whether or not dressed; to the Committee on Ways and Means.

By Mr. MOSS (for himself, Mr. JOHNSON of California, Mr. LEGGETT, Mr. MCFALL, Mr. SISK, MR. VAN DEERLIN, and Mr. BOB WILSON):

H.R. 13592. A bill to provide for the appointment of additional circuit judges; to the Committee on the Judiciary.

By Mr. RIVERS:

H.R. 13593. A bill to amend title 10, United States Code, to increase the number of congressional alternates authorized to be nominated for each vacancy at the Military, Naval, and Air Force Academies; to the Committee on Armed Services.

By Mr. ROGERS of Florida:

H.R. 13594. A bill to provide criminal penalties for certain travel under a U.S. passport in violation of certain passport restrictions; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 13595. A bill to amend the Older Americans Act of 1965 in order to provide for a National Community Senior Service Corps; to the Committee on Education and Labor.

H.R. 13596. A bill to amend the tariff schedules of the United States with respect to the rate of duty on whole skins of mink, whether or not dressed; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas:

H.R. 13597. A bill to amend title 38 of the United States Code in order to provide pensions for children of Mexican War veterans; to the Committee on Veterans' Affairs.

By Mr. TIERNAN:

H.R. 13598. A bill to amend the Public Health Service Act to provide special assistance for the improvement of laboratory animal research facilities; to establish standards for the humane care, handling, and treatment of laboratory animals in departments, agencies, and instrumentalities of the United States and by recipients of grants, awards, and contracts from the United States; to encourage the study and improvement of the care, handling, and treatment and the development of methods for minimizing pain and discomfort of laboratory animals used in biomedical activities; and to otherwise assure humane care, handling, and treatment of laboratory animals; and for others purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 13599. A bill to amend title V of the Social Security Act so as to extend and improve the Federal-State program of child welfare services; to the Committee on Ways and Means.

By Mr. GALIFIANAKIS:

H.R. 13600. A bill to prohibit federally insured banks from making unsolicited commitments to extend credit, and to prohibit the transportation, use, sale, or receipt, for unlawful purposes, of credit cards in interstate or foreign commerce; to the Committee on Banking and Currency.

By Mr. McMILLAN (by request):

H.R. 13601. A bill to authorize the Administrator of the General Services Administration to contract for the construction of certain parking facilities on federally owned property in the District of Columbia; to the Committee on Public Works.

By Mr. BURKE of Florida (for himself and Mr. BATES):

H.R. 13602. A bill to provide for orderly trade in footwear; to the Committee on Ways and Means.

By Mr. MACGREGOR:

H.R. 13603. A bill to amend the Federal Water Pollution Control Act in order to authorize comprehensive pilot programs in lake pollution prevention and control; to the Committee on Public Works.

By Mr. ROTH:

H.R. 13604. A bill to provide for orderly trade in textile articles; to the Committee on Ways and Means.

By Mr. FULTON of Pennsylvania:

H.R. 13605. A bill for the establishment of the Commission on the Organization of the Executive Branch of the Government; to the Committee on Government Operations.

By Mr. SIKES:

H.R. 13606. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1968, and for other purposes.

By Mr. DORN:

H.J. Res. 901. Joint resolution to provide for the designation of the second week of May of each year as National School Safety Patrol Week; to the Committee on the Judiciary.

By Mr. McMILLAN (by request):

H.J. Res. 902. Joint resolution to provide for the designation of the second week of May of each year as National School Safety Patrol Week; to the Committee on the Judiciary.

By Mr. MIZE:

H.J. Res. 903. Joint resolution creating a Federal Committee on Nuclear Development to review and reevaluate the existing civilian nuclear program of the United States; to the Joint Committee on Atomic Energy.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MACHEN:

H.R. 13607. A bill for the relief of James E. Miller; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 13608. A bill for the relief of Stella Kostoglou; to the Committee on the Judiciary.

By Mr. ROSENTHAL:

H.R. 13609. A bill for the relief of Menashe Menashe; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 13610. A bill for the relief of Janina Szmyd; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 13611. A bill for the relief of Soo Pu Hwang; to the Committee on the Judiciary.

By Mr. ADDABBO:

H.R. 13612. A bill for the relief of Salvatore Badala; to the Committee on the Judiciary.

H.R. 13613. A bill for the relief of Vito Conigliaro; to the Committee on the Judiciary.

By Mr. FASCELL:

H.R. 13614. A bill for the relief of Dr. Gustavo Leon-Lemus; to the Committee on the Judiciary.

H.R. 13615. A bill for the relief of Dr. Raul Agustin Pereira-Valdes; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

185. By the SPEAKER: Petition of the city of Gardena, Calif., relative to enactment of S. 1306; to the Committee on Banking and Currency.

186. Also, petition of the city of San Jose, Calif., relative to Governmental tax sharing; to the Committee on Ways and Means.

SENATE

THURSDAY, OCTOBER 19, 1967

The Senate met at 12 noon, and was called to order by Hon. JOSEPH M. MONTOYA, a Senator from the State of New Mexico.

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

O God, our Father, who dwellest, not in temples made by hands, but in reverent hearts of those who truly seek Thee—with the refreshing dew of Thy strengthening grace upon us, may we go forth on our way, attended by the vision splendid, as we lift up our hearts with the grateful te deum, "He restoreth my soul."

With Thy benediction, may we face the toil of this day with honest dealing and clear thinking, with hatred of all hypocrisy, deceit, and sham, in the knowledge that all great and noble service in this world is based on gentleness and patience and truth.

Let us put into the fugitive fragments of every day such quality of work as shall make us unashamed when the day is over and all the days are done.

We ask it in the dear Redeemer's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., October 19, 1967.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JOSEPH M. MONTOYA, a Senator from the State of New Mexico, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

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

MESSAGE FROM THE PRESIDENT—APPROVAL OF BILL

A message in writing from the President of the United States was communicated to the Senate by Mr. Jones, one of his secretaries, and he announced that on October 18, 1967, the President had approved and signed the act (S. 985) for the relief of Warren F. Coleman, Jr.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 445) for the relief of Rosemarie Gauch Neth, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 1108) for the relief of Dr. Felix C. Caballol and wife, Lucia J. Caballol, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the joint resolution (H.J. Res. 888) making continuing appropriations for the fiscal year 1968, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

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

S. 43. An act for the relief of Mi Soon Oh;
S. 63. An act for the relief of Dr. Enrique Alberto Rojas-Vila;
S. 64. An act for the relief of Dr. Luis Osvalo Martinez-Farinas;
S. 221. An act for the relief of Dr. Armando Perez Simon;
S. 440. An act for the relief of Dr. Julio Alejandro Solano;
S. 733. An act for the relief of Sabiene Elizabeth DeVore;
S. 741. An act for the relief of Rumiko Samanski;
S. 821. An act for the relief of Dr. Julio Domingo Hernandez;
S. 975. An act for the relief of Mitsuo Blomstrom;
S. 1021. An act for the relief of Antonio Luis Navarro;
S. 1106. An act for the relief of Dr. David Castaneda;
S. 1110. An act for the relief of Dr. Manuel Alpendre Seisdedos;
S. 1197. An act for the relief of Dr. Lucio Arsenio Travieso y Perez;
S. 1269. An act for the relief of Dr. Gonzalo Rodriquez;
S. 1279. An act for the relief of Dr. Francisco Montes;
S. 1280. An act for the relief of Dr. Alfredo Pereira;
S. 1458. An act for the relief of Lee Duk Hee;
S. 1471. An act for the relief of Dr. Hugo Gonzalez;
S. 1482. An act for the relief of Dr. Ernesto Nestor Prieto;
S. 1525. An act for the relief of Dr. Mario R. Garcini;
S.1557. An act for the relief of Dr. Carlos E. Garciga;
S. 1647. An act for the relief of Dr. Maria del Carmen Trabadelo de Arias;
S. 1678. An act for the relief of American Petrofina Co. of Texas, a Delaware corporation, and James W. Harris;
S. 1709. An act for the relief of Dr. Antonio Martin Ruiz del Castillo;
S. 1748. An act for the relief of Dr. Ramiro de la Riva Dominguez;
S. 1938. An act for the relief of Dr. Orlando Hipolito Maytin;
H.R. 11456. An act making appropriations for the Department of Transportation for the fiscal year ending June 30, 1968, and for other purposes; and
S.J. Res. 112. Joint resolution extending the time for filing report of Commission on Urban Problems.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 888) making continuing appropriations for the fiscal year 1968 and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, October 18, 1967, be dispensed with.

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

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to 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. MANSFIELD. 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.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the calendar.

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

EXECUTIVE MESSAGE REFERRED

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of K. Edwin Applegate, of Bloomington, Ind., to be U.S. attorney for the southern district of Indiana, which was referred to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEE ON ARMED SERVICES

Mr. PEARSON. Mr. President, from the Committee on Armed Services, I report favorably the nominations of seven flag officers, and ask that these names be placed on the Executive Calendar.

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

The nominations, ordered to be placed on the Executive Calendar, are as follows:

Vice Adm. Charles B. Martell, and Vice Adm. Charles E. Weakley, U.S. Navy, when retired, for appointment to the grade of vice admiral;

Rear Adm. Paul Masterton, and Rear Adm. Turner F. Caldwell, Jr., U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

Vice Adm. John J. Hyland, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of admiral while so serving;

Rear Adm. William F. Bringle, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving; and

Adm. Roy L. Johnson, U.S. Navy, when retired, for appointment to the grade of admiral.

Mr. PEARSON. Mr. President, in addition, I report favorably promotions and appointments of 815 officers in the Navy in the grade of captain and below and 50 appointments in the Marine Corps in the grade of major and below; also 1249 promotions to 1st lieutenant in the Army. Since these names have already been printed in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

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

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

James E. Allen, and sundry other officers, for promotion in the U.S. Navy;

Peter E. Benet, and sundry other officers, for promotion in the Marine Corps; and

Robert B. Aasen, and sundry other officers, for promotion in the Regular Army of the United States.

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

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

The legislative clerk read the nomination of Jerry S. Williams, of Texas, to be Chairman of the Administrative Conference of the United States.

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

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

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar, beginning with Calendar No. 626 and the succeeding measures in sequence.

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

AMENDMENT OF THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

The Senate proceeded to consider the bill (S. 878) to amend section 201(c) of the Federal Property and Administrative Services Act of 1949 to permit further Federal use and donation of exchange property which had been reported from the Committee on Government Operations, with an amendment, strike out all after the enacting clause and insert:

That (a) section 201(c) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 481(c)), is amended to read as follows:

"(c) In acquiring personal property, any executive agency, under regulations to be prescribed by the Administrator of General

Services, may exchange or sell similar items and may apply the exchange allowance or proceeds of sale in such cases in whole or in part payment of the property acquired. Before any such exchange or sale is made, such property shall be offered for utilization by Federal agencies under section 202(a) of this Act and if not transferred under that section such property thereafter shall be made available for at least thirty days for donation under section 203(j) of this Act, except that in the discretion of the Administrator passenger carrying vehicles in motor pools of the General Services Administration, and automatic data processing equipment and systems may be sold or exchanged without making such vehicles, equipment, or systems available for donation under section 203(j) of this Act. Any exchange or sale transaction carried out under the authority of this subsection shall be evidenced in writing."

(b) The amendment made by this Act shall take effect on the first day of the third month beginning after the enactment of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 642), explaining the purposes of the bill.

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

PURPOSE

The purpose of S. 878, as amended, is to require that before property can be disposed of by exchange or sale under section 201(c) of the Federal Property and Administrative Services Act of 1949, as amended, it be made available (1) for transfer to other Federal agencies, and (2) for donation for health, education, or civil defense purposes. The bill would continue agency authority to exchange or sell equipment, machinery, fixtures and other items of personal property and apply the proceeds of sale or exchange against the purchase of new equipment. The amended bill would also continue existing statutory requirements that items sold or exchanged be similar to the ones procured and that each transaction be evidenced in writing. As originally introduced, S. 878 would have required the agencies to submit detailed reports to the Committees on Government Operations of all property exchanged or sold. This reporting provision was deemed too burdensome by the General Services Administration and thus it has been deleted from the substitute bill.

To protect the financial integrity of the Government-wide motor vehicle pools, and to provide a more flexible method for the disposal of automatic data processing equipment and systems, the bill, as amended, would give the Administrator of General Services discretionary authority over the disposal of passenger-carrying vehicles in motor pools operated by the GSA, and the disposal of automatic data processing equipment and systems maintained and operated by that agency.

BACKGROUND AND USE OF SECTION 201(C)

S. 878, as amended, would establish by law a procedure for handling property in the exchange/sales category similar to the method followed by the Department of Defense until this year.

Except for the special provision for the disposal of passenger-carrying vehicles and automatic data processing equipment, the substitute bill is identical to S. 2610 which was unanimously approved by the committee and passed the Senate on July 11, 1966.

Section 201(c) of the Federal Property and Administrative Services Act of 1949 authorizes agencies to exchange or sell personal property and apply the trade-in allowance or proceeds of sale for property acquired as follows:

"In acquiring personal property, an executive agency, under regulations to be prescribed by the Administrator, may exchange or sell similar items and may apply the exchange allowance or proceeds of sale in such cases in whole or in part payment for the property acquired: *Provided*, That any transaction carried out under the authority of this subsection shall be evidenced in writing."

This part of the Property Act was designed to supersede 21 statutes or provisions of laws which were repealed by section 602 of the act. The original statutes authorized the heads of some of the departments and agencies to trade in used equipment and apply the trade-in allowance against the price of the new equipment. Those statutes were enacted during the period 1912–41 at which time it was common practice to trade in motor vehicles, typewriters, adding machines, and other office equipment and apply the allowance against the cost of new equipment.

Initially this authority was limited to a few items; however, during the postwar period the number of items that could be exchanged or sold, and the proceeds applied to new procurement, steadily increased throughout the Federal service.

During the past few years the committee has received a number of communications from representatives of the State agencies for surplus property, and other local officials, complaining about the sale of Government property which is usable and needed for educational purposes. Most of these complaints have centered around the growing tendency of the Government to sell more and more property under section 201(c) which, in turn, diminishes both the quality and quantity of property available for donation to the States authorized by section 203 of the Property Act.

The State agencies for surplus property are responsible for locating, screening, warehousing, and distributing surplus property for donation to schools, colleges, and medical institutions, and are, therefore, vitally concerned with the operation of the Government's surplus property program. These local officials further contend that section 201(c) is not being used with discretion, as intended, but as a means of augmenting the annual appropriations of Federal agencies.

There is obviously a close relationship between the exchange/sales program and the property donation program, in that as more property is turned in for new equipment, less property becomes surplus and thus available for donation purposes.

Section 203(j) of the Property Act permits the Administrator of General Services discretionary authority in the donation of surplus personal property as follows:

"Under such regulation as he may prescribe, the Administrator is authorized in his discretion, to donate without cost (except for costs of care and handling) for use in any State for purposes of education, public health, or civil defense, or for research for any such purpose, any equipment, materials, books, or other supplies (including those capitalized in a working capital or similar fund) under the control of any executive agency which shall have been determined to be surplus property and which shall have been determined under paragraph (2), (3), or (4) of this subsection to be usable and necessary for any such purpose."

The donation of surplus personal property to schools, colleges, and other educational institutions has contributed much to improve the skill and knowledge of students and adults on a national level with very little cost to the Government.

HEARINGS

No specific hearings were held on S. 878. However, the Subcommittee on Foreign Aid Expenditures held extensive hearings on a number of related bills during the first session of the 89th Congress. The hearings revealed that an increasing amount of Government property is being sold to the public, or traded in under the exchange sales provisions of the Federal Property and Administrative Services Act of 1949, with the result that a great deal of property is diverted from the regular channels of disposal to health, education, and civil defense activities. This bill emanated from those hearings and is intended to reassert and clarify congressional policy with regard to the disposal of unneeded personal property.

The committee noted that section 201(c) of the Property Act has been used as the legal authority for selling Government property under a spot bid, or the open competitive bid method for moving property out of the supply system. The legislative history and background of the Federal Property and Administrative Services Act does not support this interpretation of the law. Selling property under this authority further reduces the volume of surplus property which would otherwise be available to schools and colleges through the donation program.

Many of the items currently being sold under section 201(c) could be used in the classrooms, laboratories, and vocational schools but can be obtained now only by such schools by bidding against the surplus property dealers. Some of the items offered for sale under the exchange/sale procedure consist of cafeteria equipment, battery charges, gasoline pumps, aircraft jacks, machine tools, household ranges, sterilizers, conveyors, bathroom fixtures, drinking fountains, sinks, and hand drills which are seldom, if ever, exchanged by private concerns.

Officials of the National Asscciation of State Agencies for Surplus Property testified that the sale of property under section 201(c) denies the schools and colleges of much needed property, and noted that some of the school administrators are at a loss to understand why the Government was selling the same property which the schools and colleges need.

The president of the National Association of State Agencies for Surplus Property testified in part as follows:

"Our association has become greatly alarmed through the past few years at the amount of property being sold through the provisions of section 201(c). All agencies of the Federal Government have been using this provision with the exception of the Department of Defense whose regulations issued on August 7, 1962, permit exchange/sale of property only after it has been made available for further Federal utilization and donation.

"Within the past month we have learned the Department of Defense has circulated a proposed revision to these regulations whereby the 69 categories of property eligible for exchange/sale will no longer be made available for donation and further Federal utilization, outside of the Department of Defense, will be possible only on a reimbursable basis.

"Since the implementation of exchange/sale by civilian agencies, the great majority of property received by our eligible donees has been generated by the Department of Defense. The proposed revision by DOD, therefore, would deny the schools, hospitals, and civil defense organizations most of the property they have been receiving. The 69 categories involved in the provision include nearly all classes of equipment and supplies most vitally required by the donees. We sincerely believe the implementation by DOD, and the continued use of exchange/sale by the civilian agencies will result in the termination of the donation program as authorized under section 203(j) of the act."

On March 26, 1966, the Administrator of General Services issued a revision to the

Federal Property Management Regulations, which became effective on July 1, 1966. Under these regulations GSA discontinued the practice of soliciting trade-in bids or proposals from manufacturers when it begins negotiating for the purchase of new motor vehicles. Instead, the GSA now sells its used vehicles and uses the proceeds to help pay for the new vehicles. Part 101–46 of the GSA personal property regulations were also revised to reduce from 69 to 41 the number of items which may be exchanged or sold by Federal departments and agencies under sec. 201(c) of the Federal Property and Administrative Services Act of 1949.

After GSA issued its new regulations the Department of Defense revised its procedures to conform with the GSA. In view of the vast amount of property within the Department of Defense and its prior practice of offering exchange/sale property for donation before disposal, this change in DOD policy will have an adverse effect on the property donation program. It has been contended by the State agencies that if DOD is allowed to pursue the practice of exchanging or selling property before screening for donation purposes it will cripple the donation program.

In view of this contention, the chairman on August 30, 1966, wrote the Secretary of Defense, pointing out the effect this change in procedures would have on the donation program, and requested the Secretary to delay implementing the GSA regulations until the end of the 89th Congress, or until the Congress had an opportunity to consider the bill (S. 2610) which had then passed the Senate and was pending in the House of Representatives. The Secretary responded on September 22, 1966, and reported that DOD had revised its personal property regulations to conform with the new procedures promulgated by the GSA. He further indicated that of the total amount of property generated by DOD last year, a very small amount could be classified under the exchange/sale category. The Secretary assured the committee that the new regulations would not impair the donation program, and agreed to withhold implementation of any other changes in the disposal procedures until the end of the 89th Congress.

The House of Representatives failed to act on S. 2610. In February 1967, Senator John L. McClellan introduced S. 878 and requested the Department of Defense to submit its views and recommendations thereon for early consideration. By letter dated June 7, 1967, Mr. Paul C. Warnke, General Counsel of the Department of Defense, submitted the following reply:

"In connection with the cost reduction program currently underway within the executive branch, and our continuing, overall efforts to curtail Defense expenditures wherever possible, the Department of Defense *exchange/sale policy has been reevaluated recently* as one of many areas where additional potential economies are believed to exist. Accordingly, it has been determined prudent for the Department of Defense *to discontinue the offering of exchange/sale personal property to other Federal agencies and eligible donees* prior to attempting the recoupment of funds or the establishment of credit by use of the exchange/sale authority." [Emphasis supplied.]

Thus DOD property formerly made available for use by other Federal agencies and eligible donees, is now being diverted from these channels of disposal. If ths trend is allowed to continue, the donation program for health, education, and civil defense will be destroyed.

The committee has been informed by representatives of the GSA and other Government officials that the volume of property available for donation by the State agencies has been decreasing continuously during the past year, and this downward trend is expected to continue in the future.

The committee is convinced that the original intent of section 201(c) authorizing limited sale or exchange of property was sound but that so much property is now being sold under its provisions that the effectiveness of the surplus property donation program is being seriously diluted.

The Congress has repeatedly endorsed and supported the donation program, which has contributed much to the health, education, and civil defense of the State and local communities, and this committee does not intend to have the program crippled by administrative action.

NESTOR S. CUETO

The bill (S. 2072) for the relief of Nestor S. Cueto was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2072

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Nestor S. Cueto shall be held and considered to have been lawfully admitted to the United States for permanent residence as of November 26, 1960.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 643), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. EDUARDO CAMPUZANO

The bill (S. 2091) for the relief of Dr. Eduardo Campuzano was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2091

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Eduardo Campuzano shall be held and considered to have been lawfully admitted to the United States for permanent residence as of September 11, 1960.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 644), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. PEDRO PINA Y GIL

The bill (S. 2168) for the relief of Dr. Pedro Pina y Gil was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2168

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Pedro Pina y Gil shall be held and considered to have been lawfully admitted to the United States for permanent residence as of February 28, 1962.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 645), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. JUAN EMILIO CAIGNET Y CRESPO

The bill (S. 2175) for the relief of Dr. Juan Emilio Caignet y Crespo was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2175

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Juan Emilio Caignet y Crespo shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 30, 1961.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 646), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. ENRIQUE JOSE SUAREZ DIAZ

The bill (S. 2191) for the relief of Dr. Enrique Jose Suarez Diaz was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2191

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Enrique Jose Suarez Diaz shall be held and considered to have been lawfully admitted to the United States for permanent residence as of April 7, 1961.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 647), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. ALFREDO JESUS GONZALEZ

The bill (S. 2193) for the relief of Dr. Alfredo Jesus Gonzalez was considered, ordered to be engrossed for a third read-

ing, read the third time, and passed, as follows:

S. 2193

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Alfredo Jesus Gonzalez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of August 12, 1961.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 648), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. MARGARITA LORIGADOS

The bill (S. 2256) for the relief of Dr. Margarita Lorigados was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2256

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Margarita Lorigados shall be held and considered to have been lawfully admitted to the United States for permanent residence as of October 10, 1961.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 649), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

GORDON SHIH GUM LEE

The bill (S. 2285) for the relief of Gordon Shih Gum Lee was considered, ordered to be engrosesd for a third reading, read the third time, and passed, as follows:

S. 2285

Be it enacted by the Senate and House of Representatives of the United States of America in congress assembled, That, for the purposes of the Immigration and Nationality Act, Gordon Shih Gum Lee shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 19, 1953, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 650), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States as of June 19, 1953, thus enabling him to file a petition for naturalization. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

LIM AI RAN AND LIM SOO RAN

The bill (H.R. 1948) for the relief of Lim Ai Ran and Lim Soo Ran was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 651), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States of two alien orphan children to be adopted by citizens of the United States who have previously filed the maximum number of petitions which may be approved for one petitioner.

ANGELIQUE KOUSOULAS

The bill (H.R. 1960) for the relief of Angelique Kousoulas was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 652), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the admission into the United States in an immediate relative status of the minor child adopted by citizens of the United States.

YOO YOUNG HUI AND OK YOUNG

The bill (H.R. 2464) for the relief of Yoo Young Hui, and her daughter, Ok Young was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 653), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable Yoo Young Hui and her daughter, Ok Young, to enter the United States so that the adult beneficiary may marry her U.S. citizen fiance.

YONG OK ESPANTOSO

The bill (H.R. 2978) for the relief of Yong Ok Espantoso was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 654), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to preserve immediate relative status in behalf of the widow of a U.S. citizen member of our Armed Forces.

YIM MEI LAM

The bill (H.R. 3430) for the relief of Yim Mei Lam was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 655), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States in an immediate relative status of the minor child adopted by citizens of the United States.

RAMIRO VELASQUEZ HUERTA

The bill (H.R. 3497) for the relief of Ramiro Velasquez Huerta was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 656), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to an alien who has assisted other aliens to enter the United States in violation of the law in behalf of the husband of a citizen of the United States.

MARY BERNADETTE LINEHAN

The bill (H.R. 4534) for the relief of Mary Bernadette Linehan was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 657), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to provide that the U.S. citizen father of Mary Bernadette Linehan shall have resided in the United States for a sufficient period of time after the age of 14 years in order to transmit U.S. citizenship to her under the provisions of section 203(a)(7) of the Immigration and Nationality Act.

ROBERTO MARTIN DEL CAMPO

The bill (H.R. 5216) for the relief of Roberto Martin Del Campo was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 658), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to an alien who has assisted other aliens to enter the United States in violation of the law in behalf of Roberto Martin Del Campo.

GUISEPPE PACINO BIANCAROSSO

The Senate proceeded to consider the bill (S. 866) for the relief of Guiseppe Pacino Biancarosso which had been reported from the Committee on the Judiciary with an amendment, strike out all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality Act, Guiseppe Pacino Biancarosso may be classified as a child within the meaning of section 101(b)(1)(F) of such Act, and a petition may be filed in his behalf by Olga Biancarosso Carmeci, a citizen of the United States, pursuant to section 204 of such Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read for the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 659), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to facilitate the entry into the United States in an immediate relative status of the adopted son of a citizen of the United States. The bill has been amended in accordance with established precedents.

FRANCISCO RENIGIO FABRE SOLINO

The Senate proceeded to consider the bill (S. 872) for the relief of Francisco Renigio Fabre Solino which had been reported from the Committee on the Judiciary, with an amendment, in line 6, after the word "of" strike out "April 13, 1960" and insert "November 5, 1960"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Francisco Renigio Fabre Solino (Frank R. S. Fabre) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of November 5, 1960.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 660), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The bill has been amended to reflect the date upon which he was last admitted as a visitor.

DEMETRA LANI ANGELOPOULOS

The Senate proceeded to consider the bill (S. 1129) for the relief of Demetra Lani Angelopoulos which had been reported from the Committee on the Judiciary, with an amendment in line 8, after the word "Act" strike out "subject to all the conditions in that section relating to orphans"; so as to make the bill read:

S. 1129

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Demetra Lani Angelopoulos may be classified as a child within the meaning of section 101(b)(1)(F) of the said Act, upon approval of a petition filed in her behalf by Mr. Constantine Angelopoulos, a citizen of the United States, pursuant to section 204 of the said Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 661), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to facilitate the entry into the United States in an immediate relative status of the adopted daughter of a citizen of the United States. The amendment is technical in nature.

ANA JACALNE

The Senate proceeded to consider the bill (S. 1180) for the relief of Ana Jacalne which had been reported from the Committee on the Judiciary, with an amendment, at the beginning of line 7, strike out "Steven Jacalne, a citizen" and insert "Mr. and Mrs. Steven Jacalne, citizens"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Ana Jacalne may be classified as a child within the meaning of section 101(b)(1)(F) of such Act, and a petition may be filed in behalf of the said Ana Jacalne by Mr. and Mrs. Steven Jacalne, citizens of the United States, pursuant to section 204 of such Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 662), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to facilitate the entry into the United States in an immediate relative status of the adopted daughter of a citizen of the United States. The bill has been amended in accordance with established precedents.

DR. SAMAD MOMTAZEE

The Senate proceeded to consider the bill (S. 1327) for the relief of Dr. Samad Momtazee which had been reported from the Committee on the Judiciary, with an amendment, in line 6, after word "of" where it appears the first time, strike out "June 1962, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota control officer to deduct one number from the appropriate quota for the first year that such quota is available." and insert "July 4, 1962"; so as to make the bill read:

S. 1327

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Samad Momtazee shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 4, 1962.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 663), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The bill has been amended in accordance with established precedents.

JOSE D. NEUGART

The Senate proceeded to consider the bill (S. 2120) for the relief of Jose D. Neugart which had been reported from the Committee on the Judiciary with an amendment in line 6, after the word "of" strike out "November 6, 1960" and insert "November 5, 1960"; so as to make the bill read:

S. 2120

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Jose D. Neugart shall be held and considered to have been lawfully admitted to the United States for permanent residence as of November 5, 1960.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed

in the RECORD an excerpt from the report (No. 664), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. This bill has been amended to reflect the proper date upon which the beneficiary first entered the United States.

DR. JOSE FUENTES ROCA

The Senate proceeded to consider the bill (S. 2248) for the relief of Dr. Jose Fuentes Roca which had been reported from the Committee on the Judiciary, with an amendment, in line 6, after the word "of" strike out "August 5, 1961" and insert "September 5, 1961"; so as to make the bill read:

S. 2248

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Jose Fuentes Roca shall be held and considered to have been lawfully admitted to the United States for permanent residence as of September 5, 1961.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 665), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The bill has been amended to reflect the proper date upon which he entered the United States.

CITA RITA LEOLA INES

The Senate proceeded to consider the bill (S. 107) for the relief of Cita Rita Leola Ines which had been reported from the Committee on the Judiciary, with amendments, in line 3, after the word "sections" strike out "101(a)(27)(A)" and insert "203(a)(2)"; and in line 7 after the word "States" strike out the period, insert a colon and *"Provided,* That no natural parent or step-parent of the beneficiary, by virtue of such parentage, shall be accorded any right, privilege, or status under the Immigration and Nationality Act."; so as to make the bill read:

S. 107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of sections 203(a)(2) and 204 of the Immigration and Nationality Act, Cita Rita Leola Ines shall be held and considered to be the natural-born child of Carolina Ines Campomanes, a lawful permanent resident of the United States: *Provided,* That no natural parent or step-parent of the beneficiary, by virtue of such parentage, shall be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 666), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to qualify for second preference status as the unmarried daughter of a permanent resident of the United States. The bill has been amended in accordance with the suggestion of the Commissioner of Immigration and Naturalization and the Assistant Secretary of State for Congressional Relations.

COPYRIGHT PROTECTION

The joint resolution (S.J. Res. 114) extending the duration of copyright protection in certain cases was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 114

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in any case in which the renewal term of copyright subsisting in any work on the date of approval of this resolution, or the term thereof as extended by Public Law 87–668, or by Public Law 89–142 (or by either or both of said laws), would expire prior to December 31, 1968, such term is hereby continued until December 31, 1968.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 667), explaining the purposes of the joint resolution.

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

PURPOSE

The purpose of this legislation is to continue until December 31, 1968, the renewal term of any copyright subsisting on the date of approval of this resolution, or the term as extended by Public Law 87–668 or by Public Law 89–442 (or by either or both of said laws) where such term would otherwise expire prior to December 31, 1968. The joint resolution would provide an interim extension of the renewal term of copyrights pending the enactment by the Congress of a general revision of the copyright laws, including a proposed increase in the length of the copyright term. This resolution would be the third such interim extension of copyright. The second extension (Public Law 89–142) will expire on December 31, 1967.

This legislation merely provides for the prolongation of the renewal term of copyright and does not involve creation of a new term of copyright.

STATEMENT

This legislation arises from a study of the the U.S. copyright system authorized by the Congress in 1955. After extensive preparatory work, copyright revision bills were introduced in both Houses during the 88th Congress and again in the 89th Congress. In the latter Congress, hearings were commenced on this legislation. At the start of the current Congress, copyright revision bills (S. 597 and H.R. 2512) were again introduced. The House of Representatives on April 11, 1967, passed an amended version of H.R. 2512. This committee's Subcommittee on Patents, Trademarks, and Copyrights has held 17 days of hearings on copyright law revision. These hearings were concluded earlier in this session. Both the bill passed by the House of Representatives and S. 597 would increase the copyright term of new works from 28 years, renewable for a second period of 28 years, to a term for the life of the author and for 50 years thereafter. They also provide for a substantial extension of the term of subsisting copyrights.

Because of difficulties which have arisen concerning certain provisions of the revision bill (not relating to the increase in copyright term), it is apparent that action on the revision bill cannot be completed before the expiration on December 31, 1967, of the temporary extension of copyright term. In these circumstances, it seems desirable that the terms of expiring copyrights should be extended so that the copyright holders may enjoy the benefit of any increase in term that may be enacted by the Congress. It is the view of the committee that the same considerations that led to the enactment of Public Law 87–668 and Public Law 89–142 warrant the approval of this joint resolution.

After a study of the joint resolution, the committee recommends that the legislation be favorably considered.

EXTENSION OF TIME FOR COMMITTEE TO FILE REPORT

Mr. DIRKSEN. Mr. President, in connection with H.R. 2516, the so-called civil rights bill, the Senate on August 25, 1967, ordered that the bill be returned to the Committee on the Judiciary with a direction that it be reported to the Senate within 60 days.

The committee met on yesterday and took action on a motion which provides that on Wednesday next, the committee will consider this bill at 10 o'clock; that the committee will proceed to vote at 11, and that it will continue to vote until it has finally disposed of the bill at or before 5 o'clock on Wednesday next.

That motion also contains a provision that the committee rule which entitles a member to have a bill go over for a week be set aside, and it also contains a provision that the bill not be physically reported to the calendar until the following Monday, to enable the committee staff and individual members to prepare reports to accompany the bill.

Now, in order to do that, it will go beyond October 24. I ask unanimous consent that the order entered by the Senate on August 25, 1967, be modified to direct that on October 30, the bill be reported in conformity with the Senate request and direction.

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

ORDER FOR RECOGNITION OF SENATOR JACKSON

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the time allotted to the distinguished Senator from West Virginia [Mr. BYRD], the distinguished junior Senator from Washington [Mr. JACKSON], be recognized for up to 20 minutes.

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

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

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

The legislative clerk proceeded to call the roll.

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

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

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON STRATEGIC AND CRITICAL MATERIALS STOCKPILING PROGRAM

A letter from the Office of the Director, Office of Emergency Planning, Executive Office of the President, transmitting, pursuant to law, a report on the strategic and critical materials stockpiling program, for the 6-month period ended June 30, 1967 (with an accompanying report); to the Committee on Armed Services.

AMENDMENT OF SECTION 17 OF INTERSTATE COMMERCE ACT

A letter from the Chairman, Interstate Commerce Commission, Washington, D.C., transmitting a draft of proposed legislation to amend section 17 of the Interstate Commerce Act as amended to provide for judicial review of orders of the Commission, and for other purposes (with accompanying papers); to the Committee on Commerce.

PETITION

The ACTING PRESIDENT pro tempore laid before the Senate a resolution adopted by the City Council of the City of Newport Beach, Calif., favoring the enactment of some form of a Federal tax-sharing program, which was referred to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, without amendment:

S. 2068. A bill to repeal certain acts relating to containers for fruits and vegetables; exportations of tobacco plants and seed; naval stores; and wool; and for other purposes (Rept. No. 668).

By Mr. HOLLAND, from the Committee on Agriculture and Forestry, with an amendment:

S. 2179. A bill to extend for 3 years the special milk programs for the Armed Forces and veterans hospitals (Rept. No. 669).

By Mrs. SMITH, from the Committee on Armed Services, without amendment:

S. 108. A bill to authorize the conveyance of all right, title, and interest of the United States reserved or retained in certain lands heretofore conveyed to the State of Maine (Rept. No. 670).

By Mr. BYRD of West Virginia, from the Committee on Armed Services, without amendment:

H.R. 11767. An act to authorize the Secretary of the Navy to adjust the legislative jurisdiction exercised by the United States over lands comprising the U.S. Naval Station, Long Beach, Calif. (Rept. No. 671).

BILLS INTRODUCED

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

By Mr. RIBICOFF (for himself and Mr. JAVITS):

S. 2557. A bill to establish within the Department of Justice a Division for Investigation of Missing Persons, and for other purposes; to the Committee on the Judiciary.

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

By Mr. MORSE:

S. 2558. A bill for the relief of Mrs. Charlotte V. Williams; to the Committee on the Judiciary.

By Mr. HOLLAND:

S. 2559. A bill for the relief of Dr. Rafael Luis Bejar Arias; to the Committee on the Judiciary.

By Mr. RIBICOFF:

S. 2560. A bill to provide for orderly trade in stainless steel table flatware; to the Committee on Finance.

RESOLUTION

AMENDMENT OF STANDING RULES OF THE SENATE

Mr. CLARK submitted a resolution (S. Res. 179) amending the Standing Rules of the Senate, which was referred to the Committee on Rules and Administration.

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

ESTABLISHMENT OF A DIVISION FOR THE INVESTIGATION OF MISSING PERSONS

Mr. RIBICOFF. Mr. President, I introduce for appropriate reference, a bill to establish within the Department of Justice, a Division for the Investigation of Missing Persons. The division would, upon request of the police of a community, county, or State, conduct investigations for the purpose of locating any person missing for 72 hours or longer, or missing under circumstances which give rise to the belief that such person may be victim of a criminal offense.

Mr. President, each year approximately a quarter million people in the United States disappear. Approximately 95 percent of these people reappear or are found, but there are an estimated 5,000 to 10,000 persons per year who disappear permanently. Some of these people intend to disappear and this, taken alone, is not a criminal offense. But often there are serious and tragic consequences which result when a person drops out of sight. Relatives spend great effort, time, and expense to determine whether the person has been injured or kidnaped, or is dead. In the case of one of my constituents, over 2 months elapsed before his college-age son was found dead, and the family's long agony will never be forgotten by those who know them.

A great many difficulties beset any attempt to organize and sustain a search for a missing person. When someone disappears in the United States, he vanishes into any one of 50 States and thousands of communities, each of which has its own separate police force. There is no focal point or clearinghouse to which citizens and policemen may turn for information or reports on missing persons. Nor is there any such bureau to which policemen can send descriptions of persons whom they suspect might be missing from some other unidentified community. The missing persons problem is instead handled by an unsystematic, informal, and often ineffective exchange of information.

Where no Federal laws appear to have been violated, the FBI does not have jurisdiction and thus cannot enter actively into investigative efforts. Thus the local police in a great many cases have no one to whom they can refer cases, and their own staff capabilities are usually limited. Nor is it difficult to understand why local police, overburdened as they often are, tend sometimes not to move very quickly in search of missing persons—since so many reappear of their own accord. Except for the dramatic search posse which sometimes comb an area for lost children, organized systematic location efforts directed by local police are rarely undertaken.

What I hope we can accomplish here is the creation of a highly skilled, resourceful investigative group with an excellent and coordinated data-exchange and communications system. Upon request of local police, the agency established under this bill would assist in investigation and in exchange of information across the Nation. It would fill the quite considerable gap which now exists between the point at which local police usually reach the limits of their authority and competence, and the narrowly defined group of cases which the FBI may enter—those in which there is some evidence of kidnaping, or those in which foul play is suspected, both of which call for FBI involvement after 24 hours.

There is a need for a centralized and computerized national center where information on missing persons is readily available for local police departments throughout the Nation.

Consider, for example, the missing persons problem created by the growing number of misguided youngsters who run away from home to live as "hippies."

The East Village in New York and Haight-Ashbury district in San Francisco have become meccas for hippies and other youthful dropouts from society.

The New York Police Department and the San Francisco Police Department each receive hundreds of missing persons reports a week from distraught parents all over America who suspect their missing children are living in the "hippie" havens.

In New York City alone, some 11,000 persons were reported missing in the city last year. Eighty-five percent of these were youths under 18.

But the East Village and Haight-Ashbury, while the best known, are actually only two of many areas in the larger cities where youngsters congregate.

Teenagers adrift, away from home and with no visible means of support are picked up by police not only in New York and San Francisco, but in cities all over the Nation.

And, chances are, somewhere in America a parent has filed a missing persons report on every one of these youngsters.

A computerized records system at the Justice Department would be an impor-

tant aid for local policemen as they search for these youngsters.

It would also assist police in quickly identifying those youngsters they pick up or detain.

Finally, it would be some consolation, however small, to the parents of missing children. These parents would at least know that the very best and most efficient communications network is at work on their behalf in finding their children.

Mr. President, I ask that this bill be given careful consideration by the appropriate committee so that some means may be developed to deal with this problem.

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

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD as requested by the Senator from Connecticut.

The bill (S. 2557) to establish within the Department of Justice a Division for Investigation of Missing Persons, and for other purposes, introduced by Mr. RIBICOFF, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 2557

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established within the Department of Justice a Division for Investigation of Missing Persons. Such Division shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate prescribed for officers of Level III of the Federal Executive Salary Schedule. The Director shall discharge his duties under the supervision and direction of the Attorney General.

(b) The principal office of the Division shall be situated within the District of Columbia. The Director shall establish such other offices of the Division as he shall determine to be required for the performance of its duties. Subject to the civil service laws and the Classification Act of 1949, the Director may appoint and fix the compensation of such other personnel of the Division as he may determine to be required for the performance of its duties.

SEC. 2. It shall be the duty of the division to—

(1) conduct appropriate investigation, upon request duly made by any police or investigative organization of any State, any political subdivision of a State, the District of Columbia, or the Commonwealth of Puerto Rico, for the purpose of locating any person who is reported by any such organization to have been missing for 72 hours or longer or to be missing under circumstances which give rise to belief that such person may be the victim of a criminal offense;

(2) transmit appropriate reports of the results of any such investigation to the organization which requested that such investigation be made; and

(3) in the case of any investigation so requested in aid of actual or prospective civil or criminal proceedings against the missing person sought, furnish to such organization all evidence obtained by the Division in the course of its investigation which is pertinent to such proceedings.

Mr. JAVITS. Mr. President, I just heard the Senator from Connecticut explain his bill to establish within the Department of Justice a division for the investigation of missing persons. The bill seems most appropriate and timely.

I ask unanimous consent that my name may be listed as a cosponsor.

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

AMENDMENTS TO MEDICAID

AMENDMENTS NOS. 411 AND 412

Mr. KENNEDY of New York. Mr. President, I submit, for appropriate reference, two amendments to H.R. 12080, the omnibus social security welfare bill now pending in the Senate Finance Committee.

These documents relate to title XIX, medicaid. Their purpose is to lower the enormous costs of that beneficial program without injuring the millions of Americans who are deservedly aided by it. They will help to alleviate two of the most serious problems that have arisen with medicaid, particularly in my State of New York.

The first contemplates variations in the income levels of eligibility within a State based on differences in shelter costs within a State. Studies have shown that shelter costs are the most significant variable in the cost of living as between urban and rural areas. The cost of rent and home purchase in rural areas is far less than in the cities. An income of $5,000 a year therefore buys far more in rural areas than it does in the city. As a result, there is no real need that eligibility levels for medicaid be as high in the rural areas of New York State as they are in its large cities, and my amendment would require the States to take variations in shelter costs into account when they determine eligibility levels. I believe this is an important and constructive step forward, and would help us significantly in the State of New York.

This amendment would alleviate what has become a near-crisis situation in New York State. In some of our rural counties 75 to 80 percent of the population is eligible for medicaid under the income eligibility levels which the State established. In these counties, welfare costs have skyrocketed over the past 18 months. Increases of 50 and 60 percent in the cost of welfare are common, and 90 percent or more of the increases are due to the cost of medicaid. One county executive wrote to me that welfare costs in his county are up almost 60 percent—over $8 million—in just 1 year. He pointed out that this will cause local taxes to double in short order, with the prospect ahead in the near future of a tax rate triple the current level. Many counties have been forced to borrow to meet the obligations which medicaid has imposed.

It is no accident that the counties which have faced these difficulties are, by and large, counties where living costs, and particularly shelter costs, are lower than they are in some of the most heavily urban areas. The fact is, consequently, that in these areas medicaid is available to some who simply do not need it. Not surprisingly, these are the areas in which the greatest opposition to the program has been expressed. Under my amendment, the State would objectively determine differences in shelter costs around the State, and would accordingly establish differences in eligibility levels. The result would be decreases of as much as 20 percent in eligibility levels in some of the counties which are the hardest pressed at the present time. A further result would be that medicaid would come closer to being a program which in fact serves only those who need it.

The second amendment would allow far more stringent regulation of the costs of hospital care and physician services than exists at the present time. Medical costs have risen greatly in the past year and a half, and it is no accident that this has occurred since medicare and medicaid have been in effect. Many of these costs are unavoidable, of course, as nurses and other personnel finally begin to receive a living wage for their work. And the costs of materials and supplies have risen. But in some areas of our country, unfortunately, there are some physicians who and some institutions which have literally reaped bonanzas from these programs. A newspaper report recently, for example, indicated that in California 1,200 physicians have received $83 million in the last 18 months in reimbursement under medi-Cal, that State's title XIX program, an average of $70,000 for each physician.

In New York State, the physicians' fees paid under medicaid have increased substantially over the past year. Fees for office visits to general practitioners and specialists have more than doubled. If these fees, as well as the reimbursement to hospitals and nursing homes, were regulated under my amendment, the fiscal pinch which many counties in New York have felt as a result of medicaid would be substantially alleviated.

The amendment would operate as follows: for inpatient care, it would limit payments to hospitals and nursing homes to the amount paid for comparable services by either the Blue Cross Plan in the area or title XVIII, whichever is less. At the same time, it would provide incentive payments for the efficient operation of hospitals and nursing homes based upon their demonstrated ability to develop new management procedures and discharge patients promptly. For outpatient care, the amendment directs that an outpatient visit be defined and that it must include seeing a physician, and it limits payments to a hospital for an outpatient visit to a ceiling of 18 percent of the per diem payment for inpatient care. For payments for the services of physicians and other professionals, the amendment directs that fee schedules shall be based upon the average level of fees charged in the county or metropolitan area over the 10 years previous to the adoption of the plan. The amendment would allow the development of special reimbursement methods for group practice plans.

These are by no means the only problems which beset medicaid. Medicaid was a program with great promise. Its purpose was to make medical care available to millions of Americans for whom routine medical attention was previously an unattainable luxury and catastrophic illness a bankrupting disaster. Yet in New York State, and here in Congress, it is apparent that public confidence in the program has been badly shaken. I

believe that adoption of the two amendments I have proposed today would help to restore that shaken confidence, but I think other steps need to be taken as well. I therefore call on Governor Rockefeller to establish a blue-ribbon commission composed of medical experts, fiscal experts, Government officials, consumers of the medical care which medicaid provides, and other relevant persons, to look into all of the issues which have been raised and to make recommendations for the future. The commission could investigate all of the components of the cost of medicaid—the extent to which the surprisingly high cost of the program is a result of abuse by individual physicians and other professionals and by inefficient hospitals and nursing homes which have had no incentive to reduce management and administrative costs, and the justification for the suddenly increased fee schedules for services of physicians and other professionals that are now in effect around the State. The commission could look into the fiscal burdens on local government around the State and recommend steps to ease those budens. Governor Rockefeller has already stated that he will ask the legislature to act to have the State take over some or all of the local share of the costs, and I support that proposal.

The commission could also look into the quality of care which is being provided under medicaid around the State, and make recommendations for new laws and new procedures to assure that the quality of care is maintained at the highest level possible. The commission, in summary, would determine just what the taxpayer's dollar is buying with medicaid, and could take us a long way toward understanding what new forms of delivering health services must be developed and how we are going to develop them if the provision of health care to those of our citizens who need it is not going to bankrupt us.

There is one other matter of importance at the Federal level. The House of Representatives imposed a limitation on Federal participation in programs under title XIX which is wholly unreasonable and unworkable. It will be an unwarranted intrusion in New York State, but it will be nothing short of disastrous elsewhere. The 150-percent ceiling which the administration originally proposed earlier this year was based on each State's public assistance definition of minimum need. The 133-percent provision in the House bill is based on the amount which the State actually pays to its public assistance recipients, which in many cases is a vastly smaller amount that its definition of minimum need. The original intention of title XIX was that medical indigency be defined at a level substantially in excess of a State's public assistance definition of minimum need. The House bill will in many States have the opposite effect, and is therefore totally unrealistic.

For example, Mississippi, according to HEW figures, was paying 22.8 percent of minimum need to its ADC children in January of this year. When the 133⅓-percent limitation in the House bill goes into effect, the ceiling for medical assistance in Mississippi will be approximately 30 percent of its own definition of minimum need. The State of Ohio is another good example. In January 1966 its definition of minimum need was $224 a month for a family of four. However, the ADC payments were actually $170 a month for a family of that size. When the 133⅓-percent limitation goes into effect, the ceiling on medical assistance for a family of four in Ohio will, therefore, be approximately $227 a month—an unacceptably low figure.

What is really involved even in the 150-percent limitation originally proposed is a failure of insight about the connection between ill health and dependency, a failure to realize that the provision of adequate health care to the poor depends upon an infusion of funds of the magnitude which title XIX as originally enacted was intended to supply. Thus, if we cut into title XIX, we cut into the possibilities of better health care for the poor.

Nevertheless, I think we must realistically face up to the fact that some ceiling is likely to be imposed. If the bill as it emerges from the Senate Finance Committee contains a ceiling lower than what the administration proposed, I intend to join Senator JAVITS in seeking on the Senate floor to raise the ceiling to the 150-percent level. That is the least we can do.

Medicaid, as I have said, was a program of great promise. It was a new hope for millions of Americans to receive health services never before available to them. That hope has now been tarnished. I believe, however, that if the amendments I propose are enacted, we will have taken the first steps toward instituting the kind of regulation that can make medicaid a viable program for the future.

I ask unanimous consent that the amendments be printed in the RECORD at this point in my remarks.

The ACTING PRESIDENT pro tempore. The amendments will be received, printed, and appropriately referred; and, without objection, the amendments will be printed in the RECORD.

