be reflected in such rates, and

(ii) any administrative expenses (or portion of such expenses) of carrying out the flood insurance program which, in his discretion, should properly be reflected in such rates,

would be required in order to make such insurance available on an actuarial basis for any types and classes of properties for which insurance coverage shall be available under section 102;

(2) the rates, if less than the rates estimated under paragraph (1), which would be reasonable, would encourage prospective insured to purchase flood insurance, and would be consistent with the purposes of this Act; and

(3) the extent, if any, to which federally assisted or other flood protection measures initiated after the effective date of this Act affect such rates.

(b) In carrying out subsection (a), the Secretary shall, to the maximum extent feasible and on a reimbursement basis, utilize the services of the Department of the Army, the Department of the Interior, the Department of Agriculture, the Department of Commerce, and the Tennessee Valley Authority, and, as appropriate, other Federal departments or agencies, and for such purposes, may enter into agreements or other appropriate arrangements with any persons.

(c) The Secretary shall give priority to conducting studies and investigations, or making estimates under this section in those States or areas (or subdivisions thereof) which he has determined have evidenced a positive interest in securing flood insurance coverage under the flood insurance program.

ESTABLISHMENT OF CHARGEABLE PREMIUM RATES

SEC. 105. (a) On the basis of estimates made under section 104 and such other information as may be necessary, the Secretary from time to time shall, after consultation with the advisory committee authorized under section 115 and appropriate representatives of the insurance authorities of the respective States, by regulation prescribe—

(1) chargeable premium rates for any types and classes of properties for which insurance coverage shall be available under section 102 (at less than the estimated risk premium rates under section 104(a)(1), if necessary), and

(2) the terms and conditions under which and areas (including subdivisions thereof) within which such rates shall apply.

(b) Such rates shall, insofar as practicable, be—

(1) based on a consideration of the respective risks involved, including differences in risks due to land use measures, floodproofing, flood forecasting, and similar measures,

(2) adequate, on the basis of accepted actuarial principles, to provide reserves for anticipated losses, or, if less than such amount, consistent with the objective of making flood insurance available, where necessary, at reasonable rates so as to encourage prospective insureds to purchase such insurance, and

(3) stated so as to reflect the basis for such rates, including the differences (if any) between the estimated risk premium rates under paragraph (1) of section 104(a), and the estimated rates under paragraph (2) of such section.

(c) Notwithstanding any other provision of this Act, the chargeable rate with respect to any property, the construction or substantial improvement of which the Secretary determines has been started after identification of the area in which such property is located has been published under paragraph (1) of section 301, shall not be less than the estimated risk premium rate for such area (or subdivision thereof) under section 104(a)(1).

(d) In the event any chargeable premium rate prescribed under this section is—

(1) at a rate which is not less than the estimated risk premium rate under section 104(a)(1), and

(2) such rate includes any amount for administrative expenses of carrying out the flood insurance program which have been estimated under clause (ii) of section 104(a)(1)(B),

a sum equal to such amount shall be paid to the Secretary, and he shall deposit such sum in the fund authorized under section 107.

TREASURY BORROWING AUTHORITY

SEC. 106. (a) All authority which was vested in the Housing and Home Finance Administrator by virtue of section 15(e) of the Federal Flood Insurance Act of 1956 (70 Stat. 1084) (pertaining to the issue of notes or other obligations to the Secretary of the Treasury), as amended by section 3 (a) and (b) of this Act, shall be available to the Secretary for the purpose of carrying out this Act.

(b) Any funds borrowed by the Secretary under this authority shall, from time to time, be deposited in the National Flood Insurance Fund established under section 107.

NATIONAL FLOOD INSURANCE FUND

SEC. 107. (a) To carry out the flood insurance program authorized by this Act, the Secretary is authorized to establish in the Treasury of the United States a National Flood Insurance Fund (hereinafter referred to as the "fund") which shall be available, without fiscal year limitation—

(1) for making such payments as may, from time to time, be required under section 214;

(2) to pay reinsurance claims under the excess loss reinsurance coverage provided under section 215;

(3) to repay to the Secretary of the Treasury such sums as may be borrowed from him (together with interest) in accordance with the authority provided in section 106 of this Act; and

(4) to pay such administrative expenses (or portion of such expenses) of carrying out the flood insurance program as he may deem necessary; and

(5) for the purposes specified in subsection (d) under the conditions provided therein.

(b) The fund shall be credited with—

(1) such funds borrowed in accordance with the authority provided in section 106 of this Act as may from time to time be deposited in the fund;

(2) premiums, fees, or other charges which may be paid or collected in connection with the excess loss reinsurance coverage provided under section 215;

(3) such amounts as may be advanced to the fund from appropriations in order to maintain the fund in an operative condition adequate to meet its liabilities;

(4) interest which may be earned on investments of the fund pursuant to subsection (c);

(5) such sums as are required to be paid to the Secretary under section 105(d); and

(6) receipts from any other operations under this Act which may, from time to time, be credited to the fund (including premiums under the conditions specified in subsection (d), and salvage proceeds, if any, resulting from reinsurance coverage).

(c) If, after—

(1) all outstanding obligations have been liquidated, and

(2) any outstanding amounts which may have been advanced to the fund from appropriations authorized under section 407(a)(2)(B) have been credited to the appropriation from which advanced, with interest accrued at the rate prescribed under section 15(e) of the Federal Flood Insurance Act of 156, as amended by section 3(a) of this Act, the Secretary determines that the moneys of the fund are in excess of current needs, he may request the investment of such amounts as he deems advisable by the Secretary of the Treasury in obligations issued or guaranteed by the United States.