The amendments (Nos. 411 and 412) submitted by Mr. KENNEDY of New York, were referred to the Committee on Finance, as follows:

AMENDMENT NO. 411

On page 160, insert the following between lines 6 and 7:

"DIFFERENCES IN STANDARDS WITH RESPECT TO INCOME ELIGIBILITY UNDER TITLE XIX

"SEC. 232. Effective July 1, 1969, section 1902(a)(17) of the Social Security Act is amended by—

"(a) striking out '(17)' and inserting in lieu thereof '(17)(A)';

"(b) redesignating clauses (A), (B), (C), and (D) as clauses (i), (ii), (iii), and (iv), respectively;

"(c) striking out '; and provide' and inserting in lieu thereof ', and (B) provide';

"(d) striking out 'income by' and inserting in lieu thereof 'income (i) by'; and

"(e) adding at the end thereof before the semicolon the following: ', and (ii) by establishing, in accordance with standards prescribed by the Secretary, differences in income levels (but only in the case of applicants or recipients of assistance under the plan who are not receiving aid or assistance under the State's plan approved under title I, X, XIV, or XVI, or part A of title IV) which take into account the variations in shelter costs as between such costs in urban areas and such costs in rural areas'."

AMENDMENT NO. 412

On page 160, between lines 6 and 7, insert the following:

"UTILIZATION OF AND REASONABLE CHANGES FOR CARE AND SERVICES FURNISHED UNDER TITLE XIX

"SEC. 233. (a) Effective April 1, 1968, section 1902(a) of the Social Security Act is amended by inserting after paragraph (25) (added by section 229 of this Act) the following new paragraphs:

"'(26) provide such methods and procedures relating to the utilization of care and services available under the plan as may be necessary to safeguard against unnecessary utilization of such care and services;

"'(27) provide methods and procedures for payment for the care and services available under the plan as follows—

"'(A) in the case of in-patient care, a definition of and formula for determining reasonable cost shall be included in the plan, which formula shall provide—

"'(i) payments to any hospital, nursing home, or other institution in which inpatient care is provided, may not exceed the amount paid for comparable services by either the Blue Cross Plan in the area or title XVIII, whichever is less, unless adequate justification based upon hardship to a hospital can be supported by financial data,

"'(ii) that any hospital which provides complete medical services for inpatients as part of a per diem cost may, in the discretion of the state agency, be paid per diem rates proportionately higher than Blue Cross or title XVIII,

"'(iii) special ceilings on per diem payments to hospitals, nursing homes, and other institutions in situations in which occupancy rates average less than 80 per centum.

"'(iv) provisions for negotiated rates with hospitals, nursing homes, and other institutions if the State chooses to use some basis of payment which reimburses on a basis less than cost, as defined above, and

"'(v) provisions for incentive payments for efficient operation of hospitals, nursing homes, or other institutions based upon the demonstrated ability of an institutions to discharge patients promptly or upon other measurable factors;

"'(B) in the case of outpatient care—

"'(i) an outpatent visit shall be defined in the plan and the minimum services for such a visit, which shall include seeing a physician, shall be described,

"'(ii) payments for an outpatient visit may be negotiated or cost-based, but if negotiated, shall not result in payments higher than cost,

"'(iii) payments to a hospital for an outpatient visit may be no higher than 18 per centum of the per diem payment for inpatient care, and

"'(vi) the plan shall include provisions per capita payments to hospital-based group practice plans;

"'(C) in the case of payments to physicians, dentists and allied professions—

"'(i) fee-for-service payments to physicians, dentists and allied professions shall be based open a fee schedule established by the State,

"'(ii) the fee schedules shall reflect geography and qualifications of physicians as established by the Board Certification Program of the American Medical Association,

"'(iii) the fee schedules shall be based upon the average level of fees charged in the county or metropolitan area over the ten years previous to the adoption of the plan, and

"'(iv) the plan may establish appropriate payment methods for group practice units.'

"(b) Section 1902(a)(13) of the Social Security Act is amended by striking out clause (B) thereof."

AMENDMENT TO MEDICAID

AMENDMENT NO. 413

Mr. JAVITS. Mr. President, I send to the desk for printing an amendment to H.R. 12080 which would allow the individual States the greatest flexibility in devising their programs of medical assistance, under title XIX of the Social Security Act.

There has been a good deal of criticism of the medicaid program. In particular, the plan of my own State of New York has been quite controversial—both in the State and nationally. I think it fair to say that the income eligibility standards established by the State of New York for medical assistance had a great deal to do with the fact that H.R. 12080 contains a ceiling on the income level for eligibility to medicaid, for which Federal matching funds would be available. The New York plan is large—and it has been expensive. However, one reason for the large size of the New York program is the fact that present Federal law has kept it from being more exactly shaped to the needs to be met.

In 1966 I introduced amendments to title XIX which would have given the States greater flexibility. In light of the strong support for some sort of ceiling on Federal participation, I believe there is even stronger need for this flexibility now. In particular, a State should not be required to set the same eligibility standard for all its geographic parts. The present New York standard cannot be seriously questioned as applied to the large cities. For example, a four-member family earning $6,000 a year in New York City needs medical assistance. However, in the rural upstate counties, this figure may well represent an income too high for eligibility and may well lead to so many eligible recipients that the county cannot meet its share of the financial burden. Nevertheless, present law inhibits New York, for example, from setting different income standards for different parts of the State, depending upon various average income levels, different costs of living, and, a different scale of health costs in geographic regions of the same State. I believe that the State should be allowed to make such distinctions where necessary and practical. Such a change in the law would permit the development of programs more relevant to the real needs of a State—and less expensive.

Another Federal requirement which unnecessarily adds cost to a State program is that which prohibits a deductible feature for hospital bills. Such a deductible is acceptable as far as medical costs are concerned; it should not be prohibited for hospital bills.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, and appropriately referred.

The amendment (No. 413) was referred to the Committee on Finance.

AMENDMENT OF SUBVERSIVE ACTIVITIES CONTROL ACT OF 1950—AMENDMENT

AMENDMENT NO. 414

Mr. MANSFIELD proposed an amendment to the bill (S. 2171) to amend the Subversive Activities Control Act of 1950 so as to accord with certain decisions of the courts, which was ordered to be printed.

(See reference to the above amendment when proposed by Mr. MANSFIELD, which appears under a separate heading.)

ADDITIONAL COSPONSORS OF BILLS

Mr. RIBICOFF. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from New Hampshire [Mr. COTTON] be added as a cosponsor of the bill (S. 2552) to provide for orderly trade in antifriction ball and roller bearings and parts thereof.

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

Mr. JAVITS. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from New York [Mr. KENNEDY] and the Senator from Oregon [Mr. MORSE] be added as cosponsors of the bill (S. 2467) to amend the Social Security Act to permit an individual to become entitled to hospital insurance benefits under title XVIII of such act, if he is otherwise qualified therefor, without filing application for benefits under title II of such act.

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

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, October 19, 1967, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 43. An act for the relief of Mi Soon Oh;

S. 63. An act for the relief of Dr. Enrique Alberto Rojas-Vila;

S. 64. An act for the relief of Dr. Luis Osvaldo Martinez-Farinas;

S. 221. An act for the relief of Dr. Armando Perez Simon;

S. 440. An act for the relief of Dr. Julio Alejandro Solano;

S. 733. An act for the relief of Sabiene Elizabeth DeVore;

S. 741. An act for the relief of Rumiko Samanski;

S. 821. An act for the relief of Dr. Julio Domingo Hernandez;

S. 975. An act for the relief of Mitsuo Blomstrom;

S. 1021. An act for the relief of Antonio Luis Navarro;

S. 1106. An act for the relief of Dr. David Castaneda;

S. 1110. An act for the relief of Dr. Manuel Alpendre Seisdedos;

S. 1197. An act for the relief of Dr. Lucio Arsenio Travisso y Perez;

S. 1269. An act for the relief of Dr. Gonzalo Rodriquez;

S. 1279. An act for the relief of Dr. Francisco Montes;

S. 1280. An act for the relief of Dr. Alfredo Pereira;

S. 1458. An act for the relief of Lee Duk Hee;

S. 1471. An act for the relief of Dr. Hugo Gonzalez;

S. 1482. An act for the relief of Dr. Ernesto Nestor Prieto;

S. 1525. An act for the relief of Dr. Mario R. Garcini;

S. 1557. An act for the relief of Dr. Carlos E. Garciga;

S. 1647. An act for the relief of Dr. Maria del Carmen Trabadelo de Arias;

S. 1678. An act for the relief of American Petrofina Co. of Texas, a Delaware corporation, and James W. Harris;

S. 1709. An act for the relief of Dr. Antonio Martin Ruiz del Castillo;

S. 1748. An act for the relief of Dr. Ramiro de la Riva Dominguez;

S. 1938. An act for the relief of Dr. Orlando Hipolito Maytin; and

S. J. Res. 112. Joint resolution extending the time for filing report of Commission on Urban Problems.

NOTICE OF HEARINGS ON CONGRESSIONAL REPRESENTATION FOR THE DISTRICT OF COLUMBIA

Mr. BAYH. Mr. President, I wish to announce that the Subcommittee on Constitutional Amendments shall hold hearings on November 8 and 9, 1967, on Senate Joint Resolutions 31 and 80. These resolutions are proposed constitutional amendments designed to provide for the citizens of the District of Columbia representation in the Congress.

The hearings shall begin at 10 a.m. each day in room 318 of the Senate Office Building. Persons interested in these hearings should contact the subcommittee staff in room 419 of the Senate Office Building or on extension 3018.

SECRETARY GARDNER COMMENDED FOR SPEECH AT UNIVERSITY OF NORTH CAROLINA

Mr. SPONG. Mr. President, John W. Gardner, Secretary of the Department of Health, Education, and Welfare, delivered a thoughtful and perceptive speech last week on our domestic problems, and about the general mood of the Nation. Mr. Gardner very ably observed that the first duty of responsible citizens today is to bind together rather than tear apart, and that the fissures in our society are dangerously deep from dissent and divisiveness. He delivered his address at a great Southern educational institution, the University of North Carolina, at Chapel Hill. Mr. President, I have not always agreed with the policies and programs of the agency he heads, but I commend Mr. Gardner's message to the Senate.

I ask unanimous consent that the text of Mr. Gardner's remarks be printed in the RECORD.

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

REMARKS BY JOHN W. GARDNER, SECRETARY OF HEALTH, EDUCATION, AND WELFARE[1]

My present job gives me a close-up view of the domestic problems of this Nation. I'd like to talk about those problems, and about the mood of the nation.

In the early years of this Republic, our people had wonderfully high hopes for the new nation. It was to be a model for all mankind, a city on a hill, a haven of liberty and reason and justice.

Today we are unrivaled in wealth and power. We have all the outward trappings of success. What of the dream?

[1] As delivered at the University of North Carolina, Chapel Hill, North Carolina, Thursday, October 12, 1967.

I don't think anyone would deny that we are uneasy in our affluence. Do I need to recite the list of anxieties—racial strife, poverty in the midst of plenty, urban decay, crime, and so on and on?

The Bible says "Thou shalt grope at noonday, as the blind gropeth in darkness." One feels occasionally that for us it is that kind of noonday.

But it isn't.

There is a kind of comfort in thinking that our troubles are more distressing than ever before. But a close reading of history denies us that comfort. The truth is that our blessings are greater than ever before. Our troubles are no worse. They are different.

It was an error to suppose, as so many once supposed, that we could fashion a society free of problems. The problems will never cease. They will only change their character.

What is the character of the problems we face in this Nation today? How shall we cope with them?

The problems themselves are easily identified. Among them I would list the search for an enduring peace, the eradication of poverty, renewal of the cities, the requirement that we do justice to Negro Americans, the improvement of education, population control, the preservation of our natural environment, the reshaping of governmental processes, and economic growth.

But we could discuss those items exhaustively without ever getting to the sources of uneasiness for many Americans today, an uneasiness that stems not from any one problem but from all, an uneasiness that goes directly to the question of where we are headed, of our health and soundness as a society, and of the relationship between the individual and society.

Ours is a vast and complex society. It's hard to know where you fit in—if indeed you do fit in. It's hard to identify anything you can call your community. It's hard to say who your leaders are—if there are any leaders in an intricately organized society. It's hard to feel any responsibility for what happens, or to feel any pride if things happen well, or to know what to do about it when they don't.

We don't want an impersonal society in which everyone is anonymous, in which no one has a sense of belonging, in which individuality is smothered by organization, in which rootlessness is the universal condition and irresponsibility the universal affliction.

But how are we to avoid those hazards?

One thing we are going to have to do is to restore a sense of community and participation at the local level, which is the only level that will have immediate meaning for large numbers of Americans.

Everything about modern life seems to conspire against a sense of community—and as a result we have lost something that most of us need very much.

We need the assurance of identity that a healthy community offers. We need the mutual obligations of community life. Above all, perhaps, we need the sense of participation—and the experience of participation—that is possible in a coherent community.

All that we know about the individual and society, and much that we know about the learning process suggest that the individual actively participating is better than the individual insert or passive—a better learner, a better citizen, a more complete person, a more self-respecting individual.

The non-participant individual, without roots, without a sense of identity or belonging is a hazard to everyone including himself. He is a ready recruit to strange causes. He is always liable to lash out in desperate efforts to find meaning and purpose. We have too long pretended that people can live their lives without those ingredients. They cannot. And if they cannot find socially worthy meanings and purposes they will cast about desperately and seize upon whatever comes to hand—extremist philosophies, nihilist politics, bizarre religions, far-out protest movements.

Individuals actively participating in a community where they can see their problems face to face, know their leaders personally, sense the social structure of which they are a part—such individuals are the best possible guaranty that the intricately organized society we are heading into will not also be a dehumanized, depersonalized machine. They are also the best hope for curing the local apathy, corruption and slovenliness that make a mockery of self-government in so many localities.

Responsibility is the best of medicines. When people feel that important consequences (for themselves and others) hang on their acts, they are apt to act more wisely. It is not always easy to have that sense of responsibility toward a distant Federal Government. It helps if the ground on which responsibility is tested is at one's doorstep. Every man should be able to feel that there is a role for him in shaping his local institutions and local community.

To achieve that goal, as President Johnson has so often emphasized, we are going to have to have far greater concern for the vitality of State and local government. We shall need vigorous local leadership in and out of government. A great many of our best people are going to have to roll up their sleeves and pitch in to help make this society work.

To eradicate poverty, rebuild our central cities, lift our schools to a new level of quality and accomplish the other formidable tasks before us will require a great surge of citizen dedication. Everyone will have to lend a hand. Industry, labor, minority groups. State and local government, the universities, the churches, farm groups, the press—all will have to pitch in.

If we imagine that the Federal Government alone, or Federal, State and local governments alone can solve those problems, and that everyone else can stand by and play sidewalk superintendent, we are deceiving ourselves. It won't work. The renewal of our cities, the rebuilding of our society will require a barn-raising spirit of mutual endeavor.

If that isn't clear to you, then perhaps you haven't grasped the dimensions of the tasks facing this Nation. The problems won't solve themselves, and they won't be advanced toward solution by bombast or hand wringing or cynicism or rage or self-pity on the part of any of us. They will yield only to unremitting effort by people who have the resilience of spirit and steadiness of purpose to do the work of the day as it has always been done—against odds.

We can dream great dreams and talk brilliantly of what is now bad that should be better. But when the time for doing comes—and it's long past—we must recognize that as President Johnson put it, the kind of society we want is going to have to be built brick by brick in the heat of the day, by people who have taken the trouble to learn how the society runs and how it can be changed.

The problems are real. It doesn't require the instincts of a reformer or the eye of a muckraker to detect social evils in this land today. All it requires is the ability to follow the newspapers, to scan the data of infant mortality among the poor, to read the crime statistics, to see the manifold signs of urban disintegration, to observe the bitterness of racial conflict.

I imagine that for most of us gathered here today life is reasonably comfortable. It is easy to suppose that we are safely insulated from the problems that beset this land, that they are someone else's problems, not ours.

But they are grimly and irrevocably the problems of our generation, and none of us can escape. There isn't any place to hide. The consequences of poverty, racial conflict, environmental pollution, urban decay, and other problems will affect the quality of life for everyone here today, and for everyone in this land, the comfortable and the uncomfortable. It won't be a decent life for any of us until it is for all of us.

Consider the recent turn toward violence. Where will it lead? Where *can* it lead? There are bitter and vindictive people on both sides who hope for the worst. But you and I have to believe that a saner path is possible.

Despair in the ghettoes cannot be cured by savagery in the streets. Violence begets violence. It is time to speak out against those on either side who through words or actions contribute to conflagrations of bitterness and rage. They wreak more havoc than they know. They may create ruinous cleavages and paralyzing hatreds that will make it virtually impossible for us to function as a society.

This is a day of dissent and divisiveness. Everyone speaks with unbridled anger in behalf of his point of view or his party or his people. More and more, hostility and venom are the hallmark of any conversation on the affairs of the nation.

There used to be only a few chronically angry people in our national life. Today all seem caught up in mutual recriminations—Negro and white, rich and poor, conservative and liberal, hawk and dove, Democrat and Republican, labor and management, North and South, young and old.

I've listened to them all, and at this moment I'd like to say a word not for or against any of them but in behalf of a troubled nation.

Today the first duty of responsible citizens is to bind together rather than tear apart. The fissures in our society are already dangerously deep. We need greater emphasis on the values that hold us together.

We need a greater common allegiance to the goals and binding values of the national community. A society or a nation is more than just a lot of people. A lot of people are a crowd or a population. To merit the term *society* or *nation* they have to have some shared attitudes and beliefs, and a shared allegiance. If the nation is to have any future, people have to care quite a lot about the common enterprise.

We know that many are willing to die for their country. We also have to care enough to live for it. Enough to live less comfortably than one might in order to serve it. Enough to work with patience and fortitude to cure its afflictions. Enough to forego the joys of hating one another. Enough to make our most cherished common purposes prevail.

Today extremists of the right and the left work with purposeful enthusiasm to deepen our suspicion and fear of one another and to loosen the bonds that hold the society together. The trouble, of course, is that they may succeed in pulling the society apart. And will anyone really know how to put it together again?

The cohesiveness of a society, the commitment of large numbers of people to live together, is a fairly mysterious thing. We don't know what makes it happen. If it breaks down we don't know how one might go about repairing it.

Back of every great civilization, behind all the panoply of power and wealth is something as powerful as it is insubstantial, a set of ideas, attitudes and convictions—and the confidence that those ideas and convictions are viable.

No nation can achieve greatness unless it believes in something—and unless that something has the moral dimensions to sustain a great civilization.

If the light of belief flickers out, then all the productive capacity and all the know-how and all the power of the nation will be as nothing, and the darkness will gather.

If enough people doubt themselves and their society, the whole venture falls apart. We must never let anger or indignation or

political partisanship blur our vision on that point.

In Guatemala and Southern Mexico one can observe the Indians who are without doubt the lineal descendants of those who created the Mayan civilization. Today they are a humble people, not asking much of themselves or the world, and not getting much. A light went out.

The geography and natural resources are virtually unchanged; the genetic make-up of the people is no doubt much the same. They were once a great people. Now they do not even remember their greatness. What happened?

I suspect that in the case of the Mayans, the ruling ideas were too primitive to sustain a great civilization for long.

What about our own ideas? Can they sustain a great civilization?

The answer depends on what ideas we are talking about. Americans have valued and sought and believed in many different things—freedom, power, money, equality, justice, technology, bigness, success, comfort, speed, peace, war, discipline, freedom from discipline and so on.

I like to believe that most Americans would agree on which of those values might serve as the animating ideas for a great civilization.

In my present job, I deal with a side of American society in which the existence of certain ruling ideals is visible and inescapable. I see children being taught, the sick healed, the aged cared for, the crippled rehabilitated, the talented nurtured and developed, the mentally ill treated, the weak strengthened.

Those tasks are not done by unbelieving people. Those tasks are carried forward by people who have at heart what I like to call the American Commitment.

I believe that when we are being most true to ourselves as Americans we are seeking a society in which every young person has the opportunity to grow to his full stature; a society in which every older person can live out his years in dignity; a society in which no one is irreparably damaged by circumstances that can be prevented.

All too often we have been grievously unfaithful to those ideas. And that infidelity can be cured only by deeds. Such ideas cannot be said to be alive unless they live in the acts of men, unless they are embedded in our laws, our social institutions, our educational practices, our political habits, our ways of dealing with one another. We must act in the service of our beliefs.

Every individual is of value.

The release of human potential, the enhancement of individual dignity, the liberation of the human spirit—those are the deepest and truest goals to be conceived by the hearts and minds of the American people.

And those are ideas that can sustain and strengthen a great civilization. But we must be honest about them. We must live by them. And we must have the stamina to hold to our purposes through times of confusion and controversy.

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

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

The legislative clerk proceeded to call the roll.

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

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

CHARLES O. FINLEY—THE ALL-AMERICAN DISGRACE TO SPORT

Mr. SYMINGTON. Mr. President, at long last the people of Kansas City and the Midwest have rid themselves of one of the most disreputable characters ever to enter the American sports scene.

The American League owners have pledged, have given an irrevocable covenant, to the mayor of Kansas City, to the presiding judge of Jackson County, to the president of the Kansas City Sports Complex, to the president of the Kansas City Chamber of Commerce, to me personally and above all to the fans of Kansas City, that Kansas City will have an American League franchise by March 1, 1968, at the latest and will be ready to play at the opening of the 1969 season.

This means that despite the unprecedented effort of Kansas City to maintain major league baseball, and its superb record of attendance in the face of the obstacles Mr. Finley imposed, the fans will have no baseball for 1 year, 1968.

But this loss is more than recompensed for by the pleasure resulting from our getting rid of Mr. Finley.

Nevertheless, and based on the record, we were surprised the American League owners did not kick Mr. Finley out of organized baseball.

Our only regret is that Mr. Finley has now been foisted on our good friend, former Senator Bill Knowland. Knowing Bill as we do, and knowing Mr. Finley, it will be interesting to see how long this works out.

Later we will present to the Senate a few of the actions, and methods, Mr. Finley used in his efforts to wreck the hopes of his players, and the fans of Kansas City and this Midwest area.

JUNIOR COLLEGE ELIGIBILITY UNDER THE IMPACTED-AID PROGRAM

Mr. MURPHY. Mr. President, last year, as my colleagues may recall, I opposed the administration's efforts to eliminate the eligibility of junior colleges under the so-called impacted-aid program, Public Law 81-815 and title I, Public Law 81-874.

Because of the importance of this issue, I appeared on April 5, 1966, before the Education Subcommittee and strongly urged the subcommittee to reject the administration's recommendation and accept my amendment, which continued junior college eligibility. The subcommittee, and later the full Labor and Public Welfare Committee, agreed with me, and as a result, the Senate adopted the Murphy amendment continuing junior college eligibility. Congressman BELL of California led this fight on the House side.

Again this year it appeared that the loss of funds was threatened. Recently, the California State Legislature passed, and the Governor signed into law, legislation establishing a new 15-member Board of Governors of California Community Colleges, which will be the new governing body for the State's junior colleges. The new board will succeed to the responsibilities previously exercised by the State board of education, the director of education, and the department of education.

As a result of this administrative change, I heard disturbing reports that the Department of Health, Education, and Welfare was about to render a ruling making California junior colleges no longer eligible for the impacted-aid assistance.

With the Elementary and Secondary Education Act presently being considered in executive session by the Subcommittee on Education, I was determined not to allow this "vehicle" to clear the Congress and then to hear the Department had ruled California junior colleges ineligible.

To prevent the loss of funds, I prepared an amendment which I planned to offer, if necessary, to the Elementary and Secondary Education Act, and which, incidentally, I am confident would have been accepted by the subcommittee. I also pressed the Department to render an immediate decision on this matter and provided them with a copy of the California State law.

I was pleased, Mr. President, to have received late yesterday a letter from Mr. James F. Hortin, Acting Director, Office of School Assistance in Federally Affected Areas, ruling that California would remain eligible. I ask unanimous consent that his letter be printed in full at this point in my remarks.

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

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION,
Washington, D.C., October 18, 1967.

Hon. GEORGE MURPHY,
U.S. Senate, Washington, D.C.

DEAR SENATOR MURPHY: Thank you for the copy of the California State Law, Chapter 1549, approved by the Governor on August 20, 1967, relative to junior colleges (grades 13 and 14) which you sent to our office yesterday.

The provisions of the new Act have been reviewed by our Counsel and the Commissioner has determined that those junior colleges in California which were considered to be legal "local educational agencies" for purposes of Public Law 81-815 and Title I, Public Law 81-874, under the terms of the previous California law are not precluded from the same classification under the new Act.

Should you have need for further information relative to this matter we will be glad to oblige.

Sincerely yours,

JAMES F. HORTIN,
Acting Director, School Assistance in Federally Affected Areas.

Mr. MURPHY. Mr. President, I am extremely proud of the educational system in the State of California. In my judgment, it is unparalleled in the Nation. The junior colleges are an important part of this great educational system. At this very moment in California 84 out of every 100 college freshmen and sophomores are in our junior college system. This statistic in itself underscores their importance.

California has been the pioneer in the junior college movement which has spread throughout the Nation. As of October of last year, there were 78 junior colleges in the State, and there may be more now for they are growing so fast that I have trouble keeping track of them. By early 1970, it is expected there will be 100. Had a ruling been made that the California junior colleges were ineligible, a heavy blow would have been inflicted upon some of these colleges.

Since California has been the leader in the junior college movement, I believe that any decision harmful to the California system might have national repercussions. And, Mr. President, the junior colleges continue to grow nationally. I am advised that there were approximately 850 junior colleges in the country last year, and 67 new ones will open this year. These junior colleges were attended by 1.5 million last year and an additional 250,000 students will be enrolled this school year.

I, of course, am delighted over the ruling of the Department. I am pleased no amendment will be necessary. This ruling of the Department will be applauded by educators, citizens, and particularly the junior college students.

I also ask unanimous consent, Mr. President, that the language of the California act creating the new governing board for the junior colleges be printed at this point in my remarks.

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

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

SENATE BILL 669

An act to amend section 22700 of, and to add chapter 1.5 (commencing with section 185) to division 2 of, the Education Code, relating to higher education, and making an appropriation therefor

The people of the State of California do enact as follows:

SECTION 1. Chapter 1.5 (commencing with Section 185) is added to Division 2 of the Education Code, to read:

"CHAPTER 1.5. THE BOARD OF GOVERNORS OF THE CALIFORNIA COMMUNITY COLLEGES

"185. There is in the state government a Board of Governors of the California Community Colleges, consisting of 15 members, who are appointed by the Governor with the advice and consent of two-thirds of the Senate.

"The first members of the board shall be appointed by the Governor on or before January 15, 1968, and the Governor shall designate the date of the first meeting of the board. At least seven of the initial members shall have served as members of local junior college governing boards in this state prior to their appointment to the Board of Governors of the California Community Colleges. Any such member must resign from the local junior college governing board before his appointment if he is serving on a local junior college governing board at the time of his appointment.

"186. The terms of office of the members of the board shall commence on January 15, 1968, and the members shall enter upon their duties on that date and shall classify their terms of office by lot so that four of the terms of such appointive members shall expire on January 15, 1969, four of the terms of such appointive members shall expire on January 15, 1970, four of the terms of such appointive members shall expire on January 15, 1971, and three of the terms of such appointive members shall expire on January 15, 1972. Thereafter, the terms of office of the members of the board shall be four years.

"At the first meeting of the board, and annually thereafter, the members shall select two of their members to serve as chairman, and vice chairman, respectively.

"187. Members of the board shall be selected from outstanding lay citizens of California who have a strong interest in the further development and improvement of the public junior colleges.

"188. Any vacancy on the board shall be filled by appointment by the Governor, subject to confirmation by two-thirds of the Senate. The appointee to fill a vacancy shall hold office only for the balance of the unexpired term.

"189. Members of the board shall serve without pay. They shall receive their actual and necessary traveling expenses while on official business. The headquarters of the board and the chief executive officer shall be in Sacramento.

"190. The board shall appoint a chief executive officer, designate his title, and fix his salary.

"191. The chief executive officer shall serve at the pleasure of the appointing power. He shall execute such duties and responsibilities as may be delegated to him by the board.

"192. The chief executive officer shall employ and fix the compensation, in accordance with law, of such assistants, clerical, and other employees as he may deem necessary for the effective conduct of the work of the board and the chief executive officer.

"193. The board shall have the power to adopt such rules and regulations, not inconsistent with law, as are necessary for its own government and to enable the board to carry out all powers and responsibilities vested in it by law.

"194. All official acts of the board shall require the affirmative vote of at least eight members. The vote of all members shall be recorded.

"195. All meetings of the board shall be open and public except as otherwise provided.

"The board may hold executive sessions closed to the public to consider the employment of any person, or the dismissal or other form of disciplinary action to be taken against any officer or employee under the jurisdiction of the board, except where such person, officer, or employee requests a public hearing. The board may exclude from any such meeting, whether public or closed to the public, during the examination of a witness, any or all other witnesses in the matter being investigated.

"196. It is the intent of the Legislature that the Board of Governors of the California Community Colleges shall provide leadership and direction in the continuing development of junior colleges as an integral and effective element in the structure of public higher education in the state. The work of the board shall at all times be directed to maintaining and continuing, to the maximum degree permissible, local autonomy and control in the administration of the junior colleges.

"197. Commencing on July 1, 1968, the Board of Governors of the California Community Colleges shall succeed to the duties, powers, purposes, responsibilities, and jurisdiction heretofore vested in the State Board of Education, the Department of Education, and the Director of Education with respect to the management, administration, and control of the junior colleges. Whenever in any law relating to the management, administration and control of the junior colleges reference is made to the State Board of Education, the Department of Education, or the Director of Education, such reference shall be deemed to mean the Board of Governors of the California Community Colleges.

"198. The State Board of Education is designed as the state educational agency to carry out the purposes and provisions of Public Law 815 and Public Law 874 of the 81st Congress, and is vested with all necessary power and authority to perform all acts necessary to receive the benefits and to allocate, upon the advice and recommendations of the Board of Governors of the California Community Colleges, the funds provided by such acts of Congress to public junior colleges."

SEC. 2. Section 22700 of the Education Code is amended to read:

"22700. There is hereby created an advisory body, the Coordinating Council for Higher Education, to be composed of three representatives each of the University of California, the California State Colleges, the public junior colleges, the private colleges and universities in the state, and six representatives of the general public. The university shall be represented by the president and two regents appointed by the regents. The California State Colleges shall be represented by the chancellor and two trustees appointed by the trustees. Public junior colleges shall be represented by a member of the State Board of Education or its chief executive officer as the board may from time to time determine, and a member of a local public junior college governing board and a public junior college administrator. The junior college governing board member shall be selected by the State Board of Education from a list or lists of five names submitted for its consideration by any association or associations of statewide coverage which represent junior college governing boards. The public junior college administrator shall be selected by the State Board of Education from a list of five names submitted for its consideration by the California Junior College Association. The private colleges and universities shall be represented by three persons, each of whom shall be affiliated with a private institution of higher education as a governing board member or as a staff member, in an academic or administrative capacity and shall be appointed by the Governor after consultation with an association or associations of such private institutions and subject to confirmation by the Senate. The general public shall be represented by six members appointed by the Governor subject to confirmation by the Senate. The terms of the appointments made pursuant to this section shall be as follows:

"(a) The representatives appointed by the regents shall serve one-year terms.

"(b) The representatives appointed by the trustees shall serve one-year terms.

"(c) The member of the State Board of Education or its chief executive officer who represents the public junior colleges shall serve until the first meeting of the board in the next succeeding calendar year following his appointment.

"(d) Except as otherwise provided in this subdivision, the term of office of all of the other members of the council appointed pursuant to this section is four years, and they shall hold office until the appointment of their successors.

"The terms of such members in office on November 1, 1965, shall expire as follows:

"(1) The term of the member who, as a member of a local public junior college governing board, is representing the public junior colleges, the term of one of the members representing the private colleges and universities, and the term of one of the members representing the public shall expire on November 1, 1965.

"(2) The term of one of the members representing the private colleges and universities, and the term of one of the members representing the public shall expire on November 1, 1966.

"(3) The term of the member who, as a public junior college administrator, is representing the public junior colleges and the term of one of the members representing the public shall expire on November 1, 1967.

"(4) The term of the other member representing the private colleges and universities, and the term of one of the members representing the public shall expire on November 1, 1968.

"(5) The terms of the other two members representing the public shall expire on November 1, 1969.

"On or before November 1, 1965, the Governor shall designate the order in which the terms of his appointees expire pursuant to this subdivision.

"(e) Any person appointed pursuant to

this section may be reappointed to serve additional terms.

"No appointing authority specified in this section shall appoint any person to alternate membership on the council with the following exceptions who shall be appointed by the appropriate appointing authority; two alternates for the president and the two representatives of the regents; two alternates for the chancellor and the two representatives of the trustees, and one alernate for the one representative of the State Board of Education. Each alternate shall be a member of the appropriate appointing authority and shall be appointed for an annual term.

"No person appointed pursuant to this section shall, with respect to any matter before the council, vote for or on behalf of, or in any way exercise the vote of, any other member of the council.

"Commencing on February 1, 1968, the public junior colleges shall, notwithstanding the preceding provisions of this section, be represented exclusively by two members of the Board of Governors of the California Community Colleges chosen annually by the board, and the chief executive officer of the California Community Colleges; provided that, the member of the State Board of Education or the board's executive officer, the member of the local junior college governing board, and the public junior college administrator (to be replaced by the chief executive officer of the California Community Colleges) shall continue to serve until the successors are designated and qualify to serve. The representatives of the public junior colleges shall serve for one-year terms. One alternate member may be designated by the Board of Governors of the California Community Colleges."

SEC. 3. The Co-ordinating Council for Higher Education, as soon as this act becomes effective, shall undertake a study of all of the duties, powers, responsibilities, and jurisdiction in the management, administration, and control of the junior colleges and shall report to the Governor and to the Legislature on or before December 1, 1968, on the appropriate functions which should be performed (a) by local school boards maintaining junior colleges and (b) by the Board of Governors of the California Community Colleges.

SEC. 4. There is hereby appropriated from the General Fund for the support of the Board of Governors of the California Community Colleges the sum of ten thousand dollars ($10,000), or so much thereof as may be necessary, to be expended for expenses incurred by the board pursuant to Chapter 1.5 (commencing with Section 175) of Division 2 of the Education Code, including planning for the uninterrupted performance of the functions and duties transferred to the board.

ARMY OF SOUTH VIETNAM BEARS ITS SHARE OF WAR BURDEN

Mr. INOUYE. Mr. President, I wish to invite attention to recent remarks made on the Senate floor suggesting that the South Vietnamese are not bearing their share of the burden in resisting Communist efforts to take over their country.

The facts of the case do not support this impression. There are presently over 700,000 men in the regular and paramilitary forces of the Republic of Vietnam. Thus, of approximately 4.5 million adult males throughout the country nearly one in six is in armed service. A comparable figure for the United States would be approximately 8 million men in the Armed Forces. These forces have almost constantly borne heavier killed-in-action losses than United States and free world allied forces. Reliable figures for combat deaths since January 1965, when the big U.S. military buildup began, through August 1967, show 27,738 South Vietnamese combat deaths compared with 12,592 Americans killed in action during the same period.

On April 24, 1967, General Westmoreland said this in evaluating the performance of the Vietnamese Armed Forces:

> I have worked with the Vietnamese military for more than three years, and I have learned to understand and admire them. A look at their record in combat, as well as in political administration, reveals an exceptional performance, when all is considered. . . . In my book, the Republic of Viet-Nam Armed Forces have conducted themselves with credit. As I tour the country several times each week, I am encouraged by the obvious improvement in the morale, proficiency and quality of their fighting forces.

Moreover, the South Vietnamese have borne a heavy load of civilian casualties resulting from Vietcong terrorism. These civilian losses are part of the price the Vietnamese people pay while resisting aggression. These are also casualties suffered in the common cause.

For example, there were 816 South Vietnamese either killed, wounded, or kidnaped in the Vietcong antielection campaign in the weeks immediately prior to the presidential elections on September 3. Since 1960 the Vietcong have assassinated more than 12,000 civilian village and hamlet officials and kidnaped 41,000 others.

The Vietnamese have been fighting for over 25 years against the Japanese, the French, and now against the Communists. While there are no accurate figures for the total casualties they have suffered during this struggle for freedom and self-determination, it has been estimated that close to a half million South Vietnamese have died because of the war since 1959.

In our natural impatience at the length and cost of our involvement in Southeast Asia, it would be unwise to disregard the political, social, and economic achievements of the last few years. Examples are:

First, the drafting and promulgation of a new constitution by a body of representatives of the people, the election of the executives and legislators provided for in the constitution, and the beginning of the development of a loyal opposition to the officials newly elected to power. For the first time in its history, South Vietnam has meaningful parliamentary institutions. The fact that these institutions were produced in time of war by free elections is indeed an accomplishment of which any free world government might well be proud. One might note in passing that during World War II, neither Great Britain nor France, countries with long parliamentary traditions, conducted nationwide elections.

Second, the village and hamlet elections of April to June of this year which have brought representative government to 1,037 villages and 4,616 hamlets in secure parts of the country;

Third, the encouraging initiatives of the South Vietnamese Ministry of Revolutionary Development in the fields of agricultural reform, self-help, and the rapid development of effective revolutionary development cadre to work in the pacification of rural Vietnam;

Fourth, the imaginative and courageous economic policies of the South Vietnamese Government which have held inflation, inevitable in any wartime situation, within manageable limits; and

Fifth, the striking progress made toward the resolution of the important highlander minorities problem through the recent passage of a minorities bill of rights and land tenure law, and the fulfillment of longstanding promises in the fields of education, social welfare and justice. The Government of the Republic of South Vietnam is now well advanced in the progress of reintegrating the Montagnard rebels into the government structure. One former rebel leader is now a senator.

The assertion that the Vietcong is "way ahead" of the Saigon Government in terms of effective political organization in the countryside is inaccurate and unwarranted. It would be acceptable only to those who confuse the working of naked terrorism with the art of government. It loses sight of the fact that confiscatory, externally directed and supported guerrilla type of administrative efficiency, which deals in no economic or social programs but only in promises and propaganda, is an activity far different from the massive responsibilities of the GVN, youthful and ill trained as it may at times seem to be. The Vietcong do not have to maintain roads and bridges—they blow them up. They have no educational program, unless it is that of terrorizing schoolteachers into preaching their political line. They have no health program, no seed or fertilizer improvement programs, no irrigation programs. They make refugees, whereas the national government tries, with remarkable success, to care for them. The Vietcong do have a land reform program of a sort. It is unique in its simplicity. It consists of a simple declaration that all land belongs to the people they are propagandizing at the moment. They have a very simple taxation system: taking everything that impressed porters can carry; and they have a most effective military conscription program beginning with 14-year-olds.

The late Prof. Bernard Fall, a noted historian and authority on the 20th century struggles of the Vietnamese people, preached that the side which will win the present struggle in Vietnam will be the side that outadministers the other; but he clearly recognized and emphasized the massive handicap of the side that has to defend and improve a society compared to the side which can concentrate exclusively on tearing it down.

When the progress of the South Vietnamese Government and people is viewed as having been achieved despite these handicaps, myths about the popular appeal of the Vietcong and despair over the slow rate of progress of the GVN both tend to disappear.

DANGER OF RETURN TO LOGROLLING IN WORLD TRADE

Mr. JAVITS. Mr. President, the current import quota hearings of the Senate Fi-

nance Committee have engendered nationwide, even worldwide interest. During the committee's 3 days of hearings the pros or cons of existing U.S. trade policy have been and will be debated. The hearings which started out to consider four or five quota proposals have become a much more important battleground—between those supporting our current trade policies which have been enormously beneficial to this country and those who would have us believe that a policy of retaliation and counterretaliation would be more profitable.

I testified before the Senate Finance Committee this morning because I wished to reaffirm my position, that on balance, the interests of New York and the country lie in the continuation of existing U.S. trade policy.

In view of the loud protestations of those who are demanding quotas, I think the Senate and the country should be aware of the fact that there are major domestic corporations who are greatly concerned about these proposed quotas as well as the Committee for National Trade Policy and various importer groups.

I ask unanimous consent that the text of my testimony as well as a series of wires sent to me today by these corporations and groups be printed in the RECORD.

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

TESTIMONY OF SENATOR JACOB K. JAVITS BEFORE THE SENATE FINANCE COMMITTEE ON PROPOSED IMPORT QUOTA LEGISLATION, OCTOBER 19, 1967

Mr. Chairman, I am very appreciative of the opportunity to appear before the committee this morning in opposition to measures proposing quotas on various items of imports into the U.S. There is grave suspicion in the world that the bills now pending before this Committee, signal a new wave of protectionist sentiment in the U.S., reversing our Post War trade policy in favor of a species of log rolling and favor swapping that the world thought had gone out thirty years ago.

Personally, I am persuaded that should these quota bills be enacted into law, they *would* undermine the basis of our postwar policy of trade liberalization and that this, in turn, could return us to the international trade wars of the 1930's and a continuous round of retaliation and counter-retaliation until the economic health of the world economy itself would be imperiled.

These quotas pose other dangers to the United States economy:

1. They would result in higher prices for millions of U.S. consumers and thereby contribute to inflation;

2. They would endanger billions of dollars worth of U.S. exports and thereby worsen our balance of payments position, contribute to unemployment and loss of profits;

3. They threaten individual enterprise and would impose even more government controls and bureaucracy on U.S. industry than at present.

They would create new difficulties for the industries they are ostensibly protecting—if past experience with quotas is a good guide to the future—because they are inflexible.

I am also strongly opposed to these bills because I consider the well-publicized plan of the sponsors to append them to the Social Security bill very damaging to the hopes of a large segment of the American people, our senior citizens. In the end this may not be done—particularly if the counsel of many leaders on both sides of the aisle is followed. But if it is attempted, it should be clear that they would jeopardize a well-earned social security "raise" for those Americans who spent their life in hard work and deserve more decent retirement incomes.

In recent months there has been much said in the Senate about the usurpation by the Executive Branch of the powers of Congress in the field of foreign trade. *It seems to me the new protectionist drive for import quotas in turn represents an excessive use of Congressional power on behalf of certain industries at the expense of the public at large and the nation.*

As a legislator, I have an obligation—as have other members of Congress—to concern myself with the problems of my constituents resulting from strong foreign competition. For these and other reasons I have supported measures coming before the Senate which contributed to their economic health, such as the 1964 tax cut, the 7% investment tax credit, small business loans and the adjustment assistance provisions of the Trade Expansion Act of 1962.

But, I also believe that members of Congress have an obligation to assure that the solutions they support to help their constituents are based on objective evidence; (the Tariff Commission was created by Congress expressly for that purpose) are tailored specifically to help sectors of industry claiming serious import injury; and are consistent with the over-all national interest. *I do not believe that across-the-board quotas covering an entire industry or import limitations achieved by allegedly "voluntary" international or bilateral agreements reached with supplying nations is the way of going about helping injured industries and displaced workers.*

My own prescription for sectors of industry hurt by imports consists of: 1) adjustment assistance in line with Title III of the Trade Expansion Act, but substantially liberalized by making a favorable finding for this purpose easier than at present and by providing more liberal loans, tax benefits and retraining programs for workers in the injured firms or sectors of industry. This avenue has by no means been exhausted; 2) a Federally-supported program to attack the basic causes of obsolescence, either directly through a modernization fund or by guarantees or subsidies to commercial banks and private investors which undertake significant modernization programs in industries threatened by obsolescence which cannot otherwise help themselves; and 3) the elimination of government policies, such as "two-price cotton" which contribute to difficulties of certain industries facing foreign competition.

Lest I am accused of being entirely altruistic, I wish to give another reason—a very practical reason—for my opposition to these quotas. If enacted, they would on balance seriously undermine the foundation of my own state of New York's welfare and economy—our commerce with the rest of the world. As far as New York is concerned, this commerce consists of an estimated $1.5 billion in manufactured exports originating in the state in addition to more than $75 million in agricultural exports originating in the state; substantial imports of raw materials and parts needed for products manufactured in the state; $15.9 billion of foreign commerce shipped through the Port of New York for destinations all over the U.S. According to a study made by the First National City Bank recently, an estimated 375,000 jobs are involved in loading, unloading, trucking and producing these goods in the Port of New York area. Millions of dollars in income for the steamship lines, airlines, railways, truck carriers, banks, insurance companies, freight forwarders, customs brokers and tax revenues for the local, state and federal governments are also involved. It can be seen clearly how gravely restrictions on U.S. foreign commerce could hurt New York's economy as well as that of the nation.

I do not wish to go over the ground covered very effectively by representatives of the Executive Branch yesterday. But I would like to identify several key points in the debate.

The appearance of temporary relief for certain U.S. industries from import competition by mandatory quotas should not be confused with permanent improvement in the U.S. trade position. On the contrary, these quotas will very likely worsen our trade position.

The value of imports involved in those quota proposals already introduced—namely for steel, lead and zinc, meat, textiles, footwear, electronic products, hardwood plywood, ground fish, strawberries and honey—totaled $3.6 billion in 1966. Quota proposals involving a tightening up of already existing quotas—namely cotton textiles, petroleum, and dairy products—involved another $2.7 billion in imports, with the two categories covering an estimated $6.3 billion of our 1966 imports or 25% of our total import of merchandise that year. This does not mean that this amount of imports would be eliminated. This only indicates that this much of our imports would be exposed to drastic cuts. It must also be emphasized that for every restriction we impose on certain imports, an equivalent limitation on our exports can be expected to be imposed by other countries on some U.S. industry, unless we give concessions of equal value in other areas. Now, which industry shall be selected to pay for higher protection on steel, oil, textiles and so forth?

Let us consider, for example, the steel industry's case for increased protection. By every measure I have seen, the steel industry is in pretty healthy condition. Shipments of steel mill products for example have increased from 71 million tons in 1962 to 90 million tons in 1966. Employment has increased from 521,000 in 1962 to an estimated 576,000 in 1966. Total dividends paid by the steel industry have increased from $445 million in 1963 to $484 million in 1966 according to the American Iron and Steel Institute, and according to the same source, profits per each dollar of revenue have stayed at 6% in 1965 and 1966. It is true that imports during the past two years have totalled close to 11% of domestic consumption of steel. However, it seems to me that an industry which has 89% of a market is doing pretty well indeed.

It is also true that in the past three or four years steel exports have declined. However, if the millions of tons of steel purchased each year in the United States for manufactured products destined for eventual export is included in steel export data, the industry's export position appears in a better light. The import-export equation for steel mill products changes considerably if this factor is taken into account. Such data for two industry classifications, machinery and transport equipment, show a net export surplus of between two to two and a half million tons of steel a year! The industry's capital expenditures in 1966 were $2 billion and now are projected around $2½ billion this year. With increased utilization of the oxygen process of steel making and more efficient and competitive distribution facilities, this industry is in an excellent position to face competition from abroad more effectively. As Secretary Trowbridge pointed out in his testimony yesterday, the reason for increased imports in the last four or five years has been the heavy demand for steel accompanied by more diverse purchasing by some large users who, fearing a domestic shortage, are looking for price advantages, meet their needs by buying both foreign and domestic steel.

In other words, one of the major reasons

for higher steel imports are domestic steel shortages resulting from strikes and other reasons. In the absence of such imports serious bottlenecks and price increases could result in significant damage to important steel users in this country. The quotas could also result in higher steel prices which would inevitably lead to increase in use of competing materials such as plastics, copper, aluminum, concrete and paper.

In this connection, I would urge this Committee to consider the claim made by the American Institute for Imported Steel that it is automation in the steel industry rather than imports that has been the principal contributor to the loss of jobs. They cite the closing last year by the U.S. Steel Corporation of its last remaining mill in Donora, Pennsylvania, and by Jones and Laughlin Company which in March of 1966 shut down a nail plant at Aliquippa, Pennsylvania as another factor for loss of jobs in the industry. They also claim that an ever smaller number of production workers are required to produce an increasingly quantity of steel again contributing to jobs losses.

I would also suggest that the Committee consider the recent evidence put forth by Congressman Thomas Curtis of Missouri who has claimed that between 4 to 10% of steel imports in 1966 were by American steel producers themselves, who needed imports to break production bottlenecks in a year of exceedingly strong demand for steel.

In conclusion, I cannot emphasize strongly enough that quotas, while ostensibly assisting an industry in trouble, result in increased government controls over industry, increase the need for more bureaucracy and inject new inflexibilities into an industry. The administration of quotas requires a tremendous amount of paper work with questions arising daily over the specific application of the quota such as clearing commodities for withdrawal, determining when a quota has been filled, collection of fees and other charges, payments of refunds, and the administration of specific provisions of the quota including country or origin markings, chemical analyses, port of entry charges, immediate delivery of perishable goods, dock strikes, etc. One of the big problems with the lead and zinc quotas, for example, was that smelters were unable to acquire sufficient quantities of ore of the grades necessary for their smelting operations. The surplus lead and zinc situation which was a problem that lasted for over 15 years changed to one of shortage. Italy, for example, which had an allocation under the original quota proclamation, chose not to fill it. Since there was no provision for reallocating unused quotas, the total supply for the domestic market was decreased while other supplying countries were prevented from increasing their exports to the United States. I could cite other examples of licensing difficulties, of problems involving evasion of quotas which underline the short-sightedness of these quota proposals.

I hope that the pressures now put on Congress for quotas will serve one useful purpose—as a warning to the Administration that substantial segments of U.S. business are dissatisfied with present world trade patterns and the non-tariff barriers they face abroad. Except for the anti-dumping code the Kennedy Round scarcely touched the vital area of non-tariff barriers. Yet these are the real inhibitors of expanded and liberalized world trade.

New quotas are not the way to reduce or eliminate non-tariff barriers abroad. They would only compound the problem. But we should take heed that unless and until U.S. trade negotiators go up against their foreign counterparts to hammer out agreements to open up protected European and Japanese home markets pressure for U.S. quota legislation will continue to plague us.

U.S. trade officials know well the variety of subtle and tacit devices by which the foreign industrialized nations exclude or restrict U.S. products from their home markets, all the while demanding free and open access to American markets.

The urgent need for U.S. trade policy is to work on behalf of expanded U.S. exports into protected foreign markets. Non-tariff barriers must be the prime target of this policy.