(d) In the event the Secretary makes a finding in accordance with the provisions of section 221 that operation of the flood insurance program, in whole or in part, should be carried out through the facilities of the Federal Government, the fund shall be available for all such purposes incident thereto, including—

(1) the costs incurred in the adjustment and payment of any claims for losses, and

(2) payment of applicable operating costs prescribed under section 108,

for so long as the program is so carried out, and in such event any premiums paid shall be deposited by the Secretary to the credit of the fund.

OPERATING COSTS AND ALLOWANCES

SEC. 108. (a) The Secretary from time to time shall negotiate with appropriate representatives of the insurance industry for the purpose of establishing—

(1) a current schedule of operating costs applicable to both risk-sharing insurance companies or other insurers, and insurance companies and other insurers, insurance agents and brokers, and insurance adjustment organizations participating on other than a risk-sharing basis, and

(2) a current schedule of operating allowances applicable to risk-sharing insurance companies or other insurers,

which may be payable in accordance with the provisions of title II, and such schedules, from time to time, shall be prescribed in regulations.

(b) For purposes of subsection (a)—

(1) the term "operating costs" shall include, without limiting such term, the following:

(A) expense reimbursements covering the direct, actual, and necessary expenses incurred in connection with selling and servicing flood insurance coverage;

(B) reasonable compensation payable for selling and servicing flood insurance coverage, or commissions or service fees paid to producers;

(C) loss adjustment expenses;

(D) other direct, actual, and necesary expenses which the Secretary finds are incurred in connection with selling or servicing flood insurance coverage; and

(2) the term "operating allowances" shall include, without limiting such term, amounts for profit and contingencies which the Secretary finds reasonable and necessary to carry out the purposes of this Act.

PAYMENTS OF CLAIMS

SEC. 109. The Secretary is authorized to prescribe regulations establishing the general method or methods by which proved and approved claims for losses may be adjusted and paid for any damage to or loss of property which is covered by flood insurance made available under the provisions of this Act.

DISSEMINATION OF FLOOD INSURANCE INFORMATION

SEC. 110. The Secretary shall take such action as may, from time to time, be necessary in order to make information and data available to the public and to any State or local agency or official, with regard to—

(1) the flood insurance program, its coverage and objectives, and

(2) estimated and chargeable flood insurance premium rates, including the basis for and differences between such rates in accordance with the provisions of section 105.

PROHIBITION AGAINST CERTAIN DUPLICATIONS OF BENEFITS

SEC. 111. (a) Notwithstanding the provisions of any other law, no Federal disaster

assistance shall be made available to any person—

(1) for the physical loss, destruction, or damage of real or personal property, to the extent that such loss, destruction, or damage is covered by a valid claim which may be adjusted and paid under flood insurance made available under the authority of this Act, or

(2) except in the situation provided for under paragraph (3) for the physical loss, destruction, or damage of real and personal property, to the extent that such loss, destruction, or damage could have been covered by a valid claim under flood insurance which had been made available under the authority of this Act, if—

(A) such loss, destruction, or damage occurred subsequent to one year following the date flood insurance was made available in the area (or subdivision thereof) in which such property or the major part thereof was located, and

(B) such property was eligible for flood insurance under this Act at that date,

and in such circumstances the extent that such loss, destruction, or damage could have been covered shall be presumed (for purposes of this subsection) to be an amount not less than the maximum limit of insurable loss or damage applicable to such property in such area (or subdivision thereof), pursuant to regulations under section 103, at the time insurance was made available in such area (or subdivision thereof).

(3) in order to assure that the provisions of paragraph (2) will not create undue hardship for low-income persons who might otherwise benefit from the provision of Federal disaster assistance, the Secretary shall provide by regulation, for the circumstances in which the provisions of paragraph (2) shall not be applicable to any such persons.

(b) For purposes of this section "Federal disaster assistance" shall include any Federal financial assistance which may be made available to any person as a result of—

(1) a major disaster (within the meaning of that term as determined by the President pursuant to the Act entitled "An Act to authorize Federal assistance to State and local governments in major disasters, and for other purposes", as amended (42 U.S.C. 1855–1855g)),

(2) a natural disaster, as determined by the Secretary of Agriculture pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), and

(3) a disaster with respect to which loans may be made under section 7(b) of the Small Business Act, as amended (15 U.S.C. 636(b)).

(c) For purposes of section 10 of the Disaster Relief Act of 1966 (80 Stat. 1316), the term "financial assistance" shall be deemed to include any flood insurance which is made available under this Act.

STATE AND LOCAL LAND USE CONTROLS

SEC. 112. After June 30, 1970, no new flood insurance coverage shall be provided under this Act in any area (or subdivision thereof) unless an appropriate public body shall have adopted permanent land use and control measures (with effective enforcement provisions) which the Secretary finds are consistent with the comprehensive criteria for land management and use under section 302.

PROPERTIES IN VIOLATION OF STATE AND LOCAL LAW

SEC. 113. No new flood insurance coverage shall be provided under this Act for any property which the Secretary finds has been declared by a duly constituted State or local zoning authority, or other authorized public body, to be in violation of State or local laws, regulations, or ordinances which are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

COORDINATION WITH OTHER PROGRAMS

SEC. 114. In carrying out this Act, the Secretary shall consult with other departments and agencies of the Federal Government, and interstate, State, and local agencies having responsibilities for flood control, flood forecasting, and flood damage prevention, in order to assure that the programs of such agencies and the flood insurance program authorized under this Act are mutually consistent.

ADVISORY COMMITTEE

SEC. 115. (a) The Secretary shall appoint a flood insurance advisory committee without regard to the civil service laws and such committee shall advise the Secretary in the preparation of any regulations prescribed in accordance with this Act, with respect to policy matters arising in the administration of this Act, and shall perform such other responsibilities as the Secretary may, from time to time, assign to such committee.

(b) Such committee shall consist of not more than fifteen persons and such persons shall be selected from among representatives of—

(1) the insurance industry,
(2) State and local governments,
(3) lending institutions,
(4) the home building industry, and
(5) the general public.

(c) Members of the committee shall, while attending conferences or meetings thereof, be entitled to receive compensation at a rate fixed by the Secretary but not exceeding $100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as is authorized under section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

INITIAL PROGRAM LIMITATION

SEC. 116. The face amount of flood insurance coverage outstanding and in force at any one time under this Act shall not exceed the sum of $2,500,000,000.

REPORT TO THE PRESIDENT

SEC. 117. The Secretary shall include a report of operations under this Act in the annual report to the President for submission to the Congress required by section 8 of the Department of Housing and Urban Development Act.

TITLE II—ORGANIZATION AND ADMINISTRATION OF THE FLOOD INSURANCE PROGRAM

ORGANIZATION AND ADMINISTRATION

SEC. 201. Following such consultation with representatives of the insurance industry as may be necessary, the Secretary shall implement the flood insurance program authorized under title I in accordance with the provisions of part A of this title and, if a determination is made by him under section 221, under part B of this title.

PART A—INDUSTRY PROGRAM WITH FEDERAL FINANCIAL ASSISTANCE

INDUSTRY FLOOD INSURANCE POOL

SEC. 211. (a) The Secretary is authorized to encourage and otherwise assist any insurance company or companies and other insurers which meet the requirements prescribed under subsection (b) to form, associate, or otherwise join together in a pool—

(1) in order to provide the flood insurance coverage authorized under title I; and

(2) for the purpose of assuming, on terms and conditions as may be agreed upon, such financial responsibility as will enable such companies and other insurers, with the Federal financial and other assistance available under this Act, to assume a reasonable proportion of responsibility for the adjustment and payment of claims for losses under the flood insurance program.

(b) In order to promote the effective administration of the flood insurance program under this part, and to assure that the objectives of this Act are furthered, the Secretary is authorized to prescribe appropriate requirements for insurance companies or other insurers participating in such pool including, but not limited to, minimum requirements for capital or surplus or assets.

AGREEMENTS WITH FLOOD INSURANCE POOL

SEC. 212. (a) The Secretary is authorized to enter into such agreements with any pool which is formed, associated, or otherwise created under this part, as he deems necessary to carry out the purpose of this Act.

(b) Such agreements shall specify—

(1) the terms and conditions under which risk capital will be available for the adjustment and payment of claims,

(2) the terms and conditions under which such pool (and the companies or other insurers participating therein) shall participate in premiums received and profits or losses realized or sustained,

(3) the maximum amount of profit established by the Secretary under section 108 (and prescribed in regulations under section 108(a)), which may be realized by such pool (and the companies or other insurers participating therein),

(4) the terms and conditions under which operating costs and allowances prescribed under section 108 may be paid, and

(5) the terms and conditions under which premium equalization payments under section 214 will be made and reinsurance claims under section 215 will be paid.

(c) In addition, such agreements shall contain such provisions as the Secretary finds necessary to assure that—

(1) no company or other insurer which meets the requirements prescribed under section 211(b) and which has indicated an intention to participate in the flood insurance program on a risk-sharing basis, will be excluded from participating in any such pool,

(2) the companies or other insurers participating in such pool will take whatever action may be necessary to provide continuity of flood insurance coverage by such pool, and

(3) any insurance companies, other insurers, agents and brokers, and insurance adjustment organizations will be permitted to cooperate with such pool as fiscal agents or otherwise, on other than a risk-sharing basis, to the maximum extent practicable.

JUDICIAL REVIEW

SEC. 213. Such companies and other insurers which form, associate, or otherwise join together in a pool under this part may adjust and pay all claims for proved and approved losses covered by flood insurance in accordance with the provisions of this Act and, upon disallowance by any such companies or other insurers of any such claim, or upon the refusal of the claimant to accept the amount allowed upon any such claim, the claimant, within one year after the date of mailing of notice of disallowance or partial disallowance of the claim, may institute an action on such claim against the companies or other insurers in the United States district court for the district in which the insured propertly or the major part thereof shall have been situated, and jurisdiction is hereby conferred upon such court to hear and determine such action without regard to the amount in controversy.

PREMIUM EQUALIZATION PAYMENTS

SEC. 214. (a) The Secretary shall, on such terms and conditions as he may from time to time prescribe, make periodic payments to such pool as may be formed, associated, or otherwise created under section 211, in recognition of such reductions in chargeable premium rates under section 105 below estimated premium rates under section 104(a)(1) as are required in order to make flood insurance available on reasonable terms and conditions.