Both this nation and our trading partners must recognize that this is an age of interdependence between the economies of dozens of nations. As the leading industrial nation of the world, the U.S.—in its own self interest—must do all it can to contribute to the freer competition in world trade, not to lead the way in erecting trade barriers that will, in any event, be no more effective than the original Wall of China.

PEORIA, ILL.,
October 18, 1967.

Hon. Senator JACOB K. JAVITS,
Senate Office Building,
Washington, D.C.:

Caterpillar strongly opposes import quota bills currently under consideration by Senate Finance Committee. Believe they would be catastrophic for U.S. foreign trade and undo many of gains of Kennedy Round and other trade negotiations which have encouraged export expansion during last thirty years. They would be a serious and ill advised step backward.

WILLIAM BLACKIE,
Chairman, Caterpillar Tractor Co.

CINCINNATI, OHIO,
October 18, 1967.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.:

I strongly urge you to use all of your persuasiveness with your colleagues in the Senate to defeat current efforts to place import quotas on textiles and allied products. Such quotas would waste the work of the Kennedy Round negotiators before the nation has had an opportunity to judge the results of their agreements. It would be much more prudent to gain more experience under the new agreements rather than destroy them prematurely with import quotas. We fear the result of precipitative action would be higher prices and more limited selections of consumer merchandise.

FRED LAZARUS, Jr.,
Chairman, Executive Committee,
Federated Department Stores, Inc.

PHILADELPHIA, PA.,
October 18, 1967.

Senator JACOB K. JAVITS,
Senate Office Building,
Washington, D.C.:

I wish, by this wire to express the strongest possible opposition to the series of individual quota bills now pending before the Senate Finance Committee. These bills collectively would vitiate the hard won agreements obtained in the Kennedy round negotiations. Moreover any quotas at this time would reflect not only a lack of good faith with our negotiating partners in the Kennedy round but also a more basic lack of faith in the operations of a free enterprise economy for which we are the leading spokesman throughout the world. Freer world trade is an extension of the free competitive market which we have domestically and have espoused throughout the world. The facts testify to the effectiveness of this system. As we have progressively lowered our tariff and other trade barriers since 1933, our markets throughout the world have expanded manyfold. Our economy has grown in part through sales to foreign nations. Many U.S. industries and substantial U.S. employment depend upon sales in foreign markets which are only supported through sales by foreigners to U.S. from foreign countries. It is misrepresentation to argue that a minor quota here or a minor quota there will not significantly influence our economic posture in the world. The adoption of any quotas at this point in time will antagonize foreign sellers and lead to retaliation that will hurt U.S. industry. Moreover the adoption of any one quota encourages proliferation to many other quotas. There is no line which can be adequately drawn between safe quotas and unsafe quotas. The adoption of any single quota limitation on imports at this time will be publicized throughout the world as a reflection of attitude. Even industries most directly and apparently adversely affected by tariff reduction should recognize that the benefits to the U.S. economy from increased sales abroad will expand all domestic markets including those of firms with overseas competitors. It is difficult for anyone to document a single case where a past reduction of tariff has specifically hurt a particular industry, but our economic record of the past thirty years gives testimony to the incalculable benefits of broadening markets for American industry.

HOWARD C. PETERSEN,
Chairman of the Board, the Fidelity Bank.

NEW YORK, N.Y.,
October 18, 1967.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.:

Thank you for your telegram notifying me of your impending testimony concerning the import quota bills now under consideration by the Senate Finance Committee. As a member of the Executive Committee of the United States Council of the International Chamber of Commerce, I have cosigned with the other council members a telegram which opposes this import quota legislation. This telegram is being sent today by James A. Linen, chairman of the United States Council of the ICC, to Senator Russell Long, chairman of the Senate Finance Committee. A copy of Mr. Linen's telegram is being sent to your office.

My best regards,

ARTHUR K. WATSON,
President, IBM World Trade Corp.

BOSTON, MASS.,
October 18, 1967.

Senator JACOB K. JAVITS,
Senate Office Building,
Washington, D.C.:

We feel a change in the basic trade policy of desiring freer trade throughout the free world would be a mistake despite current monetary problems and urge your opposition to rigid import quotas which would surely induce retaliation abroad.

THOMAS D. CABOT,
Chairman, Cabot Corp.

NEW YORK, N.Y.,
October 18, 1967.

Senator JACOB K. JAVITS,
U.S. Senate
Washington, D.C.:

I commend you on your forthcoming appearance before the Senate Finance Committee in behalf of enlightened and liberal American foreign trade program on the basis of my experience in international business and my continued interest in U.S. trade policy toward both developed and underdeveloped countries I believe that at no time in our history is it more important to exert strong leadership in liberalizing trade and tariffs for two reasons our role of responsible leadership demonstrated in the Kennedy Round must be sustained both in good faith and in effective economic relations, and secondly realistic self enlightenment suggest that we should not invite reciprocal adverse reaction from our trading partners damaging our overseas markets and export trade the Kennedy Round would be irrevocably harmed in my opinion by untimely and counterproductive import quota bills and other restrictive trade actions I urge you to do all pos-

sible to offset these proposed measures both in the interest of our own nation and in the interest of constructive world relations. Best wishes.

H. J. HEINZ II,
Chairman, H. J. Heinz Co.

STAMFORD, CONN.,
October 19, 1967.

Hon. JACOB JAVITS,
U.S. Senate,
Washington, D.C.:

Deplore efforts establish import quota. Would be calamitous step backward undoing years of work by countries' far-sighted leaders to bring about better promise world peace and order and would short sightedly damage countries' prosperity. The best for majority must govern, not gain for a few.

W. H. WHEELER, Jr.,
Chairman, Pitney-Bowes Corp.

NEW YORK, N.Y.,
October 18, 1967.

Hon. JACOB K. JAVITS,
Senate Building,
Washington, D.C.:

Regret unable comment meaningfully on proposed import legislation without having studied the bills. My own views on trade policy were sent out last July 20 before joint subcommittee on foreign economic policy where I said, "The great promise of the Kennedy round is the effective increase in export opportunities brought about by the reciprocal reductions in foreign tariffs. I feel strongly U.S. businessmen should approach the results in this affirmative manner."

Regards,

DAVID ROCKEFELLER,
Chase-Manhattan Bank.

NEW YORK, N.Y.,
October 18, 1967.

Senator JACOB K. JAVITS,
Senate Office Building,
Washington, D.C.:

I urge you to exert every effort against the possible passage of bills to impose import quotas. For too long the monkey on our economic back has been the false notion that trade restrictions insure our markets. Nothing could be more destructive to our post-war policy of an Atlantic trade partnership that has been supported by both parties. Nothing could be more harmful to the shared economic progress of the western world.

For most of the industrial countries, rapid economic growth has come to depend in large part on rapid expansion of international trade. This is why participants in the Kennedy round worked so hard for success. Rapidly growing exports of manufactures make a rapid growth of output possible.

This is why trade in manufactured products among the industrial countries in the post-war period has been growing even faster than industrial output, which is unprecedented.

The notion that national economies are neatly divided into domestic and international business is simply without substance. The fact is that every economy benefits from a growth in trade and is hurt by a contraction in trade. Efficient business managements can understand and deal with new competition arising from tariff reduction and can take advantage of the new export opportunities. But there is no way to cope with retaliatory tariff and other trade restrictions arising out of protectionism.

The sustained downward trend of industrial tariff rates in the post-war period has helped to create a favorable trade climate among the industrial countries. Failure of the Kennedy round would have been serious, not so much because tariffs would have remained uncut, but because business confidence in the future course of trade policy would have been seriously disturbed. Such confidence is now being disturbed by the moves toward protectionism in our country. These moves seem to contradict the whole principle of the Kennedy round which we initiated.

Post-war prosperity was largely built upon the dismantling of barriers to the movement of trade. This has proved to be a sound course and should not now be reversed.

WALTER B. WRISTON,
President, First National City Bank.

BUFFALO, N.Y.,
October 18, 1967.

Hon. JACOB K. JAVITS,
Senate Office Building,
Washington, D.C.:

Our authority supports in principle unencumbered free trade and believe that no action should be taken to interfere with the free flow of international traffic.

NIAGARA FRONTIER PORT AUTHORITY.

WASHINGTON, D.C.,
October 18, 1967.

Senator JACOB K. JAVITS,
U.S. Senate Office Building,
Washington, D.C.:

As executive director of Committee for a National Trade Policy non-partisan organization devoted to liberalization of world trade in U.S. national interest congratulate you on what we know your testimony October 18th before Senate Finance Committee will be. You are one of very few Senators who are unqualified supporters liberal U.S. trade policy without departure in deference to special interest groups. Yesterday we sponsored meeting of representatives of some 100 national organizations and corporations favoring freer trade. They represented millions of people in the U.S. and we are convinced that the same broad consensus for freer trade still exists in this country as it did in 1962. Import restriction bills being considered by Finance Committee are the worst way for Government to respond to problems of foreign competition. They are inconsistent with enterprise system and would go far to reverse the trade policy this country has followed since 1934. They lead to a cartel system. Retaliation from our trading partners should be expected against our exports amounting to several billion dollars in trade coverage. These bills are irresponsible legislation and if enacted would make impossible the kind of world trade cooperation developed over the last 30 years.

JOHN W. HIGHT,
Executive Director, Committee for a National Trade Policy.

WASHINGTON, D.C.,
October 19, 1967.

Hon. JACOB K. JAVITS,
Senate Office Building,
Washington, D.C.:

We urge that you, as a Senator representing hundreds of importers in New York State, oppose the quota bills during the Senate Finance Committee hearing this week.

These quota bills affect a wide variety of products and enactments by the Congress. Would be a complete reversal of a United States liberal trade policy since 1934. A return to protectionism could not fail to cause retaliation by other countries against American exports.

Quotas are one of the most unfair and discriminatory methods of regulating imports. Quotas are difficult to administer and impose even more Government control over an economy which claims to be based on free enterprise. Quotas create an artificial economic environment and once enacted survive long beyond the circumstances they were intended to alleviate.

GERALD O'BRIAN,
Executive Vice President, American Importers Association.

NEW YORK, N.Y.,
October 18, 1967.

Senator JACOB JAVITS,
U.S. Senate,
Washington, D.C.:

The members of our organization are the leading importers of nonferrous metals. While only lead and zinc are specifically included in the pending legislative proposals for import quotas, we must record our conviction that the adoption of import quotas of any kind is destructive to our Nation, these proposals violate the very spirit of the recently concluded Kennedy round. Not only would the prestige of the United States suffer throughout the world but the entire competitive business system of our Nation will inevitably be transformed into a system of cartels and monopolies. Those of us who have lived through the depression cannot forget the economic disintegration and despair which high tariffs helped create. We urge you to oppose vigorously all import quotas and to present our views to the Senate Finance Committee at its curent hearings on quotas.

AUBREY MOSS,
President, American Metal Importers Association, Inc.

NEW YORK, N.Y.,
October 18, 1967.

Senator JACOB JAVITS,
U.S. Senate,
Washington, D.C.:

The American Institute for Imported Steel, Inc., opposes all import quota legislation for all commodities unless clearly required for U.S. defense needs. There is no need for steel import quotas except to enable domestic steel industry to raise their uniform prices charged to consumers. The current protectionist drive endangers not only the achievements of the Kennedy round but the entire structure of international trade among the nations of the free world. The destruction or serious impairment of that trade would be catastrophic, and destroying ours and our trading partners' prosperity and leading to a depression. You, of course, have my authorization to present our views to the Senate Finance Committee. With highest esteem and personal regards.

KURT ORBAN,
President, American Institute for Imported Steel, Inc.

WASHINGTON, D.C.,
October 18, 1967.

Senator JACOB K. JAVITS,
Senate Office Building,
Washington, D.C.:

Import quota bills under consideration by Senate Finance Committee would affect at least 43 per cent of U.S. imports from Japan in 1966 or 1.3 billion dollars enactment of these bills would jeopardize U.S. exports to Japan valued at 2.3 billion dollars in 1966 because Japan would have right to retaliate under GATT. It would undermine essential economic partnership between U.S. and Japan and thus endanger basis of our Pacific alliance. Defeat of these import quota bills and similar restrictive legislation is imperative in the U.S. national interest. Earnestly urge strong support of our position.

NELSON A. STITT,
Director, United States-Japan Trade Council.

WASHINGTON, D.C.,
October 18, 1967.

Hon. JACOB K. JAVITS,
U.S. Senate, Senate Office Building,
Washington, D.C.:

As counsel for the American Fur Merchants Association, Inc., 224 West 30th Street, New York, leading fur dealers association in the United States, I wish to state emphatically that the association is strongly opposed to all types of import quota legislation now being

considered by Senate Finance Committee before which you are appearing this week. As regards our particular product, mink fur skins, President Johnson has ordered Tariff Commission to ascertain all facts on mink fur industry including impact of imports on the U.S. market. To even consider imposing an import quota on mink before Tariff Commission study even starts is unthinkable. My association feels strongly that a three day hearing on the imposition of import quotas on a wide variety of products is at the least unfair bordering on the side of autocracy. More power to your good right arm in your fight for a continuance of the liberal international trade policy which the United States has followed for the past thirty odd years.

JAMES R. SHARP.

GEORGIA'S EDUCATIONAL TELEVISION NETWORK

Mr. TALMADGE. Mr. President, it is my pleasure to call to the attention of the Senate an excellent article that appeared in the October issue of Broadcast Management/Engineering on the State of Georgia's educational television network.

As this very fine article points out, educational television in the United States is more than 10 years old, and Georgia has become a national leader in this field in just 2 years. A survey last spring showed that almost a million students in Georgia benefited from education courses telecast over the 10-station network.

Georgians are rightfully very proud of the progress that has been made in education in recent years, and this is another outstanding example of such advancement in my State.

I certainly want to commend everyone concerned with Georgia's excellent television educational network, and I ask unanimous consent that this article be printed in the RECORD.

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

GEORGIA'S SECRET IN BECOMING AN ETV LEADER? PLANNING, STANDARDIZATION, QUALITY

(NOTE.—Lou Peneguy, director of information of the Georgia Educational Television Network, immodestly claims the Georgia ETV network is No. 1 in the nation. No. 1, 2, or even 10, it's certainly a leader, as this material on engineering aspects, requested by BM/E, indicates.)

The question frequently posed to Georgia ETV officials lately is, "Since ETV in the U.S. is over ten years old, how has Georgia become a national leader in statewide ETV operation in two years?"

Within the past 24 months the Georgia Department of Education has dedicated five ETV stations. These were added to the service of its Warm Springs and Savannah stations. Another, WDCO, channel 15, Macon-Cochran should be broadcasting by the time this issue is circulated. In September, 1965, its Educational Television Services Executive Director, Lee Franks, contracted to have the stations interconnected.

Through a cooperative effort, WGTV, the University of Georgia station, and WETV, the Atlanta City Schools station, are affiliates of the 10-station network. This means Georgia has a rare combination of a state department of education, a university and a public school system harmoniously working together to originate daily programs on all educational levels.

A survey this spring reveals there were 920,215 student viewers of educational telecourses within the state of Georgia. Of Georgia's four-million population, 92 percent are within an ETV signal (98 percent with the addition of WDCO).

Behind the technical development of the Georgia ETV Network is Harvey J. Aderhold. Holder of U.S. Department of Commerce (pre-FCC) Radio Operator's License No. 414 since December 27, 1929, he began contract work for the Georgia Department of Education in 1958. He joined the Department as its Broadcast Engineer in May, 1962. Now the Network Director of Engineering, Aderhold regulates the daily activities of fifty-six members of his technical staff, who operate the Department's licensed stations.

With the assistance of national broadcast consultant, Earl Cullum, Aderhold created "a paper network" for the State Board of Education. It demonstrated how 18 TV stations would give a quality picture in every Georgia public school classroom. Instead of a plunge into the construction of the proposed paper network, the Board authorized the establishment of one station as an experiment. This was done by erecting WXGA–TV. Its first transmission was in December, 1961.

Through numerous tests in schools, within the WXGA–TV coverage, Aderhold decided by mounting all future Georgia ETV antennas on 1000 foot or higher towers, the entire state could be covered by ten stations.

The State Superintendent of Schools endorsed Aderhold's recommendation that all equipment installed for Georgia ETV programming would be first quality, new equipment. In agreement with the proposal, the State Superintendent said "Today's children have TV as commonplace at home. They enjoy it; they believe what it presents. In the same manner they learn to sing commercial jingles, they can be educated if the TV presentation is aired as good as, or better than commercial programming."

The second money-saving idea advanced by Aderhold was to have the interior of all Georgia TV transmitter buildings identically designed. With the same 2,230-square-foot interior floor plan, the architect's fees were less. Purposefully, the exteriors would be different.

Another practical advantage of identical floor plans is that new transmitter engineers can be trained in one station, and be transferred to another one without any on-the-job confusion. (A particular tool in the station repair shop where he is trained can be located in the same position on the bench as is a similar tool in the other transmitters.)

In each case, the transmitter room is located in the center of the building, with no outside windows. This is to keep the heart of the operation clean, easier to air condition, and to prevent outside distraction.

Included in the transmitter control room is a film and slide chain, and facilities to run audio tape or to make local announcements via microphone. Each station has am/fm radio receiving facilities to enable it to function on behalf of Civil Defense, if necessary.

Each station has all of the test equipment needed for normal, routine checks, and has an adequate electrical workshop to handle its own maintenance or repairs.

Each transmitter building is air conditioned by a central unit with motorized louvers. The louvers aid to retain the same year around operating temperature.

The transmitters, themselves, are fed air through roll-a-matic filters to eliminate dust.

A thermostat in the line between the transmitter and the heat exchanger is set to hold a continuous 130-degree water flow to the klystron. This has extended the life of the klystrons, and has stabilized the transmission.

For the comfort of the staff, each transmitter building is equipped with a completely furnished kitchen, lounge, large bedroom, and bathroom with shower.

For economy, too, all but one of the towers have elevators. (One station atop a high mountain, has its antenna on a short, self-supporting tower.) This makes it possible for the station personnel to maintain its tower . . . (i.e., changing the lights, re-touching rust spots, checking the line).

Again, to be thrifty, Aderhold has built most of the Department's stations on one acre of land. He obtained easements for the guy wires.

Each transmitter is staffed with three assistant engineers and a full-time utility man. The latter is necessary to keep the lawns trimmed, shrubs clipped, and flower gardens weeded.

Director Aderhold keeps in contact with his crew from his office adjoining the Georgia Educational Television Network Control Center on Atlanta's Peachtree Street. He telephones each station's chief engineer twice daily to keep a constant flow of intrastaff communications.

The network interconnection by common carrier rather than by State owned microwave network was Aderhold's recommendation after he had investigated other statewide ETV interconnected systems. It is his attitude that commercial firms are specialized to service the 844 miles of microwave needed to tie together the Georgia ETV stations. His records prove his original theory was correct. From June, 1966 to June, 1967, on the overall network operation, there has been 99.7 percent of microwave efficiency. To check this efficiency, a Tekonixscope with a Polaroid camera affixed is housed in each station. Three test patterns (multiburst, stairstep, and widow window) are regularly sent down the line from Network Control to be photographed. At the same second the transmitters are photographing the test signals, so is Network Control. The photographs are mailed to the Control Center where they are compared to determine if there is any network line deterioration. If there is, the common carrier firm serving the transmitter where trouble appeared, is immediately notified.

As a double check, a multiburst test is super-imposed over network programming at all times. This impulse interlacing is done by a vertical internal keyer, and is seen at the stations on the scope. It is not observed by the average viewer.

Because the current Georgia Department of Education theory is that all in-school and teacher-refresher telecourses should be flawless, the 35-people at the Department's studio produce all of the programs on videotape.

Network Control, 6 miles from the studio, is equipped with dual equipment: two switchers, two audio boards, and four standard broadcast videotape playback machines. Two are available as a backup.

The Control Center can originate film or videotape color, it passes color, fed into the system by National Educational Television, or from the University of Georgia studio in Athens. All of the facilities are adapted to pass color.

Although all of the Network Control equipment has been wired so a single operator can handle all film, slides, remote feeds, and videotape playbacks without leaving the control panel, Aderhold insists that two men be on duty at it whenever the network is broadcasting. The effectiveness of his staff schedule has been rewarding. Network Control made only one error during its past year of performance.

Besides Network Engineering Director, Aderhold, the Network Control staff includes a Network Supervisor who coordinates the Center personnel. The staff does its own maintenance, its own testing, does videotape recording for other ETV stations (i.e., for

N.E.T. stations yet to be interconnected in the southeast). Occasionally it feeds a program to one of the Georgia Network affiliate stations when the latter operates on a different schedule than the rest of the network. Each of the network stations can break away to air a telecast of all interest.

At Control there is an Assistant Network Engineering Director who coordinates the engineering of the Control Center and the studio; a Project Engineer who handles the FCC licensing and regulations on the Georgia Department of Education stations and its three translators.

Under Aderhold's jurisdiction, too, is the technical operation of the remote bus. This is "old hat" to him, as he used to handle remotes regularly when employed by a commercial TV network.

When the Utilization wing inquired how it could show telecourse excerpts during its teacher and PTA meetings, Engineer Aderhold bought a small delivery van, and equipped it with a standard videotape playback unit which feeds TV receiver monitors placed in a school library, auditorium, etc., and assigned an engineer to it. The van has become such a practical asset that he has added a second one.

To survey the signal strength of any of the transmitters at any school, Aderhold established a Field Service staff. He maintains this staff has been an excellent public relations benefit between the Georgia Network and schools. It has saved some schools as much as $1000 by its advice to administrators.

An example of the results of the Field Services is reflected in a June memo from Aderhold to Mr. Franks which reads, "Our Department made the following reception check in 120 counties and 1129 schools:

Excellent reception in 879 schools
Good reception in 142 schools
Fair reception in 59 schools
Poor reception in 49 schools

With adaptation of suggestions previously made, we should have excellent reception in 99 percent of all schools in the state."

In nearly every situation, the school administrators listen to what is suggested by the Field Service engineer in regard to ETV reception as the network staffer is recognized as a qualified professional who is on their state level.

Network Engineering Head, Aderhold, reports that ¾ of his personnel has been selected from applications from commercial TV broadcast engineers; the other ¼ are enlisted from electronics trade schools.

Besides overseeing the station construction and day-to-day network technical operation, Aderhold is very involved in the Department's erection of a multimillion dollar TV studio, 4 miles South of the Capitol.

FORWARD THINKING IN ALL AREAS

This spring with William Smith, director, Mississippi ETV Authority, Mr. Franks coplanned the organization of a southeastern ETV network. Fourteen states are assisting in its development. It is scheduled to have its regional headquarters in Atlanta.

Within the past two years, Georgia ETV Network Utilization Administrator, O. Max Wilson, has built the nation's largest ETV Utilization division. A former teacher, he believes in extensive personal contact with school administrators and classroom teachers. His group held 142 meetings with over 10,000 adults across the state between June, 1966 and May, 1967; 68 of the meetings were expressly for 6674 Georgia classroom teachers. A vast number of the sessions relied on a videotape van, which will be described later in this article.

Georgia's recent fireballing into ETV by its Department of Education caused the U.S. Department of Education to request that Georgia Superintendent of Schools, Jack P. Nix, host the first National Conference for State Department of Education Personnel on Educational Television. One hundred twenty-five top state officials from 41 states attended the Atlanta meeting.

VICE PRESIDENT SPEAKS TO NATIONAL CONFERENCE OF CATHOLIC CHARITIES

Mr. HART. Mr. President, on October 10, 1967, Vice President HUBERT HUMPHREY gave a moving, challenging speech to the National Conference of Catholic Charities in San Francisco, Calif. He talked about the problems of our cities, the human problems there. He called upon all of us—not only the Catholic Church, but other churches, all levels of government, private industry, labor, and voluntary organizations—to put our best efforts into solving these problems that are on our very doorstep.

I ask unanimous consent that the Vice President's remarks be included in the RECORD at this point.

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

REMARKS OF VICE PRESIDENT HUBERT HUMPHREY, NATIONAL CONFERENCE OF CATHOLIC CHARITIES, SAN FRANCISCO, CALIF., OCTOBER 10, 1967

In these days, time moves swiftly and rarely allows us the privilege of looking back. But this morning I will insist on this privilege—at least to think back over the three years since we last met.

As Sister Mary mentioned, it was in 1964 that I last talked from this platform, only three years ago. Yet, when one considers all that has happened, does it not seem an eternity?

Perhaps the more so for me because, three years ago, I was called to new responsibilities and began to see the sweep of events from a vantage point with a broader view. From where I sit, the scene is tumultuous.

But so it is, I'm sure, for all of us—for all men and for all their institutions. And nowhere has change been more dramatic than in the world of Catholicism.

I stand in awe at the new wave of ferment and vitality you have loosed upon an admiring world. Ecumenicism is the order of the day. What a prodigious dialogue you are carrying on, among yourselves as well as with the rest of mankind.

As never before, Catholics, Protestants and Jews are attending each other's services, joining each other's organizations, cooperating in each other's projects, marching together in social action. And these are not formal, meaningless gestures.

They are, I believe, the natural outgrowth of a renewed brotherhood, of a deeper mutual understanding of a spirit of openness which men ardently seek.

It is a tribute, may I say, to the everlasting validity, the continued freshness of the teachings of history's greatest rebel, Jesus Christ.

During these troubled years, the response of Catholicism—indeed of all churches—a response characterized by flexibility but rooted in the eternal, stands out as a dynamo of hope against the forces that would fragment the human race.

For me personally, one of the most memorable episodes of the last three years was my visit with Pope Paul in the Vatican. I pray for his good health and continued vigor.

Three years ago we were feeling the impact of two historic Encyclicals, Pacem in Terris and Mater et Magestra.

To these great letters from his predecessors, Pope Paul has now added his masterful Encyclical "On the Development of Peoples," a document remarkable for both the breadth of its humanity and the precision of its detail.

One of my most cherished possessions is a signed copy of this Encyclical which its illustrious author gave me this April. Its powerful opening phrases can serve as my challenging text for today and for many tomorrows:

"Freedom from misery, the greater assurance of finding subsistence, health and fixed employment; an increased share of responsibility without oppression of any kind and in security from situations that do violence to their dignity as men; better education—in brief, to seek to do more, know more and have more in order to be more: that is what men aspire to now when a greater number of them are condemned to live in conditions that make this lawful desire illusory."

That desire for an equal opportunity to achieve one's highest humanity is lawful in the highest sense within the Judeo-Christian tradition: it is equally lawful under the Constitution of the United States.

And to say that the desire for equal opportunity is illusory for a large minority of American citizens today, either because of racial discrimination or poverty, is no overstatement.

What have we done, and what can we do, to fulfill that lawful desire for the millions who live in our cities? That is the subject for our meeting today; and since we are looking back over the events of the last three years, let me simply state that I think the federal government, for its part, has been responsive to the need to the extent that its resources would permit.

We have not always been sure that what we were doing was the best course of action. But we, both in the Administration and in the Congress, operated on the assumption that doing something was better than doing nothing.

Our course has involved trial and error, and some political risk as well; but we have been ready to accept the results with our eyes open. For we knew that the poor and the city dwellers could only lose by inaction and delay.

The achievements we have made in the last three years have been achievements not for one Administration or one Congress, but for the American people as a whole—Medicare . . . the Elementary and Secondary Education Act . . . the Model Cities Program . . . rent supplements . . . the Job Corps . . . Head Start . . . Upward Bound . . . Neighborhood Youth Centers . . . Community Action centers. There is more on the way, including a vitally important Safe Streets and Crime Control bill.

I will not volunteer any detailed evaluation of these programs. I am, after all, speaking to a roomful of men and women whose life's work is ministering to the needy. You are uniquely qualified to judge these efforts, and your verdicts, I assure you, will be eagerly scrutinized in Washington.

I will point out, however, that we have made an important breakthrough in our notion about what we as a society are trying to achieve and how we should go about it.

We have, once and for all, laid to rest the idea that poverty and blighted opportunity can be adequately treated with charity or, in more modern parlance, "welfare."

We have decided to seek basic and lasting solutions, rather than contenting ourselves with palliatives.

We have decided that we are going to do whatever is necessary to throw open the door of American opportunity to every resident of this nation.

This broader task is one that the federal government cannot and must not undertake alone. We in Washington can dispense "welfare," but we cannot manage the intricate task of social growth that the permanent

elimination of poverty and blight will require.

As Thomas Jefferson said, "were we directed from Washington when to sow and when to reap, we should soon want bread."

This is a job for governments at all levels, particularly in the cities and neighborhoods themselves. That is where the people themselves have the greatest influence over their own destiny, and that is where they can make their particular needs known most effectively.

And it is a job which requires the full resources of private enterprise and private non-profit organizations.

The federal government can provide resources but the initiative, the drive, and the creative management that is going to get the job done will have to come from the communities themselves. That concept—federal support for local initiative—has been built into every piece of poverty and urban development legislation passed during the last three years.

Will this formula work? I think we already know that the answer is yes.

Federal dollars invested under the Model Cities Program can and will stimulate greater public effort and private investment in scores of cities.

Job Corps camps all over the country are being successfully run by private firms under government contract.

Industries have undertaken major on-the-job training programs for the hard-core unemployed, either with or without federal support . . . and they have found that it pays economic as well as social dividends.

Just two weeks ago President Johnson announced a 40 million dollar test program designed to support an intensive assault by the private sector on joblessness.

The life insurance companies of America recently pledged a billion dollars to finance low cost housing in slums and to provide employment opportunities in high unemployment areas.

Voluntary agencies—church groups, neighborhood committees, corporations set up by ghetto residents themselves—are building housing and providing community services with grants from governments at all levels.

There is Plans for Progress, a volunteer effort by American corporate business to assure employment on the basis of merit—only another example of private effort to right old wrongs and inequities.

The point is that all our institutional resources—governmental, voluntary, business and labor—are beginning to mesh in a cooperative national effort to build the "Cities of Hope" you have been discussing. What we are seeing is the development of a new American Ecumenicism—an ecumenicism which recognizes that all of us suffer if the few are left behind, together.

I know that the National Conference of Catholic Charities is part of this picture. To say that you shared in the growth of the ecumenical spirit would be an unforgiveable understatement. In your work you were ecumenical long before Vatican II. For ten years anyway you have been working harmoniously with a widening circle of non-Catholic agencies.

We have seen the steady growth of your concerns and your perspective. You have gone from a natural concentration on your own toward an inevitable involvement with the needs of the total community, from helping the poor to eliminating poverty.

Your spokesmen are heard with deep respect in Washington and I want to take this occasion to express the gratitude of the Administration for the intelligent and informed critical support they have given to social legislation.

I know that there has been a lot of theoretical discussion of "relevance" among Catholics. As a friend, let me just say that I think the Catholic Church and the Catholic charities are relevant in the United States today as never before, precisely as an instrument for creating a better life in the cities.

In a very practical sense, you are in an excellent position to help coordinate public and private efforts because your organization transcends the boundaries of separate communities and cities; because your mandate is not limited to people of a single ethnic or racial group. Moreover, your churches, schools and community centers are often in the very ghetto areas where the opportunities they afford are needed most.

But your role extends beyond the practical sphere. No mixture of money and material will, by itself, rekindle the hope that has flickered out for many residents of urban and rural America today—and I do not mean just the poor ones.

Our cities today are suffering from more than a lack of physical amenities. There is in them, and in many of the people who live in them, a sickness of the soul, an emptiness of the spirit. Men are deadened, frustrated, alienated and finally unhinged.

This is the poverty that is most difficult to overcome. It is poverty of the spirit far more than poverty of the purse, that challenges this rich nation.

How do we put men together again?

How do we re-arouse the desire to care, to hope, to act?

The Church, with its abiding concern for the whole man, with the inner man as well as the shell, can help us find the answer.

The measure of our success, as Christians and Americans, will be our ability to make real to men the lawful desire—in the words, again, of Pope Paul—

"to seek to do more, know more and have more in order to be more," and the greatest of these is "to be more."

SENATOR HRUSKA MAKES COMPELLING CASE FOR MEAT IMPORT LEGISLATION

Mr. CURTIS. Mr. President, earlier today, my colleague from Nebraska [Mr. HRUSKA] testified before the Committee on Finance in behalf of his meat import bill, S. 1588, of which I have the privilege, along with 38 other Senators, to be a cosponsor.

Senator HRUSKA's thoughtful, well-reasoned discussion of the impact of meat imports on the Nation's agricultural economy and the need for corrective legislation deserves the attention of all of us who are concerned about the worsening situation on America's farms.

My colleague has long furnished valuable and expert leadership on behalf of the Nation's farmers and ranchers. His testimony today was in sharp contrast to the arguments advanced yesterday by Secretary of Agriculture Freeman and other members of the President's Cabinet who are uncompromisingly opposed to this legislation, just as they were 3 years ago when the Congress approved the present statutory authority for the imposition of quotas on imports of foreign meat.

It is Secretary Freeman's position that imports are not harmful to the American cattle industry, singing the same offkey tune he used in 1964 when the bottom dropped out of the cattle market and drove countless cattlemen out of business.

The Secretary seems far more concerned with the problems of foreign importers than with those of American farmers and ranchers.

Mr. President, I ask unanimous consent to have printed in the RECORD Senator HRUSKA's splendid statement before the Committee on Finance.

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

STATEMENT BY SENATOR ROMAN L. HRUSKA IN SUPPORT OF S. 1588, BEFORE THE SENATE FINANCE COMMITTEE, OCTOBER 19, 1967

Mr. Chairman, members of the Committee, a little more than three years ago this Committee played a leading role in the enactment of Public Law 88-482, the present statutory authority for the imposition of quotas on the importation of foreign meat into this country.

Public Law 88-482 was the first in our history which granted such authority, so far as I know. It was enacted in 1964 to protect our domestic livestock industry against an overwhelming danger which had suddenly arisen to threaten it.

I refer, of course, to the extraordinary expansion in the volume of foreign beef which was flooding into our market at that time.

Appendix I shows U.S. imports of cattle, calves, beef and veal compared with U.S. production (all in carcass weight equivalent) compared with production, by year, from 1954 to 1966.

In 1956, it is noted, these total imports were 254 million pounds, or 1.6 percent of U.S. production for that year.

In 1966, the corresponding figure for imports was 1,455 million pounds, about 600 percent greater than ten years earlier. The figure for 1966 is the third highest in recent years, having been exceeded only in 1962 and 1963.

Indications are that 1967 imports will exceed 1966 volume.

The impact of these large-scale imports on our domestic livestock markets was direct and severe. Cattle prices held up through most of 1962 but declined near the end of the year, slumped badly early in 1963, dropped further later in the year, then during the first part of 1964 really scraped bottom. Altogether the average monthly Chicago price for choice slaughter steers fell from $30.13 in November of 1962 to $20.52 in May of 1964, 32 percent in eighteen months. It was too much of a reversal for any industry to withstand without disaster; in 1964, the cattlemen had to ask their government for at least partial protection from the weight of imports.

At the time, Secretary Freeman contended that domestic production was primarily responsible for the price collapse, rather than imports. I do not intend to go all over that argument again. Fluctuations in domestic production were an old story. The new factor in the situation was the mountainous amounts of foreign beef crossing our borders. It is simply not credible to deny that the imports were a major causative factor.

Public Law 88-482, which was finally enacted in August of 1964, like most legislation, was a compromise. Regardless of its provisions, the very fact of its enactment was of tremendous importance. For the first time there was written into law the principle that quotas on imports to protect the domestic industry should be imposed, and the law contained the spelled-out formula of how that quota was to be calculated. Those were tremendous gains. This Committee deserves a vote of thanks from the entire livestock industry of this country for nailing those principles into the law.

However, at the time those of us who had fought for the legislation said very candidly that the bill fell short of what we believed should be done. We reserved the right to come back to the legislative process for changes, and also the right to judge the legislation in the light of our experience with it.

Furthermore, the recent sharp upward

surge in meat imports must give us pause. Attention already has been called to the fact that 1966 imports shown in Appendix I are the highest in recent years. Indications are that 1966 imports will be exceeded by 1967. Imports of the meats covered by Public Law 88–482 during July of this year amounted to 88.7 million pounds, and imports in August, according to preliminary figures secured by telephone, were 92.2 million pounds. For the two-month period the level of imports represented an increase of 21.8 percent compared with the same two months of the preceding year. If imports during the remainder of this year should continue at the July-August rate, the total for the year would amount to 920 million pounds. That would be far the highest level of imports for any year since the year of disaster, 1963.

For that reason this may be a particularly good time to reexamine the statute and how it operates.

How well has Public Law 88–482 worked to date? The answer is that on the basis of our experience thus far it has been found to be seriously defective. It has not provided the protection it was supposed to give to the cattle industry and to agriculture generally. As a matter of fact, the law has been so little help that as yet we have not even been able actually to impose any quotas under its provisions.

We have had an opportunity to experience its weaknesses, and to observe the potential loopholes left open for foreign meat to be pushed through.

THE PRESENT LAW

How is the present law supposed to work?

The law starts out by establishing a quota or limit as to the quantities of certain specified types of foreign meat—specifically, fresh, chilled, or frozen beef, veal, and mutton—which may be imported from abroad. That is the base quota, which the law sets at 725,400,000 pounds, the annual average, approximately, of imports of those meats during the years 1959 to 1963.

But this figure is adjusted upward in two ways before a quota can be imposed. First, imports are permitted to increase from year to year at the same rate as domestic production. As of now this growth has amounted to 179,200,000 pounds, thus resulting in an adjusted base quota of 904,600,000 pounds for 1967. The law provides secondly that quotas not be imposed except when imports are expected to amount to 110 percent of this adjusted base quota. This "trigger point," as it is called, amounts to 995 million pounds for 1967.

But finally, the quotas are imposed on the basis of an advance estimate by the Secretary of Agriculture as to the level that he expects imports will reach for the year. The statute now provides that at the beginning of each year, and quarterly thereafter, the Secretary of Agriculture is to estimate the quantities of the specified types of meat that will come in during the year. The quota will be imposed only if his estimate of expected imports is a larger figure than the trigger point calculated for that year in the manner previously described.

The secretarial estimate is of course a forecast before the event, and subject to all the errors and hazards that afflict any effort by humans to foretell the future.

EXPERIENCES TO DATE

Our experience with the law this year has already revealed some of the weaknesses in it.

To begin with, there was a period earlier this year when it seemed likely that the provision for a 10 percent overrun would turn out to be the most important part of the law. As noted above, for 1967 the adjusted base quota would be 904.6 million pounds, and the trigger point would be 995 million pounds. Earlier this year it was expected that imports might amount to 960 million pounds—more than the figure for the adjusted base quota but less than the trigger point. In other words, with imports at the 960 million level—within the 10 percent zone—this 10 percent overrun provision would prevent the quota limitation from being invoked.

Clearly this 10 percent overrun is a useless and burdensome provision which tends to defeat the purpose of the law, and should be gotten rid of.

Next, there is the question of the secretarial estimates. The whole mechanism of the law is brought into play by the estimates of the Secretary of Agriculture, and the effectiveness of the quota system is dependent on the accuracy of those estimates.

On the basis of our experience with the law to date, it has to be said that the secretarial estimates are not terrifically accurate, or at least that is the case with respect to those made at the beginning of the year. For 1965 the Secretary at the beginning of the year estimated that total imports would amount to 733 million pounds. As we moved through the year his estimates declined progressively, and his estimate for the full year made in September was 630 million. Actual imports during all of 1965 came to 614 million pounds, more than 100 million less than his estimate for the beginning of the year.

For 1966 his beginning estimate the previous December was set at 700 million pounds, while total imports finally came to 823 million pounds. For 1967 his beginning estimate was 960 million, but already he has revised that downward to a figure of 860 million. Thus, each of the three years it has appeared that his initial estimate was 100 millions pounds or more away from the mark. I do not intend to sound too critical; it may be that in the field of economic forecasting that is fairly accurate, but the whole machinery of estimating imports is not really necessary anyhow. In any revision of the law, it can be dispensed with.

Thirdly, and foremost, I am convinced that the base quota in present law is unfairly high to begin with. This quota was set at a level equal to average imports during a particular base period, 1959–63. That base period was carefully selected indeed—it was the highest five year period that could possibly have been chosen. It included the two exceptionally high years of 1962 and 1963, when more than 10.5 percent of U.S. production was imported.

Let me say that it is difficult to understand the psychology which, first, permits imports for a time to run absolutely wild, to build up a tremendously high volume for a period, and then, when quotas are imposed, uses that short period of high volume imports as the basis for settling how high the quota must be. Prior to 1962 imports of these meats had never exceeded 614 million pounds; yet Public Law 88–482 set 725 million as the base quota and through the operation of the growth factor the adjusted quota for 1967 is pushed up above 900 million pounds.

That is simply too much foreign meat for our livestock economy to be legitimately asked to absorb.

PROVISIONS OF BILL

Let me summarize briefly the provision of S. 1588.

First of all, it would wipe out the provision for a 10 percent overrun in permissible imports, over and above the quantity specified as being in line with the policy set by Congress. That 10 percent overrun should never have been in the law in the first place.

Secondly, the bill would abolish the role of the Secretary of Agriculture in making forecasts of the quantity of imports to be expected. Instead, by this bill the quota would be imposed by the law itself, and would not be dependent upon the Secretary's estimate.

Third, the bill would change the base period upon which the quota is calculated. The base quota in the present law, for total imports of fresh, chilled, and frozen beef, veal, and mutton, is set at 725,400,000 pounds, which was approximately the average annual importation of those products during the 5-year period 1959–63. In S. 1588 that base is set at 585,500,000 pounds, the average annual volume of imports during the years 1958–62, a much more representative base period.

Those are the three most important changes proposed in the bill. There are several other changes which are more in the nature of housekeeping or technical amendments, needed to make the administration of the system work more effectively but not changing its fundamentals. It is hoped that these changes may be accepted as noncontroversial.

The first of these changes is to place the quota system on a quarterly instead of an annual basis. At times there is a surprisingly wide fluctuation in the volume of meat imported from one quarter to another. For example, during July-August of this year, imports were running at the rate of 270 million pounds per quarter, whereas during the previous quarter they amounted to less than 180 million pounds. There is no reason to permit such fluctuations which are unsettling to our market here, and which can be prevented by dividing the annual quota up into four quarterly quotas.

Next, S. 1588 would provide that any offshore procurements of foreign meat by the military for use overseas would be charged against the appropriate import quota. Last spring the Defense Department arranged for the purchase of 10,000,000 pounds of lamb from Australia and New Zealand for use in the feeding of our troops in Vietnam and elsewhere overseas. If purchases of this type must be permitted, it seems only right that the equivalent quantities be deducted from any quotas governing importation into this country. This quantity—10,000,000 pounds—is quite a lot of lamb. Actually, since there is no quota on lamb at the present time anyhow, this provision would be inapplicable for the time being, but it has been included in the bill so that when and if an offshore procurement of a type of meat subject to quota should be made, the provision would come into play. It is hoped that the military will not object to this amendment, which would not hamper or really affect the conduct of military operations in Vietnam in the slightest.

Finally, the bill also provides discretionary authority to the President to impose quotas if necessary on other types of meat not already covered by existing law, that is, such meats as lamb, pork products, and canned or prepared and preserved beef. We have had trouble with imports of some of these meats in the past year. Last year imports of lamb were higher than in any recent year except 1963. Imports of pork and also imports of prepared and preserved beef were higher than in any year for certainly many years. Appendix II sets out product weight of U.S. imports, by year, 1958–66.

Not only that, but this authority to impose quotas on other types of meat may be essential to prevent evasion of the quota on the fresh, chilled, and frozen product. It is conceivable that if the quota on fresh, chilled, and frozen beef is filled, foreign producers might turn to the canning or preserving of additional beef for shipment to the United States, in order to get around the U.S. quota. We know that essentially that means was used to avoid the quota restrictions on dairy products. Elementary prudence requires that we arm ourselves against such a potentiality.

CONCLUSION

In conclusion, Mr. Chairman, S. 1588 is a fair and reasonable bill, a bill designed to stabilize the role of imports in our meat supply, to protect our domestic industry without doing harm to our foreign suppliers.

It gets rid of the 10 percent overrun feature in the present law which should never have been in there in the first place. It also changes the base period to 1958–62, a reasonable base which is much more representative of the historic position of imports than the base in the present law, 1959–63, which yields an exaggerated figure as a quota base.

The bill simplifies the administration of the program by abolishing the complex system of secretarial estimates of future imports. It smoothes out the flow of imports by substituting quarterly quotas for one annual quota.

Please note that imports will not only continue in line with their historic contribution to our meat supply, but we allow the import quota generous growth factor. The bill permits imports to be increased at the same percentage rate as domestic production. The bill would stabilize our domestic markets without harming the importer or the foreign producer.

It is good that the Finance Committee has chosen this time to look again into the problems of the livestock industry, and the impact of imports on our own economy in this country. The cattle industry is the most widespread of all our farm industries in this country, and also the largest in terms of value of output. There are thirty-four states having more than one million head of cattle and calves. Total cash realized from sale of cattle and calves during 1966 amounted to $10.4 billion, which was 24.2 percent of the total cash receipts from farm marketings during 1966. That was far, far greater than cash receipts realized from any other branch of agriculture in 1966—nearly double the figure for cash receipts from dairying, which was the next largest branch of agriculture in terms of gross revenue.

The prosperity of the cattle industry is also of fundamental importance to the continued well-being of producers of feed crops for sale, of course.

I hope this Committee will approach this problem recognizing the historic role of agriculture in this country, the new problems that beset the farmer in this era, and the pressures which have made it most difficult to preserve a healthy rural economy and society.

In these last few years of extraordinary prosperity, it has seemed that every segment of our economy has thrived and prospered—except the farmer. For the farmer, however, the prosperous sixties have been a period of rising costs and lagging prices for farm products, a neverending race in the squirrel cage to keep up with his mounting expenses. Last month—September of 1967—the index of prices received by farmers declined by four percentage points, and the parity ratio fell again—to only 73, lower than the annual average parity ratio for any year since 1933. The parity ratio for beef cattle for September was only 81, slightly above the average for all farm products but certainly not high enough to give us any comfort. In 1967 the total number of farms in the entire United States had dwindled to the figure of 3,176,000, less than half the figure for 1935, which was 6,813,000. It is a trend which is not pleasant to think about or talk about, but which must be faced and dealt with as one of the central problems of the times in which we live.

To stem this unhealthy tide of migration away from the farms, to give the livestock man at least a small assist in his effort to maintain the healthy rural economy and rural society of the past, we ask that the Finance Committee help strengthen the import quota system in the manner proposed by S. 1588.

Mr. Chairman, 20 years ago, in 1947, the average price for choice slaughter steers in Chicago, per hundred pounds, was $26.22. Last year, in 1966, the average price was almost identically the same—$26.29. All through the intervening period it was a struggle to keep the price up to that 1947 level. The price fluctuated as high as $35, as low as $22 a hundred; it held at $26 or better in ten of the 18 intervening years, and averaged below $26 in eight of the 18.

So it might be said the price of cattle at least has not gotten worse.

But what has happened to the value of our dollar in the meantime? First of all, look at the great gains of our factory labor. The average hourly wage in manufacturing industries in this country was $1.22 in 1947. That figure increased *every single year* during the intervening years and in 1966 it was $2.71—more than twice what it was in 1947.

What about the cost of living? Taking 1947 as the base year and therefore making it equal to 100, the consumer price index by 1966 had climbed to 145.4—45 percent above the cost of living of 20 years earlier. That is a measure of how the value has gone out of the dollar.

I submit, Mr. Chairman, that the relief provided in this bill is reasonable and long overdue. I trust the Committee will act favorably on this measure and not add to the difficulties of an already overburdened segment of American agriculture.

APPENDIX I

U.S. IMPORTS OF CATTLE AND BEEF, COMPARED WITH U.S. PRODUCTION, BY YEAR, 1954–66 (CATTLE AND CALVES AND BEEF AND VEAL)

Year	Imports				U.S. beef and veal production [2] (million pounds)	Imports as a percentage of production (percent)
	Live animals		Meat (million pounds)	Total (million pounds)		
	Number (thousand head)	Meat equivalent [1] (million pounds)				
1954	71	35	232	267	14,610	1.8
1955	296	93	229	322	15,147	2.1
1956	141	43	211	254	16,094	1.6
1957	703	221	395	616	15,728	3.9
1958	1,126	340	909	1,249	14,516	8.6
1959	688	191	1,063	1,254	14,588	8.6
1960	645	163	775	938	15,835	5.9
1961	1,023	250	1,037	1,287	16,344	7.9
1962	1,232	280	1,440	1,720	16,313	10.5
1963	834	180	1,678	1,858	17,357	10.7
1964	529	113	1,085	1,198	19,442	6.2
1965	1,111	265	942	1,208	19,719	6.1
1966 [3]	1,081	241	1,204	1,445	20,604	7.0

[1] Estimated at 53 percent of the live weight of all dutiable imports of cattle.
[2] Total production (including an estimate of farm slaughter).
[3] Data are preliminary.

Source: Livestock and Meat Situation, May 1964, published by USDA, p. 37, brought up to date by special tabulation by the Department of Agriculture.

Note: Canned and other processed meats have been converted to their carcass weight equivalent. For earlier year data see the source.

APPENDIX II

U.S. IMPORTS, 1958–66

[In millions of pounds]

Commodity	1958	1959	1960	1961	1962	1963	1964	1965	1966
Imports: [1]									
Beef and veal:									
Fresh, frozen, chilled	358.2	524.5	413.8	569.0	860.0	985.3	705.6	583.9	762.9
Canned	113.4	94.7	76.5	95.2	83.7	113.4	83.6	92.8	93.6
Other [2]	147.6	103.2	22.3	24.9	23.7	23.7	11.2	24.4	36.8
Mutton and goat: Fresh, frozen, chilled	17.2	47.3	37.3	44.9	65.0	62.9	34.3	30.0	60.5
Lamb: Fresh, frozen, chilled	6.8	9.5	12.4	10.9	13.1	18.9	10.4	12.5	14.9
Pork, total	182.8	174.9	171.3	173.7	203.8	210.5	210.6	262.3	298.3

[1] Product weight.
[2] Prepared and preserved.