(b) Such payments shall be based only on the aggregate amount of flood insurance retained by such pool after ceding reinsurance

in accordance with the provisions of section 215, and shall not exceed an aggregate amount in any payment period equal to the sum of the following:

(1)(A) an amount for losses which bears the same ratio to the amount of all proved and approved claims for losses under this Act during any designated period as

(B) the amount equal to the difference between

(i) the sum of all premium payments for flood insurance coverage in force under this Act during such designated period which would have been payable during such period if all such coverage were based on estimated risk premium rates under section 104(a)(1) (excluding any administrative expenses which may be reflected in such rates, as specified in clause (ii) of section 104(a)(1)(B),

(ii) the sum of premium payments actually paid or payable for such insurance under this Act during such period,

bears to the amount specified in clause (i) of this subparagraph; and

(2) subject to the terms and conditions specified in the agreement entered into under section 212, a proportionate amount for appropriate operating costs and allowances prescribed under section 108 during any designated period, which bears the same ratio to a total amount during such period as the ratio specified in paragraph (1)(B).

(c) Designated periods under this section and the methods for determining the sum of premiums paid or payable during such periods shall be established by the Secretary.

REINSURANCE COVERAGE

SEC. 215. (a) The Secretary is authorized to take such action as may be necessary in order to make available to such pool as may be formed, associated, or otherwise created under section 211, reinsurance for losses (due to claims for proved and approved losses covered by flood insurance) which are in excess of losses assumed by such pool in accordance with the excess loss agreement entered into under subsection (c).

(b) Such reinsurance shall be made available pursuant to contract, agreement, or any other arrangement, in consideration of such payment of a premium, fee, or other charge as the Secretary finds necessary to cover anticipated losses and other costs of providing such reinsurance.

(c) The Secretary is authorized to negotiate an excess loss agreement, from time to time, under which the amount of flood insurance retained by such pool, after ceding reinsurance, shall be adequate to further the purposes of this Act, consistent with the objective of maintaining appropriate financial participation and risk sharing to the maximum extent practicable on the part of participating insurance companies and other insurers.

(d) All reinsurance claims for losses in excess of losses assumed by such pool shall be submitted on a portfolio basis by such pool in accordance with terms and conditions as may be established by the Secretary.

PART B—GOVERNMENT PROGRAM

FEDERAL OPERATION OF THE PROGRAM

SEC. 221. (a) If at any time after consultation with representatives of the insurance industry, the Secretary determines that operation of the flood insurance program as provided under part A cannot be carried out, or that such operation, in itself, would be assisted materially by the Federal Government's assumption, in whole (or in part), of the operational responsibility for flood insurance under this Act (on a temporary or other basis) he shall promptly undertake any necessary arrangements to carry out the program of flood insurance authorized under title I through the facilities of the Federal Government, utilizing, for purposes of providing flood insurance coverage, *either*—

(1) insurance companies and other insurers, insurance agents and brokers, and insurance adjustment organizations, as fiscal agents of the United States,

(2) officers and employees of the Department of Housing and Urban Development, and such other officers and employees of any Executive agency (as defined in section 105 of title 5 of the United States Code) as the Secretary and the head of any such agency may, from time to time, agree upon, on a reimbursement or other basis, or

(3) both the alternatives specified in paragraphs (1) and (2).

(b) Upon making the determination referred to in subsection (a), and at least thirty days prior to implementing the program of flood insurance authorized under title I through the facilities of the Federal Government, the Secretary shall make a report to the Congress and such report shall—

(1) state the reasons for such determination,

(2) be supported by pertinent findings,

(3) indicate the extent to which it is anticipated that the insurance industry will be utilized in providing flood insurance coverage under the program, and

(4) contain such recommendations as the Secretary deems advisable.

ADJUSTMENT AND PAYMENT OF CLAIMS

SEC. 222. In the event the program is carried out as provided in section 221, the Secretary shall be authorized to adjust and make payment of any claims for proved and approved losses covered by flood insurance, and upon disallowance by the Secretary of any such claim, or upon the refusal of the claimant to accept the amount allowed upon any such claim, the claimant, within one year after the date of mailing of notice of disallowance or partial disallowance by the Secretary, may institute an action against the Secretary on such claim in the United States district court for the district in which the insured property or the major part thereof shall have been situated, and jurisdiction is hereby conferred upon such court to hear and determine such action without regard to the amount in controversy.

PART C—PROVISIONS OF GENERAL APPLICABILITY

SERVICES BY INSURANCE INDUSTRY

SEC. 231. (a) In administering the flood insurance program under this title, the Secretary is authorized to enter into any contracts, agreements, or other appropriate arrangements as may, from time to time, be necessary for the purpose of utilizing, on terms and conditions which may be agreed upon, the facilities and services of any insurance companies or other insurers, insurance agents and brokers, or insurance adjustment organizations, and such contracts, agreements, or arrangements may also include provision for payment of applicable operating costs and allowances for such facilities and services prescribed under section 108.

(b) Any such contracts, agreements, or other arrangements may be entered into without regard to the provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), or any other provision of law requiring competitive bidding.

USE OF INSURANCE POOLS, COMPANIES, OR OTHER PRIVATE ORGANIZATIONS FOR CERTAIN PAYMENTS

SEC. 232. (a) In order to provide for maximum efficiency in the administration of the flood insurance program and in order to facilitate the expeditious payment of any Federal funds under the flood insurance program authorized by this Act, the Secretary may enter into contracts with any pool which may be formed, associated, or otherwise created under section 211, or any insurance companies or other private organizations, for the purpose of securing performance by such pool, company, or organization of any or all of the following responsibilities:

(1) estimate and later determine any amounts of payments to be made;

(2) receive from the Secretary, disburse, and account for funds in making such payments;

(3) make such audits of the records of any insurance company, other insurers, agent or broker, or insurance adjustment organization, as may be necessary to assure that proper payments are made; and

(4) otherwise assist in such manner as the contract may provide to further the purposes of this Act.