EFFECT OF IMPORTS ON CATTLE PRICES

(Supplement to statement of Senator ROMAN HRUSKA, of Nebraska, Senate Finance Committee, October 19, 1967)

Mr. Chairman, in his testimony yesterday the Secretary of Agriculture made a number of statements about the beef import situation which require comment.

In his discussion of the background of the 1964 law, he pointed out that the European Economic Community, the United Kingdom, and Japan have increasingly been erecting barriers against imports, with the result that world beef surpluses were pouring into our market. It is good to see that he now appears to recognize that these beef imports were and are a problem, and that our action in enacting Public Law 88–482 was a defensive

measure forced upon us by the policies of other countries.

It is all the more disappointing, therefore, to note that he still will not recognize the impact of these imports on price.

In his prepared statement he says:

"If the most restrictive features of the legislation presently before Congress were implemented, it is our estimate that the price rise on domestic cutter and canner cows would be less than 2 percent, and on fed cattle, less than 1 percent."

Those of us who went through this meat import struggle before, in 1964, will recall that between November of 1962 and May of 1964 the price of choice steers in Chicago fell over $9 a hundred, more than 32 percent. I do not contend that the entire 32 percent was due to imports, but some substantial part of it was. Certainly it seems absurd for the Secretary to talk in terms of one and two percent.

But putting the argument on a more technical level, it happens that in 1963 staff experts of the Department of Agriculture carried out an analytical study of precisely this point—the effect of imports on the U.S. price. Putting the findings of that study in lay language, the conclusion at that time was that for each increase in imports amounting to 180 million pounds of beef (carcass weight equivalent, including live cattle) the domestic price on choice steers would be knocked down about 30 cents a hundred. On the basis of this formula, total beef imports last year of 1,445 million pounds would have had a total impact on our prices of about $2.40. Any cutback in that volume resulting from a tighter application of quotas would have had an effect in proportion to the size of the cutback.

This matter was dealt with in the CONGRESSIONAL RECORD, volume 110, part 2, page 2442, where there is reprinted an extract from the November, 1963, issue of the Livestock and Meat Situation, a publication of the Department of Agriculture, together with a letter from an official of the Department correcting an error and explaining the study.

SIGNIFICANCE OF EXPORTS TO THE CATTLE INDUSTRY

Whenever any effort is made to provide reasonable protection against imports for the U.S. cattle industry, invariably we are met with the cry of alarm that nothing must be done, because it might endanger our export markets. In essence, that was the theme of the cabinet officers who appeared before the Senate Finance Committee on October 18.

Insofar as agriculture is concerned, it is certainly true that export markets for wheat, soybeans, corn, and certain other products are of the highest importance. If the Trade Expansion Act or other efforts under the trade agreement program had shown any capacity to protect and expand exports for those products, this argument would be worthy of attention. But the short fact is that the Kennedy Round was a lamentable failure with respect to protecting our foreign markets for these surplus farm products. During the 1964 hearings Secretary Freeman told this Committee of his repeated trips to Europe in an effort to get rid of the variable fee system employed by the EEC. Yet the sad fact is that now with the Kennedy Round concluded, the variable fee system remains in effect without the slightest limitation or mitigation of its terms.

During the 1964 hearings Secretary Freeman also spoke glowingly of his hopes to expand U.S. exports for beef. He said:

"We estimate there is a need for 100,000 to 150,000 tons of beef in the Western European markets for the remainder of this year . . . We believe we can sell . . . We have invited delegations of buyers from Western Europe to visit this country to look at our beef and cattle. Representatives of Italy and France are here now on buying missions . . ."

Did we sell that 100,000 to 150,000 tons (equal to 200 to 300 million pounds) of beef to Western Europe in 1964? Or any other time? We did not.

Total exports of beef and veal to *all* foreign countries in recent years have been as follows:

[In millions of pounds]

Year:	
1963	33
1964	65
1965	54
1966	39

Meanwhile, let us not forget that imports in 1966 of beef and veal (carcass weight equivalent, all types except live animals) were 1,204 million pounds, 30 times the volume of exports.

Certainly all of us interested in the welfare of the cattle industry must applaud these efforts to expand foreign markets for our beef. Certainly we are glad to sell some of it abroad if we can. But let us be realistic.

American beef is a premium product, delectable to the taste but not cheap to the pocketbook. Europeans generally, to their misfortune, have never acquired much of a taste for it. If they had, doubtless some of them would be regular purchasers in spite of the price, but generally speaking we cannot compete, price-wise, with Australian or Argentine beef in the foreign markets of the world. Since Secretary Freeman made those optimistic statements, our volume of exports has gone down, not up, and it was not very great to begin with.

The home market has been good to us. The foreign market has not. Let us not sacrifice the basis of our prosperity while chasing a will-o'-the-wisp.

MEAT IMPORTS AS A PERCENT OF PRODUCTION

In his statement, Secretary Freeman said:

"The limit on imports under the law would be approximately 6.7 percent of domestic production. Actually, imports in 1966 were 5.6 percent of production, and we expect them not to exceed 5.8 percent this year. By contrast, imports amounted to 8.6 percent of production in 1963."

By contrast, in my prepared statement there is a reference to "the two exceptionally high years of 1962 and 1963, when more than 10.5 percent of U.S. production was imported."

My figure is taken from an appendix attached to my statement; the figures therein are copied from a publication of the Department of Agriculture, or supplied directly by the Department.

It appears that Secretary Freeman's figure for 1963—8.5 percent—is obtained by leaving out of the calculation the carcass weight equivalent of the live animals imported. Omitting this category of imports also permits him to say that 1966 imports amount to only 5.6 percent of production; if the live animals are included the correct figure for 1966 is 7.0 percent, and 1967 will doubtless be higher.

To secure an accurate picture of the share of our market held by the foreigner, it would seem necessary to take into account all imports of foreign beef and veal in all forms—fresh, chilled, or frozen; canned; prepared and preserved; and on the hoof.

NATIONAL BUSINESS WOMEN'S WEEK

Mr. BURDICK. Mr. President, October 15–21 marks the 1967 observance of National Business Women's Week. Sponsored by the National Federation of Business & Professional Women's Clubs, Inc., National Business Women's Week honors the more than 27 million women in the Nation's labor force and focuses attention on the important role played by women generally in bettering the world in which we live. First observed in 1928, National Business Women's Week offers the National Federation's 178,000 members an opportunity to spotlight the outstanding contributions of all business and professional women in all phases of economic, social, and cultural life. Through 3,800 local clubs, the National Federation of Business & Professional Women's Clubs, Inc., salutes the business and professional women of America for their achievements in their communities, their States, and the Nation.

For many years, both before and during my years of public life, I have had the good fortune of dealing with the Business and Professional Women's Club in North Dakota. I have always been impressed by the uniformly effective work accomplished by these clubs, whose members include many of my State's most talented and competent leaders. The great strides they have made in establishing principles such as equal employment opportunity for women have resulted from years of devoted effort.

I congratulate Business and Professional Women's Clubs for their present achievements and extend my very best wishes for a highly successful, gratifying future.

MERGER OF AFM WASHINGTON LOCALS MARKS ANOTHER MILESTONE IN THE AFM'S PROGRAM TO ELIMINATE SEPARATE NEGRO AND WHITE LOCALS

Mr. JAVITS. Mr. President, for the past 2½ years the American Federation of Musicians, under the able leadership of President Herman D. Kenin, has been engaged in a vigorous program designed to eliminate, once and for all, its few remaining separate Negro and white locals serving the same area.

The program has actually been administered by former AFM President James C. Petrillo, who was called out of retirement in 1964 especially for this job. In the short time the program has been in existence, 20 out of the 38 dual AFM locals have been merged, and arrangements for several other mergers are nearing completion.

Just recently, AFM Locals 161 and 710, in the Washington, D.C., area, merged, marking another milestone in the AFM program. President Kenin and Mr. Petrillo detailed the success of the program so far, and pointed out that the problem of dual locals was not one which the AFM had created, but one which it had inherited and wished to be disinherited of as soon as possible. President Kenin also noted that the basic problems which the AFM had encountered in persuading dual locals to merge stemmed not from discrimination, but from the need to protect the interests of the smaller locals, Negro or white, from being swallowed because of the merger.

Mr. President, there is no excuse for dual locals in this day and age, and that is why I take this opportunity to commend the leadership of the AFM for instituting and successfully implementing its program to eliminate the vestiges of an old and discredited system.

I ask unanimous consent that an article about the recent merger of the Washington locals, published in the AFL–CIO News, and President Kenin's eloquent remarks on that occasion be printed in the RECORD.

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

MERGER OF DISTRICT OF COLUMBIA LOCALS HIGHLIGHTS AFM DRIVE

Two separate Washington, D.C., locals of the American Federation of Musicians became one in real show biz fashion. The once separated Negro and white Locals 161 and 710 merged at a meeting attended by such notables as Washington's new "mayor" and the current and former heads of their international union.

AFM Pres. Herman Kenin hailed the merger in the nation's capital and noted that five more voluntary mergers will come before the end of the year. At present there are 18 cities that still have separate locals, including large northern centers like Boston, Bridgeport, Conn., Buffalo, and Philadelphia.

"After Jan. 1, 1968," said Kenin, there will be an "executive order" issued by the international to end any remaining separation.

The 2.5-year-old program to combine locals that were set up separately early in the history of the union has been headed by former AFM Pres. James C. Petrillo who now heads the union's Civil Rights Dept. Petrillo told a press conference that the progress made to date in merging some 20 once-separate locals was done by "persuasion that it's the right thing to do."

Kenin told the first membership meeting of the new Local 161–710 that the end to all separate musicians' locals "cannot come too soon for us."

"We do not want dual locals in the American Federation of Musicians," he declared. "This is a situation which we in the federation inherited. We want to be disinherited as quickly as it is humanly possible to do so."

Also present at the merger meeting was A. Philip Randolph, AFL–CIO vice president and president of the Sleeping Car Porters. Randolph congratulated the new local officers and called the mergers "trade union victories." It will strengthen the union, he noted.

Walter Washington, the District of Columbia's newly-appointed mayor, greeted the union officials warmly and related some of his experiences working in New York City's ghettos last summer.

"Hundreds and thousands of kids looked up at Negro and white musicians and it made no difference to them what color they were. All they said was, 'I like it, because I dig it, because he plays good stuff.'" Washington referred to the Jazzmobile concerts that toured New York City sponsored in part by the Musicians. He asked the new local for its help in establishing a similar program in Washington. "We need to jazz this city up," he said, "I'm going to ask you for your assistance."

Officers of the new local will be Pres. Sam Jack Kaufman, Sec. J. Martin (Marty) Emerson, Administrative Vice Pres. Louis H. Aikens, former president of Local 710.

REMARKS BY HERMAN D. KENIN, PRESIDENT, AMERICAN FEDERATION OF MUSICIANS, FIRST COMBINED MEMBERSHIP MEETING OF LOCALS 161 AND 710, SHERATON PARK HOTEL, WASHINGTON, D.C., OCTOBER 8, 1967

In our jobs all of us have certain activities and projects in which we take a special interest, and, if they progress satisfactorily, real pride.

This integration program of the Federation happens to be one in which I take a special interest, as well as pleasure in its rapid progress.

That is why I can truly tell you what a pleasure it is for me to be here with you—and I want to thank Sam Jack Kaufman, Marty Emerson, Lou Aikens, Otis Ducker—and indeed all of you—for making me your guest.

Naturally, the merger here in Washington of Locals 161 and 710 has a special significance, far beyond its importance within the community.

For it has taken place in the nation's Capital, where the eyes of the world are focused on what we are doing in this field.

Further, the first meeting of the merged Local in Washington comes at a time when I can report to you that since December, 1964—when the Federation persuaded Jimmy Petrillo to come out of retirement and head up our Civil Rights Department—Federation Locals have been successfully merged in some twenty different cities—out of a total of thirty-eight jurisdictions where dual locals formerly existed.

Furthermore, I expect to see the merger of a number of others very shortly.

Jimmy Petrillo has headed this program for us with his typical zip and gusto, and I think it won't be long at all before we can announce that the integration of dual Unions in the A. F. of M. is one hundred per cent complete.

I speak for myself, I speak for Jimmy, and I speak for the Federation when I say that this cannot come too soon for us. We do not want dual Locals in the American Federation of Musicians. This is a situation which we in the Federation inherited. *We want to be disinherited as quickly as it is humanly possible to do so.*

Our steady progress in unification stems from a number of factors. On the Federation's side, we have operated on the basis that there is no vested interest in past practices, or past philosophies.

We do not accept, as a reason for inactivity or unreasonable delay, the worn-out excuses or rationales that "This is the way we have always done it; this is the way it has always been." The past has its place and should be respected in some areas—but not in the area we're talking about here. We must not become the victims of tyranny of the status quo.

Instead I prefer Carl Sandburg's lines: "Yesterday is a wind gone down. The past is a bucket of ashes. Tomorrow is the day."

Also, from the merging Locals themselves, the contributions to unification have been tremendous. Indeed, without these contributions, we could not have made much progress.

Basically, these contributions amount to one special thing, which I would like to call *respect for the human spirit.*

When you deal with the merger of two Unions, you are also in a sense merging human beings. And that is a lot different from merging corporations. In a corporate merger your main concern is protecting the market value of a stock or bond, and coming out on the right side of a profit and loss column.

But when two Unions are merging, you are affecting human lives, human sensitivities, and human ambitions.

As I need hardly point out to you, each of two merging Locals comes to the unification process with its own assets and liabilities, its own officials, and its own methods of operation. The problems involved in creating one Local out of two are never easy, and in many instances they seem at first glance almost unsolvable. But we solve them.

One of the most delicate of all factors in a merger, is the protection of the rights of the "minority".

I should like to point out here that this is not necessarily a matter of race. In fact in most cases it is a matter of numbers—because members of the smaller of two merging Locals must not be swallowed up by the other.

Finally, the merger, if it is to have practical meaning and result, requires the abolition of duplicating functions, the unification of others, and often the relinquishing of cherished positions long and ably filled by dedicated trade unionists in both Unions.

I should like to pay tribute here to all of the officials and officers of merging Unions—here in Local 161–710 and in other cities as well, for the spirit in which they have responded to this need.

Those who have been affected should know that it is not a sign of weakness or of defeat, when one gives up a position or accepts a change under these circumstances.

On the contrary, to do this requires a special strength and a real dedication to a worthwhile cause.

The merger of two Unions accomplishes one more thing. It can prove that sometimes a new whole is even greater than its old parts.

It creates a new, a broader, a revitalized base of operations for the merged Union.

It consolidates within its area of operations the combined efforts of all professional musicians, united in the American Federation of Musicians and devoted in the fullness of their integrated strength to the maintenance and advancement of the cause of professional musicianship in America.

In my book, this is a partnership of unionism and professionalism of the highest order. I salute you for your dedication to this cause.

RHODESIA-BRITAIN-VIETNAM

Mr. TALMADGE. Mr. President, there appeared in the Wednesday edition of the Washington Daily News an excellent editorial which I believe goes to the heart of a very serious deficiency of one aspect of U.S. foreign policy.

In short, we have the U.S. Government joining Great Britain in economic sanctions against Rhodesia, and at the same time Great Britian gives us little more than lipservice—and not very much of that—in applying the same kind of pressure against war-mongering North Vietnam.

This does not make one iota of sense to me.

The Daily News sums up the situation very well:

If we can't get any help from Britain and others on this point, we at least could call off our anti-Rhodesia campaign, especially since the Rhodesians haven't done anything to us anyway.

I call this splendid editorial to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

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

FRIENDS AND TRADERS

At a recent session of a joint House-Senate committee to resolve differences between the two branches of Congress over foreign aid, the committee deleted a provision previously voted by the House to ban sales of U.S. military equipment and supplies to countries trading with communist North Vietnam.

This was done on a plea from the State Department and the Defense Department that this would cause all kinds of problems with our "friendly" allies.

About the same time in the Senate an amendment was adopted to the State Department appropriation bill demanding that the Johnson Administration press the United Nations for the same type of economic sanctions against North Vietnam as are being applied to Rhodesia.

This amendment, sponsored by Sen. Harry Byrd, Jr. of Virginia, surprisingly was adopted 74 to 15.

On that point, Congress seems to be operating in opposite directions. So is the Administration.

The Administration vigorously supported the UN sanctions against Rhodesia which, as Sen. Byrd said, is not a threat to peace. Yet it has not even asked the United Nations to impose sanctions against North Vietnam, which at the moment is the most aggressive threat to world peace.

We have no real business messing in Rhodesia's affairs. This African country has declared its independence of Britain—"illegally," the British say—and its only quarrel is with Britain. But out of friendship with the British government, the U.S. joined in the UN action and has broken diplomatic relations with Rhodesia.

What would be wrong with the British, out of reciprocal friendship, giving the United States a hand in putting the economic (and military supply) squeeze on war-making North Vietnam?

As Sen. Byrd said, as long as we have troops fighting the war against North Vietnam we should "use every diplomatic and financial pressure available to us to bring this war to a speedy and honorable conclusion."

If we can't get any help from Britain and others on this point, we at least could call off our anti-Rhodesia campaign especially since the Rhodesians haven't done anything to us anyway.

THE ATHLETICS MOVE TO OAKLAND

Mr. MURPHY. Mr. President, in the 19th century, Kansas City was the jumping-off place for Americans heading West. Thousands of pioneers rendezvoused in Missouri before setting out on the trail for California and the other States west of the Mississippi. I am happy to report that the movement continues to this day.

As we all know, that city of Oakland has been successful in its bid to obtain a franchise in the American League. The Kansas City Athletics will play in Oakland next year, giving my State its fourth major league ball club. I rejoice in the fortunate choice of Oakland as the site of the Athletics' new home.

California waited many years for major league baseball to arrive. The tremendous growth of my State, and the avid interest of Californians in sports, finally convinced baseball owners of the State's potential. Indeed, they are well convinced. With pardonable pride, I point out that California's four major league baseball teams exceed the number in any other State, including New York in its heyday. The success of the Los Angeles Dodgers, the San Francisco Giants, and the California Angels at Anaheim paved the way for Oakland's feat in landing the new team.

The citizens of Oakland, Alameda County, and all others in California welcome Mr. Charles O. Finley and the Athletics. May the team prosper and may the blue skies, warm sun, and friendly spectators in California bring success to Mr. Finley and his team. I congratulate Oakland for a successful end of its effort to bring major league baseball to the city.

MARYLAND LEGISLATIVE COUNCIL ENDORSES COMPENSATION FOR VICTIMS OF CRIMINAL ACTS

Mr. YARBOROUGH. Mr. President, this morning's Washington Post carried encouraging news for Americans discouraged by the rising rates of crime in our country, and the cost of that crime to its victims. In an article "Aid Backed for Victims of Crime," the Post announced the endorsement by Maryland's Legislative Council of legislation providing that the State compensate victims of criminal acts, or the victims' survivors, for injuries or death. I commend the council on this progressive and humane action, which is much needed in order to protect Americans against the disaster of crime, which is as mindless and arbitrary as the elements.

On January 25, 1967, I introduced in the Senate a bill (S. 646) which I had also sponsored in the 89th Congress, to provide for such compensation for victims in those areas in which the Federal Government exercises general police power. Such consideration is already given to the sufferers of criminal injuries in England, and in the States of California and New York. Free legal aid has long been available to the criminal, as well as full maintenance if he is jailed, including medical aid. It is time the victims received as much consideration as the criminal.

For too long, the victim of criminal acts has been ignored in this country. On our streets, people are attacked and in case after case passersby fail to come to the aid of the victim. The Congress must not join in this massive indifference, but must lead the Nation away from its stance of unconcern. I urge the Congress to pass this legislation, for the benefit of every American, rich and poor—for every American is liable to the injury of criminal violence.

The concern of America is expressed in such actions as that of the Maryland Legislative Council in its recommendations to the legislature. I am very glad to see that concern spreading across America.

Mr. President, I ask unanimous consent that the article "Aid Backed for Victims of Crime," in October 19, 1967, Washington Post, be printed at this point in the RECORD.

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

AID BACKED FOR VICTIMS OF CRIME

ANNAPOLIS, October 18.—Maryland's Legislative Council endorsed "good samaritan" legislation today under which victims of criminals or their survivors would be compensated by the State for injuries or death.

The Council, the General Assembly's between-sessions study arm, also recommended enactment of a bill providing for emergency commitment of suspected mental cases who may do harm to others.

Both measures stirred controversy when proposed in the past. The revised versions approved today contain safeguards intended to meet such criticism.

The "good samaritan" bill, patterned after one that went into effect early this year in New York State, would create a three-man Criminal Injuries Compensation Board to pass upon cash awards to victims of criminals or survivors of the victims.

Awards would also be granted for those injured or killed while trying to prevent a crime or helping a policeman apprehend a suspected criminal.

The legislation specifically exempts payments for automobile injuries or injuries caused by family disputes. It provides criminal charges for making false claims.

The legislation contains no scale of benefits, but ties them to sums paid for injuries under the Workmen's Compensation Act. Current payments range from $25 a week for a permanent disability to a death benefit of $27,500.

The emergency commitment bill was drafted by a subcommittee headed by Sen. Steny G. Hoyer (D-Prince Georges). It is intended to give authorities a legal way to deal with potentially dangerous mental cases who cannot now be legally apprehended. They must either be charged with some crime—often, critics say, as a subterfuge—or put through the cumbersome and time-consuming commitment procedure.

Past efforts to prepare a law have been attacked on grounds that it might lead to commitment of sane persons by others who merely are angry with them or want to get them out of the way. Much criticism has come from right-wing groups.

The proposed bill, while providing a short cut from the regular commitment procedure, is insulated with safeguards. After a suspected mental case is taken into custody on a simple petition prepared by a relative or other complainant, he must be examined within 36 hours by a psychiatrist or, if none is available, a physician.

If the individual is found to be unlikely to harm himself or others, he must be immediately freed. Otherwise he would go to a State mental hospital for up to two weeks for examination. Meantime, if appropriate, normal commitment procedures could be followed.

The bill provides that the suspected mental case must be represented by a lawyer at all times.

AMERICAN BAR ASSOCIATION SUPPORTS S. 1—PRESIDENT'S GUN CONTROL BILL

Mr. TYDINGS. Mr. President, recently I received a letter from Mr. Earl F. Morris, president of the American Bar Association, strongly urging congressional enactment of S. 1, the State Firearms Control Assistance Act, which has been favorably reported to the Senate Committee on the Judiciary by its Subcommittee on Juvenile Delinquency.

In his letter, Mr. Morris outlined the ABA's longstanding support for Federal legislation to control interstate shipment of firearms. He recalled that in 1965 the ABA's criminal law section recommended support for Federal legislation even stronger than S. 1 and that the ABA's House of Delegates voted 184 to 26 to approve this recommendation. Mr. Morris also pointed out that—

In 1966, the House of Delegates again overwhelmingly voiced its support for strong legislation to restrict the interstate shipment of firearms, stating the need for this legislation is critical and of the utmost importance in the control of crime and violence.

Mr. Morris urges prompt Judiciary Committee action on S. 1. So do I. The soaring crime rate, and particularly the events of this summer, uncontrovertably demonstrate the urgency for action by the Federal Government to help the States keep guns out of the hands of criminals, lunatics, and juveniles. That is the sole purpose of S. 1. It should be enacted in this session of Congress.

Mr. President, I ask that Mr. Morris'

letter, and the Gallup and Harris polls to which it refers, be reprinted at this point in the RECORD.

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

AMERICAN BAR ASSOCIATION,
Washington, D.C., September 29, 1967.
Re S. 1.
Senator JOSEPH D. TYDINGS,
Senate Judiciary Committee,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR TYDINGS: Surely the time has come when the federal government must act to control the interstate shipment of firearms. The continuing increase in all categories of crime, together with the alarming possibility of further rioting in our city streets, makes this always sensible step a new imperative. It is clear that even the best of state laws cannot alone provide the controls needed. There is no clearer need for use of federal regulation in the control of crime. And, the American people, as reported in Gallup and Harris poll findings (CONGRESSIONAL RECORD, September 21, 1967, p. 26324), understand this need.

The American Bar Association strongly supports federal legislation to restrict the interstate shipment of firearms. After careful study of the various proposals to amend the Federal Firearms Act, the Criminal Law Section of the American Bar Association, in 1965, recommended support for legislation which was even stronger than S. 1, now pending in the Senate Judiciary Committee. The House of Delegates of the American Bar Association voted 184 to 26 to approve the recommendations of the Criminal Law Section. This vote was taken after the members of the House heard a debate between the executive vice president of the National Rifle Association and a sponsor of the 1965 legislation.

Again in 1966, the House of Delegates, composed of leading lawyers from every state, overwhelmingly voiced its support for strong legislation to restrict the interstate shipment of firearms, stating that the need for this legislation is critical and of utmost importance in the control of crime and violence. These resolutions are enclosed.

Since there have been extensive hearings by the Subcommittee on Juvenile Delinquency and this matter has been thoroughly studied, it is hoped that the full Judiciary Committee will act favorably on S. 1 as soon as possible.

Sincerely,

EARL F. MORRIS.

AMERICAN BAR ASSOCIATION POLICY

FIREARMS ACT, 1965

Resolved, That the American Bar Association urges the Congress of the United States to enact S. 1592, 89th Congress, or similar legislation which would amend the Federal Firearms Act to prohibit the shipment of firearms in interstate commerce except between federally licensed manufacturers, dealers and importers; to prohibit sales by federally licensed dealers of shotguns and rifles to persons under 18 years of age, and of all other types of firearms to persons under 21 years of age; to prohibit felons, fugitives and persons under indictment of felonies from shipping or receiving firearms in interstate commerce, and to control commerce in large caliber weapons; to restrict the sale of handguns to residents of the state where purchased; and to limit the unrestricted volume of imported weapons.

Be it further resolved, That the Section of Criminal Law be authorized to present the views of the American Bar Association to the appropriate committees of Congress on such proposed legislation.

FIREARMS CONTROL BILL, 1966

Whereas, the House of Delegates in August 1965, by an overwhelming majority, approved federal legislation restricting the indiscriminate sale and transportation in Interstate Commerce of certain firearms; and

Whereas, no action has been taken on this bill by the Congress of the United States; and

Whereas, the need for this legislation is critical and of the utmost importance in the control of crime and violence; and

Whereas, the President of the United States has urged the Congress to expedite action on this bill;

Now, therefore, be it resolved, That the American Bar Association reiterates its approval, in principle, of the pending firearms control bill and urges the Congress to act upon this legislation at its present session.

THE HARRIS SURVEY

(By Louis Harris)

A national survey indicates that 27 million white Americans, representing 54% of the nation's homes, own guns. A majority of gun owners say they would use their weapons to "shoot other people in case of a riot." Large numbers of white people in this country have apparently given serious thought to self-protection, and one person in every three believes that his own home or neighborhood might be affected by a riot.

It would be a mistake, however, to conclude from this evidence that most whites welcome the idea of unrestricted arms. To the contrary, by a decisive 66-to-28% margin, white gun owners favor passage of a law in Congress which would require that all persons "register all gun purchases no matter where they buy them."

Gun ownership shows wide variants by regions of the country:

Gun ownership among whites

[In percent]

	Own	*Don't own*
Nationwide	54	46
	—	—
By region:		
East	33	67
Midwest	63	37
South	67	33
West	59	41

Gun ownership is concentrated more in the South and the Midwest than in other parts of the country. The East, where the fewest own guns, is also the area where gun owners would be least willing (46%) to use their firearms against fellow citizens.

The cross section of white gun owners was asked:

"Would you use your gun to shoot other people in case of a riot?"

Use gun to shoot people in riot

[In percent]

	Gun owners	
	Would use	*Not use*
Nationwide	55	45
By region:		
East	46	54
Midwest	54	46
South	58	42
West	59	41

The willingness to use guns against other people seems to be related to white gun owners' attitudes toward a national firearms control law. Although a majority in the South and West favor such legislation, the percentages in favor are less than in the East and Midwest.

The cross section of white gun owners was asked:

"Do you favor or oppose federal laws which would control the sale of guns such as making all persons register all gun purchases no matter where they buy them?"

REGISTRATION OF ALL GUNS

	Favor	Percent opposed	Not sure
All white gun owners	66	28	6
By region:			
East	70	21	9
Midwest	70	25	5
South	62	27	11
West	56	40	4

Clearly, the spate of civil disorders over the past summer has raised people's fears for their safety. This was evident in the replies of the special cross section of whites to this question:

"Do you fear that in a riot your own home or neighborhood might be affected?"

MIGHT BE AFFECTED BY RIOT

	Percent		
	Might be	Not be	Not sure
Total whites	34	58	8
By income:			
Under $5,000	41	49	10
$5,000 to $9,999	33	60	7
$10,000 and over	32	62	6

Low-income whites, many of whom live in fringe neighborhoods alongside Negroes, are most apprehensive.

It should be pointed out, however, that earlier Harris Surveys reported that when both Negroes and whites were asked how they feel about their personal safety on the streets, Negroes were far more anxious than whites. Fear of violence does not seem to show any color line.

[From the Washington Post, Sept. 14, 1966]

THE GALLUP POLL: GUN OWNERS THEMSELVES FAVOR CURBS

PRINCETON, N.J., September 13.—Few issues spark such heated reactions as gun controls, and few issues are so widely misunderstood.

Some of the opposition to the registration of guns comes from those who think that this would mean banning all guns. Actually, the law proposed would not prohibit a person from owning a gun—either for sport or protection—but would require that a record be made of the name of the gun purchaser. The purpose of such a law would be to keep guns out of the hands of persons with a criminal record, the mentally disturbed and others unqualified to handle weapons.

The mood of the public for nearly three decades has been to impose controls on the sale and possession of weapons.

The survey questions and findings:

"Would you favor or oppose a law which would require a person to obtain a police permit before he or she could buy a gun?"

[Percentage]

	All persons	*Gun owners*
Yes	68	56
No	29	41
No opinion	3	3

Those who favor such a law:

1. Too many people get guns who are irresponsible, mentally ill, retarded, trigger happy, criminals.
2. It would save lives.
3. It's too easy to get guns.
4. It would be a help to the police.
5. It would keep guns out of the hands of teenagers.

Reasons of those who oppose such a law:

1. Such a law would take away the individual's rights.
2. Such a law wouldn't work—people would still get guns if they wanted to.

3. People need guns for protection.

"Which of those three plans would you prefer for the use of guns by persons under the age of 18—forbid their use completely, put restrictions on their use, or continue as at present with few regulations?"

[Percentage]

	All persons	*Gun owners*
Forbid use	27	17
Restrictions on use	55	59
Continue as at present	15	22
No opinion	3	2

ADDRESS BY GOV. RONALD REAGAN BEFORE CALIFORNIA FEDERATION OF REPUBLICAN WOMEN

Mr. MURPHY. Mr. President, it is well known how proud I am of the magnificent record which has been compiled by California's great Governor, Ronald Reagan, during his first 9 months in office. On October 12, Governor Reagan spoke before the California Federation of Republican Women in San Francisco. His remarks on that occasion contain a succinct explanation of some of the actions by his administration which have been the subject of much public discussion, not only in California but across the Nation. I believe it would be very helpful for all Americans to have the opportunity to read excerpts from that speech, and I ask unanimous consent that they be printed in the RECORD.

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

EXCERPTS FROM SPEECH BY GOV. RONALD REAGAN AT THE CALIFORNIA FEDERATION OF REPUBLICAN WOMEN BANQUET, SAN FRANCISCO, OCTOBER 12, 1967

There were some who reacted with shocked horror when we proceeded to do the things we promised we would in the campaign, even though they seemingly approved them at that time.

We learned the savage anger with which some in government can fight back and actually sabotage efforts to reduce the size and power of government.

And as they got their propaganda mill grinding, I'm sure you must have been confused, and found you lacked answers, particularly when our opponents challenged you for an answer.

Let me tell you, sometimes I'm confused when I read what I'm supposedly doing. For the most part the press has been very fair and objective. But a few publications let ideology get in the way of their objectivity. I can read what they say I'm doing and get so mad at myself I go out and sign a recall petition.

There's only one way to avoid controversy and that is to do nothing.

There was and is, for example, tuition. Now I have no quarrel with those who choose to disagree with me either on philosophical grounds or the practical virtues or lack of same. I do suggest there has been considerable distortion of what we advocated and a great deal of silence about the details of the program offered.

And frankly, I'm fed up with hearing a debate on the relative merits of free education versus the other kind. The debate properly is: since education is very costly, who should pay and what's a fair share for those getting the benefit.

And since no one in the academic community has seen fit to mention the plan we proposed and the reasons back of it I would like to do so briefly here and now.

Our great university system offers a premium education to those who rate in the top 12½ percent scholastically of their high school class. Since little effort is made to make this education available to those from lower income groups, those attending the university come from families of comparable means to those attending our private and independent schools such as Stanford and USC.

Problem No. 1 then is providing an education for children of the lower income families. Problem No. 2 is the high dropout rate in our university. Problem No. 3 is the dissatisfaction of students with so many professors engaged in research rather than teaching. Problem No. 4 is that in our rapid expansion to match our growth there are never enough state funds so that new courses have to be delayed.

We suggested a tuition only one-sixth of that charged at Southern California and actually less than one-tenth of the cost of educating a student. If accepted it would provide a combination of grants and loans to needy students. With the grant getting larger and the loan smaller each year to encourage the student to go on and get his diploma. The loans of course to be paid back after graduation.

In addition, this tuition would also provide for 250 new teaching chairs with $25,000 salaries for professors who would teach. And it would leave several million dollars for capital building projects each year to help keep pace with our growth.

Now apparently all these suggestions prove I am against youth, education and intellectualism.

Let me add something I'm for and all Republicans should be. Legislation now hung up in congressional committees which would grant full tax credits to parents paying tuition to educate their sons and daughters.

I'm sure that many of you are disturbed by charges that this administration is practicing economy at the expense of the mentally ill. Several days ago in L.A. I read a melodramatic account of deteriorating care for the mental patients and even how one might have been saved from suicide if more care had been available.

The writer very carefully refrained from making it clear the suicide occurred the year before I took office. Now very simply what we've done is to continue the policy that put California out in front of the nation in mental health care. From 1960 to July, 1966 the number of patients in our mental hospitals declined by more than 10,000. The number of employees increased by more than 1,000.

While maintaining the ratio of patient and employee of July, 1966, in the hospital. We are seeking at the same time to upgrade the program of local care for patients which has already proven successful and which has reduced the patient population in the hospital.

A few days ago the National Association of State Mental Health groups revealed our increased support for these local programs is the largest in history and where a year ago there was $13.38 per diem spending for each mental patient, this is now $15 per patient.

(NOTE.—Since Governor Reagan speaks from notes there may be additions to, or changes in the above. However, Governor Reagan will stand by the above quotes.)

PENTAGON YIELDS: ORDERS AUDITS

Mr. YOUNG of Ohio. Mr. President, the announcement by officials of the Department of Defense setting forth new rules to be followed by firms seeking defense contracts to assure compliance with the Truth in Negotiating Act was a victory for taxpayers. Failure in the past to enforce this act caused overpricing of defense contracts and resulted in taxpayers being overcharged millions of dollars. The exact amount has not—and probably cannot—be measured. However, we do know that the Comptroller General, after minimal spot checking, reported there had been overpricing of more than $130 million during a 10-year period.

Enforcement provisions recently announced by Defense Department officials will, if properly executed, bring an end to this waste of taxpayers' money. Much of the credit for this change of policy belongs to the Plain Dealer, a great newspaper in Cleveland, Ohio, whose Washington bureau reporter, Sanford Watzman, first focused national attention on this gross mismanagement of contracting procedures in the Defense Department. Both the Plain Dealer and Mr. Watzman are to be commended on their efforts to help bring about economy in Government. It was these articles, which I subsequently had placed in the CONGRESSIONAL RECORD, that prompted me to investigate this problem and to call for an investigation of Defense Department contracting procedures, especially those relating to the Truth in Negotiating Act.

I also commend the chairman of the Economy in Government Subcommittee of the Joint Economic Committee, the distinguished senior Senator from Wisconsin [Mr. PROXMIRE], whose work in bringing to light this scandalous situation resulted in the corrective action which has recently been taken.

Mr. President, on October 3 and 4, respectively, the Plain Dealer published an article entitled "Plain Dealer Stories Got Action" and an editorial entitled "New Strength for Truth Act," reporting and commenting on the decision by Defense Department officials to enforce the Truth in Negotiating Act. I commend them to Senators and ask unanimous consent that they be printed in the RECORD.

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

[From the Cleveland (Ohio) Plain Dealer, Oct. 3, 1967]

PLAIN DEALER STORIES GOT ACTION

WASHINGTON.—The new Pentagon policy on auditing of defense contracts is the third positive response by Defense Secretary Robert S. McNamara to articles in The Plain Dealer, beginning last April.

The newspaper brought to light hitherto obscure reports of the General Accounting Office, a congressional agency, which charged McNamara with weak enforcement of the 1962 Truth in Negotiating act.

Last May, the Defense Department, under fire from Congress' Joint Economic Committee because of The Plain Dealer disclosures, announced proposals for new regulations requiring documentation of the "truth" certificates.

Contractors have been given an opportunity to comment. A final draft of the new code is expected later this year.

A second major criticism was lack of teamwork by Defense Department personnel in implementing the four-year-old law and apparent misconceptions about its provisions.

The response was organizing of truth-in-negotiating "seminars" for defense procurement personnel across the country. A conference on the issue for Pentagon officials is scheduled for Oct. 30 at Hershey, Pa.

The new edict on auditing will serve an additional check by detecting overcharges after contracts are completed.

GAO has uncovered overpricing at the rate of $13 million a year.

This has resulted from minimal spot-checking by GAO, which has a relatively small auditing force. With its own vastly superior army of auditors, the Pentagon will be able to check systematically a far larger number of contracts.

Assistant Defense Secretary Morris suggested to aides of Minshall and Proxmire that the lawmakers might now choose not to push their bills—so the Pentagon will have an opportunity to test the effectiveness of the order. Both Minshall and Proxmire were away when Morris called.

The five-paragraph edict was dated last Friday. It was in the form of a memorandum, under the letterhead of the secretary of defense. It was signed by deputy secretary Paul H. Nitze, No. 2 man at the Pentagon.

A defense spokesman explained that Nitze had acted for McNamara, who was at a NATO conference in Turkey last week. The memo is addressed to Morris and other ranking defense officials, including the secretaries of the Army, Navy and Air Force.

John M. Malloy, Morris' deputy, told The Plain Dealer it will take about 30 days before the order reaches all defense procurement offices and is put into effect.

Purchasing officials are commanded to include in future contracts a provision granting defense department auditors the right to examine corporate records after a contract is completed. This would be a condition of the contract.

The purpose is to determine whether the contractor had acted in good faith at the time of negotiations—that is, whether he had supplied to the government accurate, current and complete information in figuring his costs.

The estimate of material and labor costs is one of the chief elements involved when corporations and the Pentagon agree on the price to be paid for military hardware. Profit allowed the contractor is based on this estimate.

The order covers the so-called firm fixed price (FFP) contracts used in most major procurements. More and more such contracts have been signed since McNamara became defense secretary in 1961.

Once the price is agreed on, the contractor assumes all the risks. He may end up making money or losing money. If his own efficiency entitles him to greater profits than anticipated, he is entitled to keep the extra money—providing he is not found to have deliberately overstated his probable costs.

McNamara favors FFP over an older form of contract, known as the cost-plus-fixed-fee (CPFF). Under the latter, the contractor is guaranteed a profit no matter how inefficient he may have been in regulating overhead costs.

Because GAO found cases where contractors had not been entirely frank with the government, it urged the Pentagon to follow the GAO lead and to begin a comprehensive audit program.

The recommendation was made two years ago. After considerable delay, McNamara agreed to go along—but excluded the FFPs from his new audit program, reserving his decision on the multi-million-dollar contracts.

McNamara's advisers split on the GAO recommendation as it pertained to the FFPs. His auditors urged him to accept the proposal and aggressively to implement it.

But the secretary's procurement people warned McNamara that this might damage relations with many contractors on whom the government is dependent for materiel.

The procurement men argued that an audit after a fixed price is "second guessing" the contractor, thereby undermining the incentive principle of FFP.

McNamara's long-awaited decision came in the face of mounting criticism in Congress. Another congressional panel, the subcommittee for special investigations of the House Armed Services Committee, opened hearings last week.

Members of that group accused the Pentagon of stalling. At that point the Defense Department had not yet filed its comments on the June 6 Proxmire-Minshall legislation.

GAO spokesmen told The Plain Dealer they were gratified by the decision. But they quickly added it is now up to the Pentagon to prove by its enforcement actions that new legislation really is not needed.

[From the Cleveland (Ohio) Plain Dealer, Oct. 4, 1967]

NEW STRENGTH FOR TRUTH ACT

A 21-gun salute to the United States Department of Defense.

It has, at long last, decided to do its duty, to audit the multibillion dollar business it does with defense contractors. It has, in effect, decided to put new meaning and strength behind provisions of the 1962 Truth in Negotiating Act.

This is a victory for the American taxpayer who has paid a bill for all too many millions of dollars in overpriced government purchases.

It is a victory for an agency of Congress, the General Accounting Office, which in only minimal spot-checking by a limited staff discovered overcharging by defense contractors at the rate of $13 million a year for the past 10 years.

Also, it is a victory for The Plain Dealer, whose Washington Bureau reporter Sanford Watzman first focused national attention on this gross mismanagement of defense business.

And it is a victory for such concerned members of Congress as Rep. William E. Minshall, R-Cleveland; Sen. William Proxmire, D-Wis., and Sen. Stephen M. Young, D-Ohio. Young read Watzman's stories into the Congressional Record. Proxmire and Minshall investigated, held hearings and introduced legislation to compel Defense Department auditing of contracts.

The department felt the lash of criticism from all these sources following the start of publication of Watzman's stories in April. The department responded by proposing new rules to be followed by those who seek defense contracts. The contractors, in addition to submitting required "truth" declarations that prices are based on accurate, complete and current information, also would be required to substantiate the statement with data and documentation.

Later the department announced it had set up truth-in-negotiating briefings for its procurement personnel across the country. In cheering the move, this newspaper at that time said the department had still more to do "if the public is to be convinced that the Truth in Negotiating Act is being fully enforced." The Plain Dealer suggested that the Pentagon "begin by finding on its own some of the costly errors which in the past have been found only by the General Accounting Office."

Now the way is open for this to be done. The Defense Department's latest announcement declares that future procurement contracts will contain a provision granting department auditors the right to examine contractor records after work is performed.

This acknowledgment by the Pentagon of major responsibility for detecting overpricing and taking action to secure refunds is long overdue but nonetheless welcome.

Whether performance lives up to promise in this area of duty will be noted carefully by The Plain Dealer and others in time to come.

THE HARD POLITICAL ROAD TO PEACE

Mr. MUNDT. Mr. President, recently an experienced and knowledgeable foe of communism wrote an article for the Los Angeles Times conveying some of his observations with regard to the Vietnam war. I refer to Isaac Don Levine and his piece published in the October 6, 1967, issue of the Times.

I ask unanimous consent that the article by Isaac Don Levine, who now resides in the Washington environs, be printed in the RECORD.

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

THE HARD POLITICAL ROAD TO PEACE

(By Isaac Don Levine)

The end of the soft political road to peace in Vietnam has been brought within sight by the double-barrelled rejection of the olive branch offered by Ambassador Goldberg from the rostrum of the United Nations.

But before we find our way to the hard political road of achieving peace in Vietnam—and there is such a road, as we shall see—it may be necessary to take a short last step on the old track to dispel whatever illusions still linger in our midst.

There can be little doubt that the prompt rejection, first by the Kremlin's mouthpiece, Soviet Foreign Minister Andrei Gromyko, of the American appeasement call for "meaningful" negotiations in return for a stoppage of the bombing, had been formulated in anticipation of Goldberg's move. This is evidenced by the timing of the immediately made announcement from Moscow of greatly increased future military aid, including missiles and planes, to North Vietnam.

The second rejection followed from Hanoi within three days. The official Communist Party organ *Nhan Dan*, reiterating numerous statements made since the beginning of the year by Ho Chi Minh and his top ministers, called for the unconditional stoppage by the United States of bombing and *all other acts of war* as a prerequisite to peace negotiations.

This at least has the merit, thanks to Ambassador Goldberg's very belated proposal, of bringing out in bold type for the benefit of Sen. Fulbright and his many vocal followers, the fine print in the ultimatum which Hanoi has been serving on Washington all along.

Like Hitler in "Mein Kampf," Ho Chi Minh has been spelling out for us his terms in unmistakable language. Every truly authoritative declaration issued from Hanoi and echoed from Moscow has advanced the formula "stop the bombing and all other acts of war." But like the proverbial ostrich with his head buried in the sand, the articulate pacifist and so-called liberal leadership of American public opinion has preferred to overlook and suppress the heart of the formula which is imbedded in the phrase "and all other acts of war."

Even as I write these lines, there lies before me a published analysis of the Vietnam impasse by the international commentator of one of our greatest newspapers in which he writes: "Hanoi has said that it is not going to talk until President Johnson calls off the bombing."

But what has Hanoi really said to us? "We will enter into negotiations if and when you stop all military operations in Vietnam," is what Hanoi has been dinning into our deaf ears for many long months. There is and there can be no other interpretation of Hanoi's position than its demand for a one-sided cease-fire by the United States in the air, on land and at sea as a precondition to

a vague Red promise to come to a peace conference.

But if there are still those amongst us who refuse to read Hanoi's clear handwriting, there is just one more one-inch step from Ambassador Goldberg's move which the United States can take on the soft diplomatic road. After President Johnson's latest offer to stop immediately aerial and naval bombardment when this will promptly lead to productive discussion, Washington can formally present to Hanoi a proposal which would leave room only for an absolutely unequivocal reply, to wit:

"The United States will stop the bombing at a fixed date the moment Hanoi announces its readiness to go to the conference table on that date."

This is how the World War I armistice was set, at 11 a.m., on Nov. 11, 1918.

Hanoi would, of course, reject again our final appeasement call, but the air at home would be completely cleared of any illusions as to Ho Chi Minh's intentions. With the exception of a lunatic fringe, the nation would be reunited in the quest for an honorable political peace along a new, though much harder, road.

This road also runs through Moscow, but it touches its very nerve-center, Soviet national security, which decisively overshadows and outweighs any ideological considerations, in the eyes of the present Kremlin leadership.

Since Moscow supplies 70% of all the sinews of war to North Vietnam, it is manifest that it holds the key to a political settlement of the conflict. If the Kremlin were to suspend all aid to Ho Chi Minh, his militant policy would quickly give way to a mood of compromise.

It has often been demonstrated since Lenin's abject Brest-Litovsk peace with the Kaiser's Germany in 1918 and his similar peace with Pilsudski's Poland signed in Riga in 1921 that Communist states in their international relations can leap overnight from a stance of flamboyant aggressiveness to a posture of peace-at-any-price.

The United States holds several diplomatic aces strong enough to induce the Kremlin for the sake of its vital national interests to force Hanoi to the conference table. Here we can only suggest three possible ways of enlisting the Kremlin as peace-mediator in Vietnam in return for high stakes of national security.

The key to all three potential moves is the mortal Soviet fear of a resurgent armed Germany.

First, we still maintain a ring of strategic air bases which we built around the Soviet Union during Stalin's era of aggression and which Moscow regards even now as threatening its lifelines. Many of these bases are growing obsolescent in the age of long-range missiles, and will be dispensable before long. But they still give us a powerful trading position.

Second, there is the issue of a future nuclear Germany and of her access to our nuclear armory. This is a transcendent matter of life or death to Russia. A pact which for 99 years would bar Germany from developing and using atomic weapons might prove a mighty card to play in the quest for a durable peace in Southeast Asia.

Third, West Germany does an annual trade of some $800 million with the Soviet Union and its Communist satellites. This trade is of critical importance to the Communist bloc's efforts to build up its industrial plant. If Bonn were confronted with the prospect of a total withdrawal of all U.S. armed forces in Germany to give us the necessary trained manpower for the war in Vietnam, it might very well decide to sever all trade relations and business contracts with the Communist bloc. This, in turn, would bring Moscow to its senses. Indeed, why should West Germany provide the Communist powers with the tools which in turn furnish weapons and war supplies to Hanoi? Our pressure on Bonn could make Moscow exert pressure on Hanoi to give up its intransigence.

To play any one of these aces prudently and firmly, however, would require a sweeping housecleaning in Washington, where the political progeny of Harry Hopkins and the carriers-on of the spirit of Teheran and Yalta remain deeply ensconced in the policymaking bureaucracy.

NORMAN COUSINS ON VIETNAM'S "TRAGIC TRAP"

Mr. HARTKE. Mr. President, the current issue of the Saturday Review has received considerable attention because of the article it contains by Theodore Sorenson, who speaks out there for the first time on his view of Vietnam. That article has already appeared in the pages of the CONGRESSIONAL RECORD as inserted by both House and Senate Members.

But the issue is noteworthy for another statement on Vietnam as well. That is the editorial signed by the magazine's distinguished editor, Norman Cousins. It discusses the objections of the Department of State to the positions presented in a previous editorial and in doing so it exposes some of the reasons which so often subject official positions to the charge of maintaining technical accuracy while achieving practical distortion.

Linked to the magazine's reply to State's rebuttal, the editorial perceives, and I believe correctly, that a major reason for growing opposition to the war in this country is "the increasing awareness of a gap between our announced aims and the policies being carried out in the name of these aims." Further, although we are constantly encouraged to believe we are taking every effort toward peace, Mr. Cousins questions whether we are not now actually committed "to achieve a military solution" as our "dominant policy in Vietnam."

Mr. President, I ask unanimous consent that the editorial entitled "The Tragic Trap" may appear in the CONGRESSIONAL RECORD.

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

THE TRAGIC TRAP

A spokesman for the United States Department of State has politely called our attention to what the Department regards as misleading statements in SR's editorial, "Is the National Honor Being Bombed?" [SR, Sept. 9]. These were the three statements to which the State Department took principal exception:

1) The editorial made it appear that the United States only recently made a calculated decision to send military planes over Communist China. Actually, the State Department spokesman said, there is nothing new about such flights; United States military planes have been flying authorized missions over Communist China for several years.

2) The editorial stated that Secretary of Defense Robert McNamara has said the bombing operations over North Vietnam have had little military value and were being carried out because they help boost morale in South Vietnam. The State Department objected to this paraphrase as having gone beyond the actual position of the Secretary. True, Mr. McNamara did not agree with those who held exaggerated ideas about the military efficacy of the bombings, but neither did he suggest that the value of the bombing was as slight as the editorial made it appear.

3) The editorial referred to missed or spurned opportunities to negotiate one of which occurred in December, 1966 when United States Ambassador Henry Cabot Lodge in Saigon took the initiative in asking a neutral third party to urge Hanoi to come to the negotiating table. As a result, the editorial said, approaches to Hanoi were made and the initial response was guarded but affirmative. Exploratory meetings were arranged for Warsaw in the middle of December but were called off when the United States bombed the city of Hanoi just before the talks were to start. The State Department spokesman declared it was not Ambassador Lodge but the neutral third party who took the initiative in seeking negotiations. He also said the projected meetings were less definite than the editorial indicated. Moreover, it was difficult for the State Department to believe that Hanoi, if it genuinely wished to negotiate, would allow the bombings to stand in the way.

SR's editor welcomes the direct and amicable expression of concern by the State Department over information and viewpoints conveyed in this magazine. An editorial page is first of all an exercise in responsibility. Criticism of the nation's foreign policy, especially in a matter as critical as the Vietnam war, must rest on a body of supportable fact. It is against this background that we offer the following points:

1) We accept without question the State Department's statement that the authorization for military flights over Communist China is not new. However, far from being reassured by this statement, we find it profoundly disquieting. The fact that violations of Chinese airspace have been taking place over a period of time does little to offset the apprehension that the Government has been engaged in provocative actions that could jeopardize the national security. Both President Dwight D. Eisenhower and President John F. Kennedy have recognized the folly of involving the United States in a major land war on the mainland of Asia. Also, almost all responsible statesmen have recognized that miscalculation or accident could touch off nuclear holocaust. When we put these views before the State Department spokesman, he replied that Communist China has had full knowledge and understanding of our military flights over her territory and does not regard them as provocative. We are puzzled by this reply. If Communist China "understands" the reason for the overflights, why did it recently shoot down two U.S. planes—which, incidentally, were officially described by the U.S. Government as having "mistakenly wandered off course"? Is it unreasonable to point out that either the flights are authorized or are accidental, but cannot be both? On one hand, the State Department declares that the flights are deliberate and that China knows all about them, the implication being that the Chinese do not consider them an act of war; and on the other hand the Government declares that these airspace intrusions are the result of an accident. Is it unreasonable to ask what our own attitude would be toward violations of American airspace by Russian or Chinese planes? How would we react to statements that we are not likely to find such actions provocative, and that, indeed, we "know all about them"?

2) We regret any imprecision in reporting Secretary McNamara's position on the bombing of Vietnam. We note, however, that he said nothing to encourage those who believe the bombing can bring about decisive military gains. The main point made in the editorial, it may be recalled, was that one of the major reasons for the bombing of North Vietnam was that it was said to contribute to

the morale of the South Vietnam Government. If it is true that the bombing is less effective militarily than is generally supposed and if reports are true of substantial numbers of civilians being killed or maimed by the bombing, then the conception of bombing as a morale booster continues to strike us as a warped and morally indefensible policy.

3) The point that it was not Ambassador Lodge but a neutral third party who took the initiative in seeking negotiations calls for correction, although our information had been corroborated by prime sources we had no reason to question. Here, too, however, the main issue is not who took the initiative but the fact that the United States bombed the city of Hanoi just before the exploratory talks with North Vietnam were scheduled to begin in Warsaw, the result being the collapse of the projected meeting. The State Department believes that arrangements for the talks were far less definite than the editorial indicated; even so, it is a fact that the U.S. Ambassador to Poland was brought home hurriedly for the purpose of briefing him on the American position. It is also a fact that after the State Department announced that the bombings had been carried out in error (at first, the Department denied the bombings), the President sought to reschedule talks by assuring North Vietnam that we would refrain from bombing actions within a fixed distance from the city. As for the Government's argument that it was unlikely that the bombing of Hanoi was the specific cause of the cancellation of the talks, the fact remains that the talks were about to begin, the bombings were carried out, and the preparations for the talks abruptly ceased.

One of the main reasons for the growing opposition within the United States to the war in Vietnam is the increasing awareness of a gap between our announced aims and the policies being carried out in the name of these aims. The Government says it wants to negotiate but that it has no one to negotiate with. That situation is certainly true today, as Hanoi's recent statements make clear; but it is far less clear that this has been the case all along. There have been at least four specific instances, one of them involving U.N. Secretary General U Thant, in which approaches to Hanoi produced affirmative responses, only to have the efforts thwarted or blasted by inexplicable military or political moves.

The President has been far more moderate in his policies than the Joint Chiefs of Staff, as Congressional testimony makes clear. But the question arises nonetheless whether, step by step, the aim of the Joint Chiefs of Staff to achieve a military solution may not now in effect be dominant policy in Vietnam. No man has advanced stronger arguments against a military solution than the President, but the American military has evidently not accepted that conclusion. Actions in the field seem to indicate that the argument has been swinging in the military direction.

Vietnam is one of the most tragic traps in history, and we are all caught in it, the Americans no less than the Vietnamese. We may not be able to find a way out, as Theodore Sorensen says in his article in this issue, unless we begin to do these things that are consistent with the ends we seek.

HUNGARIAN FREEDOM FIGHTERS

Mr. PERCY. Mr. President, in New York on Saturday, October 21, the Hungarian Freedom Fighters' Parliament will commemorate the 11th anniversary of the Hungarian Revolution. It will be a time of sadness, for the revolt succeeded only for a few days. More important, it will be a time of rededication, for the spirit of the Hungarian Freedom Fighters could not be snuffed out by the tanks which crushed their movement.

Indeed, that spirit can never be snuffed out. Men long to be free, and freedom cannot be suppressed indefinitely in any land.

The sacrifices of the Freedom Fighters will not be forgotten by free men. Their cause will not be forgotten. They will not be forgotten. As they rededicate themselves to freedom, let us all rededicate ourselves to the proposition that all men everywhere deserve the opportunity to govern themselves in peace.

THE MINK RANCHING INDUSTRY

Mr. BENNETT. Mr. President, on October 18, Mr. Richard E. Westwood, president of the EMBA Mink Breeders Association and first vice president of the National Board of Fur Farm Organizations, appeared before the Senate Finance Committee on hearings we are holding on import quota legislation. Mr. Westwood testified in behalf of the mink industry which is being severely hurt by cheap foreign imports coming into the United States from the Scandanavian countries.

I am the sponsor of S. 1897, the mink import bill, and some 21 other Senators have cosponsored this legislation. I am very hopeful that the Finance Committee will report an omnibus quota import bill at an early date and that the mink industry will be helped by this legislation.

Mr. President, I would like to insert at this point in the RECORD my preliminary statement made at the Finance Committee hearing on October 18, and also the statement made by Mr. Westwood.

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

PRELIMINARY STATEMENT

OCTOBER 17, 1967.

I am very pleased that the Chairman has seen fit to conduct these hearings.

The serious problems caused by foreign imports must be solved. I'm sure that the Administration will tell its story very well. There are, of course, two sides to every problem, and the real service that is being rendered here is the opportunity for the injured industries and parties to be heard.

There will be a great deal said here about free trade. It will have the support of the Administration, the academic world and the nations and foreign industries that benefit from it at the expense of American farmers and industry. But throughout this land there are farmers and businessmen who, in spite of very efficient operations, are finding it most difficult, and in some cases impossible, to compete with foreign imports. For once someone must listen to their story, and it must be understood if a workable solution can be found.

I think it is very important in dealing with this whole problem that we understand that the several industries, particularly those in agriculture, are not asking that foreign imports be excluded. Those parties who will testify for some type of quota system realize that the United States must import if we hope to export. They realize that most countries produce many products cheaper than the United States. They are only asking that import practices be examined and where necessary brought into proper balance.

It is unfortunate that the parity ratio is only 73 at the present time. Many dairy, cattle and mink farmers are being driven off their farms through no fault of their own. I know what the free traders would say about that situation. However, these independent businessmen face the prospect of losing a major investment, and in some cases their life's savings.

Our mink people are only asking that import quotas be pegged at 40 percent of domestic consumption. To me that appears to be very generous, particularly when one considers that the American market was and continues to be developed almost solely by the American mink industry.

Our dairy and cattle people are only asking that loopholes and evasive practices which have seriously injured their operations be closed.

Our mink, dairy and meat producers have found no long-term remedy to the import problem. They are forced to live with yearly fluctuations, market changes and cheap imports to the extent that mink farming, dairy farming and cattle production has become a hazardous economic venture.

Our lead and zinc producers only ask for a fair share of the American market. The same can be said for the domestic oil industry.

Mr. Chairman, again I want to thank you for scheduling these hearings.

THE MINK RANCHING INDUSTRY FIGHTS FOR ITS VERY SURVIVAL

(Statement before the Senate Finance Committee on October 18, 1967)

(NOTE.—Your Statement on behalf of the National Board of Fur Farm Organizations, Inc., Milwaukee, Wis., by Mr. Richard E. Westwood, West Jordan, Utah, First Vice President. Mr. Westwood is also President of EMBA Mink Breeders Association of Racine, Wisconsin. Mr. Westwood's testimony is directed toward the problems created for the domestic mink ranching industry by having mink skins bound on the "free list" of imported agricultural commodities.)

Chairman Long, and Distinguished Members of the Committee, my name is Richard E. Westwood of West Jordan, Utah, First Vice President of the National Board of Fur Farm Organizations, Inc., a nation-wide trade association devoted to the domestic mink ranching industry. This organization represents over 95% of the mink ranchers of the United States, and its fifty-one constituent member associations represent virtually all mink ranching association activity in the United States. I also speak in the capacity of President of EMBA Mink Breeders Association.

It is my sad privilege to speak to you today on behalf of a group of proud and otherwise self-reliant agricultural producers, the mink ranchers of the United States, who are fighting for their very lives. Imports, riding "piggy-back" on a new and unique industry, and sheltered by duty-free entry, have reached the proportions of a tidal wave which inundates our markets and paralyzes our sales.

Unlike most of the industries scheduled to speak at these hearings, the mink ranching industry is not merely concerned with its rate of profit, but with its right to survival. It's last crop of mink pelts, some nine million, a quantity far below the total annual consumption in the United States, has now been marketed, with great difficulty, far below cost of production. As a result, its producers face immiment disaster, since, like many other agricultural producers, the sales proceeds of one crop must provide the financial resources for re-seeding and propagating a succeeding one.

In producing the 1965 crop, over a billion pounds of agricultural and marine by-products were utilized by mink ranchers who spread their $69 million worth of feed

purchases over grains, packing house and poultry offal fish, and nutritional fortification materials.

It is out of sheer desperation that we have turned to the Congress of the United States as a last resort, hoping that its power and wisdom will find a way for us to retain our farms, and our skills, and our life's savings.

Mink ranching, as a profession, is just as American as movies and jazz and mass-production. And like other American genius that has spawned endless enriching industries for the benefit of mankind, its roots lie deep in native ingenuity and self-reliance. Mink is peculiarly native to North America only, and the idea of converting its forest beauty into an agricultural product for the benefit of the fashion-conscious women of the world was a North American idea. In the span of about forty years the mink rancher has brought this difficult little animal from an esoteric forest oddity to its present rank—by far the most popular of all furs in the fashion world.

After 1940, American mink farmers, having solved some of their cagey breeding and production problems, formed marketing groups, and it was their genius to recognize from the start that funds must be provided from their own sales to build consumer demand and to set quality standards for the protection of the consumer. Further foresight and genetic skill enriched the product of providing, in rather rapid succession, a range of natural mutation colors giving it endless adaptability. No other livestock industry can match the rapid scientific breeding progress developed by American mink ranchers. For more than a generation, its associations have insisted on (a) quality control and consumer protection, (b) product enrichment from new color and texture, (c) self generating programs to build consumer demand through promotion and advertising.

All of these cardinal points of self-help took money which might otherwise have been taken as profit by less progressive producers. The ranchers' association efforts since the early 1940's have been able to double the consumption of mink in the United States every ten years and they have spent an aggregate of about $20 million in doing this. In the last (1965) crop year for which records are complete, the ranchers produced 8¼ million mink pelts, then worth $160 million.

But little profit. In fact, during the past five seasons, 40 percent of our producers have been forced out of business and currently the survivors are facing disaster. Why?

No rich and promising market such as that created and built by the American mink ranchers can escape the hungry gaze of enterprising foreign producers—especially while that market remains exposed mercilessly to invasion, from the binding of mink to the free entry list, a classification, by the way, which was erected without consulting the mink rancher who created the product.

It is hardly surprising, therefore, that the rancher long ago became conscious of an unfair foreign competition, slowly stealing his market away, riding "piggy-back" on his promotions, producing at a lower cost and expanding exports into the rich American happy hunting grounds which lay ahead, wide open, without an iota of import regulation.

After import quantities began to back up at trade levels in the American market in 1959, the ranchers, through their legislative arm, the National Board of Fur Farm Organizations, Inc., asked for government relief through the Escape Clause, but the Tariff Commission, after a study of the industry, ruled that imports were not the injury claimed. As predicted by the ranchers indigestion of increased quantities of mink, particularly from Scandinavia, sent the world market crashing. Prices fell from $21.48 to $16.41, a 23% drop, establishing a valuation base from which we have never really recovered. Since that time we have lost over 40% of our producers, forced out of business from a price structure that obviously allowed little or no profit.

Other avenues of government relief were earnestly searched for, with none promising. Since the Trade Expansion Act of 1962 established rigid policy lines for freer world trade, we have lived in a kind of terror, on the one hand respectful of ennobling government efforts to upgrade world prosperity, and on the other hand fearing the inevitable catastrophe from foreign competition which believed that the American woman would consume an endless number of mink pelts, without the logical financial assistance to build new consumer demand.

And the inevitable descended upon us. In the past marketing season prices fell from $19.48 to well below $14.00, probably a 30% break when all the figures are in. What industry can take such dislocations as this? What respect for free world trade can be generated from competition that demoralizes and displaces a unique and valuable contribution to our agricultural and national economy?

In 1966 total imports increased 16% and in the case of the four Scandinavian countries over 23%. As examples of unreasonable expansion, Denmark increased her imports to U.S.A. 28% and Norway over 38%. In the corresponding period growth of production on American ranches remained at a mild and cautious 9%.

Why cautious? Still mindful of the crash of 1960. Still trying to find money to build new consumer demand. And still hardly able to make a profit from the price structure of the sixties, from which 40% of the producers gave up.

The price structure of the 1960's, however, did not impede our foreign friends. Imports grew from 2¾ million, the total at the time of the 1959 Tariff Commission Escape Clause failure, to 5,675,000 in 1966, more than doubling in that short span of years.

In 1956 imports claimed 30% of the American market, in 1959 we were concerned that they claimed nearly 35% of consumption, but in 1966 their probable share will be 42%. Where will they stop?

Apparently there is no limit to the ability of imports to swallow up the domestic market. American producers, facing this stealthy encroachment of their own rightful domain, are only too conscious of the advantages handed out by government to foreign mink ranchers through duty-free entry. For the foreign rancher works from a lower cost of living, produces with noticeably lower labor costs, and makes little financial contribution to the building of consumer demand.

And, forgive us, to point out here that he pays no taxes to the United States community, maintains no schools here, carries no local civic responsibilities, and elects no public officials. Forgive us, too, if, borrowing a term from railroading, we use the term "piggybacking" in a loose manner.

As an example of the kind of competition we face, the last three or four years have resulted in a total of 15–20 thousand Scandinavian producers, each of whom, it is said, average about 450 pelts per annum. Such insignificant average ranch production is hardly more than moonlighting and obviously does not constitute the producers principal source of income. By contrast American ranches average over 2,250 pelts per annum, a quantity which requires serious full-time engagement.

Under the moonlighting conditions of the average Scandinavian producer, labor is provided largely by a member of the family in spare hours and payroll demands such as face American ranchers are hardly a major production factor.

An exception to this frightening picture of foreign competition is Canada, our neighbor and co-inventor of mink ranching. Canada, in the years before 1959, assisted financially in building a mink market in the United States. Her ranchers share similar cost-of-production demands with us and, understandably, her growth rate, like our own, in recent years, remains halting and cautious. Once the principal source of imports, Canada now ranks in fourth place and shipments to us are slowly declining.

Other foreign competition remains relatively static. But Scandinavia, which two decades ago was of little consequence, now exceeds the United States as the world's major producer of mink. That it achieved such status in the year of world market disaster is, we think, significant. Though Scandinavian rancher associations have spent some money in the American market, it has been largely used at trade levels in pirating our own trade customers and trade relationships—but hardly to the building of new consumer demand. Though total export figures on mink pelts do not tell the whole story, there has been a steady increase in the percentage of ranch-raised mink pelts going abroad. Last year exports totalled well over a million and brought home $22 million in gold. Ranchers pelts accounted for more than ¾ of this billion and the total will steadily increase. By contrast, imports cost us in 1966 over $73 million in gold.

Analyzing the statistics in the case is very interesting, and our brief to the Committee Staff will certainly contain a tight documentation of our case, but our reason for being here today transcends the theory and practice of free or reciprocal trade. It is—very simply—a case of survival. Competition with foreign producers, as they are presently aided by duty-free entry, has brought us to the brink of disaster. Having exhausted all hope of administrative relief, we have laid our cause before Congress, where in the last months we have found many Congressmen and Senators who have given us courage and encouragement. To date over 75 companion bills or co-sponsorships have been introduced on our behalf, patterned after the pilot H.R. 6694, introduced by Congressman James Burke of Massachusetts.

In this action we have requested Congress to grant a simple device—that is, to freeze the status quo as to the sharing of the American market with imports. The bill directs the Secretary of Agriculture to determine the domestic consumption of mink in one year and to establish a quota limiting imports to 40% in the next.

What more free trade can there be? What American industry, protected or not by tariffs, is willing to guarantee it's foreign competition that share of it's domestic market?

What more liberal attitude is to be found among American industries who are willing to share future growth to that etxent? Some of our congressional friends say that this is too liberal and that a freeze of status quo will but perpetuate the elements of disaster already so apparent.

Your indulgence in our case to hear the complaint and to carry it to careful staff investigation is appreciated by all of the mink ranchers of the United States. Without government intercession at this point their proud and resourceful industry will certainly vanish. Without some reasonable economic device that will assure stability in future years, their ability to accumulate funds for product and market promotion will quickly evaporate. Without the mink rancher, the fur industry itself will find it hard put to promote and vitalize its own consumer demand, something it has never been able to do for itself.

Mr. Chairman and members of the Committee, in behalf of the domestic mink ranching industry, I wish to thank you for the fine consideration you have given us in permitting us to present our case to you.

As an industry, we are in a state of crisis and it is our hope you can give us expeditious and remedial relief. Again thank you for your consideration.

ONE MAN'S VALUES

Mr. MUNDT. Mr. President, last Wednesday, October 11, a great testimonial dinner, sponsored by ACA—Americans for Constitutional Action—was held at the Washington-Hilton Hotel in our Capital City on the occasion of the 75th birthday of the chairman of ACA, Adm. Ben Moreell, CEC, USN, retired. It was an event long to be remembered and many Members of the House and Senate were among those present.

It was my pleasure to deliver a banquet address devoted to the life, achievements, and philosphies of Ben Moreell, and to the activities of ACA which he so ably has served for many years. In response to my remarks, Admiral Moreell delivered a magnificent and inspiring address entitled "One Man's Values." I ask unanimous consent that the address by this distinguished American be printed in the RECORD.

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

ONE MAN'S VALUES

(By Adm. Ben Moreell, CEC, USN (Retired), Washington, D.C., October 11, 1967)

Governor Edison, General Lane, Senator Mundt, the Reverend Mr. Ingram, Mr. Pew, my charming wife, esteemed hosts, honored friends and dear relatives:

I am awed by this munificence; your presence here; the generosity of our hosts; the inspiring prayer of Mr. Ingram; the eloquent tribute of Senator Mundt and General Lane's expertise as Toastmaster General! I am profoundly grateful for all.

Vanity induces the thought that all this is fulfillment of the poet's plea:

"Oh, wad some power the giftie gie us
To see oursels as others see us."

But prudence cautions me to read on:

"It would frae monie a blunder free us
An' foolish notion!"

It is clear that Master Burns had other circumstances in mind when he penned those lines!

As I recall my many errors of commission and omission over the years, I conclude that a more fitting role for me would be to follow the example of Sam Goldwyn, notorious disciple of Mrs. Malaprop. He was taking a golf lesson, and in superbly inexpert manner, he was spraying the landscape with wild shots. Suddenly he drove a long ball straight down the middle! Astounded by his feat, he turned quickly to his instructor and asked, plaintively, "What did I do right?"

I am indebted to Senator Mundt for having so generously reported some of my "shots" wherein I, too, appear to have done some things right!

It is fitting that I acknowledge, also, my debts to those whose willing hearts and minds and hands helped me on my way. Many of you are among them. I am thankful for and honored by your presence. I have been favored by a kindly Providence in my family, my friends, my able and devoted teachers, and my many loyal co-workers. Because of your help, and that of others, I have accumulated a debit balance so large that I can never pay it off!

No small part of that balance is a debt all of us share, a debt owed to that band of patriots who blazed a trail from tyranny to freedom, through government oppression, to establish our free Republic.

They raised "a standard to which the wise and honest can repair," a standard which retains its integrity because it is rooted deeply in spiritual faith and in eternal principles of truth and justice.

I will define those principles, and the values derived therefrom, as I see them. I do so with caution, fully aware that, in light of the infinite variability of human beings, honest conclusions drawn from a given set of circumstances by a number of people may cover a wide range of opinion.

THE LAW OF HUMAN VARIATION

Each of us begins life with certain inherited physical, mental and moral characteristics, some of which are as unique as one's finger-prints. As we grow older, the variations at birth are expanded by differences in environment, education, training, associations, and experiences, and by the influence of our studies, meditations and such Divine guidance as we are able to invoke. These diversities bring about differences in material possessions and in the status achieved in the professions, the arts and other areas of human endeavor.

All this is the natural resultant of the law of human variation, a law of such transcendent importance to the progress and well-being of mankind that it must surely be Divinely authored! "The God Who gave us life gave us liberty at the same time," Jefferson observed. I would presume to add, "And He made us all different, each one from every other one."

With such a powerful force acting to induce diverse judgments, it is truly remarkable that we can achieve pragmatic working agreement on most of the crucial issues which confront our Nation. We do so only as we develop a broad tolerance for the opinions of others, a tolerance essential for arriving at workable solutions which attract the support of public opinion.

Alexander Hamilton advanced this thought in a plea for ratification of the Constitution. He wrote, in the first Federalist Paper, "So numerous, indeed, and so powerful are the causes which serve to give a false bias to the judgment, that we see . . . wise and good men on the wrong as well as on the right side of questions of the first magnitude to society. This circumstance, if duly attended to, would furnish a lesson of moderation to those who are ever so much persuaded of their being in the right in any controversy."

It is in light of the foregoing that, over the years, I have tried earnestly, but not always with success, to avoid impugning the motives, the patriotism or the integrity of those with whom I have differed on important questions. I trust that the views I present here tonight will be received with tolerance and understanding.

PRINCIPLES OF THE AMERICAN WAY OF LIFE

The essential elements of the principles which set the pattern for the American way of life are:

First: Man receives, directly from the Creator, his rights to life, liberty, and to sustain his life by the fruits of his own labor. The latter entails his right to possess, protect, utilize and freely dispose of his honestly acquired property. These rights are inherent and inalienable. They are not mere privileges conferred by government, or the President, or the Congress, or the Supreme Court, or any other human agency, to be withdrawn at the whim of that agency when politically expedient.

Second: To make those rights secure, our forebears organized a common agency, which they called "government," to which was granted a monopoly of force with which to defend the peoples' rights; to define a system of laws; to invoke a common justice; and to keep the records incident thereto. Government would not be empowered to administer the affairs of men; rather it would dispense justice amongst men, who would be free to manage their own affairs.

Because government is force, controlled by fallible human beings, its powers were to be strictly limited and clearly defined in a written constitution to keep it from going off on a career of its own, like a cancer, consuming the very rights it was organized to defend.

Third: In order that each person might have full scope for the development and use of his talents, he must have maximum freedom of choice which should be limited only by the requirement that he may not thereby impair the freedoms of any other person. This requires a free market for goods, services and ideas, into which government would intrude only to perform the functions allocated to it specifically by the Constitution.

Under this system, each person may use his dollars as ballots to promote those goods and services which satisfy his wants best. This is the essence of the world's most productive economy, our own free market system, which offers incentives to venture, rewards for success and penalties for failure, all commensurate with the values delivered to the market-place as these are determined by willing buyers and willing sellers.

Fourth: To deprive a person of his rights is to violate a natural law. This will call forth its own penalties, as does defiance of any natural law, moral or physical. If I jump from a high building I am defying the law of gravity; and I am penalized. In like manner, when we defy the law of human variation by trying to equalize the social, economic or cultural status of individuals by resort to the coercive force of government, thus restricting free choice and impeding creative energies, we suffer the penalties.

A corollary is that there is no moral sanction for any man to impair the rights of his posterity. Just as he may not sell them into slavery, so may he not deprive them of their economic or political freedom. Jefferson held that the act of deferring payment on the public debt, thus imposing this burden on future generations, is tantamount to enslaving them.

Fifth: Every God-given right entails a responsibility to exercise that right within the limitations fixed by such stern admonitions as The Ten Commandments, The Sermon on the Mount and The Golden Rule. A man's right to the free use of his faculties makes him responsible for the manner in which he uses them. His right to life demands that he be responsible for caring for himself and his own. He is responsible for fulfilling the contracts which he enters into freely. And he has a responsibility to protect the framework of the social order which permits him to use his faculties for his own ends and to discharge his obligations as he may choose.

And, finally, there is a realm of moral obligations and duties which is a matter for religion, a matter for individual conscience, a matter for a man and his intimate relationship to his God. It is presumptuous for human beings to legislate about such matters. If such obligations and duties are imposed by force of law they lose their moral content for the individual, because, when coercion is introduced, he no longer has freedom of choice.

SQUANDERING OUR LEGACY

On this solid foundation our people built a Nation dedicated to human freedom; a Nation which was a haven of refuge for the oppressed and a beacon of hope for those who could not escape to our shores; a Nation where there was always compassion and abundant help for the needy but where opportunity for self-help was held to be far

more important and was made available in generous measure; a Nation where, within the limitations of human error and frailty, there was a generally prevailing respect for the personal dignity and the natural rights of all, without regard to race, creed, color or national origin.

What have we done with this rich heritage? My generation has squandered its legacy. We have failed to preserve the integrity of this citadel of freedom. We have permitted its super-structure to be eroded and its foundations weakened to the point where there is grave danger of collapse.

All of us share the blame. We are reaping where we have sown. Over the past half-century we have propagated a mis-placed faith in the ability of the Central Government in Washington to achieve any kind of material, economic, social or moral purpose. Implementing this faith we have abdicated our personal responsibilities to God and to our neighbor in favor of an impersonal government, upon which we have thrust enormous powers. Or, we have stood by meekly and permitted government to seize more and more authority, centralizing it in Washington, far removed from the scrutiny of those from whom it was taken.

Thus, local communities are deprived of the means of solving their own problems by the use of realistic measures, suited to local conditions. Instead, they must resort to ineffective or harmful solutions devised by Washington experts in philosophical abstractions, who ride rough-shod over local customs, practices, procedures and prejudices.

Professor Daniel Moynihan, prominent modern liberal, recently remarked, "The Federal Government is good at collecting revenues and rather bad at disbursing services."

Our current policies ignore the great hazard of concentration of economic or political power in government. Lord Acton warned us, "All power tends to corrupt; absolute power corrupts absolutely."

It has been said that the people never give up their liberties except under some delusion. We have been surrendering our liberties under the delusion that government has some supreme competence in the realm of economics, some magic multiplier of wealth, some easy access to a vast store of economic goods which may be had without working for them, merely by voting for them!

INNER RESTRAINTS—LAW AND ORDER

In 1776, George Mason wrote this statement into the Virginia Declaration of Rights:

"No free government or the blessings of liberty can be preserved to any people but by a firm adherence to justice, moderation, temperance, frugality and virtue, and by frequent recurrence to fundamental principles."

What principles did he have in mind? They were, broadly speaking, religious principles; not the doctrines and creeds which set off one group from another but rather the belief in a just and merciful God which they share. It was a basic American principle to separate Church and State, not because of any hostility to religion; quite the contrary. The State was to be secular in order that religion might be free to teach our people the inner restraints of self-discipline. The latter, in turn, would reduce or eliminate those infringements on individual rights which so often accompany forceful measures taken by government to establish and maintain public order.

Edmund Burke said:

"Society cannot exist unless a controlling power on the will and appetite is placed somewhere; and the less there is within the more there must be of it without."

The American tradition holds that a free society is possible only if it consists, predominantly, of spiritually conscious, self-disciplined individuals. This is evident in both the Declaration of Independence and the Constitution. The framers of those documents believed they were transcribing "the laws of Nature and of Nature's God." The supremacy of the Constitution was believed to stem from its correspondence to a law superior to the will of human rulers.

In recent decades we have veered away from that design for a great and devout Nation, whose basic tenet was an economically independent citizenry, supporting and controlling a government which is the servant of the people, not their master! Instead, we have moved sharply toward the seductive idea of a socialist "utopia," which reverses the American pattern, enslaving the people by having the government support them! This is the same false "utopia" from which many of our people, or their forebears, escaped in order to seek freedom and opportunity in America!

To know the ailment is the first step toward finding the cure. We can escape from our current confusion; but it will not be by political legerdemain. Rather, it will be by a rehabilitation of those spiritual and moral values which made our Nation great!

AMERICA AND MORAL LEADERSHIP

I am no prophet of doom. While I hold that disaster lies ahead unless we change course, I believe that the world is now on the threshold of what could be such a dynamic expansion of spiritual understanding and material productivity as to tax the capacities of all mankind! The world looks to America for moral leadership. The great French philosopher, Jacques Maritain, said:

"What the world expects from America is that she keep alive, in human history, a fraternal recognition of the dignity of man . . . the terrestrial hope of men in the Gospel!"

We can provide that moral leadership if each of us will dedicate himself to "justice, moderation, temperance, frugality and virtue, and frequent recurrence to fundamental principles." This task must be undertaken by each one, acting individually. Our success will then be evidenced by the wise actions of our elected law-makers—and by those who execute the laws they enact. This is the way we can make our liberty secure!

The great Irish patriot, John Philpot Curran, said:

"It is the common fate of the indolent to see their rights become a prey to the active. The condition upon which God hath given liberty to man is eternal vigilance; which condition if he break, servitude is at once the consequence of his crime and the punishment of his guilt."

Freedom is never free. It's security requires tireless dedication and unceasing toil. Once lost, it can be regained only by paying a very high price in blood, sweat and tears.

We live in an era of crisis. In such times, the genius of our people is to rise above their differences and to unite their strengths to serve the common good.

Let us face the future with determination, confidence and, above all, faith in God and in each other. We will not fail; for we shall know the truth, and the truth shall make us free!

THE MANY CAREERS OF HAROLD TITUS

Mr. GRIFFIN. Mr. President, last week the conservation world lost one of its strongest and most effective spokesmen when death took Harold Titus of Traverse City, Mich.

Active until the end, Mr. Titus had built a nationally prominent reputation for his work on behalf of conservation.

To borrow a fitting expression from the Traverse City Record-Eagle, Harold Titus had many careers.

After graduating from the University of Michigan in 1911, Mr. Titus became a fruit grower in Grand Traverse County. Later he joined the U.S. Army during World War I.

For a time Mr. Titus served as reporter for the Record-Eagle. He took an early interest in fiction writing as well, and during his lifetime, which spanned 79 years, he completed nearly a dozen novels. These included "I Conquered," published in 1916, and the equally popular "Black Feathers," published in 1936.

Mr. Titus contributed numerous articles to such well-known national publications as Collier's, Red Book, and Ladies' Home Journal.

After helping to organize the Izaak Walton League of America in 1922, Harold Titus became a prime mover behind the formation of the Forest Service. From 1927 until 1935, he served on the Michigan Conservation Commission.

A recipient of many distinguished conservation awards, Mr. Titus was designated winner of the 1951 Wildlife Society's Leopold Medal.

He served as conservation editor of Field and Stream magazine until his death.

Mr. Titus was born into an era that did not know air and water pollution. To his generation, highway beautification meant keeping the status quo. The horseless carriage was just a dream.

But as he grew to adulthood, Harold Titus grasped that our ever-mounting population and industrial expansion could eventually spell the ruination of nature's gift to America.

Harold Titus dedicated his life to preserving the country's natural beauty and our rich heritage. We are the ultimate benefactors of his untiring efforts. Americans of all generations will continue to owe him a lasting debt of gratitude.

LABOR RIGHT TO TAKE ACTION AGAINST STRIKEBREAKING

Mr. MORSE. Mr. President, every Member of this body should be alerted to a proposal, set forth by the distinguished senior Senator from North Carolina on October 12, which, if adopted, would cripple the cherished right of organized labor to wage a strike for improved working conditions. I refer to the Ervin substitute for H.R. 2516, the civil rights bill passed by the House in August.

The Ervin substitute provides in section 104 that the National Labor Relations Act be amended to prohibit union imposition or judicial enforcement of any fine, and "any disciplinary action whatever," against a union member who engages in strikebreaking. Thus, for the first time in our history, labor unions are singled out from among all associations and organizations for a prohibition against any discipline of their own members—even members who violate the first duty of union allegiance by assisting the employer against the common cause of their fellow unionists in a strike for better working conditions.

This unprecedented and punitive provision would negate union majority rule and would cripple the cherished right to strike which Congress has so many times

upheld as the legitimate weapon of organized labor for the improvement of the worker's lot.

The Ervin proposal would negate a long record of congressional protection of the right to strike. In 1932, the historic Norris-LaGuardia Act sought to free labor's right to strike from oppressive interference by judicial injunctions. Then in 1935 Congress expressly provided that nothing in the new Federal labor law would impair the right to strike. In 1947—in the Taft-Hartley amendments—we once more resisted efforts to impair this cherished right of the workingman. Even Senator Taft in the last analysis recognized the legitimate privilege of workingmen to improve their conditions by concerted work refusal. As the Senator put it during the floor debate on the issue of the labor strike:

> We have not forbidden it, because we believe that the right to strike for hours, wages and working conditions in the ultimate analysis is essential to the maintenance of freedom in the United States . . . our freedom depends upon maintaining the free right to strike (93 Cong. Rec. 7537).

In 1959 in the Landrum-Griffin law, which I again resisted in its unwarranted curtailment of labor union rights, Congress once more refused to impair in any way labor's resort to the strike. Indeed, the power to discipline strike-breaking members was at least inferentially recognized where we provided that nothing in the 1959 law should be deemed to "impair the right of a labor organization to adopt and enforce reasonable rules as to the responsibility of every member toward the organization." Now, in contrast to that provision, Senator ERVIN's proposal would bar unions from enforcing the most reasonable union rule of all—the rule requiring membership allegiance to the common cause in a union strike to improve the lot of every employee and member of the union.

Senator ERVIN's proposal would enact a rule of organizational anarchy for labor unions alone among all organizations and associations in our society. It would bring Congress to the aid of anti-labor employers seeking to blunt labor's rights and freedom of self-protection. This harsh and restrictive proposal deserves to be rejected by every Member of this body.

PROPOSED TREATIES CONCERNING PANAMA CANAL

Mr. MURPHY. Mr. President, on September 2, the distinguished Senator from South Carolina [Mr. THURMOND] spoke before the Young Americans for Freedom in Pittsburgh, Pa.

His remarks on that occasion make a thoughtful contribution to the current discussion of proposed treaties concerning the Panama Canal. I believe all Americans should have an opportunity to read Senator THURMOND'S warnings concerning the possible abbrogation of our rights and interests regarding the Panama Canal.

I ask unanimous consent that his remarks be printed in the RECORD.

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

COMMUNIST PLANS FOR THE PANAMA CANAL

(Address by Senator STROM THURMOND, Republican, of South Carolina, before Young Americans for Freedom national convention, Pittsburgh, Pa., September 2, 1967)

The most recent dispatches from Panama have been telling a perplexing story. Last June President Johnson and President Marco Robles announced that the two countries of the United States and the Republic of Panama had completed negotiations on three *new* treaties regarding the Panama Canal. Although the official texts of these treaties have never been released, the details are fully known.

From the American point of view, there is only one word to describe their contents. These treaties are the *greatest* give-away since God gave man the world for his dominion. They give away United States jurisdiction and sovereignty. They give away United States land and property. They give away United States operating facilities and engineering works. In short, they give away the entire U.S. Canal—and indeed any new canal that the United States might build in Panama—to a dubious operating authority whose sole strength is the slender reed of promises by the Republic of Panama. Let me take just a moment to describe the batch of three treaties. The first and most important treaty is the basic re-negotiated Panama Canal Treaty. This treaty sets up an *organization* described as "International Juridical Entity" which would be the administrative agency for operating the Canal. All of the property that *now* belongs to the United States Government would be turned over *free* of charge to the operating agency. The present Canal Zone would be diminished from the 10-mile wide strip to an area approximately 1 mile wide. The Canal Administration would operate its own *court* system and its own *police* forces in the Canal area.

So you can see that it will be very crucial for the *safety* of the Canal to make sure that the United States has *control*. Ultimate control of the Canal is in a governing board of 9 men. The United States has a 1-man majority on this board. But I want to point out that Congress will relinquish *all* control over the appointment of these men and has *no* recourse if even *one* of them should turn out to be incompetent or acts against the best interests of the country.

Furthermore, the *executive* control is in the hands of a Director General and his deputy. The terms of office of these men alternate between United States citizens and Panamanian citizens. At the present time, the President of the United States can assume direct control *instantaneously* if dangerous conditions are warranted. Under the five-four board, *control* would be so *diluted* that it would be impossible to be sure that effective action could be taken in time.

I would like to mention one other aspect of this important treaty. The formula for *payments* are strongly biased against the United States. Panama's share is based on $0.17 per long ton going up to $0.22 per long ton, year by year. After these payments are made to Panama, estimated to be about $20 million per year, then all other expenses of the Canal are to be paid, including overhead, capital improvement, and operating funds. The last priority is held out for the United States payment which is only $0.08 per long ton and going up to $0.10 per long ton. The effect of these increased payments will undoubtedly result in increased tolls which could easily be as high as 25%.

The second treaty is the proposed status of forces treaty which defines the rights and privileges of our territory forces stationed to defend the Canal. One of the most serious drawbacks of this treaty is that it provides for a committee to confer when any special action is necessary to defend outbreaks of insurrection or enemy attack. The treaty stipulates that in the event that the committee fails to come to agreement on *what* measure can be taken that the controversy will be directed toward the respective governments through proper channels. This is an extremely cumbersome arrangement, and is another example of civilians dictating a no-win military policy without any consideration for the experience and professional judgment of the military experts.

Another feature of this treaty is a provision that the Panamanian Flag shall fly over *all* United States bases on Panamanian soil. The United States Flag *cannot* fly unless Panama gives *special* permission. No other base agreement that we have anywhere in the world stoops so low as to strike the American Flag.

The third treaty gives us an option to build a so-called sea level canal somewhere in Panama. At this point we do *not* know whether a sea level canal is technically or economically feasible. Congress currently has authorized a study which will take at least three years to complete. It is insane to propose a treaty for building a sea level canal when we don't even know that *such* a canal *can* be built. At the very least, these treaties should be held up until the sea level study is complete. Furthermore, if a sea level canal is built, the control structure will be virtually identical to the proposal in the new treaties with one exception: The door is held open to internationalization in the construction and financing of a sea level canal. *This* would dilute our control *even* more.

But in spite of this give-away, the most recent dispatches from Panama are indeed perplexing. These dispatches report that there is tremendous opposition growing within the ranks of Panamanian politics to approval of the treaties. We hear that President Marco Robles is being attacked on all sides. The plans for the formal ceremony of signing the treaties, which according to informed sources was scheduled for three weeks ago in Washington, have been put off *indefinitely*. President Robles sought to make these treaties his political triumph, but it now appears that the treaties will cause him nothing but tribulation.

These reports have caused great concern and puzzlement throughout many quarters in the United States. Many men thought that the generous give-away attitude reflected in these treaties would appease Panamanian nationalism. When the treaty negotiators sat down two years ago, the United States held almost all the cards.

We had, first of all, *sovereignty*—operating sovereignty in the Canal Zone. Secondly, we had won *independence* for Panama and furnished Panama with the main source of development and support. Thirdly, we have had a history of generous concessions and easy relations with Panama since the first treaty was signed in 1903.

The only card that Panama held was the somewhat dubious power of *blackmail*, a power growing out of *extreme* Nationalist activities. There was absolutely no reason why a strong powerful nation like the United States should give in to the petty blackmail on the fluctuating Panamanian political scene.

Yet when the negotiation game was over, Panama got up with the whole pot. We played as though we *wanted* to lose. Many of our United States liberals, particularly those who are most liberal with the taxpayers' investments, have been genuinely puzzled by the ominous turn which events have taken in recent days, with the stirring up of opposition to the treaties.

However, those who have been watching the Panamanian scene closely for some time were *not* surprised. Early in July soon after the treaties were announced, I made a short speech before the Senate pointing out what the *long-term* aspirations of the Panamanian Nationalist sentiments were in regard to the Canal.

From statements in the Spanish language press, it was clear that the Nationalists were

prepared to urge extreme measures. Among their objectives were: First, that Panama aspires to have the *same* relation to the Panama Canal that Egypt has to the Suez Canal and proposes to nationalize it. Second, that Panama repudiates the idea of *internationalization*. Third, that Panama is determined to have *complete* sovereignty over the Canal Zone. Fourth, that Panama is considering closing territorial waters around the Canal Zone—a jurisdiction not recognized by the United States—as a *trap* to get its demands.

From these and other objectives, it was soon to be clear that the contents of the proposed treaties would not satisfy the demands of Panamanian politics. Insofar as the United States maintained *any* kind of indirect control at all, or retained *any* power, however bridled, to *protect* the Canal and its installations—to *that* extent the Panamanian Nationalists would remain dissatisfied.

The latest word is that even the most responsible of the forces opposing the treaty for principal objections are demanding that President Robles re-negotiate *four* principal items in the treaty which give minimum safeguards for the extensive U.S. interests in the Canal. These four objections are: First, that the provisions in the treaties for special *courts* in the area of the Canal would result in courts that would be outside Panamanian juridical control. Second, the special *police* force in the Canal area would have exclusive authority and not be under the direct control of Panama. Third, the *governing body* of the Canal administration would be weighed with 5 to 4 in favor of the United States; the Nationalists would prefer the other way around. Fourth, the provision for the use of Panamanian territory by U.S. armed forces defending the Canal is regarded as an imposition upon Panamanian sovereignty.

Now, as a matter of fact, the *actual* U.S. control exerted through these four points is so weak as to be extremely dangerous to our interests. The special Canal courts would be employing a new body of law which would not necessarily have the same protection as U.S. law. The police force would be under the control of a weak authority which would have difficulty coping with unexpected or large disturbances. The 5 to 4 margin on the governing body of the administration depends entirely upon the character and ability and inclination of the men who are appointed to the United States seats by the United States President.

Finally, the provisions for the United States defense bases in Panama are weakened by the giving of priority to Panamanian uses. Although the Panamanians want more than this, these protections are ridiculously weak when compared to the *firm* position which we *now* enjoy and seem intent upon abandoning. The question *then* is, *why* is Panamanian Nationalism intent upon rejecting the United States give-away?

The *answer* is that in terms of political action, Panamanian *Nationalism* is nearly impossible to distinguish from *Communism*. Now I grant that the *motives* of many Nationalists may be quite different from those of the Communists. I grant that many Panamanian politicians are not looking beyond their shores. On the other hand, the Communists have had their eye on the Panama Canal from the very first days when Communism seized power in the Soviet Union. In the famous memoirs of John Reed *Ten Days That Shook the World*, this American observer of the Bolshevik Revolution reported that the Soviet representative to the Paris Peace Conference in 1919, Comrade Skobelev, was instructed by the Soviet Executive Committee to demand that "all straits opening into inland seas as well as the Suez and Panama Canals be neutralized." This grand strategy of the Communists has endured down to the most recent days when, during the Suez crises in June, the Soviets once more demanded that *all* great waterways be internationalized.

It is easy to see *why* the Soviets have their eye on the Panama Canal. This is, of course, an important waterway in world trade. But it is even more important as a *vital* artery to *American* trade. Two-thirds of *all* cargo going through the Panama Canal is either bound to an American port or is coming from an American port. Those who wish to *bury* the United States must begin by blocking the Panama Canal.

But in time of war the Canal takes on an entirely *new* significance.

During the Second World War, 5,300 combat vessels used the Canal and 8,500 other ships carried troops or military cargo through it. For reasons of safety, no Axis ships could be permitted to go through. Of course, none would have dared come within hailing distance of the entrance to the Canal. Similarly, during the Korean war, over 1,000 U.S. Government vessels transited the Panama Canal to carry troops, supplies, and war materiel to U.S. troops in Korea.

Despite the fact that those who say that the Canal is outmoded in an age of nuclear warfare, it continues to be an import supply line to Vietnam. U.S. Government and U.S. Government chartered vessels transiting the Canal increased in number from 394 to 725 in the period of fiscal year 1965–66. The cargo carried jumped from 1.9 million to 3.2 million long tons. Although these figures are the most recent available, they are for the year ending June 30, 1966, in the period before escalation really began in the buildup of military supplies in Southeast Asia.

Nuclear warfare *could* destroy the Panama Canal—or indeed any canal, even a *sea level* canal. However, we must presume that wars will continue to be fought as at present, to wit, in non-nuclear engagements. In that case, the Canal provides the Navy and supporting Merchant Marine with interior lines of sea communications, far shorter than the routes around Cape Horn or Cape Good Hope. If the Canal were blocked, a large part of the U.S. railroad capacity would have to be used to shuttle troops and supplies from Atlantic to Pacific.

Even if the Canal were closed in peace time, the cost to the United States would be great. Millions of dollars would be added to U.S. shipping costs, and as much as two weeks time in ocean shipments. Japan, one of the largest buyers of U.S. coal, would probably have to seek other sources of supply. California and other West Coast states would begin to feel an almost instantaneous blight. Steel shortages would quickly begin to affect almost all West Coast manufacturing. On the East Coast, many of the canned foods which we take for granted, such as pears and pineapples, would become very expensive.

Hunt Foods and Industries, one of the big West Coast fruit and vegetable packers, has estimated that it alone would need 75 to 80 more railroad cars in the next 60 days if the Canal were closed. I think that no one would disagree that the closing of the Panama Canal, or its take-over by a hostile nation, would be disastrous for the U.S. economy. It is no wonder, then, that the Communists have given it the No. 1 long-range priority.

Americans sometimes have difficulty in imagining how a fiercely Nationalist country like Panama, could become the tool of Communist policy. A recent publication of the Senate Internal Security Subcommittee, of which I am a member, recently chose Panama as a hypothetical case in the study of Soviet propaganda techniques. Allow me to quote:

"On the day the government of Panama falls under the control of some Popular-National-Progressive Anti-imperialist Front of Liberation, the United States could be maneuvered into relinquishment of the Panama Canal without using a single missile from its billion dollar armament. This is a very real and possible imminent development. The Front might consist of 500 students, 60 Sergeants, 50 professors, 40 journalists, 30 lawyers, and 20 longshoremen, gathered from the back rooms of a dozen cafes, and united around 10 Soviet agents at a cost to Moscow of some half million dollars."

Those who have not studied Communist history and Communist techniques cannot possibly imagine the tremendous leverage that even 10 Soviet agents who might appear to be Panamanian Nationalists can have in such a case.

Now let us turn from the hypothetical study made by a U.S. Senate Subcommittee to another study published in a theoretical periodical, the *World Marxist Review*, which is, of course, a public organ of the international Communist conspiracy. The *World Marxist Review* has already laid forth the Communist strategy for the take-over of Panama. Now it must be remembered that I am not quoting from some musty document born out of the Stalinism of the '30's. This article was published in March, 1965, almost contemporaneous with the beginning of the negotiation of the present Panama treaties that have been proposed by the Johnson and Robles administrations. Let me quote:

"The People's Party of Panama (the Communist Party) has charted the road along which revolution can be carried out. The only solution seen at present is the transfer of the power to the people—workers, peasants, forward-looking intellectuals in the middle sections, and groups of the bourgeoisie who want radical reforms. Considering the realities of the present situation, it is doubtful if these reforms can be achieved the parliamentary way.

"In the opinion of our party, the national liberation revolution in Panama will pass through *two* stages. In the first stage, the task will be to set up a national, democratic, peoples-government which will consistently carry out an agrarian reform, pursue an independent foreign policy, do away with corruption, take vigorous steps to develop the national industry, and embark on deep-going economic and social reforms."

At this point, I would like to break away from the text to emphasize the importance of the next statement which appears in the *World Marxist Review*. Let me quote:

"It is extremely important in the first stage to pursue a policy of unity, an alliance with all the forces interested in these changes (irrespective of their ideology). The party resolutions state that only a revolutionary peoples government, uniting all segments of the nation opposed to the oligarchy will be able in the second stage of the revolution to combat the U.S. and its monopolies, to remove the imperialist ulcer and pave the way to nationalization of the Canal.

"The immediate aim of this struggle is to deflate the oligarchy, compel it to show itself in its true colors as the direct agent of U.S. imperialism, and thus shorten its days. The ultimate aim is to achieve the *complete* liberation of the country. To this end, the Communists will use all forms of activity."