(b) Any contract with any pool, insurance company, or other private organization under this section may contain such terms and conditions as the Secretary finds necessary or appropriate for carrying out responsibilities under subsection (a), and may provide for payment of any costs which the Secretary determines are incidental to carrying out such responsibilities which are covered by the contract.

(c) Any contract entered into under subsection (a) may be entered into without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or any other provision of law requiring competitive bidding.

(d) No such contract may be entered into with any pool, insurance company, or other private organization under this section unless the Secretary finds that it will perform its obligations under the contract efficiently and effectively, and will meet such requirements as to financial responsibility, legal authority, and other matters as he finds pertinent.

(e)(1) Any such contract may require such pool, company, or organization or any of its officers or employees certifying payments or disbursing funds pursuant to the contract, or otherwise participating in carrying out the contract, to give surety bond to the United States in such amount as the Secretary may deem appropriate.

(2) No individual designated pursuant to a contract under this section to certify payments shall, in the absence of gross negligence or intent to defraud the United States, be liable with respect to any payments certified by him under this section.

(3) No officer disbursing funds shall, in the absence of gross negligence or intent to defraud the United States, be liable with respect to any payment by him under this section if it was based upon a voucher signed by an individual designated to certify payments as provided in paragraph (2) of this subsection.

(f) Any contracts entered into under this section shall be for a term of one year, and may be made automatically renewable from term to term in the absence of notice by either party of an intention to terminate at the end of the current term; except that the Secretary may terminate any such contract at any time (after reasonable notice to the pool, company, or organization involved) if he finds that the pool, company, or organization has failed substantially to carry out the contract, or is carrying out the contract in a manner inconsistent with the efficient and effective administration of the flood insurance program authorized under this Act.

SETTLEMENT AND ARBITRATION

SEC. 233. (a) The Secretary is authorized to make final settlement of any claims or demands which may arise as a result of any financial transaction which he is authorized to carry out under this title, and may, to assist him in making any such settlement, refer any disputes relating to such claims or demands to arbitration, with the consent of the parties concerned.

(b) Such arbitration shall be advisory in nature, and any award, decision, or recommendation which may be made shall become final only upon the approval of the Secretary.

RECORDS AND AUDITS

SEC. 234. (a) Any flood insurance pool formed, associated, or otherwise created under section 211 of this Act receiving financial assistance under part A of this title and any such pool, or insurance company or other private organization executing any contract, agreement, or other appropriate arrangement with the Secretary under parts B and C of this title shall keep such records as the Secretary shall prescribe, including records which fully disclose the total costs of the program undertaken or the services being rendered, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the pool, insurance company, or other private organizations that are pertinent to the costs of the program undertaken or the services being rendered.

TITLE III—COORDINATION OF FLOOD INSURANCE WITH LAND-MANAGEMENT PROGRAMS IN FLOOD-PRONE AREAS

IDENTIFICATION OF FLOOD-PRONE AREAS

SEC. 301. The Secretary is authorized to consult with, receive information from, and to enter into any agreements or other arrangements with the Secretaries of the Army, the Interior, Agriculture, and Commerce, the Tennessee Valley Authority, and the heads of other Federal departments or agencies (on a reimbursement basis), or the head of any State or local agency, in order that he may—

(1) identify and publish information with respect to all flood plain areas, including coastal areas located in the United States, which have special flood hazards, within five years following the effective date of this Act. and

(2) establish flood risk zones in all such areas, and make estimates with respect to the rates of probable flood-caused loss for the various flood risk zones for each of these areas, within fifteen years following such date.

CRITERIA FOR LAND MANAGEMENT AND USE

SEC. 302. (a) The Secretary is authorized to carry out studies or investigations, utilizing the existing facilities and services of other Federal departments or agencies to the maximum extent practicable, and State and local governmental agencies, and any other organizations, with respect to the adequacy of State and local measures in flood-prone areas, as to land management and use, flood control, flood zoning, and flood damage prevention, and may enter into any contracts, agreements, or other appropriate arrangements to carry out such authority.

(b) Such studies and investigations shall include, but not be limited to, laws, regulations, or ordinances relating to encroachments and obstructions on stream channels and floodways, the orderly development and use of flood plains of rivers or streams, floodway encroachment lines, or flood plain zoning, building codes, building permits, and subdivision or other building restrictions.

(c) On the basis of such studies and investigations, and such other information as he deems necessary, the Secretary from time to time shall develop comprehensive criteria designed to encourage, where necessary, the adoption of permanent State and local measures which, to the maximum extent feasible, will—

(1) constrict the development of land which is exposed to flood damage where appropriate,

(2) guide the development of proposed construction away from locations which are threatened by flood hazards,

(3) assist in reducing damage caused by floods, and

(4) otherwise improve the long-range land management and use of flood-prone areas,

and shall work closely with and provide any necessary technical assistance to State, interstate, and local governmental agencies, to encourage the application of such criteria and the adoption and enforcement of such measures.