This article from the *World Marxist Review* explains clearly why the Nationalist agitation in Panama has grown so intense. According to the rules of Communist strategy, President Robles represents the so-called "oligarchy." Therefore, the Communists are attacking him and his treaty. They will demand an independent foreign policy. They will demand that the alleged corruption of the oligarchy be done away with. In the first stage of the Communist plan, it is clear that they will ally themselves with the Nationalists so closely that it will be impossible to distinguish one from the other. Insofar as we

assist the plans of the Nationalists, we are advancing the first stage of the Communist strategy.

It is my belief that the present treaties play into the hands of this Communist strategy. For example, one of the most significant sections of the proposed treaty turns over all the auxiliary enterprises connected with the Canal to "private enterprise." The terms of the treaty make it clear that only those favored by the Panamanian Government will be allowed to bid on the operation of these enterprises. Moreover, the treaty makes it plain that if competitive bidding is unsatisfactory, the contracts will be awarded by negotiation.

In the first place, this arrangement makes it appear as though well-established and going businesses are being turned over to the Panamanian oligarchy to fatten their pockets. This provision makes it appear as though the bidding will provide a ready field for all kinds of corruption and kick-backs.

It does not matter whether this situation will come to pass or not. The treaty terms are framed in such a way as to give the Communists their rallying point. They will press for a government, to quote the *World Marxist Review*, "uniting all segments of the nation opposed to the oligarchy." This means the downfall of the Robles regime according to the Communist plan.

This is the stage we are witnessing now in the vicious attacks against the treaties in the Robles government. We must not forget that the second stage of the plan is "to combat the U.S. and its monopolies . . . and pave the way to nationalization of the Canal."

In view of the fact that the treaties seem tailor-made to fit Communist propaganda, it is interesting to note that one of the chief negotiators for President Robles is a self-avowed Marxist intellectual, Diogenes de la Rosa. Senor de la Rosa has a history that the liberal journals like to describe as "a very colorful past." It is well known in Panama that for years the sympathies of Diogenes de la Rosa have lain with the Trotskyite Communists. I would like to quote to you a sarcastic comment which the columnist in the Spanish newspaper "El Mundo" made on August 17. The columnist who writes under the by-line of Picando commented that Diogenes de la Rosa is now labelling those who oppose the new treaties as "Communists and traitors." Picando's sarcastic comment was "How times have changed for Comrade de la Rosa."

The impossibility of distinguished true Nationalist aims from issues which the Communists can use to agitate their two-part plan should make us wary of any arrangement in the Canal Zone which would weaken our control. Despite so-called safeguards written into the Treaty, we will no longer have the direct physical control of the territory in security of the Canal area which we now have.

If we *accept* these treaties in the hope of solidifying a fairly moderate government in Panama, the only thing we will accomplish is to make that government the target of increasingly strong Communist pressures. By throwing upon a small nation a responsibility which it doesn't have the capability to exercise, we are endangering the freedom and independence of that government.

I do not believe that any arrangement under which the United States gives up its effective sovereignty can be made to work for the benefit of the United States. There cannot possibly be any *better* way of protecting the Canal than to protect it *ourselves*.

We have the *sovereignty* and *jurisdiction* over the Canal by treaty. We *own* the land by separate purchase. We are twice owners of the Canal by *treaty* and *purchase*. There is no compelling reason to turn over its administration to a complicated *international* administration, under the direct sovereignty of a weak country.

If we accept the blackmail of Panamanian politics, then we will be following a policy which accurately complements the two-stage Communist plan outlined in the *World Marxist Review*. We see that plan already operating in the daily headlines of our newspapers today. If we are to avoid a stunning defeat, we must immediately change course.

Ladies and gentlemen, for the sake of the *national security* of the United States, these treaties *should* not and *must* not be confirmed. To prevent their confirmation, public opinion must crystallize and make itself known so that the Senate will realize the importance of the Canal to this nation. *You* can have a vital part in energizing public opinion and alerting our public officials. Write to the President, write to your two Senators, and have others write. I have been getting hundreds of letters on the Canal question, and I know what effect letters can have.

We must *not* jeopardize the security of our nation by allowing the confirmation of these proposed treaties with Panama.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the order previously entered, the Senator from West Virginia [Mr. BYRD] is recognized.

AMENDMENT OF THE SUBVERSIVE ACTIVITIES CONTROL ACT OF 1950

Mr. BYRD of West Virginia. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 498, S. 2171.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2171) to amend the Subversive Activities Control Act of 1950, so as to accord with certain decisions of the courts.

The motion was agreed to and the Senate resumed the consideration of the bill.

THE MARCH ON THE PENTAGON: LIBERTY UNDER THE LAW OR POLITICAL WARFARE?—NATIONAL MOBILIZATION AND THE WEEK OF OCTOBER 16–21

Mr. BYRD of West Virginia. Mr. President, the National Mobilization Committee To End the War in Vietnam—NMC—is a nationwide movement which includes some sincere pacifists, some honest searchers for peace, and some innocent dupes. But it also includes a mixed bag of anarchists, Socialists, black power extremists, and Communists of both the Moscow and Peking variety. Ray Cromley, a skilled newspaper analyst, has written of the leadership in the following way:

Jerry Rubin, a self-styled socialist who wants to close down the banks and the universities as "institutions that use and destroy human beings and values" is known primarily for his part in the University of California riots, for his 1964 trip to Castro's Cuba and for his support of "black power."

David Dellinger is known for his openly-expressed support of Cuba's Fidel Castro and his regime. James Bevel and Ralph Abernathy are from Martin Luther King's civil rights movement. Lincoln Lynch has been a high official in the Congress of Racial Equality (CORE).

Arnold Johnson, active in getting the march idea started, is better known for his work as National Public Relations Director of the Communist Party, USA.[1]

And Mr. Cromley goes on to point out that these large protest movements seem to be controlled by interlocking boards of directors and that they shift from one political warfare campaign to another, "Vietnam one week, Cuba the next, then to black power, Puerto Rico, the Dominican Republic" and that "these men and women were professional organizers. They're experts in publicity, whipping up crowds. Some have had special training in these fields."[2]

Also represented in NMC is the Student Nonviolent Coordinating Committee—SNCC—headed by black power extremist H. Rap Brown. Brown is at present free on bail on a charge of inciting a riot in Cambridge, Md. Brown appeared at the Overseas Press Club in New York on August 28 along with Dick Gregory, the Negro comedian, the Right Reverend Monsignor Charles Owen Rice of Pittsburgh, Father Thomas Lee Hayes, executive director of the Episcopal Peace Fellowship, Gary Rader, the former Green Beret reservist who reportedly burned his draft card, and Abbie Hoffman, a leader of New York's hippie community.[3] He endorsed the march on the Pentagon, but did not answer in response to a question as to whether his followers would practice nonviolence.[4]

Perhaps Rap Brown did not want to answer the question about nonviolence since, despite the name, Student Nonviolent Coordinating Committee, SNCC is actually embarked on a course of violence and has striven to tie the agitation over the Vietnam war to the black power thirst for violence. For example, Rap Brown gave an interview to the French political weekly Nouvel Observateur in which he said:

> We have chosen guerrilla warfare as a solution which the situation imposes on us. We will concentrate on strategic points in the country—in the factories, the fields and homes of whites. . . . We will carry on bloody sabotage operations. We are studying the techniques of modern guerrilla warfare. Our black brothers who are fighting in Viet Nam for white America are getting good lessons in guerrilla warfare.[5]

These words of Rap Brown indicate that he will do what he can to make the march on the Pentagon produce violence so that this may become a pilot operation in what Rap Brown envisions as a future pattern for guerrilla operations in the great cities of America. In this he faithfully reflects the calls to violence

[1] Ray Cromley, "The Oct. 21 March," *Washington News*, October 11, 1967.

[2] *Washington News*, ibid.

[3] *Vietnam Public Opinion*, August 29, 1967; New York *News*, August 30, 1967; the New York *Times*, August 29, 1967, also reported that representatives of the National Conference for New Politics attended the Overseas Press Club conference as participants.

[4] *Vietnam Public Opinion*, ibid.

[5] *Nouvel Observateur as quoted by Human Events*, issue dated October 21, 1967, p. 4, released October 16.

of his predecessor and associate in SNCC, Stokely Carmichael. Carmichael was a leading figure at the Latin American Solidarity Conference—LASO—held in Havana, Cuba, in August 1967, a meeting for the promotion of revolutionary activity in both North and South America. Carmichael has been quoted as saying:

Armed struggle is today the only means of struggle by the North American Negro. Our movement is progressing toward an urban guerrilla war within the United States itself.

Carmichael also stressed solidarity with the North Vietnamese Communists,[6] and this same theme of linking the war in Vietnam with the black power movement in the United States is sounded by Rap Brown.

The role of SNCC in the march on the Pentagon should be thoroughly investigated to determine if funds are being transmitted to SNCC from Cuba for this or for other forms of political warfare and whether it is also possible that funds from Communist Cuba or other Communist countries might also be employed to aid some of the other participating organizations in the demonstrations during the week of October 16–21.

Such an investigation might be most revealing as to the real source of the attacks on President Johnson and the attempt—through propaganda, incitation to violence, and other forms of political warfare—to blackmail U.S. foreign policy. This is suggested by a thought-provoking report by columnists Rowland Evans and Robert Novak. They have pointed out that secret links between SNCC and Communist Cuba go back as far as 1964. They have written that—

The flamboyant Carmichael is merely the outward manifestation of the SNCC-Cuban alliance, not its cause. The principal responsibility for moving SNCC violently to the left must go to two men who, unlike Carmichael, seldom appear on television or the front page. One is James Forman, who today holds no formal office in SNCC but is still believed to be its most important internal force. When SNCC was spawned in the Southern sit-in movement in February 1960, by idealistic Negro college students, Forman was already a hardened radical and an associate of Negro terrorist Robert Williams. . . . The other man is even less familiar to the public than Forman. He is Jack Minnis, a white intellectual radical who, as an instructor at Tulane University in 1961, was a leader in pro-Castro activities in the New Orleans area. With Forman in absolute control of the SNCC apparatus, Minnis was named to its central committee. . . .[7]

Evans and Novak went on to say that the clearest evidence of the SNCC-Cuban tie-in came in 1966 when SNCC leader Julian Bond was not—at first—seated by the Georgia House of Representatives. Bond's case was in the hands of "white lawyer Charles Morgan of the Atlanta office of the American Civil Liberties Union—ACLU. Morgan is a civil libertarian but no radical."

Then—

Stated Evans and Novak—

things were suddenly changed and Victor Rabinowitz, [appeared] a Manhattan lawyer long associated with far left causes and a leader in the National Lawyers Guild and the Emergency Civil Liberties Committee, organizations specializing in defending Communists Rabinowitz served as legal counsel in the United States for the Castro government and had intimate contacts in Havana. Forman insisted that Rabinowitz supplant Morgan as Bond's attorney. In accordance with standard American Civil Liberties Union practice of deferring to other attorneys, Morgan stepped aside.

Most interesting of all, however, Evans and Novak state that—

At about the same time Rabinowitz took over in the case, *"SNCC's treasury—empty since the disaffection of white liberal contributors—suddenly began to fill again. It is believed by many close to SNCC that the new money came from Cuba.*[8]

The mention of the Julian Bond case is interesting since The New York Times has subsequently reported that Julian Bond has been named cochairman—along with David Dellinger, publisher of the extreme left magazine Liberation—of the march on the Pentagon. The Times said that Bond called the march "an important step because it will give all Americans cause for the thought about what is being done in our names—against our wills."[9]

Whatever the motives of Julian Bond may be, he and others participating in the so-called October Week should be well aware that Rap Brown—and some of the other Pentagon march planners—not only openly advocates violence, but also has not hesitated to keep abuse on the President of the United States in such a way as to incite violence against the President. Thus, at a news conference in Washington, D.C., July 27—it was more aptly an agitation conference—Rap Brown said:

Johnson is a wild, mad dog—an outlaw from Texas.[10]

Can it be doubted that the Communist newspaper, the Worker, which so often pours out its vituperation on the President, would write:

The most influential and militant sections of the Negro freedom movement are now aligned against the Vietnam war. It is of historic significance that the two great protest movements of our time are now being joined . . . .[11]

While Rap Brown openly advocates violence, he, at least, does not hide his aims in Aesopian language. What is one to think of language that is an invitation to violence, but thinly concealed? Thus the Mobilizer of the National Mobilization Committee in its September 26 issue calls on page 1 for "From dissent to resistance" and on the second page states:

Direct action is planned for those who are prepared to close down the Pentagon war machine.[12]

And the leftist extremist newspaper National Guardian in its October 14 issue wrote of some of the groups planning to take part in the October 16–21 demonstrations that subsequently the emphasis would be on "visibility and disruption."[13] And on the editorial page of the same issue the Guardian reprinted anarchist Peter Kropotkin's view of violence:

Our action must be permanent rebellion, by word, by writing, by dagger, gun or dynamite, sometimes even by ballot when it is a case of voting for an ineligible candidate . . . . We are consistent and we shall use every weapon which can be used for rebellion. Everything is right for us which is not legal.[14]

OCTOBER WEEK AND INTERNATIONAL POLITICAL WARFARE

While it will be made to appear that the march on the Pentagon is a purely domestic affair, the Communists have actually given themselves away and revealed the international apparatus seeking to exploit the American demonstrations. Thus the Worker for October 1 states:

U.S. Embassies and consulates in virtually every major city of the world will witness solidarity demonstrations October 21–22. Supporting demonstrations are planned for Rome and Bologna, Italy; Oslo, Norway; Amsterdam, Holland; Aberdeen, Scotland; London, England; Paris, France and other cities throughout the nation, Copenhagen, Denmark, Winnipeg, Canada, in West Germany, Belgium, Japan, Australia and New Zealand among others.[15]

And the extent of the revolutionary forces at work in the world today and the efforts of the Communists in trying to tie their own movement to revolutionary black extremists is shown by an October 7 report from London. The London Daily Telegraph stated that a Mr. Kingsley Tweed "from Harlem, New York" told a black power rally in London:

To hell with one man, one vote. Every black man better get himself a gun, a submachine-gun, a hand grenade and shoot everyone that is White. He must do it now.

The Daily Telegraph went on to report that the chairman of the meeting said, "We love the English the way the Vietcong love the Americans" and urged the need for "revolution."[16]

The leftist Student Mobilizer also carried accounts of international activities in support of the October Week in the United States. The September 1 issue stated:

On October 21, the Canadian antiwar movement will demonstrate . . . international solidarity with the Vietnamese people and the American people.

It also stated that—

A Frankfort, Germany meeting of the International Conference of Vanguard Youth Organizations in July voted to work for solidarity demonstrations against the Vietnam war throughout Europe on October 21.

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[6] As quoted by *Havana Radio*, August 1, 1967; Carmichael said that "after the Watts rebellion the question of nonviolence was discarded. It was clear to everyone that the path is the path of arms."

[7] Rowland Evans and Robert Novak, "Inside Report," *The Washington Post*, August 3, 1967.

[8] *Washington Post*, ibid. Emphasis supplied.

[9] The New York *Times*, October 8, 1967.

[10] *U.S. News & World Report*, August 7, 1967, p. 8; Brown concluded the conference by saying "go get your guns."

[11] *The Worker*, March 16, 1967.

[12] *Mobilizer*, Vol. 2, No. 2, September 26, 1967, pp. 1–2.

[13] *National Guardian*, October 14, 1967.

[14] Ibid.

[15] *The Worker*, October 1, 1967.

[16] The London *Daily Telegraph*, October 7, 1967.

The organization was formed last March to coordinate anti-Vietnam-war activities among socialist youth organizations in Europe. Participants include groups in Belgium, France, Italy, England, Germany, Netherlands, Ireland, Scandinavia, and Spain.[17]

A leading scholar in the field of defense studies, Prof. J. D. Atkinson, of Georgetown University and the Georgetown Center for Strategic Studies, has written in a recent book on political warfare:

The Communists always seek to take the offensive. This is a sound military principle. It has an equally decisive advantage in psychological operations. Many hear the first charges; few hear the disclaimer. The importance of the offensive in the psychological and political struggles in today's peace that is not peace and war that is not war is exemplified by the unceasing activities of the Communist fronts at the international, national, and local levels.[18]

This appears to be what the march on the Pentagon is intended to do, to take the offensive on the home front and to win the Vietnam war in Washington, for the evidence is mounting that the Vietnamese Communists are beginning to lose the war in Vietnam. Only last week—October 14—Radio Hanoi admitted that the situation in the DMZ had become "extremely serious" for them.[19] The tragedy, of course, is that some very high-minded people, some honest pacifists, some very-well-meaning citizens, and even some innocent dupes will be deceived into taking part in what is chiefly a political warfare enterprise of extremist leftists, black power revolutionaries, and Communists of both Moscow and Peking orientation.

THE PENTAGON AS A SYMBOL, PRESIDENT JOHNSON, OUR COMMANDER IN CHIEF, AS THE TARGET OF POLITICAL WARFARE

The march on Washington on October 21 has been referred to many times as a "march on the Pentagon." But the Pentagon is being used as a symbol, the political warfare target is our Commander in Chief, President Johnson. This is made clear, for example, by the Student Mobilizer's "Call to October 21" in which it is stated:

On October 21 we are going to go directly to Johnson and the government.[20]

And at the previously cited meeting at the Overseas Press Club in New York of representatives of the National Mobilization Committee to End the War in Vietnam it was reported that William Pepper, executive secretary of the Conference of New Politics said:

It is only a question of time for a sweeping repudiation of Lyndon Johnson and his administration.[21]

The American people are a great and an understanding people. Unless their past history is a living lie, there is every indication that they never flinch before the truth. That truth needs to be laid on the line to the American people now. It is that, despite the innocent involvement of some Americans, the October march on Washington and the Pentagon is chiefly the work of a highly organized smearbund of Communists, fellow travelers, and leftist extremists. The purpose of this political-warfare exercise is to attempt to discredit and defeat the efforts of a courageous President to do his duty as he sees it under that great common law of us all, the U.S. Constitution. As Chief Executive, as Commander in Chief, and as having the major powers in the field of foreign policy vested in him by that Constitution, President Johnson has sought earnestly to safeguard America, not only now in 1967 but also into the future. He has had to face the hard, the very hard, choices, not of the moment, but of choices affecting the lives of all of us into and beyond the next decade. This he clearly spelled out as long ago as his state of the Union message in 1965. In answering the question of why the United States was in Vietnam, the President said:

We are there, first, because a friendly nation has asked us to help against Communist aggression. Ten years ago our President pledged our help. Three Presidents have supported that pledge. We will not break it. Second, our own security is tied to the peace of Asia. Twice in one generation we have had to fight against aggression in the Far East. To ignore aggression now would only increase the danger of a larger war.

A little over a hundred years ago a President had to make hard decisions while faced with such dissidents as the Knights of the Golden Circle and the Copperheads. Abraham Lincoln then said the "the enemy behind us is more dangerous to the country than the enemy before us."

Are we today faced with a similar time of troubles as internal dissension and demonstration attempts to stay the hand of the President and as noisy agitators slur him with slanderous remarks and even suggest violence by inference?

In our system of government there is, of course, always a place for honest criticism of policies of the President, of the Congress, and, indeed, of the Judiciary. I, too, have been critical of the President in some matters, and probably will be again. This is as it should be. But the march on the Pentagon of October 21 and the terms of reference, the guidelines, the bitter propaganda attending and surrounding it must raise the question as to whether this is an exercise in liberty under law, or whether it is an exercise in political warfare, a naked power play to interfere with, to control, and, in the words of one slogan for the demonstrations, "to bring to a halt" the policy of the Government of the United States. If, indeed, it is this latter, and I believe it is, do we not then—all of us—have a duty to hold up the power and purpose of the President of the United States in this present struggle and to say with the prophet Isaiah:

Strengthen ye the feeble hands, and confirm the weak knees. Say to the faint-hearted: Take courage, and fear not.

I believe such a duty is clearly ours, and, as one Senator, I shall continue, in this matter, to stand by the President—the Commander in Chief, and our country's leader.

NAVY VERSION OF TFX PROGRESSING WELL

Mr. JAVITS. Mr. President, I have followed with interest the debate which has been carried on, both in the press and here on the Senate floor, regarding the TFX aircraft. Lately, particular attention has been focused on the F–111B, which is the Navy version of this revolutionary new plane—so important to our defense when operational.

On October 17, 1967, the Honorable Robert A. Frosch, Assistant Secretary of the Navy for Research and Development, in a speech before the Electronics and Aerospace Systems Technical Convention, gave an authoritative, dispassionate and thorough evaluation of the F–111B. As such, Mr. Frosch's speech is an important contribution to the public understanding of this complicated subject. He deserves our gratitude for rendering a service to those who want to know the facts and to make up their minds on the basis of the merits of the case.

At the conclusion of his speech, Mr. Frosch says:

We gave the contractor (and he accepted) a very tough requirement to meet.

Then he goes on to say:

We are convinced that in its primary air defense interceptor role the F–111B . . . represents the finest fleet air defense system available in the immediate future.

Mr. President, the testimony of Mr. Frosch deserves much weight, he is in charge of Research and Development for the U.S. Navy. His conclusion that the F–111B is, in fact, progressing well is gratifying—though not surprising—news to me. The Grumman Aircraft Corp. of Long Island, N.Y., is a principal contractor of the F–111B program. Grumman has had a superb record in building Navy planes for more than 25 years.

Mr. President, I ask unanimous consent that Mr. Frosch's address be printed in the RECORD, so that it will be available to all Members of the Congress.

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

F–111B DEVELOPMENT

(Address by the Honorable Robert A. Frosch, Assistant Secretary of the Navy for Research and Development, to the 1967 Electronics and Aerospace Systems Technical Convention and Exposition (EASTCON, IEEE), Washington, D.C., October 17, 1967)

Today I will discuss the technical status of the F–111B and in particular some aspects

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[17] *Student Mobilizer*, Vol. 1, No. 5, September 1, 1967, p. 1, and p. 3. On p. 4 it was stated that the president of the University of Hartford chapter of Students for a Democratic Society (SDS) said they hoped to send two busloads to the demonstration and "we hope to be able to offer all the students on our campus, who are so inclined, free tickets on the buses." WHERE DO THEY GET THE MONEY?

[18] James D. Atkinson, The Politics of Struggle: the Communist Front and Political Warfare, Chicago: Henry Regnery Co., 1966, p. viii.

[19] *Radio Hanoi* report of October 14 as cited in the Washington *Sunday Star*, October 15, 1967.

[20] *Student Mobilizer*, August 15, 1967, p. 1 and p. 3.

[21] As reported in *The Worker*, September 3, 1967; *Exclusive*, September 6, 1967, p. 4 stated that at the press conference also were "Amy Swerdlow of Women Strike for Peace, and Fred Halstead, the Socialist Workers Party (Trotskyite-Communist).

of its development during the past few years. In order to clarify its current status, I will begin with an account of Navy aircraft test procedures as they relate to development philosophy.

In order to be certain that difficulties in the development of an aircraft are identified for correction as soon as is possible in the development cycle and to assess the basic aeronautical qualities of the airplane, the Navy has its own test pilots fly a sequence of tests called "Navy Preliminary Evaluations" (NPE). Five such flight series are normally flown. These are not, in any sense, acceptance tests, but rather are intended to identify problems and potential problems very early in development so that they may be corrected. The test pilots try to find all the problems they can regardless of how minor they might be. They comment only on the plane *actually flown;* it is not their responsibility to, and they do not try to, identify ways of correcting the problems they find nor do they usually speculate on the prospects for doing so.

The test articles that are used for acceptance of the aircraft at the *end* of development are flown in a sequence of trials run by the Navy Board of Inspection and Survey. It is only these BIS trials that can be described as acceptance tests.

The Navy test pilots who fly preliminary evaluations are an extremely competent, professional, and dedicated group of men. We are proud of them and delighted with their hard-nosed attitude, which, by early identification of problems, has saved the Navy a tremendous amount of trouble.

The NPE report is intended for the test agency, procuring agency, and contractor. The professional airplane developers in each of those organizations recognize the special nature of the report for its intended use as a management tool to expedite corrective action if considered necessary by the procuring agencies. The procuring agencies are aware that the test agency writes the report based on the test article at the test time without regard for corrective action which may already be approved, but has not yet resulted in hardware changes. It is the responsibility of the procuring activity and the contractor, not the test activity, to initiate corrective action or to determine, as often happens, that none is required. The report is not generally intended for public or Congressional use and is written for professional use, without the explanations and qualifications which are understood by the aeronautical professionals, but should be added if it were intended for a wider audience.

Recently there has been considerable hubbub in the press and Congress over comments extracted from a recent F–111B Phase I NPE. Various newspapers, in articles and editorials, have commented on these Phase I NPE results. Remember that a Phase I NPE is purposely placed as early in development as the airplane can be flown in order to provide for early detection of difficulties.

To convey to you the "flavor" of such a Phase I NPE report, I would like to quote from such a report. The following are excerpts from a list of deficiencies characterized as 'correction mandatory':

"Inadequate lateral control effectiveness in configuration Power Approach (the configuration of the aircraft during carrier landings) at normal approach airspeeds.

"General airframe buffet in configuration Power Approach."

"Unreliability of afterburner light-offs with JP–5 fuel above 35,000 ft."

"Windshield distortion in the vicinity of the 'stress strap' and the resultant restriction to forward field of view."

"The excessive distance between the pilot and the control stick."

"Slow longitudinal trim rate."

"Inadequate damping of residual directional oscillations."

"Inadequate stall warning in configuration Power Approach."

"Nosewheel shimmy."

"Random engine exit nozzle opening and closing when modulating at minimum afterburning."

"Location of the speed brake and microphone switches."

Quoting from the same report, in the section relating to prospects of meeting contractual guarantees, "... the following guarantees will probably not be met or their attainment is questionable:"

"Time to accelerate from maximum velocity at military rated thrust to 1.2 IMN at 35,000 ft."

"The specific range at 40,300 ft."

"Subsonic combat rated thrust combat ceiling."

"Maximum velocity at military rated thrust at 35,000 ft."

"Time to climb to 35,000 ft. using combat rated thrust."

These quotes add up to an airplane which, unless modified, would give pilots at least considerable difficulty in carrier landings, if they could be made, and an aircraft with some real problems in combat flight. The quotes I have just read to you are *not* from the recent F–111B NPE, they are, in fact, from a Phase I NPE of the F–4 fighter plane conducted in the Fall of 1958. There were also a number of complimentary remarks about the aircraft and its other flight properties. After those remarks were made, the F–4 proceeded through the other phases of development, passed its BIS trials, and was introduced into the Fleet in December 1960. It has performed well there, is recognized as the best fighter available in the free world today, and the basic design has been applied to Air Force variations, which are today being purchased in greater numbers than Navy versions. We, therefore, have a clear example of the flavor of a Phase I NPE which, if quoted out of context, could indicate a bleak future for the F–4. With hindsight, it is evident that the F–4 future was considerably better than the quotations above would indicate because the NPE comments assisted in the achievement of this successful weapons system.

Relative to the F–111B, the general concept of commonality itself was not really a new or foreign thought. We have proven in the F–4 program that Air Force and Navy airplanes with similar mission requirements can be successfully used by both services. We have recognized within the Navy the desirability of commonality and have pursued it in such programs as the A–1 Skyraider. It was produced in attack versions, airborne early warning versions, electronic warfare versions and utility versions. We have demonstrated economies in the S–2 and C–1 and E–1 airplane family by common engines, common subsystems and nearly common airframes for different missions. We are today pursuing that logical course of action utilizing the basic A–6A design to create the EA–6A, and with further variations, the EA–6B. We are considering a tanker variation of the same airplane called the KA–6D. All of these examples are given to emphasize that the basic concept of airframe, engine and avionic commonality leading to variations of the same airplane with different uses has long been recognized and understood within the Navy.

The design of the F–111B was challenging, but the variable sweep wing and afterburning turbo-fan engine made it appear possible to incorporate in the same design characteristics necessary to meet both Air Force and Navy requirements. This was a somewhat more radical approach to commonality than had previously been tried, and one which put rather more severe problems on the shoulders of the *initial* design engineer. The Contractor analyzed designs for *each* small element that were essentially three designs: one to meet only the Navy requirements, one to meet only the Air Force requirements, and the third as the best way of satisfying both requirements. Because of the magnitude of the development and the everpresent publicity attendant in this program, the Contractor designed so as to insure that each new feature would indeed perform as planned and that neither service would find its requirements neglected.

Confronted during manufacture of the first three aircraft with the inescapable conclusion that the aircraft would be heavier than desired, the Contractor initiated a massive redesign effort which has been described as the Super Weight Improvement Program (SWIP). This redesign, effective at F–111B No. 4, was instituted before the first Navy aircraft was delivered. The first three aircraft were in fact overweight, and much heavier than number four, approximately 3,000 pounds heavier. It is useful to ask whether the first three F–111B aircraft (which were known to be unrepresentative at the time of their acceptance) were a waste of money. As a matter of fact F–111B's No. 1 through 3 are in active use today as avionics and Phoenix test beds. All of these tests are required and all of the aircraft are usefully occupied. Accepting no F–111B aircraft until the first SWIP version was available would merely have delayed the avionic and Phoenix testing without improving the program. The weight of the aircraft is of little importance for this testing, but other basic properties and shapes are important to it.

The redesign effort produced the weight improved or so called SWIP airplanes, F–111B's #4 and #5. We immediately utilized Navy #4 as the demonstration airplane to validate, with Contractor pilots, flutter and structural qualities of the SWIP design. While #4 F–111B opened the permissible flight envelope, #5 was prepared for a Phase I Navy Preliminary Evaluation essentially as if it were a new aircraft. Before this NPE there were many known F–111B characteristics and problems based on the flight testing of the pre-SWIP airplanes. In spite of the SWIP effort, prior to the NPE date, we had determined that higher thrust engines and other configuration changes would, in all probability, be necessary. However, the Navy desired a new and independent evaluation of the airplane which was much more representative of the expected end product of the R&D effort. The NPE was conducted, as always, on the hardware available. Improvements required and designed for later airplanes but which were not yet incorporated in the test aircraft were not considered.

Examples of deficiencies that were found in that F–111B NPE and which were termed "correction mandatory" are quoted as follows:

"Unsatisfactory lateral-directional handling qualities in the high-lift configuration with Adverse Yaw Compensation which degrade the night shipboard recovery capability."

"Repeated occurrence of afterburner blowout and unsuccessful afterburner selection at conditions well within the NPE operating envelope."

"Inadequate pilot's external field of view at the guaranteed minimum usable approach speed."

"Unacceptable feedback of the Stability Augmentation System in the primary flight controls."

"Unsatisfactory characteristics associated with extended speed brake operation."

"Inadequate taxi turning capability for carrier operations."

"Low excess thrust for acceleration from loiter flight conditions with maximum afterburner."

"Unsatisfactory airplane tip-back characteristics."

"Inaccessible location of the Control System switch which incorporates standby gain provisions."

"Lack of fire extinguisher in the crew module."

"Suspectibility of the crew module escape system to damage by personnel stepping on the wing glove area of the module. (The approved walkway areas are not adequately delineated. Existing 'No Step' markings are sporadically placed and confusing.)"

From the same report the following recommendations and conclusions apply:

"Extensive simulator evaluation of the F–111B cockpit with the complete weapons systems displays and pilot's primary flight displays is essential to determine the suitability of the cockpit design concepts."

"Supplementary solutions to eliminate multiple images in addition to increasing windshield incidence should be investigated."

"The windshield 'critical area' should be redefined in accordance with carrier visibility requirements vice Air Force optical gunsight requirements."

If you recall the list of F–4 NPE problems I went through earlier, you will find some of these familiar:

Within the same report, as in the case of the F–4 report quoted above, estimates of the probability of meeting contractual guarantees indicated some would probably not be met. Because of the timeliness and classification involved, I prefer not to discuss the exact details.

The question which immediately comes to mind is, "How serious are these comments?" Analysis of them indicates that they range from easily corrected minor problems to limitations that may persist to some degree despite our best efforts.

The problems we face in deciding exactly how much correction is enough are more complex than might appear at first look. For example, we all agree that the pilot should have a good view over the nose of the airplane in order to effect a carrier landing. (This has been a perpetual problem; some aircraft used to approach the carrier almost sideways for this reason. The F–4U or Corsair I was a classic example of this.) In the F–111B we found problems with the industry standards in defining precisely where the eye of the 5 to 95 percentile pilot should be in order to insure adequate vision. In order to define a satisfactory "fix" for this problem we had to discard the industry standard, which was misleading, and substitute a more stringent one.

Another example is the standard geometric description of the tip-back tendency which relates the airplane center of gravity to the deck contact point of the main wheels. We find that variations in braking ability and aircraft inertia characteristics in actual practice require us to modify the simple geometric definition of what is a usable tip-back configuration.

Our experience with the F–111B is giving us new insights into the writing of specifications for aircraft. It must be remembered that, at best, a specification is only a capsule description of what we want; some numbers extracted from a vast mass of qualitative and quantitative desires.

At this time, we have the following corrections which will be in succeeding Navy F–111B's in engineering design.

a. An improved engine to provide additional thrust throughout the flight envelope. This engine is designated the TF–30–P–12 and will be in F–111B No. 6 and subsequent.

b. A visibility improvement package which raises the pilot's seat, modifies the windshield angle, and increases the flap deflection; all three working in concert to improve over the nose visibility during landing. The flap fixes will be incorporated at Navy #6 with the cockpit changes introduced at Navy #8 and retrofitted to Navy #6.

c. A redistribution of weight and a movement of the landing gear aft which will improve the present tip-back properties of the aircraft. An extended nose will be in all aircraft after Navy #6. The landing gear modification will be effective in Navy #8 with simple retrofit to Navy #6.

d. The extended nose referred to above and introduced to improve weight distribution will be used to house the Phoenix airborne missile control system in a more accessible location. At the same time, the volume previously occupied by the Phoenix and other avionics has become available and permitted installation of an additional 2000 lbs of fuel. This change will be effective in Navy #6. The additional fuel provides increased loiter time.

The point most often raised in Congress and most media releases is whether the aircraft is indeed carrier suitable. Carrier suitability could be defined as the appropriateness of the vehicle to exist in the carrier environment. Obvious questions such as adequate deck strength have been considered, and there is no problem in the supercarriers from which we expect to operate the F–111B. The elevators in the Forrestal and subsequent carriers are updated as all aircraft loads increase and are expected to create no problem at Fleet introduction with the weights anticipated. The updating of elevators in these carriers was undertaken and is being carried out for reasons that are fundamentally independent of the F–111B. A program of catapult improvements in Kitty Hawk and subsequent carriers has been carried out to improve their capability to handle all aircraft at lower catapult wind-over-deck. These improved catapults will constitute the majority aboard the intended carriers at Fleet introduction of the F–111B. The capacity of the remaining catapults cited in the original F–111B specification will also be adequate to handle the aircraft.

The previous properties cited have been carrier characteristics necessary to match airplane characteristics. Directly associated with them are the airplane characteristics to match the carrier. The variable sweep wing has its most obvious advantage in landing and take off, and is an important innovation in the F–111B. Because the energy requirements to catapult or arrest are concerned with kinetic energy, in which of course the velocity enters as the square while the mass enters linearly, the low-speed landing and take off characteristics of the F–111B, due to the high lift in the wing-forward configuration, more than adequately compensate for the increased mass. Comparable weight carrier aircraft such as the RA–5C and A–3B do not benefit from this feature and, thus, impose higher loads on the carrier when operating at equivalent mass to the F–111B. The F–111B is expected to land and take off at speeds about 15 to 20 knots less than the F–4 and RA–5C.

Curiously, the success of this high lift feature has created a problem; the airplane has sufficiently high lift and low drag and speed in the landing configuration that on the glide slope the engines have had to run very near idle, with the result that the response of the aircraft in this state is too sluggish. A few minor changes appear to be sufficient to correct this happy problem.

We are preparing to take F–111B #5 aboard an aircraft carrier sometime during the spring of 1968. While we are aware of shortcomings in that specific aircraft which will be corrected in succeeding airplanes, we believe it is necessary to test the F–111B in its intended environment as soon as possible. There is no substitute for appropriate full-scale testing in any development program. This testing will not commence until laboratory structural tests (now scheduled on a test article in November), and land-based tests using catapults and arresting gear installed at Naval Air Station, Lakehurst, and Naval Air Test Center, Patuxent River are complete. The latter testing is scheduled to start in January 1968. Thus we are building up to initial carrier trials in our usual straightforward and careful manner.

About a year later than the initial trials with F–111B No. 5 a production representative aircraft with all the fixes I have previously enumerated will conduct more involved and complete carrier tests.

As I discuss the F–111B airplane today, we are more than two years away from the Board of Inspection and Survey trials which I referred to earlier as the true acceptance trials. We have many engineering changes to be incorporated, many development steps to be taken, and much more quantitative flight testing to be performed to perfect the configuration. There will be other NPE's embracing a larger flight envelope and more internal components of the complete weapon system. Of course, the testing to date has established a high probability of acceptability of the basic aerodynamic qualities. After the Contractor demonstrations and NPE's are complete as prerequisites to BIS trials, some four or five uninstrumented production airplanes will be designated as BIS aircraft. They will be tested at the Naval Air Test Center, Patuxent River and the Naval Missile Center at Point Mugu. At about the time those trials are in progress, another set of production-representative aircraft will be assigned to the Operational Test and Evaluation Force. The OPTEVFOR airplanes will be used to develop and refine the tactics the Fleet will use when operating the F–111B/Phoenix weapon system.

At the end of BIS trials, delivery to the Fleet will begin with initial deliveries to a Replacement Training Squadron. From that squadron in due course will come the trained personnel to man the first deployable Fleet squadron.

The Fleet introduction described above will take place within the year following BIS in the configuration established during development and proven acceptable in the BIS trials.

Having discussed the suitability of the aircraft, and its state of development, I will address its mission capability. The Navy mission capability for the F–111B has always centered around the long range missile carrying and multiple missile firing capability of the airplane/missile combination. The Navy requirements, as they were conveyed in specification form to the Contractor, detailed five design missions. The first of these was the fleet air defense mission, which is still our primary mission. The second of these employed the Phoenix in a distant air superiority role, such as over a beachhead. The third, fourth and fifth missions capitalized on the long range performance of the airplane to deliver nuclear and conventional bombs. We expect the aircraft to be capable of performing the fleet air defense mission as defined; and capable of performing flight to a distant beachhead area, where supported by appropriate Marine Tactical Data Systems or Airborne Tactical Data Systems it will provide an effective distant air superiority capability.

While the remaining missions which deliver nuclear and conventional bombs can be performed by the F–111B, they have become less important Navy requirements for the F–111B.

With regard to the fighter role, we must begin by considering what a fighter is. This is a current problem; the concept varies from Snoopy and the Red Baron (with white scarf trailing out behind, as in the Peanuts comic strip) through something in order of the YF–12 Mach 3 fighter proposed for continental air defense. The letter F in the military airplane designation simply means fighter, and we use that designation for fighter bombers, fighter interceptors, and general purpose fighters, some of which are intended for traditional dogfights, and some not.

Limited range fighters, such as the F–5A and extremely long range fighters, such as the F–111A, have considerably different

characteristics. The F–111B was designed to fill the fleet air defense role, which is essentially the fighter interceptor role. In such a role, it is supported by systems such as the Airborne Tactical Data System (currently carried in the E–2A), the Naval Tactical Data System, and the Marine Tactical Data System when near a beachhead. Assisted by these tactical data systems it performs more nearly a function corresponding to that of the fighter interceptor in the continental Air Defense Command, which operate under guidance of numerous control nets.

In 1966 the Chief of Naval Operations convened a study of the F–111B in its primary fleet air defense role as an interceptor. The aerodynamic characteristics of the assumed fleet F–111B aircraft were purposely viewed in a pessimistic manner compared with both Contractor supplied characteristics and the original specifications. The F–111B/PHOENIX was compared with the PHOENIX system carried in subsonic aircraft, with other fighters with other missile systems now visualized for the appropriate future era, and with variations of those other fighters which showed promise. The study employed the latest in dynamic simulator techniques, and used a base of knowledge about this aircraft and competing systems which we have established over many years.

It was the finding of this elaborate formal examination of the problem, and the judgment of the Naval officers who ran it, that the F–111B/PHOENIX system, on a deck-space and cost-effectiveness basis, was a better system for the fleet air defense role than any comparable system which could be introduced in the same time frame. We feel confident that this study has indeed shown, as well as anything but operating experience can, that this airplane, equipped with its PHOENIX missile system, will provide effective fleet air defense, and will meet the *military requirements* that led to its development, even if it does not meet all of the specifications that were the Contractor's guaranteed estimates of what the aircraft would do. The relative cost effectiveness advantage of F–111B/PHOENIX over competing systems is greatest for the more serious threats to the fleet. For lesser threats, the requirement for a complex fleet air defense is smaller and the other systems become more competitive. However, we find it necessary today, as in the past, to plan for the threats which the potential enemy is capable of launching, and this must include the serious and sophisticated threats.

We have treated this CNO study to sensitivity analyses for possible degradations in aircraft performance and modifications in cost. When all the elements of predicted ten-year operating costs, deck-space allocation, and effectiveness against threat, (including variations up to the highest threat that we believe could be mounted) are considered, we find that it meets our fleet air defense requirements better than any competing system available for study.

It now appears inappropriate to consider the F–111B as competing directly with the subsonic A–7 carrying conventional bombs. We are examining instead the possible employment of the F–111B as a missile platform in attacking with air-to-surface missiles with large stand-off ranges. In this role, its potential as a well equipped avionic platform with excellent performance, and its ability to return and land with unexpended expensive missiles, provides advantages that none of our other aircraft can match. We have not yet completely defined this new secondary role for the aircraft, which, in any case, would require the airplane to use stand-off missiles which have not yet completed development nor reached the Fleet.

In summary, we gave the contractor (and he accepted) a very tough requirement to meet, if he was to provide all the performance desired by the Navy and by the Air Force in the designs he initiated. As we examine the situation some years later we find that the aircraft will probably not meet all of the initial specifications and the contractor will have to accept some responsibility for this lack. It is, of course, not unusual for a military aircraft that uses advanced state-of-the-art to fail to meet some of the specifications, the real question is whether it meets military needs. We have examined whether the F–111B continues to meet the original primary military mission requirements, and we are convinced that in its primary air defense interceptor role the F–111B, equipped with the PHOENIX airborne missile control system, and firing multiple shots of the long range PHOENIX air-to-air missile, represents the finest fleet air defense system available in the immediate future.

The F–111B is now in the state of development where we are satisfied that the basic problems have been solved and that we have identified other design problems and we have solutions in progress. The overall success of an airplane is not determined by these initial technical problems, but is determined over the long run by how the system meets a solid military requirement. We are heartened by the fact that the Air Force now appears to be bringing its version of the F–111 into the operational inventory in a highly successful manner.

We base our expectation that the F–111B will be a satisfactory, carrier-suitable aircraft for its mission partly on the fact that corrections for the deficiencies discovered in the first serious flying of its development have been identified and designed, and partly on a historical record that tells us that mandatory deficiencies (frequently of a major kind) are normal in development aircraft emerging from Phase I NPE. In past development these have been corrected, with the result that we fly highly satisfactory aircraft in the Fleet.

NEW YORK CITY'S VEST POCKET HOUSING PROGRAM

Mr. JAVITS. Mr. President, I invite the attention of the Senate to New York City's proposed vest pocket housing program, the first in the Nation. It is a program which incorporates modern techniques of planning in one coordinated effort aimed at the problems and desires of individual neighborhoods. It works toward the rebuilding of each community on the basis of its unique history and character to meet the present needs and desires of its people. New York City has launched its own model cities program with a commitment of $15 million, most of which will go toward the vest pocket housing program.

This first step in New York's own model cities program was the subject of a searching inquiry when Jason R. Nathan, administrator of the Housing and Developing Administration of New York City recently appeared as a guest on the public affairs television program, "Youth Wants To Know."

I ask unanimous consent that highlights from the transcript of the "Youth Wants To Know" program, produced by Theodore Granik, a discussion by Mr. Nathan and a panel of interested students from Anacostia High School in Washington, D.C., Walt Whitman High School in Maryland, and Fairfax and George Marshall High Schools in Virginia, be printed in the RECORD.

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

YOUTH WANTS TO KNOW

(NOTE.—Made available through a grant from Mrs. Allie S. Freed, president, Buckingham and Claremont communities; created and produced by Theodore Granik; associate producer, Jay B. Cutler; assistant to the Producer, Susan Gallagher.)

Youth Wants To Know presents Mr. Jason Nathan, Administrator of New York City's Housing and Development Administration.

ANNOUNCER. Youth Wants To Know, the penetrating and provocative questions of America's young people, created and produced by Theodore Granik.

Mr. GRANIK. Welcome to Youth Wants To Know. Our Guest is Jason R. Nathan, Administrator of New York City's Housing and Development Administration, in proving the quality of urban life, America's most critical domestic problem, may very well find its prototype in New York City, symbolizes the grandeur and despair in life. Under the leadership and guidance of Jason Nathan, who has had a distinguished career in urban development, the City of New York has launched a penetrating attack on the root causes of the program, initiated a vest pocket housing plan, an action program which lays the foundation in the future of model's City's planning. What the program will encompass, how it will involve the community and what will be the design innovations are but a few of the areas about which Youth Wants To Know. Let's begin our questioning by a panel of high school students with you, David.

Question. Mr. Nathan, do you feel that the vest pocket program will be an answer to some of the problems of the ghettos of raising the economic standing of low income families and things like this?

Mr. NATHAN. Well David, I think it's one of a whole bushelfull of tools or answers to this problem. The old houses of ten or fifteen years ago, they used to think that the answer to all of these problems was a one shot affair—build housing but that isn't the answer, it's one of them. That's why we think so strongly about getting this new vest pocket program off the ground.

Question. How can you be sure that the people involved in this program will be happy with your results?

Mr. NATHAN. Well I think that what we are trying to achieve here and the way we are trying to achieve it Debbie is the best way I can express it. Everybody in this country has heard for years about urban renewal and public housing and the fact that the people in the neighborhoods object to them, negro removal, plans made back in city halls someplace and nobody knows what's going on, the essence to my mind for vest pocket program is that people in the communities have had a hand in developing the plan. We had since last Fall over 120 meetings in the vest pocket housing areas in New York of Harlem, Central Brooklyn and the South Bronx, and these programs in large part come out of these meetings with the communities.

Mr. GRANIK. It certainly takes in that East New York section where I was born.

Mr. NATHAN. Right, Bedford, Stuyvesant, Brownsville and East New York are included in the Central Brooklyn area.

Question. Mr. Nathan, what are some of the wide-spread criticisms you get of this program from the people involved?

Mr. NATHAN. Well so far I am sort of nervous because the criticism has not been widespread. I think the thing that was exciting a few weeks ago was that when a public hearing was held on the vest pocket program before the New York City planning commission the community groups were actually out in force supporting the program because they said its our program and it was a very heartening thing to me.

Question. Well sir, the militant negroes, on

the community action you talked about the vest pocket housing program, they do represent a segment of the negro community, are they in on the community action too?

Mr. NATHAN. I believe so to a very great degree. I had a session in my office just yesterday, a group of militant leadership from one of the areas. We talked about plans, we talked about jobs, we talked about the negro housing and militant or not, the interesting thing to me is that we were all talking about precisely the same needs and we weren't sitting on opposite sides of the fence from each other but we were in basic agreement on objectives. The question that we have to try to resolve is how to get there fast now, not five years from now. The problem of delay has been one of the root problems of the Cities—how do we get moving now?

Question: Sir, you said you want to move fast. I can see you want to start fast. But aren't you being a little unrealistic, I mean besides building houses you have to educate the people and this certainly can't come over night and this I think is one of the problems of the militant Negroes. Do you agree that you can move quickly?

Mr. NATHAN. Well, lots of people say I'm crazy when I say we should work toward doubling housing production for low and moderate income people in New York and my response to that is that I had better not be crazy because we have 450 thousand substandard housing units in New York and when we double it we have to go on to triple it. The housing problem, as I had in the beginning, is not going to solve all of the root problems but it does deal with a major element of environment in which people live. We can provide better education and we must but at the same time where people live has got to be worked on. That's why I say that we have to work on all of them at the same time. We can't wait to get better education before we start.

Question: Mr. Nathan, part of your program provides for bringing middle class families into the ghettos, providing housing for middle class families. How do you plan to attract these middle class families? What do you think will bring them back?

Mr. NATHAN. I don't think that the process of bringing back middle class families will come by housing alone. Let me answer it negatively to start with. I think that if we ever intend to work toward the day when Harlem is not a ghetto, then we must put something in Harlem besides low rent public housing. Because there are thousands of units of low rent public housing there and it contributes to being a ghetto. There has to be different kinds, different ranges, different economic levels of housing so there are choices and opportunities for people for residents of Harlem, Puerto Ricans, for anyone in Harlem to have a choice of low rent public housing. Or if his income has risen to have his choice of good, new middle income housing or moderate income housing but beyond that the problem of bringing middle income families there relates to making more than just a bedroom, more than just a closet out of the ghettos. Harlem has every physical attribute of a desirable community. The transportation is terrific, the location is terrific but if you have no reason to go there, except to sleep there, nobody else goes to Harlem. You have to bring other things except housing like community schools, like city wide facilities so other people including white people will go there.

Question: Sir, how do you account for the fact that more slums eventually regenerate into more slums and the cycle just goes over and over again as happened in many of the public housing instances.

Mr. NATHAN. Well I think this is one of the old, old problems. In fact out-dated problems that people have talked about for years. Why rebuild slums when they are just going to turn back into slums. The answer is number one we have to build, we have to provide decent housing facilities. Number two we have to manage them better. There are public housing projects throughout the country which are probably models of mismanagement and at the same time we have to provide more than just a house. We have to provide social services. We have to provide help to the families who have family problems—a reason for helping them out of anti-social behaviour—recreational facilities, job opportunities.

Question: Mr. Nathan, New York has had some of the strongest open housing legislation on the books for many years now. What has this done to stop the public housing areas from being ghettos?

Mr. NATHAN. I don't think it is in frankness, its done far too little, just scratched the surface. The open housing legislation has given you legal means through laborious court processes to enforce open housing but in too many cases it has been out of families reach, it has dealt with prejudices of people and it hasn't done the job.

Question: And yet in so many areas in the country everybody is in an uproar about getting open housing legislation on the books. Do you think that this is the first thing that we should be worrying about?

Mr. NATHAN. I think as I said before there are so many tools we have to be concerned about. The open housing legislation is important because it provides a legal framework for action but it is by no means an answer. It's one of the many tools.

Question: Mr. Nathan, in your vest pocket housing program, Mayor Lindsay said that federal funds would be needed eventually to complete the program. Well, if the funds don't come through will the whole housing program in New York fail?

Mr. NATHAN. No, not by any means. We are not jumping off on the vest pocket housing program and not knowing whether there is any water in the pool. We have the commitments of federal funds for the first stage vest pocket program of 8,000 units in these areas that we started on and the City of New York is going ahead with the seed money to start it, without waiting for the seed money from Washington. We are going ahead with a head-start program in housing and the federal funds have been committed for that.

Question: Mr. Nathan, you have recently voiced the crying need for private enterprise to come into the City. You said in fact that we are going to bribe them in. Is this necessary to vest pocket housing?

Mr. NATHAN. I guess I'll never live down that statement. But I think what I was trying to say in a joking fashion to whoever wrote the article in the newspaper that it is impossible to expect private enterprise which is by far the biggest and most resourceful part of our whole industry, of our whole economy. It's impossible to expect private enterprise to make major investments in the slums for the purposes of charity. Their stockholders are stockholders because they expect to make a profit on it. It seems to me that if we are going to bring the innovation and the "dynamism" and the drive of private enterprise into helping the Federal, state and local government do what they have failed so miserably to do which is to deal with the slum problem so that we have to provide financial incentive to bring them in.

Question: Mr. Nathan, when private enterprise builds a building on one of your lands for urban renewal do you have any control over the land charge?

Mr. NATHAN. This depends on the kind of situation we are talking about. If the property is sold to private enterprise for so called fully tax paid housing for example then there is no limitation. It depends on what kind of controls you seek to put on it. What kind of housing to build. If you are attempting to achieve middle income housing, then we would sell it to a private non profit sponsor who would build housing under an agreement to serve certain income levels and certain rentals. If it's for low rent public housing it would be specifically regulated to deal with that level.

Question: The units which you are building for the vest pocket, are they also going to be cooperative? Are they also going to be owned?

Mr. NATHAN. If there is anything the community has said to us that they want to mix. Our present plans based on the way the communities came out with it in this vest pocket housing program that the Mayor announced two weeks ago is for 8,000 units in the first stage, 8,000 units of housing of which 6,000 will be new, 2,000 will be rehabilitated, and of that 8,000 approximately fifty fifty, 4,000 will be low rent public housing and 4,000 will be moderate income housing. Some of it rental, some of it co-op.

Question: Mr. Nathan, then would you support proposals by Senator Percy and Senator Kennedy to provide for home ownership?

Mr. NATHAN. Well, I think the concept of home ownership is very, very important. I have serious questions as to whether or not the tremendous number of proposals for home ownership really spearheaded by Senator Percy whether or not these proposals are getting down to the low income group. I think that most of them are dealing with families in the $5,000.00 to $10,000.00 bracket and it really isn't relative to the low income families, at least the proposals I have seen in New York.

Question: Mr. Nathan, getting realistic, how are you going to attract middle and high income suburbanites to live in the city. What incentives are there?

Mr. NATHAN. Well let me state two very strong convictions. Everybody talks theory. The rich man and the poor man. You can't mix water and oil. It's funny, you drive along third avenue in New York which has been completely rebuilt with badly designed luxury apartments since World War II. And right around the corner from those high rise luxury buildings on third avenue right around the corner are five story old tenements some of them still under rent control with low income people and there doesn't seem to be a bit of a problem. We make more of a problem in theory than it is in fact. And the second thing is if we provide good housing buys, the pocket-book nerve is going to be a very effective part of the picture.

Question: But isn't the matter of education, the matter of facilities, the matter of people in suburban homes, who would rather be there?

Mr. NATHAN. Well, I think Philadelphia, among other cities has proven something and that is the attractiveness of living in the center of the city. I wouldn't, if my life depended on it, live out in the suburbs, but I happen to be prejudiced about living in the center of town. I think a lot of people feel the same way. Coming in from that postage stamp of grass that you are wedded to I think has lots of advantages.

Question: Mr. Nathan, in this case we are talking about mixing low and high income groups but I think you will have to admit that there is a very deep racial problem also. How are you going to convince white middle class people to move into the lower Negro areas.

Mr. NATHAN. Probably the only way we can even deal with this is the process of time and contact. Ignorance and wild assumptions are a difficult thing to overcome. But right now as I said before we had 35,000 units of middle income housing scattered around New York and in many, many of those projects, many, many whites and negroes are living together and no one thinks a thing about it. The discouraging thing that

all of us recognize is that we always hear the bad stories but we don't hear the heartening stories about people living together in peace and friendship.

Question: What are you going to do though about the middle class person who is already in the suburbs, who has firmly established in his mind the idea that Harlem is what it is now. How are you going to convince him to move to Harlem with all the connotations that it now has?

Mr. NATHAN. I don't expect to. Maybe next week I will be a magician. I don't expect to remake people's minds. I would hope that as they get less emotional and as they recognize that they cannot wall off themselves from the rest of the city's problems. This is not a matter of asking people to move to Harlem. It's a matter of living and let live. It's a matter of giving other people opportunities or not standing in the way of other opportunities.

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

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

The legislative clerk proceeded to call the roll.

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

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

U.S. COURT OF LABOR MANAGEMENT RELATIONS

Mr. MORSE. Mr. President, yesterday, I had planned to testify before the Subcommittee on Improvements in Judicial Machinery of the Committee on the Judiciary on S. 176, a bill for the settling of labor disputes that affect the vital interests of the public. It was introduced by the distinguished Senator from Florida [Mr. SMATHERS].

I had prepared my testimony for that hearing, and expected to be able to testify at 2 p.m. before the subcommittee; but the Senator from Florida became involved in other matters that necessitated a postponement of the hearing, which I fully understand and appreciate, and it is perfectly satisfactory to me. However, I, too, have a great many other responsibilities that are taking me away from the Senate from time to time these days, and I do not know how soon it will be possible for me to appear before the subcommittee; and I desire to have my views a matter of public record. Therefore, I intend to present a summary of my testimony at this time on the floor of the Senate. I shall be available to testify—in fact, I am requesting that I have the privilege of testifying—before the subcommittee at an early date, when the chairman reconvenes the hearings on S. 176. I will then be subject to examination by the subcommittee with respect to my views in regard to how I believe emergency labor disputes that imperil the health, safety, and security of the country should be handled.

At this time, I wish to make this statement for the record.

Yesterday, I sent to the press a mimeographed copy of the testimony I would have given before the subcommittee, and I shall use that statement as the framework of my comments at this time.

The hearings that have been underway before the Subcommittee on Improvements in Judicial Machinery of the Committee on the Judiciary deal with a bill introduced by Senator SMATHERS, S. 176, to establish a U.S. Court of Labor-Management Relations, referred to generally in the press as a court of compulsory arbitration. Generally, the hearings appear to date to be directed toward a solution of the problem presented by labor disputes that would adversely affect the public interest of the Nation. The bill is not—and it is my understanding that the hearings generally are not—intended to deal with any area of labor-management relations except for such disputes.

I feel qualified to appear before the subcommittee and to make the speech today on this subject matter. I wish to point out, however, that I believe the subject matter is appropriate for the consideration of the Committee on Labor and Public Welfare, not the Committee on the Judiciary. The mere fact that the words "labor court" are used in the bill does not, ipso facto, automatically bring it within the jurisdiction of the Judiciary Committee.

The bill deserves to be considered by the Labor Committee because, from time immemorial, the Labor Committee has had jurisdiction over legislation that deals with the regulation of labor disputes.

In any event, I believe that the bill, after it is considered by the Judiciary Committee, should be referred to the Labor Committee for the consideration of the Labor Committee, before the bill comes to the calendar of the Senate.

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

Mr. MORSE. I yield.

Mr. JAVITS. I have had in mind testifying on this bill for labor courts because it seems to me to be a monumental, historic departure from the concept of collective bargaining that we have spent decades building up. It seeks to shortcut the process with which we have been struggling to deal with strikes which tend to tie up the Nation in an important segment of industry, such as railroads, airlines, and similar strikes, with which we have dealt in the Labor Committee.

I should like to join the Senator from Oregon in taking a stand against such a bill. The best that can be said for the bill is that it is very premature. But what is more important is that here is a totally new collateral attack on the collective bargaining system, with which we are having enough trouble as it is; and the bill will tend to divert energies toward contending with it, when it is really not apposite to the situation, under anything we can see in the present and look forward to in the future.

We would be much better advised to do what the Senator and I have urged—to consider the range of alternatives available to Congress, the President, and the country for dealing with these so-called national emergency strikes which have frustrated us. In the case of this bill, we are sort of going off into Alice in Wonderland. We are talking about labor courts when the country is not remotely ready for it. It is a different situation from the basic social and economic structure of the country which is based on collective bargaining and trade unionism as it exists today.

Mr. MORSE. I appreciate the intervention of the Senator from New York, and I agree with him.

I have been on the Committee on Labor and Public Welfare for many years, and measures always have been referred to the Labor Committee when they deal with any proposal that would regulate by legislation labor disputes in this country.

It is self-evident that the purpose of S. 176 is not to establish or change judicial procedure, but to deal with big strikes.

This is labor legislation. As such, it should have the review and consideration of the Committee on Labor and Public Welfare.

In the meantime, this hearing record should show some of the basic objections to this particular means of coping with national emergency disputes.

The present title II of the Taft-Hartley Act was passed by Congress in 1947. It was the result of the rash of strikes which followed the return of our country to a peacetime economy and the lifting of the wage-price controls which had been present during World War II. During that period there had been a voluntary agreement not to strike or lock out and the War Labor Board had adjudicated all requests for increases in wages. That was a wartime measure instituted to control the inflationary tendencies of a war economy. As a former member of that Board, I can say it worked and worked well.

It worked because it was based on a voluntary agreement entered into between labor and management that for the duration of the war they would suspend their right to strike and their right to lock out. It worked during the war period when all of us were willing to give up a portion of the usual freedoms we enjoyed.

Peacetime is quite different. In peacetime we traditionally do not want the Government to tell us what price to sell our merchandise at or exactly what the labor conditions of our employees should be. However, when the strikes during 1945, 1946, and 1947 appeared to disrupt our Nation's economy, legislation was passed in an attempt to solve the problem.

The 1947 legislation was not good legislation and very shortly thereafter Congress, or at least the Senate, attempted to devise some amendments to title II of Taft-Hartley in order to perfect the emergency dispute provisions of our labor laws. In 1952 the Senate Committee on Labor and Public Welfare reported by bill S. 2999 of the 82d Congress. The report on that bill, which was recently reprinted in the committee print, "Federal Legislation To End Strikes: A Documentary History," published by the Labor Subcommittee during the recent railroad shopcraft dispute, clearly sets forth the various possible avenues of legislative action. It concluded that only minor revisions of the provisions of title II were possible; however, in the rush to adjournment that year the bill was never acted upon.

In 1952, the Labor Committee rejected

the thought of instituting a system of compulsory arbitration for the settlement of emergency labor disputes. Since that time I have not seen any reason to change my judgment that the committee was correct in this conclusion.

COLLECTIVE BARGAINING IS BASIS OF LABOR-MANAGEMENT RELATIONS

The American system of labor-management relations is called collective bargaining. It proceeds upon the premise that given the time, management and labor have the ability to solve their own problems by sitting down across the table from one another and talking out their differences. Sometimes, and this is relatively infrequently, bargaining breaks down and resort is made to some sort of self-help to further the objectives of one side or the other and it also takes the form of lockouts or strikes. But this self-help is only for a limited period, because its only purpose is to induce the other side to agree at the bargaining table to the earlier demands which led to the use of self-help. The basic premise of the system is that the parties will be able to solve their differences between themselves without resort to outside interference or help. This means that neither side wants Government intervention because when the Government intervenes the parties lose control over the bargaining. They also lose control over the outcome. Of course the claim is made that weak industries are unable to hold their own against their workers and they need the counterbalance of the Government to stand against the might of unions that wish to drain all of the profits of the company to its workers, so it is alleged. Everyone knows that this is hypocrisy. Every union wants to continue a business which keeps its members' jobs healthy, for without a healthy business there are no jobs.

Moreover, the kind of dispute this bill would affect is hardly likely to be one involving small, weak companies or industries. There are those, however, who believe that the system which we have developed has developed middle-age spread. They believe that the strikes which occur causing inconvenience to the public should be eliminated. They therefore propose some sort of mechanism which they believe will deal fairly with both sides but will eliminate strikes. They seldom mention lockouts, but, of course, lockouts would be included. They propose a decisionmaking body of one sort or anothe another which will settle the disputes which cause the strikes.

One commonly heard argument in support of the labor court concept is that it is used in other countries of the world. There are two fallacies contained in that argument. First is the conclusion that it has worked well, but the subjective conclusion that it has worked well is not justified, since our system has never been tried in those countries. Collective bargaining is desired by many of the labor experts of Australia and New Zealand.

Second, and much more important, is that while a system may be perfectly viable in a country with a population of 11,335,000, we have almost 200 million people in the United States and a regular work force of almost six times the entire population of Australia. We all know that the democracy as practiced in ancient Greece on a city-State level is not possible in our country today. It cannot be assumed that what is done in small, largely agricultural countries with small labor forces will work well for the greatest industrial nation in the world which is almost 15 times as large.

These things are seldom as simple as they appear at first glance. Of course, if a court or an arbitrator decides the matter in dispute, that dispute is gone and there will be no strike or lockout. But there will also be no collective bargaining because one side or the other will know that he can do better appealing to the independent third party than he can by means of bargaining. So he will sit tight and not bargain. So more and more the parties will just turn to that wonderful third party to tell them what to do.

When the Government tells you what to do, that is Government regulation. And when the Government can tell you what wages to pay your workers it is only one short step for the Government to tell businesses what prices they can charge and what profits they can make. Economic freedom, as we know it under our private enterprise system, goes out the window. Sure, it is much nicer and simpler not to have strikes, but how many of us want arbitrators, the courts, or the President of the United States to tell the country what wages the workers shall get, what profits the businessmen of the country shall make, and, of course, as we are so well aware right now, what the level of taxation of our citizens shall be?

Any solution to what can and must be described as basically a minor convenience should not destroy one of the things that has made this country's economic system so productive and so profitable—free collective bargaining.

You may ask, what about situations such as the recent railroad shopcraft dispute where you stated that the national welfare was being endangered? The Congress of the United States has done well to deal with each problem as it arises. We cannot use an atom bomb to kill one fly. No element in our entire private enterprise system is more basic to the system than is collective bargaining. I see no reason for Congress to shun its responsibility to protect the public interest through the commerce clause, by delegating this responsibility to another Government agency, on blanket terms to be applied to all disputes that meet the definition.

True, we have strikes of national impact from time to time. Where necessary, Congress has provided the machinery for terminating them. There is no evidence whatever that these disputes have unduly burdened the Congress, for this is one of the things we are here for.

I have been heard to say in past debates on this subject matter in the Senate that so long as the interstate commerce clause is in the Constitution, the Congress of the United States cannot and should not escape its responsibility to deal with an industrial dispute that reaches such a proportion that great jeopardy is placed upon the public interest. It is the Congress which has jurisdiction over interstate commerce, and the sole jurisdiction of Congress in the field of industrial relations stems from the interstate commerce clause. Oh, I know serious labor disputes are hot political potatoes. I understand politicians, I think, pretty well. They would rather not burn their fingers on them. But they were elected to office to carry out their responsibilities to every section of the Constitution of the United States, including the interstate commerce clause.

Let me say to the voters of this country, "Do not let your Congress ever duck its responsibilities in regard to great national emergency labor disputes. You elected them to protect you when you had a special situation that calls upon Congress for congressional action."

Now, they are few and far between, but that does not justify Congress seeking to pass a compulsory arbitration law and calling it under the very interesting label of "court of labor relations," and turning over the economic welfare of millions of workers and hundreds and thousands of employers to so-called judges who do not have the slightest background, training, or basis for handling questions of wages, prices, taxes, and profits.

We cannot separate those questions from the question of determining major labor disputes on a compulsory basis in this country. That is why I never have and never shall vote for a compulsory arbitration law. That is why I shall always be proud to have my record show that I was one of two Senators who voted against the only compulsory arbitration law ever passed by the Senate.

Thus, as one who has worked in this field for 32 years—for I arbitrated my first case 32 years ago and have been involved in many, many, in fact several hundred, major labor disputes in this country in the past 32 years—I shall never be a party to supporting compulsory arbitration legislation which seeks to substitute for that precious freedom, the freedom of employers and workers to iron out at the collective bargaining table their differences over wages, hours, and conditions of employment, the judgment of whatever number of men are placed on a so-called labor court to settle issues which are not judicial at all.

That is one of the basic fallacies in this whole approach to compulsory arbitration. We are not dealing with judicial issues. We are not dealing with litigious legal concepts. We are dealing with the basic economic rights of men and women among labor and among employers as to what their economic relations shall be in respect to the employer-employee relationship. That is why this proposal would establish a kind of statism in the American economy, a kind of collectivism in the American economy, a governmental dictation of the working relationships which are to prevail in a so-called democratic society between employers and employees. When we do that, we are not dealing with questions of legal rights. We are not dealing with questions of judicial problems. We are dealing with the economic relations between supposedly free employers and those free men and women who are the employees.

I will never cast a vote to enslave American employers and American workers under the arbitrary discretion of a so-called labor court. Because, when we do, we destroy the freedom of collective bargaining in this country.

Oh, the argument is made that I do go along with the exceptional cases. I shall cover those situations. They do not destroy free collective bargaining. We merely recognize that under our constitutional system that there is no absolute right to strike or lockout. It is a relative right. But it is a superior right in most instances, and becomes a subordinate right in few. When we get a great labor dispute which imperils—note my language—which imperils the health, safety, and security of the American people, then the superior right of the American people to governmental intervention subordinates the very precious right of management to lockout and workers to strike.

That is not the Smathers bill. The Smathers bill seeks to give jurisdiction to the court in a case in which they find it involves public interest.

What case does not? But they are altogether different from the emergency disputes which imperil the health and safety of the Republic under the Taft-Hartley law. How many such disputes have there been? Twenty-eight. Listening to some of my colleagues, we would think that a great strike peril was confronting us 24 hours a day because, from time to time, free men and women who are employees and free men and women who are employers exercise that precious freedom of the right to strike and lockout.

Well, let me say to those who are inconvenienced by strikes and lockouts, do not forget that the price of freedom comes high. But, it is worth it. It is worth all the inconveniences one has to suffer in the case of a strike or lockout, when that strike or lockout does not involve an imperilment of the health, safety, and welfare of the American people.

What does the Smathers bill propose to do? It proposes to take any labor case before an arbitration tribunal into a court for a compulsory decision, if it is alleged or a complaint is filed which claims the public interest is substantially involved. The public interest is involved in every labor dispute. That does not justify having the Government come in and dictate the terms of the economic life for the people involved in a good faith labor dispute.

If we do not understand that deep philosophical concept of the meaning of economic freedom for American workers and American employers, then we have not grasped the real meaning of the great strife which has occurred and developed in this country over the years for the rights of free men and women to bargain for the hours, wages, and conditions of employment in their relationships with employers.

We have fashioned specific machinery for specific disputes, in specific situations. By so doing, we have left collective bargaining as intact as it can be left after a national work stoppage. We have left the responsibility for wages and working conditions where it belongs—in the hands of union and management.

Once remove that responsibility from private hands—once put it in a permanent public agency—and we will have moved a long way toward the substitution of government fiat for private decisionmaking throughout our whole economic system.

Management has more to lose from this procedure than anyone else. Wages are one of its major costs, if not the major cost. Once this part of its business enterprise is turned over to a government agency for determination, management's operation of the enterprise is severely reduced. And that government agency is not going to be guided solely by what is good for management, but by its own charge to the public interest. Statism, collectivism, in labor-management relations is not going to benefit either party in the long run.

Congress, in short, is not too busy to deal with a national labor dispute of the proportions covered by this bill. Better that we should continue doing so on an ad hoc basis than turn over to a new bureaucracy so important a part of our economic life.

BILL IMPOSES NARROW SOLUTION ON ALL DISPUTES

Let me turn now to the terms of S. 176. I sympathize with what Senator SMATHERS is trying to do. He wishes to establish a course which would solve all emergency disputes. His bill has, however, only the most superficial relationship to the means provided under Public Law 90–54 which settled the railroad shopcraft dispute.

I do not agree with the principle of S. 176 that a court which must decide each case upon the record of evidence made before it is the best means of solving all national emergency disputes. Our recent rail board had no such constriction. Ours was not an arbitration board, as this court would be. Ours was a mediation board, empowered finally to propose a settlement within the bargaining history. That was our guideline; not the evidence subject to court rules, which so often can mean that the side with the best lawyers and best economists makes the best record. The arbitrator has no choice, then, but to make his award on that basis.

The arbitrator is bound by the record. The arbitrator is bound by the preponderance of the evidence. The arbitrator is subject to reversal if his decision cannot be documented and the transcript of the record applied to the burden of proof and the preponderance-of-evidence rule. A mediator is not so bound. The mediator seeks only to bring the parties to a conscionable compromise of their differences irrespective of the evidence.

A mediator takes into account the economic position of the parties. In the railroad case, we took into account, for example, the fact that for every day of strike the railroad companies would have lost $12 million-plus per day in expense losses alone, plus every dollar, amounting to millions more, of income from the railroads.

We took into account the fact that the public, in time of war, if a railroad strike brought the economy of the country to its knees in the midst of a national crisis, would lose hundreds of millions of dollars a day. We took into account what, in the long run, the workers and their families would lose in dollars and in public good will. That was what the mediators took into account along with such factors as were presented. We took into account what was fair for the workers today by way of a concession to them here and to the carriers there. We considered what would be a fair, commonsense, equitable solution of their differences.

It is an entirely different process from arbitration. It is not understood, I know. It is not understood by many in the labor ranks in this country. How well I know. I have taken their criticisms. But their criticisms never have the slightest effect on me so far as fulfilling my responsibilities is concerned when I am in charge of a labor case. We protected the legitimate rights of the carriers and the workers in that case by holding within the framework, as Congress provided for in the statute it passed, through a mediation process, not an arbitration process.

What is more, we protected collective bargaining as an institution, in this and in all other industries.

Mr. President, should industrial relations be subjected permanently and by compulsion to the straitjacket of compulsory arbitration? Are wages and working conditions really an appropriate subject for the rules of courtroom law? I think not, as a general rule. How many other business contracts, mergers, and so forth, would businessmen care to see arranged exclusively under such rules?

Each dispute in the labor field is unique. A permanent court of five men will not necessarily make available the men who may be best qualified in a particular dispute, especially since those who serve on it would have very few cases to handle. Ad hoc procedures, on the other hand, allow the use of the individuals best qualified to contribute their talents to the given case. The type of court proposed in S. 176 would exclude some of the Nation's best qualified laymen in industrial relations from contributing to the solution of labor disputes.

BILL EXPANDS DEFINITION OF EMERGENCY DISPUTES

I have already noted that the bill changes the definition of emergency disputes under Taft-Hartley from disputes which "imperil the national health or safety" to those which would "adversely affect the public interest of the Nation." Under the Taft-Hartley definition, there have been roughly 28 disputes since 1947 which could have gone to the court provided for in the Smathers bill.

That is an average of 1.4 disputes a year. During 4 of those years, there were no emergency disputes at all.

On the basis of the Taft-Hartley definition, one must conclude that this five-man, permanent court would have almost nothing to do. But under the definition of the bill, it would appear that most disputes would come under its jurisdiction and would be settled by pure and simple compulsory arbitration.

So we have to ask ourselves, is not eco-

nomic freedom worth something? Is it not worth inconvenience, is it not worth sacrifice; yes, is it not worth some of what S. 176 calls an adverse effect?

Remember that the dispute which "imperils the national health or safety" is a dispute so far reaching, so comprehensive, so vital that the national health and safety must come ahead of the interests of the parties. That was the situation we had in the recent rail dispute.

But the definition which changes "imperils" to "adversely affects" and changes "the national health or safety" to "the public interest" is going to turn over to compulsory arbitration the general, run-of-the-mill labor disputes anywhere in the country. The adoption of this bill would encourage one side or the other not to participate in good-faith collective bargaining, because they will sit down and see if they can gain more with the compulsory arbitration court. The Smathers bill would be an inducement to the breakdown of the precious right of freedom called free collective bargaining.

We still live in an economic and political democracy. There are no guarantees in a democracy; there are no guarantees of high wages or profits or success in the free enterprise system. We have thought the price of occasional inconvenience, of occasional loss of profits, of occasional loss of wages and family income was worth paying for the precious right of economic liberty.

ARSENAL OF WEAPONS APPROACH

Finally, I would elaborate on a point which I have already touched upon. I do not think there is one single solution which should be applied to all difficult labor-management disputes. That only complicates the situation. Everyone knows before the bargaining even begins how it will end if the parties do not make their own contract. The only permanent legislation in this area I have ever thought sound was the one that called for the so-called arsenal of weapons, which provided alternative solutions that could be applied depending upon the circumstances.

I think Public Law 90–54 was a sound solution for the recent rail dispute.

But who knows whether it would be appropriate for the next national emergency? It may not be. Certainly I would hope it will have the effect of discouraging both parties to rail bargaining from seeking a publicly imposed solution again.

In labor relations, nothing is more important than that the options be kept open. Congress should keep its options open, too. I know the groans and moans that go up in this body when a major dispute appears to be headed for legislation. The cry is heard that we should rid ourselves of labor issues, because they bring political repercussions no matter what a Member of Congress does. Many bills are based upon the desire for a politically painless solution to labor disputes. There just are none.

LABOR NEGOTIATIONS WILL BECOME MORE POLITICAL, NOT LESS

No one knows better than I that legislation in this area can be politically painful. But no one should be deluded that labor relations can be removed from politics. I would serve notice upon every Member of Congress that you turn over to a public body the job of writing wage contracts, and you will plunge Congress into a political pit that will make you wish for the good old days when you only had to worry about one dispute at a time.

You will bring into politics the whole spectrum of wages and working conditions. The members of the court will have to be appointed and confirmed; the guidelines any such body applies will be subject to amendment. You will have Congress lobbied so hard from all sides that wage levels will become a major and direct political problem for every candidate for Congress.

We in Congress are in charge of establishing wages for postal workers and civil servants. What this bill, and others like it do, in effect, is not to remove Congress from the labor field, but to put the whole massive set of private labor negotiations right in our laps, along with civil service and postal wage scales.

Do you think the Mine Workers and the Auto Workers and the Longshoremen—to name just three unions—will leave us alone, once we assign contract writing to a labor court? To the contrary, they will hold us responsible for the men on the court, for each of their decisions, and they will seek to improve their economic position by further legislation.

General compulsory arbitration, as provided by S. 176, will, in my opinion, do more harm than good to industrial relations, and I do not believe Congress should turn to it.

Oh, I made this plea in 1963, when I pleaded against that compulsory arbitration bill which came out of the Commerce Committee urging compulsory arbitration for the settlement of the railroad dispute in 1963. I was one of two Senators who voted against it. If one will read the RECORD, he will find that, looking up at the front row of the gallery, where there were sitting some of those who had brought the pressure and the lobbying techniques to bear upon the Senate to pass that law, I said to them, pointing my finger at them, "You will rue the day that you brought the pressure on the Senate to pass this compulsory arbitration law, for you leaders will have to assume the responsibility of passing the first compulsory arbitration law ever passed by the Congress of the United States."

I want to say, in complete fairness to them, that many of them have told me since how right they considered I was in 1963 and how much they appreciated the position I took. Well, I have had some difficulty with some of them since, as I have participated in the solution of some labor disputes, including two east coast dock cases, the airlines case, and recently the railroad case. When I am put on a board that is in the middle and called upon to settle a labor dispute, I never permit my obligations to that board to ever mix with my political views.

But today I am discussing what I think are major tenets of our economic and political philosophy that ought to be considered by Members of the Senate before they vote on the Smathers bill, if it ever comes to a vote. In my judgment a vote for the Smathers bill will be as great a mistake as the Senate made in 1963, when it voted for the first compulsory arbitration law in the history of the Republic. I hope such a vote will never be cast again, because it is most important that we see to it that workers and employers in America remain completely free to participate in collective bargaining between themselves for the determination of their wages, hours, and conditions of employment, and that no restriction ever be placed upon that freedom except in those rare and novel cases where a course of economic action on the part of workers and employers in a dispute imperils the health, safety, and security of the Republic. Even then, the Congress should assure that in protecting such a major, superior public interest, it does the least possible to interfere with collective bargaining.

VISIT TO THE SENATE BY THE RIGHT HONORABLE CLEDWYN HUGHES, M.P., SECRETARY OF STATE FOR WALES

Mr. DIRKSEN. Mr. President, it has been my privilege to bring to the floor of the Senate a very distinguished visitor, who is the Secretary of State for Wales, and who was appointed for that purpose in April 1966. He is also a Privy Counselor who served as a member of the Cabinet in Britain, and he is one of the foremost spokesmen for the Labor Party. He is a stanch Welshman. I have often expressed my high regard for Wales. I remember when I first encountered the middle name of John Llewellyn Lewis. I became curious and found out that he was a Welshman.

Subsequently, when I was a college student, I was assigned to sell books to farmers in an area of South Dakota, variously populated with Welsh people. I was a master at doubletalk, as it were, and almost got to the point where I could talk in Welsh.

Our visitor is a distinguished person who has served Her Majesty's Government so nobly. It is my privilege to introduce the Right Honorable Cledwyn Hughes, Secretary of State for Wales. I trust Senators can take a moment, after applause, to shake hands with our distinguished visitor. [Applause, Senators rising.]

Mr. President, it has been my pleasure, shared by other Senators this day, to meet and greet a distinguished visitor to this country and to this body—the Right Honorable Cledwyn Hughes, a member of Her Majesty's Privy Council, a member of the Cabinet, a member in Parliament from Anglesey in Wales, and Her Majesty's Secretary of State for Wales.

This is an office in the British Cabinet recently created to fill a long-felt need—one hoped for, aspired to, fought for, and desired by countless generations of Welshmen loyal to the concept of the United Kingdom.

Mr. President, in no way do I desire to intrude on this floor on matters that properly belong to our British friends. But I am moved to say, Mr. President,

that I rejoice with my fellow Americans of Welsh blood in not only the creation of this important Cabinet position, but in the dignity and ability that is being demonstrated by the present holder of this office.

I am moved to speak as did John Milton, a one-time Secretary of State for Foreign Affairs when Britain was a Commonwealth—who said of another who then held the responsibility of moving forward the affairs of the principality in the United Kingdom:

And all this tract that fronts the falling sun,
A noble peer of mickle trust,
And power has in his charge, with tempered awe to guide
An old and haughty Nation proud in arms.

—JOHN MILTON (1608–74).

Thus spake Milton, and in this context I can only say that the right honorable gentleman, the Secretary of State for Wales, has already brought to pass through the British Parliament an act that for the first time in over 700 years grants the ancient and honorable tongue of Wales full legal status in the courts of law within the ancient realm of British princes. This is a meet and goodly thing, but of equal importance is the guidance that is being given this "old and haughty nation" in making further contributions to the industrial Western World.

Welsh is the language of poets and hearthstone, but English, of course, is the language of commerce and all Welshmen today speak English, as many of them speak Welsh. We look back with admiration at this little nation that has so long contributed to the cause of freedom. We recall that it is said Thomas Jefferson and 16 of the other signers of our own Declaration of Independence were of Welsh blood and that a Welsh prince of Wales was signatory to the Magna Carta. We honor the leadership given by her sons and daughters both at home and abroad in war and peace, in labor and in commerce and agriculture, and especially wherever tyranny is to be denied.

May I add, Mr. President, that I am especially glad to welcome to this, our Capital City, a member of the British Cabinet charged with furthering the affairs of this small, but vitally important part of the islands of Britain—who together with her sister nations in the United Kingdom have for so many decades been our stanch allies in the cause of peace, freedom, and human dignity.

While men of Welsh blood look back with affection and pride to their long and tempestuous history, it is now obvious that, as demonstrated by Mr. Hughes' visit to the United States, the future holds bright promise for the people of Wales as they, with their skills and determination, diversify and expand their industrial contribution to their nation and the world.

Further, Mr. President, it may interest Senators to know that one of the few remaining Welsh churches in the United States is in the city of Chicago where services are held in the ancient British tongue—a reminder of how many Americans in my State and in others have their roots in this lovely little corner of Britain.

I ask unanimous consent to have printed in the RECORD the speech which Secretary Hughes delivered at noon today to the Interparliamentary Union group at a luncheon here.

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

SPEECH OF HON. CLEDWYN HUGHES, SECRETARY OF STATE FOR WALES, TO THE INTERPARLIAMENTARY UNION, U.S. GROUP, AT A LUNCHEON ON OCTOBER 19, 1967

It is a great privilege for me to be your guest today and it is particularly pleasing to me that this luncheon in my honour should have been arranged by the Interparliamentary Union—U.S. Group. I have been a member of the United Kingdom Group of the I.P.U. for 17 years and throughout that time I have taken a keen interest in the work of the Union. The Union's record is an enviable one and I believe that the Union will continue to make a massive contribution to better understanding between all those of us who are proud to be members of it.

My Department of State, the Welsh Office, is a very young Department; it is not yet 3 years old. The office which I hold—Secretary of State for Wales—carries with it membership of the British Cabinet. My particular job is to represent the needs and aspirations of Wales and of the people of Wales in the Cabinet—that is, in the most important forum in our system of government.

As Secretary of State I am the Minister of the Crown who is directly responsible for a wide range of executive functions for Wales—housing, local government, roads, environmental planning, economic planning and so on. But, of course, as a member of the Cabinet I share with my colleagues the collective responsibility for all my Government's policies and decisions.

The main purpose of my visit to the United States is to meet industrialists, bankers, businessmen and a host of others to talk about the exciting prospects for those Americans who are prepared to undertake industrial investment in the United Kingdom. I am not here to "bang the drum" for Wales alone, but as every perceptive investor will know the most fertile fields awaiting cultivation in the United Kingdom are found in Wales! The Welsh people are noted for being completely fair and unbiased in these matters!

My most lasting memory of this visit will be of the extraordinarily friendly welcome I have received. I have met a large number of members of Welsh societies and organizations—people who are first class citizens of this great country but who nevertheless cherish their links with the land of their fathers, grandfathers—and even farther back in history. Back in fact to 1170—which as every good Welshman knows is the year that the son of one of our Princes discovered America, long, long before anyone else thought of it!

The strength of the links was brought home to me very forcibly yesterday I had a long talk in the Welsh language with a Washington lady whose forebears came to this country in 1834 and who herself has never set foot in Wales. And it was brought home to me very movingly last Sunday when the children of a church which I attended at Wilkesbarre sang a hymn in Welsh.

For generations—indeed, for centuries, the Welsh people have greatly influenced and contributed to the growth of this country. And of course people from other parts of the United Kingdom have also played their part.

At home in Britain there is a lively debate going on—largely in the columns of the press—about the question of relations between the United States and the United Kingdom. Mr. Alfred Friendly drew attention to this in a recent article in the Washington Post and referred particularly to some remarks made by Lord Chalfont in an interview with an Italian newspaper and subsequently on television. Lord Chalfont, as you may know, is the Foreign Office Minister charged specifically with conducting the continued day-to-day handling of our application to join the E.E.C. and he has recently established himself in Brussels for this purpose. The London Times in its report on Lord Chalfont's recent statements used a rather sensational and certainly quite misleading headline—"Britian breaks special link with U.S." It is this as much as anything which has led to so much public discussion of what has so often been referred to as the "special relationship" between our two countries.

I should just like if I may to make one or two comments on this question, since I feel sure that headlines such as that used by The Times are liable to mislead the many friends of Britain in this country.

The basic trouble is that people in Britain tend to talk about a "special relationship" without really thinking deeply enough about what they mean. There are I believe two aspects of our relations which have to be looked at separately.

The first is what I might best describe perhaps as the "human" links between our two peoples. What I have in mind here is our common heritage of language and all that that implies in the cultural field, as well as our very similar conceptions of law, government, democracy and so on. These things are organic. They were not created by any act of government policy and equally cannot be and will not be abolished by any act of government policy. As Mr. Friendly put it, "this relationship persists whether anyone wants it to or not". My own experience during this visit is ample proof that Mr. Friendly is absolutely right. And the sympathy and understanding which flow from these human links is important, significant, and enduring.

The other aspect of our relationship, and this is the one of which Lord Chalfont was speaking, is the working relationship between our two Governments. This of course benefits from the other communtiy of feeling to which I have already referred, but it is not governed by it. Both our Governments have the duty of pursuing the interests of our two countries as they judge and assess them. It is by definition a feature of governments in the free and democratic world that the pursuant of self-interest is enlightened and should not be at the expense of others if this can possibly be avoided. This is not to say that we are always in full and perfect harmony—life would be rather dull if we were—but your country and mine both believe, with considerable justice in my view, that we are on the side of the angels.

Against this background, our handling of day to day problems inevitably goes on through periods of ups and downs. Many of you will not have been happy with the decisions we have found it right and necessary to take in the field of defense policy East of Suez. We have not enjoyed taking these decisions nor have we enjoyed the fact that you find them unpalatable. But the fact is that if we are to have any meaningful foreign policy at all, with continuing validity over the years, we must cut our coat to fit the cloth available and must create a stable economic base.

Part of this process is reflected in our application to join the European community. You will I am sure all have been struck by the extent of the conviction which exists in Britain today that this is a necessary step. As part of the process, we must demonstrate that we mean to be good Europeans in all aspects, and that we are not seeking simply the economic benefits of membership while trying at the same time to preserve some kind of special and exclusive relationship

with the United States such as existed as a fact of life during World War II. The Atlantic Alliance will continue to be—as it is for the countries of continental Europe—the basis of Britain's security.

I should perhaps also say that in the economic, commercial and technological fields there is a natural and legitimate concern in Europe, including Britain, at the growing need to preserve our separate identity in face of existing and growing American predominance. There is in this no desire whatever to do down the United States, and I have no doubt that you listening to me today will understand and sympathise with our motives.

The truth is that all this is a reflection of our fundamental economic problem and I would like to say a few words to you about our economy—a subject which has been the subject of lively discussion in recent months.

As you well know, the Government introduced stringent measures of restraint in July last year in order to correct our balance of payments difficulties and eliminate inflationary pressures. These measures are now bearing fruit and Britain's external position has been substantially strengthened. On the home front prices have been virtually stable over the past twelve months and wages have risen only slightly—which means, of course, that our relative cost position vis-a-vis the rest of the world has shown a real improvement. There has been a rise in unemployment as a result of these measures, but it should not be overlooked that a part of this increase reflects a marked improvement in the productive performance of industry. This improvement will continue. Let me give you one example from Wales: in two or three years' time one of our giant steelworks employing close on 20,000 men will be able to produce even more steel than at present but with about 40 per cent fewer men. There is clear evidence to hand that industry is tackling the structural difficulties that lie at the heart of Britain's economic problems.

The measures we have taken were, and are, unpopular in Britain and they involved politically difficult decisions. But the fact that we took these measures—and that we are standing by them—is proof of our unswerving determination to set the economy on the right course. And quite frankly I would rather be a member of an unpopular government of a solvent Britain than of a popular government of a bankrupt Britain.

During the year ending 30 June, 1967, we ran a favourable balance on our external accounts. This surplus was achieved by eliminating deficits on both the current and capital accounts. However, it is unfortunately the fact that during the first half of this year there has been some deterioration in our trading position which has set off periodic waves of adverse confidence in the pound sterling. But some deterioration was inevitable as a result of removing the import surcharge last November and eliminating the E.F.T.A. tariffs on 1 January. Unhappily, this upward movement in imports coincided with a dramatic slowing down in the growth of world trade, which affected our export performance. For instance, the U.S. economy showed little increase in total G.N.P. in the first half of 1967 and imports into this country remained virtually flat. Then again, Germany slipped into its most severe post-war recession, and the French economy ceased expanding. Given such a combination of factors, it is not surprising that our trading position suffered. Nevertheless, even in the face of this slowdown in world trade, Britain's exports in the first half of 1967 were up 5% over the 1966 level.

Looking to the future, we confidently expect that our exports will show a significant further expansion alongside a renewed growth in world trade. I would add, however, that these hopes are based on the assumption that the impetus towards liberal trading arising from the successful conclusion of the Kennedy Round will continue.

The world in which we live is a troubled world. You have enormous problems and responsibilities; so have we. Your resources are great; ours are less—but they are still considerable. In this troubled world the respect which our peoples have for those things that really matter—the freedom of the individual under the rule of law and for our great Parliamentary institutions—affords the best hope for the future of mankind.

U.S. POLICIES IN VIETNAM

Mr. JACKSON. Mr. President, at his press conference on October 12, Secretary of State Dean Rusk made a careful and thoughtful exposition of our policies in Vietnam, of the difficulties of bringing Hanoi to the conference room, and of our national interests in Asia. The Secretary's remarks, if fairly heard, should help Congress and the American people to get a better perspective on the problem of achieving a compromise settlement with an adversary who does not yet wish to compromise and to focus attention on the issues at stake in Vietnam.

Some people, I was surprised to discover, think that the Secretary was suddenly introducing a new and radical justification of our efforts in Vietnam by relating the war to the problem of China. It was the danger lurking in Chinese power and ambitions that we in the Senate had in mind when we ratified the SEATO Treaty more than a decade ago. It was this danger that President Eisenhower had in mind in April 1954 when he said that the loss of Indochina could have incalculably serious consequences for the free world and dramatized, perhaps too vividly, the process of disintegration that would follow in terms of the "falling domino" principle.

President Kennedy's decision to step up sharply the scale of our military assistance to the Vietnamese Republic was made not in terms of Vietnam alone but of the threat which, he said, China clearly posed to the security of independent countries of South and Southeast Asia.

It has fallen to President Johnson to persist without wavering on the course begun by his predecessors—a line of policy, furthermore, that has deep roots in our longstanding recognition that the domination of Asia by any one power is inconsistent with the vital interests of the United States. I wonder how many Americans today remember that the breakdown of our talks with Japan in the fateful summer of 1941 was caused by Japan's seizure of Indochina?

The importance of the American effort in Vietnam can be understood only in the context of Asia as a whole, and of the hegemonic aspirations of Red China. In Asia we and our allies are trying—and with far greater prospects of success than is recognized by those who cannot see beyond Vietnam—to create a reliable balance of forces. If we succeed, as we shall, the benefits will accrue not only to the non-Communist countries of Asia but also to ourselves and to our European allies.

Will any of those who, whether intentionally or unintentionally, are urging policies that lead toward an American withdrawal or a humiliating compromise argue that such a course would not open the doors to a vast extension of Chinese influence in Asia? As this became clear, would our Asian commitments decline, or would we feel compelled to extend and deepen them to many other areas, from Thailand to the Indian Ocean and to the Philippines? To me the answers are clear, just as it is clear that our stand in Vietnam has already strengthened hopeful tendencies in Indonesia—the fifth most populous country in the world—and elsewhere in non-Communist Asia.

It is hardly necessary to say, I hope, that the concern that has led to our involvement in Vietnam has nothing to do with a racist interpretation of history in terms of a yellow peril. It has to do with the tendency of great powers that possess, and are possessed by, a militant and expansionist ideology to dominate their neighbors unless they are checked by countervailing power.

In its lead editorial yesterday, the Washington Post correctly observed that "there is nothing mutually exclusive about the several reasons we fight this war." We are fighting at once to defend South Vietnam's right to an independent existence, to fulfill our commitments, to check aggression, to block Chinese expansion, and to reduce the danger of a later, greater war by fighting a limited war.

If anyone has a constructive suggestion to make on Vietnam, he should put it forward, so that it can be looked at hard and thoughtfully in an effort to understand its pitfalls as well as its possibilities. But all too often of late the criticisms have been negative, reflecting, I believe, the very frustrations the Communist adversary has hoped to arouse by protracting the conflict. Wishful thinking will not persuade Ho Chi Minh to accompany us down the path to negotiation and a peaceful settlement.

Obviously, no one who holds my point of view can prove beyond peradventure of doubt that his analysis is correct. I do not have, no one has, the gift of prophecy. I can only say that I can find nothing in history in general or in the history of Asia in particular to encourage me to believe that a great power that describes its purposes as China describes hers will refrain from exploiting the weakness of its neighbors—unless it has reason to fear the consequences.

We are not alone in our concern for the role China expects to play in Asia. Nehru once thought we were wrong, but in the fall of 1962 Nehru was obliged by events to revise his view of China. With good reason India today looks apprehensively at the giant beyond the Himalayas. The Indonesians took great pains to cultivate their relations with China; they paid a heavy price for the lesson Peking provided. Burma, Thailand, Malaya, and even Cambodia have learned through bitter experiences that inoffensiveness provides no security. On his current visit to this country, Prime Minister Lee Kuan Yew, of Singapore, is cautioning us to be patient and prudent in our policies in Asia, to stand firmly by our commitments, and to remember that Southeast

Asia needs strong friends if it is to maintain its independence.

Were we wrong here in the Senate to ratify the SEATO Treaty? Were Presidents Eisenhower and Kennedy wrong in their assessments of our national interest in defending the independence of Southeast Asia? Are China's neighbors wrong to fear China's expansionism? Are China's leaders lying when they proclaim their intention to foster and support so-called wars of national liberation? Were all of us who supported the Korean war wrong to think that the cause of peace requires the strong and peaceloving to oppose aggression by the strong and peaceupsetting?

This does not imply, as should be obvious, that the United States must take responsibility for every uprising or revolt anywhere in the world. We should not, if we could, for as we know better than most, revolution is not always a dirty word. No prudent person has ever thought that we should become the policeman of the world. We can do a lot, but our resources and capabilities are limited and our power must be rationed in accordance with a responsible ordering of our national interests.

I have been moved to speak today because I fear that our frustrations are showing. We are in for serious trouble indeed if our tempers become frayed and our understandable unhappiness with a long and difficult and costly war leads us to impugn one another's motives and to make charges that, if true, could only mean that our leaders do not merit our confidence as men of integrity and dedication to the national interest.

This weekend the streets and public gathering places here in the Nation's Capital will be filled with self-proclaimed apostles of protest—some prideful and some arrogant—confronting young Americans in uniform with such morale-building slogans as "Hell no, we won't go." We can and will survive such contributions to our national dialogue, but I am not sure that we could survive the debasement of our debates in Congress and in the national political campaign which looms just ahead to the level of this weekend's demonstrations.

I find it particularly disheartening that some who have long been identified with liberal policies and programs at home and who strongly supported the condemnation of aggression in the Charter of the United Nations, even when this involved a costly struggle against aggression in Korea, no longer seem able to bear the burden of staying the long hard course on which the world's chances for a peaceful future depend. Do they think we can build a better America in a world in which the bars to aggression by the strong against the weak are lowered?

We are facing a most serious test of our national character and democratic processes—a debate over our policies and purposes in the midst of a war and a national election campaign. We are, or ought to be, engaged in reasoning together, not in cutting each other up. The war in Vietnam cannot be brought to an end by attacking each other here at home, but it can be lost, rather, it will be lost, if we destroy our confidence in each other. It is my great hope that the Senate, with its great traditions, can set an example for the nation of how reasonable men reasoning together may find unity through honest and vigorous but temperate debate.

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

Mr. JACKSON. I am happy to yield to my distinguished friend from Wyoming.

Mr. McGEE. I commend the Senator from Washington for this very straightforward plea and forthright analysis of the nature of the American commitment in Asia; because, like the Senator from Washington, I have been very deeply concerned about the rather reckless kinds of assaults that have been contrived in the last few days, aimed in particular, and seemingly personally, at the Secretary of State in some cases and cloaked behind careful phrases and cliches.

Heaven knows, the whole question of Asia and what its future may be is difficult at best; and I know of no Senator with the ultimate wisdom to say with certainty what that future may be. That is all the more reason why I believe the Senator from Washington is correct in saying that this is no time for that kind of emotionalism, that kind of haranguing, or that kind of personal vindictiveness; that if we ever needed clear minds, clear spirits, and very levelheaded dialog, it is at this very moment.

For that reason, I believe the Senator has rendered a service here. I feel very deeply on this issue myself, as the Senator knows. I often think of a rather appropriate comment attributed to the late Adlai Stevenson, when he warned his fellow Americans that we have to be realists as well as dreamers.

As Stevenson said:

We have to begin where we are.

What I believe he was trying to tell us is that we cannot begin where we should have been; we cannot begin where we might have been if things had somehow been different; and we cannot begin where we may some day be. Those are wishful thinking; but we have to start where we are.

Where we are is in the midst of a world that, in a national sense, is a lawless world. We do not have a world under law; and the only substitute, still, that civilized man has come up with for world war is stability through balance of the existing forces.

As Mr. Stevenson warned us, unless we are willing to start at that point, we are not going to be able to realize a stronger United Nations, a world under law, or stable international economic development.

That is what I think the Senator from Washington is suggesting to us, that it is that kind of realism that must mark our beginning. I would hope, as a sometime historian, that we might learn from history. A very wise philosopher reminded us that those who forget history are condemned to repeat it.

Mr. JACKSON. George Santayana, I believe.