PURCHASE OF CERTAIN INSURED PROPERTIES

SEC. 303. The Secretary may, when he determines that the public interest would be served thereby, enter into negotiations with any owner of real property or interests therein which—

(1) was located in any flood-risk area, as determined by the Secretary;

(2) was covered by flood insurance under the flood insurance program authorized under this Act; and

(3) was damaged substantially beyond repair by flood;

and may purchase such property or interests therein, for subsequent transfer, by sale, lease, donation, or otherwise, to any State or local agency which enters into an agreement with the Secretary that such property shall, for a period not less than forty years following transfer, be used for only such purposes as the Secretary may, by regulation, determine to be consistent with sound land management and use in such area.

TITLE IV—APPROPRIATIONS AND MISCELLANEOUS PROVISIONS

STUDIES OF OTHER NATURAL DISASTERS

SEC. 401. (a) The Secretary is authorized to undertake such studies as may be necessary for the purpose of determining the extent to which insurance protection against earthquakes or any other natural disaster perils, other than flood, is not available from public or private sources, and the feasibility of such insurance protection being made available.

(b) Studies under this section shall be carried out, to the maximum extent practicable, with the cooperation of other Federal departments and agencies and State and local agencies, and the Secretary is authorized to consult with, receive information from, and to enter into any necessary agreements or other arrangements with such other Federal departments or agencies (on a reimbursement basis) or State and local agencies.

PAYMENTS

SEC. 402. Any payments under this Act may be made (after necessary adjustment on account of previously made underpayments or overpayments) in advance or by way of reimbursement, and in such installments and on such conditions as the Secretary may determine.

GOVERNMENT CORPORATION CONTROL ACT

SEC. 403. The provisions of the Government Corporation Control Act, as amended, shall apply to the program authorized under this Act to the same extent as applicable to wholly owned Government corporations.

FINALITY OF CERTAIN FINANCIAL TRANSACTIONS

SEC. 404. Notwithstanding the provisions of any other law to the contrary, any—

(1) financial transaction authorized to be carried out under this Act, and

(2) payment authorized to be made or to to be received in connection with any such financial transaction,

shall be final and conclusive upon all officers of the Government.

ADMINISTRATIVE EXPENSES

SEC. 405. Any administrative expenses which may be sustained by the Federal Government in carrying out the flood insurance program authorized under this Act may be paid out of appropriated funds.

APPROPRIATIONS

SEC. 406. (a) There are hereby authorized to be appropriated such sums as may from time to time be necessary to carry out this Act, including sums—

(1) to cover administrative expenses authorized under section 406;

(2) to reimburse the fund established under section 107 for—

(A) premium equalization payments under section 215 which have been made from such fund: and

(B) reinsurance claims paid under the excess loss reinsurance coverage provided under section 216; and

(3) to make such other payments as may be necessary to carry out the purposes of this Act.

(b) All such funds shall be available without fiscal year limitation.

EFFECTIVE DATE

SEC. 407. This Act shall take effect one hundred and twenty days following the date of enactment, except that the Secretary, on the basis of a finding that conditions exist necessitating the prescribing of an additional period, may prescribe a later effective date which in no event shall be more than one hundred and eighty days following such date of enactment.

Mr. BARTLETT. Mr. President, this bill deals with an involved and greatly needed program.

The need for national flood insurance is emphasized by two facts.

First, the private sector has been unable to come up with a program which combines acceptable rates and adequate coverage. To quote the September 8, 1967, edition of Congressional Quarterly:

> Insuring homeowners and businesses against flood damage has always been considered a risk too big to take even by the largest private insurance companies.

Second, according to figures printed in the report accompanying this bill, the Senate Committee on Banking and Currency stated that estimated losses from floods were $652 million in 1964 and $788 million in 1965, reflecting a pattern of steadily increasing losses from floods suffered in this country since 1903.

Mr. President, twice in recent weeks I have visited Fairbanks, Alaska, which is struggling to clean up and rebuild following a record flood last month. The struggle is intensified by the cruelest of deadlines—the first freezeup which heralds the advent of winter.

The statistics of the Fairbanks flood emphasize the need for a national insurance program.

The Small Business Administration has estimated that more than 3,000 homes were damaged by the flood. Of that total, an estimated 2,500 homes may be eligible for disaster loans to repair damage to houses and to household contents. Disaster loans on house and contents damage are expected to average between $12,000 and $15,000. Selecting an average figure of $13,500, the Small Business Administration could be asked to approve about $34 million in home loans in the Fairbanks area.

The SBA also could be asked to make between 800 and 1,000 business loans averaging $50,000 each, for an estimated total of $45 million.

Contrasted to these estimates is a report from the Alaska State Division of Insurance that losses in Fairbanks amounted to $2 3 million, of which almost $2 million were losses to automobiles.

Clearly, if a national flood insurance program had been in effect this past August, many of the owners of the damaged homes would have been receiving insurance payments instead of SBA loans.

Let me make clear that I, in no way, wish to criticize the SBA disaster programs. They are designed to assist people after disaster. However, whenever possible, it makes more sense to prepare for disasters before they occur. That, of course, is the principle of insurance. That is one of the principles in S. 1985.

A flood insurance program will assist the persons suffering loss from floods in three ways.

Persons holding flood insurance policies would receive promptly funds to rehabilitate damaged property without having to wait for special legislation or for the area to be declared a disaster area.

Persons could receive funds to repair flood damage whether or not the area was declared a disaster area.

In paying for insurance ahead of time, persons would receive funds to repair damage without incurring increases in mortgage obligations as they do under existing disaster relief programs.

In setting up a subsidized flood insurance program to cover existing structures, Congress also will, in effect, be establishing a method for individuals to help pay in advance a portion of any losses resulting from floods. If, as is hoped, the private sector puts up some risk capital for the venture, an even greater share of flood losses will be covered by non-Government sources.

Under the program proposed in S. 1985, one- to four-family residential properties will be covered. Owners will be able to purchase insurance coverage at less than actuarial rates up to limits of $15,000 a unit and $30,000 a dwelling. The limit on coverage of household contents at less than actuarial limits would be $5,000. Coverage above those limits will be available at actuarial rates.

Judging by the SBA estimated average disaster loans in Fairbanks, it would appear that the proposed program would cover most of the home losses incurred in the recent flood. Of course, S. 1985 does not include coverage of businesses, but the bill does provide for extending available coverage after some administrative experience has been gained.

Mr. President, as I said at the beginning of my remarks, S. 1985 was concerned not only with a much needed program, but a highly complicated one. Obviously it is going to take some time to work out the rate schedule, particularly because the rates will vary area by area as the probability of floods vary and as types of structures vary.

It will also take time to learn how effective the incentive offered by this program will be in discouraging new construction in flood prone areas. In this case, the results will depend on the cooperation of State and local governments working with the Federal Government in flood control programs and in establishing zoning and construction regulations.

This creation of an incentive to discourage new or unsafe construction in flood areas is another principle of S. 1985. Obviously, the Federal Government should not be encouraging new construction in flood prone areas through some sort of subsidy as envisioned in S. 1985. Therefore, S. 1985 provides that persons building new homes in flood prone areas should not be eligible for national flood insurance at less than actuarial rates.

Mr. President, I do not think any of us here today can predict how successful this program will be. There certainly will be great pressures to expand its coverage and to eliminate eligibility regulations with each new flood. However, I do not think that the possibility that such pressures will come should in any way detract from support for S. 1985.

This bill envisions a modest program, a program from which we can learn. The need for such a program is great. We must start somewhere and learn how to meet this great need. S. 1985 is that start.

At this point, I want to commend the junior Senator from New Jersey [Mr. WILLIAMS] for his long and untiring efforts on behalf of the bill. He has worked for a number of years on this problem and the bill we consider today is a direct result of a bill introducd in the last Congress by the Senator. That bill, which became part of the Southeast Hurricane Disaster Relief Act of 1965, authorized the Department of Housing and Urban Development to undertake a study on the feasibility of flood insurance. That act also included an amendment by the junior Senator from Washington [Mr. JACKSON] and me authorizing a feasibility study of other natural disaster insurance programs, including earthquakes. That study is moving ahead.

The Environmental Science Services Administration recently completed studies in seismicity and earthquake damage statistics. This study is the foundation on which development of an earthquake insurance program must rest. However, much remains to be done before the feasibility of a national earthquake insurance program can be determined. Looking ahead, this study must establish the relationship among earthquake frequency, earthquake damage, and earthquake dollar loss by class of construction. Obviously, development of this material will require an extended study going beyond the 3-year period authorized in the Southeast Hurricane Disaster Relief Act of 1965. S. 1985 would authorize the Department of Housing and Urban Development to carry out this study until comp'etion, without regard to deadline. Enactment of this provision would be in keeping with language approved by the Senate Appropriations Committee in the report accompanying the appropriations bill of 1968 for the Department of Housing and Urban Development, instructing the Department to move ahead with the study.

So it is, Mr. President, that I have two reasons for urging as strongly as I can that the Senate approve this bill.

First, the bill wou'd authorize a program under which modest but meaningful development of a much needed flood insurance program could begin.

Second, the bill would authorize continuation of a study already in progress, a feasibility study on a much needed earthquake insurance program.

ADJOURNMENT TO 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 30 minutes p.m.) the Senate adjourned until tomorrow, Thursday, September 14, 1967, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 13, 1967:

PUBLIC HEALTH SERVICE

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

I. FOR APPOINTMENT

To be senior surgeons

Lamar A. Byers
Elaine A. Schwinge

To be surgeons

Willard R. Brown
Daniel W. Bruce

To be senior assistant surgeon

Kenneth L. Bryant

To be dental surgeon

Leo N. McKenzie

To be sanitary engineers

Perry C. Brackett
Raymond E. Johnson

To be senior assistant sanitary engineer

Jackie DeMarco

To be assistant sanitary engineer

Francis W. Norris, Jr.

To be assistant pharmacist

Francis A. Quam

To be scientist

Richard E. Marland

To be sanitarians

Robert E. Adams
Gerald I. Goldschmidt

To be senior assistant veterinary officer

Amos E. Palmer

To be nurse officer

Pauline R. Turner

To be assistant dietitian

Geraldine A. Jevnikar

To be senior assistant therapist

James D. Ebner

To be health services officer

Martin J. Walsh

To be senior assistant health services officers

Elizabeth S. Trever
Roger W. Turenne

II. FOR PERMANENT PROMOTION

To be surgeons

Richard L. Bates
Donald L. Morton

To be sanitary engineers

Jay S. Silhanek
Lyle D. Thomas

To be senior assistant sanitary engineer

Billy F. Martin

To be senior assistant pharmacist

James E. Farr

To be senior assistant sanitarian

Richard W. Peterson

To be senior assistant therapist

Wayne C. Farmer

To be senior assistant health services officer

Phillip H. Buchen

CONFIRMATIONS

Executive nominations confirmed by the Senate September 13, 1967:

AMBASSADORS

Martin J. Hillenbrand, of Illinois, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Hungary.

William A. Costello, of Minnesota, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Trinidad and Tobago.

William O. Hall, of Oregon, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ethiopia.

Fredric R. Mann, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Barbados.

Geoffrey W. Lewis, of Virginia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Central African Republic.

Albert W. Sherer, Jr., of Illinois, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Togo.

AGENCY FOR INTERNATIONAL DEVELOPMENT

H. Rex Lee, of Idaho, to be an Assistant Administrator of the Agency for International Development.

PEACE CORPS

Brent K. Ashabranner, of Oklahoma, to be Deputy Director of the Peace Corps.

EXTENSIONS OF REMARKS

Tribute to Councilman Edmund D. Edelman

EXTENSION OF REMARKS

OF

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1967

Mr. REES. Mr. Speaker, I want to call to the attention of Members of the House an event which is taking place in my district at the Century Plaza Hotel, in the Los Angeles Room, on Wednesday, September 27, 1967, at 7 p.m. At that place and time, City Councilman Edmund D. Edelman, who represents the Fifth District, will be honored by citizens of my district as well as citizens of the city of Los Angeles not only on the occasion of his 37th birthday, but also for having completed his first 2 years in office as a city councilman.

Councilman Edelman has had a long and distinguished career in government service prior to his election to the city council in May 1965.

After graduating from UCLA Law School in 1958, he worked as a law clerk for U.S. District Court Judge William M. Byrne, in Los Angeles. He then became a deputy legislative counsel to the California State Legislature in Sacramento. He came to our Nation's Capital in 1962 as counsel for the Special Subcommittee on Labor headed by my distinguished predecessor, Congressman James Roosevelt. He worked in the Kennedy administration as a special assistant to the General Counsel on the National Labor Relations Board, also in Washington, D.C.

In his first 2 years as a city councilman, Mr. Edelman has made significant contributions to this district which he represents and to the city as a whole.

I would like to call to the attention of the Members of the House one particular area where Mr. Edelman has been most active; that is, finding solutions to the growing problem of financing local government.

As you know, Mr. Speaker, the cities of our Nation are finding it increasingly difficult to meet their responsibilities to provide municipal services to the people of the urban areas. These services include police and fire protection, street cleaning and street maintenance, recreation and parks, libraries, and all the other essential areas that make life in our cities safe, enjoyable, and meaningful. Mr. Edelman, as chairman of the Revenue and Taxation Committee of the Los Angeles City Council, has approached the problem of financing Los Angeles city government in an enlightened and tangible way. He has, for the first time in the history of the city of Los Angeles, asked academic experts in the field of municipal taxation from various universities in California to come before his committee and present recommendations on reforming the tax structure of the city of Los Angeles as well as suggesting new sources of revenue with which to finance city government.

As a result of Mr. Edelman's efforts this past year, the property tax rate in the city of Los Angeles was reduced by a fraction of a cent. In this age of ever-increasing tax burdens being placed upon property owners, this result was certainly welcomed by the citizens of Los Angeles. There is now also in preparation a report by Dr. Harold Somers, of UCLA, which will have significant impact for city governments throughout California as well as the Nation. This report looks into the problems of the future financing of the city government of Los Angeles.

Mr. Edelman, as chairman of the Revenue and Taxation Committee, has traveled to Sacramento on numerous occasions, conferring with the leaders of the legislature to bring to the attention of the State the importance of finding common solutions to help city governments meet their municipal obligations. As a result of Mr. Edelman's efforts, an Assembly Interim Committee on Revenue and Taxation will meet in Los Angeles later this year to find ways by which the State government can assist cities in California.

Mr. Edelman is also a member of the National League of Cities' Revenue and Taxation Committee as well as the Revenue and Taxation Committee of the League of California Cities.

I believe his work truly merits the commendation of all those who are interested in approaching the urban problems of our cities and who are attempting to meet them in a thoughtful way.

Mr. Edelman has also been active in the fight for progressive legislation in the city of Los Angeles. He was the sponsor of the establishment of a City Human Relations Commission. He also was cochairman of the citizens committee against the so-called clean amendment, known as "proposition 16" and aided immeasurably in its defeat in November 1966.

Mr. Edelman has constantly raised his voice in defense of civil liberties. Recently in a motion he introduced in the city council, he called for an investigation of the handling by the police of the June 23 peace march at the Century Plaza Hotel.

Beyond these accomplishments for the city as a whole, Mr. Edelman has given tremendous service to his particular councilmanic district. Not only has he established a district office for the convenience of his constituents but he has helped the senior citizens by the opening of a new senior citizens' center on Fairfax and by the expansion of facilities for senior citizens at the Robertson Playground; he has helped those who use the libraries by insisting that the Robertson Library maintain hours for the public on Sundays; and he has helped pedestrians and motorists through his concern for traffic safety by obtaining the installation of new stop signs and signals at various problem intersections in his district.

Mr. Speaker, I am truly pleased to call Ed Edelman my friend. He certainly represents an independent and enlightened voice in the city hall of Los Angeles.

The Reverend Andrew Stim

EXTENSION OF REMARKS

OF

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1967

Mr. McDADE. Mr. Speaker, the Holy Ghost Catholic Church of the Ruthenian Rite in Jessup, Pa., is commemorating the 40th anniversary of their pastor, the Reverend Andrew Stim, in the holy priesthood. They are also paying their own testimony to his spiritual and