Mr. McGEE. Yes. And there are elements of history that I think are very useful, and should not be forgotten. Certainly one of those, in terms of our experiences in World War II, was the lesson of how not to come to grips with open aggression. We learned that one important thing to avoid is giving somebody else's territory away to the aggressor, in the hope that somehow that will appease his ravenous appetite. We were taught that lesson the hard way, and I hope we learned it. Will the Senator agree that that lesson certainly is valid, in terms of our searching for guidelines for our conduct in Asia?

Mr. JACKSON. I agree with the Senator. And, Mr. President, I take this opportunity not only to compliment, but to commend the Senator from Wyoming for the able way in which he has articulated, on the floor of the Senate and throughout the country, our policy with reference to Vietnam. I believe the country owes him a great debt of gratitude for the clarity with which he has expressed our position. I deeply appreciate his comments and observations in connection with the situation as we find it today in Asia.

Mr. McGEE. Mr. President, I should like to add, if I may, that the lessons we learned so dearly and at such heavy cost in Europe we now have a chance to profit from in Asia. I would be the first to urge caution in that respect; I am sure that not everything that happened to work out in Europe would necessarily work out in Asia. The two areas of the world are quite different in many respects.

But one ingredient they have in common, and that is that they are made up of independent nation-states, each of which is sovereign unto itself, and they are free to run amok if they wish. I think the basis of American foreign policy since World War II has been the same in Europe and in Asia—that is, that it is in our national interest to see to it, if we can, if we have the wisdom and the will to do so, that no one nation ever again dominates either Europe or Asia.

We used to think of that principle only in European terms; but we did more than any other single force in the world to shove Asia directly front and center into the balance-of-power calculations of the whole globe, and thus establish, it seems to me, the inescapable truth that the world, indeed, is round. It is that role in which we now find ourselves.

There are some who say it is none of our business; but we did it. The Russians did not do it in Asia, the French did not not do it, the Dutch did not do it. We did it ourselves. The war in Asia was won almost unilaterally by America. We destroyed the warmaking potential of Japan. We were the ones who contributed most largely to the withdrawal of the French from Indochina and the Dutch from Indonesia. The shambles that remained at the end of the war was a feasting ground for aggressors and for those if you will, who would seek to exploit devastation, unless the devastation were cleaned up and some of the shattered pieces put back together again, as a starting point.

I think we were compelled, as a nation with a conscience and as a people who really generally mean it when we say that we aspire to a more stable

world, to try to take some responsibility for achieving a new sense of balance in Asia. For that reason I say that whenever the critics have a better case that they can make—and they have not come up with it yet—they will have to learn from the lessons that we learned so dearly from Hitler and Tojo and Mussolini. We, of course, must apply those lessons in Asia with caution and restraint, but with the keen insight that we have acquired because of the very dear experience we have had. I think the history in Asia since the end of World War II bears that out. It seems to me the record is already very clear. We have already made a difference in that part of the world.

The balance of Asia some day, I am sure, will be maintained by Asians themselves, perhaps one leg of it resting in Indonesia—as the Senator from Washington describes it, the fifth largest nation in the world—one leg in Japan, another one in mainland China, and another in India. We cannot say for certain where the structure will repose; but the Asians themselves would like to have that chance. One of the consequences of what we are trying to do in Asia now, I think, is to help to win the time that will preserve for them that sort of chance.

I am a little put out by those who set up their own straw men so that they can knock them down, or who drag across the floor of the Senate some kind of dead horse, if we may use another figure of speech, and then beat it as though they had nothing better to do. But when they talk about the yellow peril in Asia, when they talk about not taking part in land wars in Asia, when they talk in fetish terms or as if from some fountain of wisdom, I think they are not contributing to our national interest.

The issue is not the yellow peril; the issue is the balance of Asia. There are billions of Asians, and there will soon be more Asians. They would like a chance to say something.

Mr. JACKSON. I wonder what the position of some persons would be if the current thrust was against India instead of against South Vietnam.

Mr. McGEE. I think that some of them would have to readjust the verbiage they have been employing lately. The trouble, it seems to me, is that they are so far bogged down in thinking about the minutia of Vietnam that they cannot deal with Asia as a whole. Asia is the big issue; Vietnam happens to be where the war is taking place. It could have happened in a dozen other places in Asia. Would not the Senator agree?

Mr. JACKSON. I agree that the American stand in Vietnam can only be understood in the context of Asia. That is why it is interesting to raise the question as to what the attitude of some persons would be if some other Southeast Asian country were involved.

I recall that when the Chinese started to move into India in 1962, many of the great liberals of this country were highly exercised about it and wanted immediately to give military support to India. Some of our liberal friends are not very logical about all this.

As you say, a reliable balance of forces in Asia is the issue. That is the reason we are in Vietnam. That is the reason we are making this great effort.

I must say that I was shocked by the reaction of some people to the remarks made by the Secretary of State, Mr. Dean Rusk. What the Secretary of State said at his press conference is exactly what has been on the minds of millions of Americans and, yes, of friends around the world. Our friends and our thoughtful people at home have been thinking about this problem in terms of Asia and an expansionist Red China.

When the Secretary made his statement, some people claimed it was a wholly new approach to the problem. But, as I pointed out in my main remarks, it has been the policy of our Government since World War II with President Eisenhower, to see Vietnam in the context of Asia. President Eisenhower in 1954 viewed the situation in Indochina in the context of Asia. And President Kennedy followed through on the policies initially undertaken by President Eisenhower recognizing that the future of Southeast Asia is a matter that concerns the vital national interests of the United States.

Mr. McGEE. And the history of our country is replete with evidence to substantiate the conclusion of the Senator there.

The balance of Asia does make a difference to us. We are a great Pacific Ocean nation for better or for worse. The future of the world lies in the Pacific. That is where most of the human race is. That is the direction in which the whole world is moving.

Mr. JACKSON. Japan is the third largest industrial nation in the world.

Mr. McGEE. Thanks to the kind of policy the United States has been pursuing in Asia.

Mr. JACKSON. We know that the leaders in Japan and in the other non-Communist countries of Asia look to the United States for leadership. We have given them new hope. They have new confidence. They have a new determination to withstand the threat and maintain their independence. And I think this stems directly from the effort we are making in Vietnam.

Mr. McGEE. Would it be a fair summary then to say that, first of all, in the hindsight of history there is relevant history to guide us here? Historians even now speculate as to what would have happened if we had listened in 1931 to those who said: "Let's stop Japan in Manchuria before she gets bigger."

They speculate as to what would have happened in Europe with respect to Adolf Hitler. Some people advocated in 1936, before he broke into Western Europe, that he should be stopped then.

These are questions that face us in the hindsight of history. And I think most people would agree that in view of that hindsight it would have meant an entirely different course of events if we had acted sooner rather than later.

We have the word from Peking that we should look to the future. We have the word of Mr. Mao and Lin Piau and the rest of the men in Peking concerning how they do not really mean these things but just want to hear each other talk.

I can remember how people used to talk about the paperhanger from Austria, Adolf Schickelgruber. His book "Mein Kampf" was a very revealing book.

I do not think in the light of historical experience that we can be quite so indifferent as some of our critics seem to be when they profess that these people will not implement what they say they can.

That does not mean at all that we have to take on China any more than anybody else. We only ask that mainland China not resort to force to try to impress its will on others. If they persuade somebody by talk, more power to them. If they have a better idea than the next nation, great. However, let us make sure that we do not let them nibble away at the little ring of independent countries around them, because then that would make a difference not only to those small countries, but also to the United States.

It is not without great point that they talk with great confidence about being the wave of the future. They have already tried to put that into effect in Indochina through the Communist Party there. They almost succeeded. They flagrantly said that the Philippines were soon to be the target.

They began to press against India. I think it is of interest to note the double standards under which the critics operate, as the Senator has pointed out, in regard to India.

I talked to Mr. Nehru who had made a study on this very important subject. We discussed India's attitude on the use of force from the outside.

I will never forget what he said. He said:

> I have read American history. I remember that it took an attack by Japan on your territory to shock your country into divesting yourself of your isolationism.

He then said:

> I will give you a parallel. Something like this may have to happen to India before we are shocked into a more realistic attitude.

It was only 3 years after that that India indeed experienced her first assault from mainland China. Her attitude changed overnight in regard to China. Today, India has one-half million troops in the Himalayan Range.

Changes are taking place. There is this restless change that is already taking place. What we cannot know for sure is how far China intends to go. Nobody can know this.

Those who suggest that China is so convulsed that she cannot go anywhere ignore the fact that one reason for China's internal difficulty is that the United States stood, and that contributed to the erosion of the magical image that the Chinese sought to spread, that they were the wave of the future. And because we stood, China did not move in and take it all over.

Japan has been able to prosper only because China did not do that. She did not take Taiwan where there are roots and where they are a very strong, independent, economic entity, whatever else history may call it.

China did not take over Indonesia, and

they did not take it over almost entirely because of the American presence in Vietnam.

The Indians have stood against China because the United States responded with military help at a time when she needed it.

It is interesting to note that one of the great liberal voices of our country today that criticizes our policy in Asia was the first voice raised asking for American planes to help India, because that liberal voice came from the Ambassador to India in those days.

It makes a difference, then, when you have to take the consequences for what you say, and many of our critics are enjoying the luxury of irresponsibility.

The very last point I wish to make is simply to remind us that not only is history raising a warning finger to us not to make the same mistakes again, if we can avoid it, not only is the conduct of China even now open to serious question—our hope is that we can dissuade them from moving wildly and irresponsibly by making clear our position earlier rather than later—but also, the Asians, who have to live with the situation, next to China, are very strong in their concern about China's future plans. They make no bones about it.

I returned a few months ago from a trip around the rim of China, and they all mentioned this. This is their central fear. This is not something invented by Mr. Rusk, by the President, or by anybody else. This is no joke. These are the hard facts of power politics lines, and it has nothing to do with the green people, purple people, brown people, or yellow people. It has to do with the naked attributes of national power. That is what makes up the world today, until we can make it a better place, somehow.

This is what is at stake in Asia, and I believe we stand a much better chance in the tides of history if we can dissuade a nation from resort to those extreme points or if we can persuade those who are not as strong to stand together in an attempt to try to preserve the chance in Asia for the continent of Asia to proceed with some semblance of balance and freedom from force. It is the force that redounds to the advantage of the aggressor.

That is all we ask. We do not want the American image. We do not want to make little Democrats out of them. We do not want little of anything. We just want them to have the chance.

When you array the billion independent Asians alongside the approaching billion in China, you are not talking about a yellow peril. You are talking about a problem in Asia, an area in which we have learned that it makes a difference to our security, as Japan taught us very dearly; and the shape of this new balance in Asia makes a difference to the security of our country.

That is why I join with the Senator in applauding the Secretary of State for his hard-hitting, forthright, and direct approach to the basic question at stake in Vietnam. It has little or nothing to do with Vietnam. It has everything to do with this most important and potentially most powerful part of the world. I compliment the Senator.

Mr. JACKSON. Mr. President, I must say that the Senate is indebted to the able senior Senator from Wyoming for his very helpful remarks.

In short, what we are trying to do is to help create in Asia a reliable balance of forces. As the able Senator has pointed out, the non-Communist Asian leaders understand Communist China. They report that to know Communist China is to fear Communist China. I am glad that the Senator emphasized that point, because I believe it needs to be reemphasized over and over again.

I am happy to yield to the distinguished and very able member of the Committee on Armed Services, the senior Senator from Hawaii.

Mr. INOUYE. Mr. President, I commend my distinguished colleague, the Senator from Washington, for his very timely and forthright statement.

Recently, I was privileged to meet a very able and articulate Asian leader, a neutralist, who made a profound statement which I should like to share with my colleagues. He stated that all Asians know that Americans have great firepower, but most Asians are now wondering if Americans have staying power. This statement was made in reference to Vietnam.

If Americans do not have staying power, this Asian leader remarked, we are lost. This Asian leader felt that if we can convince Asians that we do have staying power, that we have the will, the perseverance, and the patience, this long and miserable war will be concluded.

I believe it is well for us to recall a speach that was delivered by President Johnson not long ago, in which he commenced by saying, "This is a time for testing." Yes, Mr. President, this is a time for testing of the will, patience, and perseverance of the people of the United States.

Mr. JACKSON. Mr. President, the able Senator from Hawaii certainly put his finger on the crucial point here. Our adversaries are hoping that our people will not have the will to stay the course. Our adversaries hope to be able to win this conflict in the American political arena. They know they cannot win it on the battlefield. They won it in Paris in 1954, and they hope the situation will develop in this country so that they will be able to repeat that maneuver.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. JACKSON. I am happy to yield to the able Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, the Senator from Washington has made a very able and thoughtful presentation, as indeed he always does. I was particularly interested in the last sentence of his remarks, in which he said:

> It is my great hope that the Senate, with its great traditions, can set an example for the Nation of how reasonable men reasoning together may find unity through honest and vigorous but temperature debate.

Mr. President, I believe it is very important, in the most important subject facing the American people today—the war in Vietnam—that there be full debate; and, as the able Senator from Washington has said, that there be vigorous debate but temperate debate.

I have long felt that one of the great failures of our Government in regard to Vietnam has been its inability to obtain effective support from other nations—or, perhaps, even its unwillingness to seek additional support from other nations. With that thought in mind, the late news from Bangkok is that Thailand has agreed to increase troop commitments to South Vietnam from 2,000 men to a full division. The news report did not indicate how many men that would provide, but a Thai division normally is considered to number roughly 20,000, as I recall.

Although I have been critical for over a year of our Government's lack of activity in this regard, I wish today to commend the President and our Government for focusing additional attention on the need for Asians themselves to participate to a greater extent in this struggle in Southeast Asia.

I commend, too, the Government of Thailand for its decision to send additional troops to Vietnam, and call attention to the recent action of Australia and New Zealand for doing likewise.

Again, I wish to commend the very able Senator from Washington for the remarks he made this afternoon.

Mr. JACKSON. Mr. President, I thank my good friend, the distinguished Senator from Virginia, for his comments. I fully agree with him on the need to get more Asians involved in the struggle for the defense of non-Communist Asia. I believe that the first order of business of the new Government in South Vietnam should be to build up more effectively their armed forces. They must in due time carry the brunt of the effort in Vietnam. I would hope that this would become the No. 1 priority item on the agenda of the new Government.

I commend the able Senator from Virginia for bringing up this point because it needs to be emphasized and reemphasized over and over again.

Mr. President, I yield to the Senator from Oklahoma.

Mr. HARRIS. Mr. President, I am privileged to serve under the leadership of the distinguished Senator from Washington on the Subcommittee on National Security and International Operations. I have watched him in both open and closed meetings as he has probed the issues which affect the vital national interests of this country. I have watched him as he, with real commonsense, has made constructive suggestions about the national security of this country.

Mr. President, I think that is what he has done here today. He has injected a much-needed measure of commonsense into the debate on Vietnam. If we are to have the kind of meaningful debate and national dialog that the Senator from Washington suggested we should have, it is important that the real issues be joined. We cannot do that if we resort to a questioning of motives, as has, unfortunately, been done in this country in recent days in regard to the President of the United States, particularly. I do not think there is any way the real

issues can be joined by questioning motives.

I do not believe the real issues can be joined on Vietnam by ascribing to one's opponent in the argument some ridiculous and superficial position, and then proceeding to knock it down. For example, one might charge that an opponent believes in a monolithic view of communism, and then argue the opponent is wrong because that view is outdated, when nobody really believes in a monolithic view of communism in the world today.

Mr. JACKSON. We all know that the Communist movement has never been monolithic.

Mr. HARRIS. That is the kind of thing we have had. Then, there is the yellow peril matter. It is a terribly helpful thing to one's own side of the argument if he can make the argument for the other side as well, and that is what has been attempted too much in this country in recent days.

The other thing that is necessary if the issues are to be joined is that we face up to the real fact of the fear for their own future which is in the minds of those in many countries in Asia.

I have recently had conversations with heads of states or persons who were very near heads of states in some five countries of Asia. What they have to say about their own future being very much bound up with what is going on in Vietnam cannot be denied. The issues on Vietnam cannot be joined unless that fact is met unless we discuss what we are going to say to those people if we do not continue what we are attempting to do there in assuring for the people of South Vietnam their right of self-determination without outside interference and aggression.

That seems to me to be the crux of what the Senator has said. We have to argue on the real issues and join debate on the real issues. We cannot do that with some of the kinds of arguments that have been put forth in the country in recent days.

Mr. President, I commend the distinguished Senator for his speech and helping to keep the debate on the real issues involved.

Mr. JACKSON. I thank the able junior Senator from Oklahoma for his most effective remarks in connection with this critical problem in Asia. Mr. President, I yield to the able junior Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I thank my colleague on the Committee on Armed Services for yielding. I shall take only a moment because I do not wish to infringe on the time of the very patient and agreeable senior Senator from Oregon [Mr. MORSE] who yielded to the junior Senator from Washington [Mr. JACKSON].

The Senator from Washington has made a knowledgeable, thoughtful, thorough, and thought-provoking speech, and he has performed a great service. I share the viewpoint he has expressed, and I congratulate him on making this statement today. It is a timely speech and needed to be made.

Mr. JACKSON. I thank my friend from West Virginia.

Mr. President, I yield the floor.

AMENDMENT OF THE SUBVERSIVE ACTIVITIES CONTROL ACT OF 1950

The Senate resumed the consideration of the bill (S. 2171) to amend the Subversive Activities Control Act of 1950, so as to accord with certain decisions of the courts.

Mr. MORSE. Mr. President, as the Senate knows, I was scheduled late yesterday afternoon to make a speech that I have prepared, setting forth my views on the proposal to amend the Internal Security Act of 1950. The RECORD of yesterday will show that because of the lateness of the hour, I agreed to make the speech today. It is not too long. I shall proceed with it without interruption, leaving such time as I can before my plane departs for questions after I finish; but I have not only a very important obligation here, but important obligations of political self-interest out in the great State of Oregon, and I am about to fly out there again to protect those political self-interests with a series of speeches during the next few days.

However, I should not want to go without at least leaving for the RECORD my views on this subject. I say that most respectfully to my beloved friend the Senator from Illinois. I wish to leave this message for him to consider, not that I have much hope of persuading him, as he often persuades me—though I think he will not dispute that sometimes, perhaps surprisingly, he finds himself in agreement with me.

However, on this issue, we have a good-natured friendly difference of opinion, and I want him to know that I am going to leave my position on the RECORD, and then I hope that my good friend from West Virginia, the acting assistant majority leader, will find it possible to arrange a live pair for me, if I am unable to get back in time. It may be that even my good friend from Illinois might be overcome by a feeling of charity for me, and give me a pair; but if not, perhaps my majority leader or my acting assistant majority leader can help me.

I do not know how long the debate will last. I am relatively certain, though, that the matter will be voted upon before I return; and, therefore, I hope that either the acting assistant majority leader, the majority leader, or my good friend the minority leader will be able to accommodate me. My friend the Presiding Officer (Mr. HOLLINGS in the chair), gave me a pair when I was absent on a recent trip, but I do not like to return to the same fountain twice in so short a time.

With that nonsense out of the way, I yield to the Senator from Illinois.

Mr. DIRKSEN. Mr. President, to make sure that the Senator catches his plane, he could send me a postcard, and just put his speech in the RECORD.

Mr. MORSE. I am watching the clock. I will catch the plane. I think, as long as I hold, after I have this pleasant visit with the Senator from Illinois, to my intention not to yield further, I shall have plenty of time to get the plane.

Mr. DIRKSEN. I say to my friend, in respect to a pair, that if the vote is substantially in our favor, probably I could be induced to give the distinguished Senator a pair.

Mr. MORSE. Being the great political economist that he is, I know that the Senator from Illinois knows that would be sound political economy; but I want a pair where the man pairing with me might be really giving me something of great value. Therefore, I want my majority leader to try to get me a pair even if the vote is close; and, in deference to the Senator from Illinois, I hope at least it will be close.

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

Mr. MORSE. I yield.

Mr. MANSFIELD. In order to speed this discussion, I wish to assure the distinguished senior Senator from Oregon that everything will be done to get him a live pair if necessary; and if I can afford to do so, I will give it to him.

Mr. MORSE. The majority leader has always been gracious to me in that respect, and I cannot begin to state how much I appreciate not only his many courtesies but those of the minority leader as well. I am now completely serious. Innumerable courtesies have been extended to me by both the majority leader and the minority leader.

Mr. President, I wish to take this opportunity to discuss S. 2171, the measure introduced by the distinguished minority leader, the Senator from Illinois, in an effort to resuscitate the Internal Security Act of 1950.

Someone once observed, I believe it was the French philosopher Voltaire, that the lesson history teaches is that we refuse to learn the lessons history teaches us. Certainly this is true about this legislation. Like Banquo's ghost, it comes to haunt us. It revives memories of a period we had hoped was over—and that should be over. It is, I think, a symptom of the increasingly strident tone with which the war in Vietnam is discussed by its proponents. It reflects a war mentality—nationalistic, self-serving, moralistic. It vents pent up indignation and frustration—"If we cannot locate and destroy the enemy in Vietnam, we will do it right here at home."

This bill is utterly pointless, unnecessary and dangerous. The most intelligent thing ever said about the Internal Security Act of 1950 was President Truman's statement when he vetoed it. It is clear, I think, that he possessed greater wisdom and presence of mind than the majority of those of us at this end of Pennsylvania Avenue in 1950. Now some among us wish to revive this pathetic effort at congressionally sanctioned witch-hunting. It carries the stamp and bears the stench of the McCarthy era. It would promote all the most insidious aspects of that tragic period in our history.

We are on notice regarding this legislation. The red flag is up. The effort made here only a few days ago to railroad this bill through the Senate should have raised questions in the mind of every Member of this body as to what there is in S. 2171 that is so obvious it need not be studied—so elementary it does not require analysis. The procedure attempted here the other day to hurry this bill on

its way was shocking. My position and my thought regarding this whole business were ably stated by the distinguished Senator from Wisconsin [Mr. PROXMIRE]. His remarks brilliantly exposed the dangers rampant in such hasty disposal of the bill. I applaud him for his efforts.

Of course, we all recognize why it would be desirable to consider this bill in a hurry. The only way in the world the Senate would allow this effort at legalized character assassination would be in haste. Because it will not stand up to the light of day. This bill should not be examined because it will not stand up under examination. The theory of this legislation is quickly murdered by the facts. That is why the Senate was asked to approve it in a hurry. The Subversive Activities Control Board has done absolutely nothing for at least 20 months, and of course the truth is that it has not done anything since its inception.

But now there is some compelling reason why the Senate needs its own Un-American Activities Committee. And what is even worse, there are those who equate this gesture with patriotism. Senator DIRKSEN, on the Senate floor last Thursday, October 10, urged passage of this legislation to boost the morale of the boys in Vietnam.

There they are—

He said—

fighting the Reds—and what is the Senate doing? What are they going to think of us?

I am sorry to hear such an appeal. It is tragically out of keeping with our responsibility. It is an obvious appeal to emotion and bad judgment. What is more to the point, it simply ignores the facts. I wonder how the boys in Vietnam would feel if they fully realized that the U.S. Senate was seriously considering legislation which would create an instrumentality perfectly capable of depriving those boys of the very principles for which they are fighting. Not once did the Senator from Illinois mention the rights of those who would become the objects of the insidious techniques of the Subversive Activities Control Board.

Why is it that there are always those in this country who, the minute the going gets a little rough, want to junk all the great protections of our rule of law in an effort to ferret out our enemies, both real and imagined? They never stop to consider the irreparable damage which will ensue to our system of government. What is it precisely we seek to protect? I believe it is the preservation of individual dignity by a rule of law and not of men. The only thing that protects each of our citizens from the arbitrary action of those who govern, is the rule of law. And the only thing in this world that distinguishes our system from the Communists is our dedication to that rule of law. Is it so difficult to see that if we use the same techniques as our opponents, we vitiate the whole reason for opposition?

What is there that is patriotic about depriving a man of his right against self-incrimination? What is there that is patriotic about giving a committee carte blanche authority to smear and attack the character of any of our citizens? What is there that is patriotic about discarding the normal function of our courts to set up this alegal agency to move over the landscape and spew its invective wherever it pleases? Would creation of such a monster make the boys on the front feel better? Is this what they are fighting for? Of course not.

I was very interested in the comments made last Wednesday by the distinguished Senator from Maine [Mrs. SMITH] regarding the retaliation which will probably be experienced by those who oppose this measure. Despite the fact that the Senator from Maine supports this bill, I thought her remarks regarding reaction by the extreme right to the Senate's refusal to suspend the rules in consideration of this bill were very apropos. The same hue and cry will be raised in response to the speeches of those of us who oppose this bill. The superpatriots and the hate merchants are never very happy when we describe this kind of legislation for exactly what it is. But then if it comes to the point where we are afraid to express our views in deference to the noisy right, we should all pack up and go home.

S. 2171 is nothing more than an effort to circumvent the thrust of Supreme Court decisions which gutted the Internal Security Act of 1950—and rightly so. This is a new effort to avoid—actually to ignore—the decisions of the Court.

We ought to go back and read Marbury against Madison. We ought to go back and read what that great Chief Justice of the U.S. Supreme Court pointed out—the importance of maintaining a government by law, vesting, as the constitutional fathers did, in the Supreme Court the determination of whether a given proposal is constitutional or unconstitutional.

The Supreme Court nullified the whole point of the 1950 act by finding the registration requirement unconstitutional in the case of *Albertson* v. *Subversive Activities Control Board*, 382 U.S. 70 (1965). Said the Court:

It follows that the requirement to accomplish registration by completing and filing Form IS–53a is inconsistent with the protection of the Self-Incrimination Clause.

The Attorney General in that case was seeking individual party members to register after failure of the organization as a whole to do so. Justice Black, in 1961, had in a dissenting opinion stated persuasively why he felt the entire Internal Security Act was unconstitutional. Senator PROXMIRE very correctly referred to that statement in his speech of October 16, and it appears in the RECORD for that date. The danger that the act merely seeks to compel self-incrimination was voiced by the Attorney General in 1950, later Supreme Court Justice, Tom Clark as early as 1948 in testimony before the Senate Judiciary Committee.

The distinguished Senator from New York [Mr. KENNEDY], speaking here yesterday on this bill, very ably pointed out serious legal objections to this legislation. Here is a 13-page amendment to a law 50 pages long, reported out of committee without a report, without the advice of one legal scholar or any other witnesses for that matter, and we are told that we should simply proceed to approve it because it obviously is sound. Nonsense.

The opposite is true. Here is an effort to flush Communist action and Communist infiltrated groups into the open, and yet we are not given the slightest guideline as to what activity defines such an organization. The use of those phrases lays this bill wide open to legal objection—"void for vagueness." How long would it take the courts to strike down this obvious effort to sanction such power to smear? I should think the Members of the Senate would want to take a long hard look at this and have the opinion of our best legal minds before sending such legislation on its way. We all know that, if passed, this law goes from the Senate to the President to the courtroom. In light of Supreme Court decisions rendering the 1950 act useless, I should think we would be very concerned about what reception this law would receive in the courts. Do the proponents of this bill care what happens to it once passed? Do they really seek effective legislation to control Communists, or do they simply desire the grandstand play, a "charade," as Senator KENNEDY so aptly put it yesterday. I think the efforts to rush this bill through without examination answer those questions.

There are those who say this bill merely seeks to expose. Embracing the procedure suggested, that is bad enough, but it is not the whole truth. This bill punishes—as clearly and as effectively as a provision in our criminal code. It sanctions control over organizations branded—they are denied tax deductions; they must stamp their mail as from a Communist organization and identify themselves in broadcast communications. It does not require that we stamp their foreheads, though perhaps that is merely an oversight of its authors.

Then there is the very interesting question posed by Senator KENNEDY: What happens if a witness refuses to testify before the Board? What happens if the witness says to the Board, "My political beliefs are none of your business." Then what? Is there anyone in this room who believes there is a court in this land that would sanction forcing an individual to tell such a Board what his political beliefs are? And looking beyond the attractive idea of forcing Communists to squirm in their chairs, consider, if you will, the possibilities of similar legislation to investigate other groups. There are less than 10,000 Communists in America, and Mr. DIRKSEN wants to flush them out. But there are certainly other organizations holding views contrary to and perhaps as dangerous to America. Why not flush them out? Where does this kind of nonsense stop?

This is the reason why we have courtrooms and criminal procedures—to protect our basic constitutional rights, to protect against the whole witch-hunting business. We should have learned by now. Give a group such vague, open-ended authority as would rest with the Board, and we erode the basic legal principles upon which our system rests. A kangaroo court offends the whole tradition of American

jurisprudence. The McCarren Act and these proposed amendments are built on sand—quicksand, for all of us.

Supreme Court decisions on freedom of assembly portend nothing but complete emasculation for this bill should it pass. Senator KENNEDY discussed some of those decisions. He discussed the matter with a brilliant legal background. He discussed it as the former Attorney General of the United States.

In my own State as far back as 1937, in *De Jonge* v. *Oregon* (299 U.S. 353), defendant was convicted under an Oregon criminal syndicalism law of assisting in the conduct of a meeting called under the auspices of the Communist Party. The Supreme Court reversed the conviction, holding that participation in a public meeting, otherwise lawful, but held under the auspices of the Communist Party, violates freedom of speech and assembly guaranteed by the due process clause of the 14th amendment. In *Herndon* v. *Lowry*, 301 U.S. 242 (1937), Herndon was convicted by a Georgia court of attempting to incite insurrection by calling and attending public meetings and making speeches to organize the Communist Party of Atlanta to resist and overthrow the authority of the State. The Supreme Court reversed the conviction, holding that the statute did not furnish a sufficiently ascertainable standard of guilt. I have no idea what the ascertainable standard of guilt is under the legislation we are considering. In *Bridges* v. *Wixon*, 326 U.S. 135 (1945), detention of Harry Bridges under a warrant for deportation on the ground of affiliation with the Communist Party was held unlawful on the ground that the hearing on the question of his membership had been unfair. The court held that more cooperation with a Communist organization in connection with its lawful activities was not sufficient to show "affiliation." In *United States* v. *Lovett*, 328 U.S. 303 (1946), a statute forbidding payment of compensation to three named employees of the Government who had been charged with being members of Communist-front organizations was held invalid as a bill of attainder. In *United States* v. *Rosen*, 338 U.S. 851 (1949), Rosen was convicted of contempt of court for refusing to obey an order directing him to answer certain questions he had been asked before a grand jury concerning alleged criminal conspiracy by Communists. The court of appeals reversed his conviction, and the U.S. Supreme Court denied certiorari. In 1961, the Supreme Court struck down a Florida statue requiring all public employees on pain of dismissal to sign an affidavit stating, in part, that they would not aid or support the Communist Party. The opinion of the Court, delivered by Mr. Justice Stewart, held that the statute was so vague and ambiguous as to deprive the plaintiff of liberty without due proces of law. *Cramp* v. *Board of Public Instruction*, 368 U.S. 278 (1961). You will recall that Washington State's teacher's oath recently received similar treatment and was struck down for vagueness. In a concurring opinion in a 1963 case, *Gibson* v. *Florida Legislative Commission*, 372 U.S. 539 (1963), Mr. Justice Douglas pointed out:

> Government is not only powerless to legislate with respect to membership in a lawful organization; it is also precluded from probing the intimacies . . . of such groups . . . regardless of the legislative purpose sought to be served.

I say, most respectfully, that I pray to God that the Senate of the United States has not become a star chamber yet. Yet, this bill really causes one to think back to star-chamber procedures, which, do not forget, constituted one of the great causes for the revolution against the British Crown.

It bothers me, knowing our constitutional history—with which knowledge we should be able to charge every Senator—that we should be seriously considering in the Senate today a bill so obviously in violation of one constitutional guarantee after another. Do not take my word for it. Just read the decision by the Supreme Court to which I have alluded. The Supreme Court is the great citadel and guardian of the constitutional liberties of a free people. And I want to keep them free. I want to keep them free of legislation such as this, that infringes upon their freedom.

I cite these opinions and discuss these decisions—there are many more—only in an attempt to focus the attention of the Senate on the problems this legislation has already run into and the legal difficulties it would face if passed now.

The fact is, of course, that the McCarren Act has already been devastated by judicial opinion. As has been repeatedly said here, that is the reason the Board has done nothing for 2 years. It has done nothing because there is nothing for it to do. It is not just wounded—it is dead. Christ could be resurrected, but this Board cannot be, so far as ever giving it constitutional life is concerned. This Board is dead. So far as any legislation on which its operations are based today, it should remain that way.

No one has yet suggested one good reason why the act should be patched together. There is no evidence to justify its activity in the first place, nor is there any assurance that these amendments correct the legal failings of the original legislation. In fact, there is considerable evidence they would not. I was very interested in Senator KENNEDY's remarks that if there was any part of the original legislation that was valuable, it was perhaps the registration information supplied, and, of course, that was struck down and is not in these amendments at all. If there was any justification for this bill in the first place, it is removed. It is a pointless, idle gesture to send it back out into our judicial system to be struck down again.

In this connection, I wish to emphasize the importance of remarks made here October 18, yesterday, regarding another loophole in the original legislation not corrected by these amendments. I refer to the speech by my distinguished colleague, the Senator from Maryland [Mr. TYDINGS], wherein he pointed out that the McCarren Act applies only to Communism of the Soviet variety, relying on interpretations of the act by the SACB itself, the Supreme Court, and the Justice Department. What effect would this legislation have on Communist front organizations or Communist action groups directed from Peking and Hanoi? It is apparent that, even if we accept the minority leader's assumptions as to the need and practicability of these amendments, they are a halfway measure. It is plainly possible that the SACB might well have no authority to investigate organizations supported by the most militant Communist capitals in the world.

It is of considerable interest that much of the rhetoric here the past few days in support of S. 2171 has referred to the war in Vietnam as the most obvious symptom of a need for this legislation. Yet, ironically, it now appears this bill would not ever permit investigation of organizations in the country supported from Hanoi. All of which, I submit, reinforces my statement that this bill is but a gesture.

In light of recent Supreme Court decisions reemphasizing the necessity for protection of the individual's constitutional rights, I shudder to think of the Court's reaction to this legislation. I have no idea, nor have the proponents of this bill made any effort to explain, how this amendment could be squared with recent opinions of the Court. Here is a bill whose stated purpose is the exposure of communism by flushing them into the open. In a period of increased consciousness of the individual's right to privacy, the very idea of indicting a group of individuals by "exposure" cannot be justified. It is an anachronism. Criminal defendants have been assured, in the Escobedo and Miranda decisions, of their right to be fully informed of their constitutional rights and furthermore, the State bears the burden to show that those rights have been fully understood. These protections are rooted deeply in our history and reinforce the priority we place on individual liberty. How can this attitude be reconciled with efforts to accuse by association and punish by innuendo?

The answer is that they cannot. And they should not be. For the truth is that the laws now on our books are more than adequate to protect us from those who seek to overthrow our government by force. If not, let us consider new legislation which notifies those we would accuse of precisely the crime they committed and extend to them the guarantees of the procedure already firmly established in our court system. That is what courts are for. Not committees with the power to ruin reputation and character by whim. We do not need to resort to this kind of thing to protect ourselves from the Communists. We have an efficient law enforcement system fully prepared and capable of that job. Is not indictment and trial in a court of law sufficient "exposure?" Is it not effective to get the Communist into the open? The fact is that the proponents of this bill have not suggested one way in which it would assist in the struggle against internal communism. They have not pointed to one loophole in our present law enforcement procedure that this bill would plug.

This bill is a gesture, and an empty one at that. It seeks to satisfy those for

whom the ordinary processes of due process are too slow—those who cannot or would not wait for anything as patient as a trial by jury. No, vesting power in this committee to seek out and destroy is much swifter—much more efficient. This bill has war fever written all over it—it seeks to satisfy those frustrated by pursuit of an illusive enemy in a pointless, illegal, unjustified, immoral war.

What is there about the history of the SACB which its proponents believe portends such a bright future? Since 1950, the committee has spent a lot of the taxpayer's money and generated considerable heat but no light. As has been stated here before, it has managed to produce a raft of judicial opinions gutting it and spreading mistrust and suspicion of our entire legal process. There is not one shred of evidence that the professionals whose job is internal security—those in the Justice Department and the FBI and related agencies—cannot do the job. There is nothing to indicate that the Attorney General requests this legislation—nor that Mr. Hoover favors it. It would be interesting to have some hearings and to call them as witnesses, which we have a right to do, and that is what we should do. There is only some shrouded reference to the fact that the President wants this bill, though for what reason he evidently does not care to say.

I have great admiration for him, but he is no lawyer. If I wanted to learn about constitutional law I would not go to my President. I would be glad to listen to his lawyer, the Attorney General of the United States. But we have a duty to the President in this case. Those of us who are opposing this bill are really performing a great act of loyalty to our President when we are arguing in an attempt to save him from the horrendous mistake he would make if he signed such a bill. That is why we are pleading to get this matter back into committee and get the constitutional authorities before the committee and make a record. Then, I want to submit that record to my President because I predict to the Senate this afternoon that if you are willing to recommit this bill and conduct the hearings you should insist on, that record would show the shocking constitutional inadequacies of this bill; and although my President is not a lawyer, he is a reader, and I am satisfied that when the President finished reading that record, this talk that he wants the bill would then be open to serious question.

Those who support this bill refer us to recent hearings before the Senate Appropriations Committee for documentation of their case. The most striking thing about those hearings was that this bill was not under consideration, but that, I suppose, is a minor point. At any rate, the testimony makes interesting reading.

Principal spokesman before the committee in reference to the Control Board was Mr. J. W. Yeagley, Assistant Attorney General from the Department of Justice. Mr. Yeagley testified regarding some of the background of the Subversive Control Committee. In the course of his remarks, he stated that the Attorney General's list of subversive organizations, compiled in response to the 1950 act, has not been changed or added to since 1955, over 10 years ago. Mr. Yeagley testified that the most important reason for that fact was because of constitutional questions inherent in the program of the Control Board. He also indicated that the Justice Department has had difficulty preparing cases because of the burden of proof they must carry. It was interesting that when asked whether the Justice Department would be interested in assuming the functions of the Board, Mr. Yeagley stated that he did not think the Justice Department would want the job of trying to be prosecutor, jury and judge. If that is true, and I am sure it is, one wonders why a congressional committee wishes to assume the role of that particular trinity. Any lawyer knows the importance of separation of functions in a courtroom—why is that separation less important before the Board?

The fact is, of course, that the Board cannot, within its inherent structure, hope to afford the objects of its inquiry procedural due process. As I used to tell my law students some years ago, if procedural due process is denied an individual, it makes not one whit of difference what substantive rights he may have.

Mr. Yeagley's testimony also helps to explode the suggestion that the need for the Board has increased. As he pointed out, membership in the Communist Party is now estimated at somewhere between 8,000 to 10,000 people. This is considerably less than the estimated membership of 80,000 estimated at the end of World War II. But in response to these 10,000-odd fanatics, already subject to criminal prosecution, we are asked to assign $300,000 plus vague and undefined powers to the Subversive Activities Control Board for an excursion into the problems of internal security and an unlimited opportunity to experiment with the precious liberties of our citizens. I believe this amendment is totally ill advised.

As Senators know, I have called attention to this from time to time in the past, and now make only a sweeping, broad brush stroke reference to it this afternoon. It was in 1954 that the Senator from Massachusetts, Jack Kennedy, came to me and talked to me about an amendment that he was thinking about offering which sought to outlaw the Communist Party in this country. I discussed it with him. He was very careful in the amendment to protect due process and the procedures essential to its maintenance. I agreed with him. He and I went to another colleague in the Senate, the then Senator from Minnesota, now Vice President of the United States, Mr. HUMPHREY, and we explained our viewpoints to him in regard to the proposed amendment. The Senator from Minnesota agreed with us. Thus, the Kennedy-Morse-Humphrey amendment was offered, outlawing the Communist Party in this country with, as I said, all due process and procedural rights protected. It is the law of the land today.

I want to say that I remember that record and treat without very much seriousness the abuse and castigation which has been heaped upon me from time to time by those who do not know my record. Sometimes, they are uncharitable enough to question my patriotism. However, I stand on that record. I stand on my constitutional conservatism because, let me point out, if there is the slightest weakening, giving away, or violating of the precious constitutional guarantees given to the American people, to the extent that Congress does it, it will make the American people just that much less free.

We are talking today about preserving freedom in this Republic when, under the leadership of the Senator from Wisconsin [Mr. PROXMIRE], we are fighting this bill. For this bill cannot be reconciled with the preservation of the constitutional freedoms of the people of this country.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from an editorial on this subject, which was published in the Washington Post yesterday. It is a great editorial I commend the editors of the Washington Post for their journalistic insight into the great questions which make the pending bill, really, unacceptable, if Senators will only study all the aspects of its constitutional implications.

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

In order to get around the rulings of the Supreme Court, the Dirksen proposal would slough off the powers of the Board to require registration by the members of organization of which it disapproves. But it would continue the unseemly and oppressive power of the Board to label voluntary associations of American citizens "Communist-action" or "Communist-front" organizations.

What this comes down to, in simple terms, is an unlimited power to smear. And once it has attached an ugly label to a group it dislikes, the SACB can require it to use that label in its communications with the public, whether by mail or by electronic broadcast. It comes very close to empowering a Government agency to determine, in its own discretion, which associations may exist and which may not exist in a democracy which has functioned largely through freedom of association.

The statute under which the SACB would operate provides standards of a sort to guide its determinations. But they are so vague as to be without content or meaning. And in simple fact, as President Truman said when he vetoed the original act creating this monstrosity, they confer on Government officials "vast powers to haress all of our citizens in the exercise of their rights of free speech."

In the 17 years since its creation, the SACB has served no useful purpose and has made not a single contribution to the control of communism. The true American shield against communism lies in the solid common sense of the American people and in their free loyalty to democratic institutions. That shield has kept America secure and free. There is no need to import into this land and to impose on a free people the techniques of totalitarianism. In the name of genuine Americanism, the Senate ought to cast this scarecrow agency into the discard.

Mr. MORSE. Mr. President, the avowed purpose of the bill is to brand individuals and organizations as "Communist" after a proceeding of dubious validity and for no other purpose than to hold the individuals so named up to public ridicule. We seek to publish the names of our

enemies in the forum so that they may be made the objects of our scorn. I ask my colleagues of the Senate whether this is the manner in which a free society protects itself. I ask you to remember the mischief created by this type of activity. If we have learned from our experienced, we should, almost by reflex, avoid this Pandora's box.

This amendment repeals sections 7 and 8 of the 1950 act—those providing for registration of Communist organizations, and substitutes for those requirements, imposition of duty upon the Board to determine whether or not an organization is Communist and serve a copy of its finding upon the organization and upon individual members so accused. Notice of that determination would then appear in the Federal Register.

Obviously, there is no recourse for the individual so accused. The damage is done. Allowance for individual weaknesses or mistakes is not made. "Guilt by association" assumes physical form. The imputation of guilt is complete. The accused is not allowed to confront his accusers or subpena witnesses. I suppose the advocates of this bill relish the thought that such public notice gives avowed Communists just what they deserve. Perhaps—if the imputation of guilt is that obvious and the reasons for such association are so clear. But I am sure that they are not. I believe we found out in the fifties that motives are sometimes not so easy to discern and the reasons for an individual's conduct are not so readily learned in a crowded committee room. I make no excuse for dedicated Communists who seek the overthrow of this Republic. That is why I was one of the authors of the amendment which is now the law of the land which makes their party illegal in this Republic. But if in our effort to net them, we accuse and smear and attack those whose guilt is not so clear, we violate the basic guarantees of fairness and equity which we serve. We should know all this—we have been around this track many times.

I should also like to call the attention of Senators to the remarks made on the floor of the Senate by my distinguished colleague from Ohio [Mr. YOUNG] particularly regarding the cost of the Subversive Activities Control Board. The President is now asking us to pass a surtax to help finance the disaster in Vietnam. I had the occasion to speak in the Senate, just a few days ago, and record my views on that subject. I stated then, and I state again that I shall refuse to support any such increase until the Administration evidences a real desire to cut unnecessary spending. Expenditures for the Control Board almost define the word unnecessary.

Since 1965, it has cost our taxpayers $2 million to finance this Board while it did absolutely nothing. The Board's 18 employees average $11,000 a year, which is certainly an adequate amount to pay 18 people to keep track of each other. It will cost us over $330,000 this year alone. If the President wants to cut expenditures to indicate his good faith to the American people, he could begin by naming this expense the complete waste of money it so obviously is.

In this connection, I wish to indicate my support for the bill introduced by the Senator from Wisconsin [Mr. PROXMIRE], S. 2146, which would transfer all Board activities to the Justice Department, where they belong in the first place. Such a transfer would represent sound policy and sound economics.

In light of all the objections to the bill voiced in the Senate during the past few days, and in view of the overwhelming legal difficulties in store for such legislation, I suggest that it is imperative that the bill be referred back to committee for discussion and the taking of testimony. The distinguished minority leader suggests that there is nothing to investigate. I can make several suggestions to him.

I would suggest that the committee call as its first witness the Attorney General of the United States. His opinion seems to me to be essential to any intelligent consideration of the bill. This is particularly true in light of the comments made in the Senate on Tuesday by a distinguished former Attorney General of the United States, the Senator from New York [Mr. KENNEDY], that when he was Attorney General, his office did not receive one piece of information from the Subversive Activities Control Board in connection with communism in the United States that had not been uncovered in other ways. It was also his statement that if he were asked to testify before a congressional committee, he would have to say that to continue the existence of the Board would be a waste of the Government's money.

Those are strong statements. And they emanate from a man who ought to know. If Senator KENNEDY found the SACB to be useless while he was Attorney General, it appears to me that Mr. Clark's opinion as to his present evaluation of the work of the Board would be indispensible. I think the present Attorney General has a clear obligation to make his views known and I believe we have the right to hear them.

The American people have that right. The Senate has no right to deny that right to the American people. After all, we are but the agents of the American people. We have no right to sit here and take action on a bill that is subject to grave constitutional shortcomings without hearing the Attorney General and without hearing a series of top constitutional authorities in the Republic.

We keep hearing from the minority leader that he has a letter from Mr. Clark on this subject. Well, let Mr. DIRKSEN stand up and read the letter. But let me say that I do not care what is in the letter. I want the Attorney General put on the stand. I want to hear his case-in-chief. I want to hear his answers to the questions that will be put to him in an examination at a public hearing on a bill that so deeply concerns itself with the precious rights and the constitutional liberties of the American people.

The minority leader said he is content with the contents of that missive. That is wonderful. If the rest of us knew what it says, maybe we would be. Perhaps the Attorney General's opinion is being kept a secret for some reason known only to Senator DIRKSEN. Why are we not being allowed to inquire into the position of the Nation's top law officer? We also keep hearing veiled comments to the effect that the President supports this legislation. That is the statement of the Republican leader. I do not know of anything the President has said publicly.

I would suggest that there are at least 37 other excellent witnesses available to the Congress whose opinions would be of considerable relevance in considering this bill. I refer to the 37 prominent law professors around this Nation who have urged the Attorney General to oppose it. It seems to me a matter of no small moment when opposition to legislation is voiced by such distinguished legal scholars as Profs. Louise Jaffe and Clark Byse of the Harvard Law School and Walter Gellhorn of Columbia and many of their most outstanding colleagues.

These great constitutional scholars warn us about the dangers of this bill. Their analysis of the problems involved and the expression of their opinions would add considerably to our ability to make a good, well-reasoned determination. What good reason can the proponents of this bill give us for not hearing the testimony of these distinguished Americans? Are we in such a hurry we have no time for explanation of such complex legislation?

I think a very serious question arises in regard to this bill whether our committee system has been used in good faith in this matter. There is no explanation for why this bill was reported out without any report or analysis. It is clear on its face that it is not so elementary as to warrant such summary treatment.

The committee process and the taking of testimony and evaluation of legislation in an orderly manner are great procedural safeguards, belonging not to the Senate, but to the American people. This process of orderly legislative procedure has been developed over the years in order to protect the substantive legislative rights of the American people. The deliberations and reports of the Judiciary Committee would be of vital importance to us now. I do not understand why the committee conducted itself in the manner it did in relation to this bill. The committee heard not one witness. Not one page of testimony was taken. Not one scintilla of evidence was received relating to this, one of the most controversial issues facing our Nation.

I must respectfully submit, Mr. President, that the handling of this bill does not coincide with my idea of orderly legislative process. I can only assume that this effort to circumvent the normal committee process and the refusal of the bill's proponents to refer it back to committee stem from a fear of what a thorough investigation would reveal. I believe we seriously endanger the substantive rights of our citizens and the orderly processes of this great body when such an effort is made to push legislation through the Senate under a cloud.

Senator MUNDT stated yesterday that further hearings on this bill are not necessary because of the exhaustive hearings regarding the original legisla-

tion. It would appear that, like the Bourbons, we have learned nothing and forgotten nothing. It seems incredible to me that anyone could live through the McCarthy era with its smear tactics, methodical character assassination, and hours upon hours of pointless, meaningless testimony and not remember it. The pathetic spectacle—the constant vision of Senator McCarthy's effort to implicate every decent American who opposed him—the lies, the retributions, the broken careers and constant harangues—do we want to repeat them? I am appalled. I would have hoped that no one here—particularly here in the Senate—would want to revive the spectacle of that 14th-century witch hunt. The techniques used during that period made a mockery of judicial procedure and reduced the procedural and substantive rights of our citizens to ashes. For many, it poisoned forever their ability to respect and trust our form of government. I am sure these infamous hearings of the mid-fifties did more to spread communism in this Nation than any other single action in our history. The constant vision of men ignorant of their own history and indifferent to their future does not quell communism; it promotes it. And that is precisely the door now sought to be reopened.

Senator MUNDT's statement here yesterday in support of these amendments clearly set forth the essential reasoning of its proponents. The Senator expressed his fear of communism and stated that the need to protect our people from the Communists is obvious.

I am sure it is. We all oppose the Communist movement and would do anything possible to check its growth, within a government by law. Anything possible, that is, that did not force us to compromise our own convictions and sacrifice constitutional guarantees.

It is not the fear Senator MUNDT and Senator DIRKSEN and others have expressed, which is unreasonable. It is their response. They seek a worthwhile goal, but refuse to examine the methods they propose to reach it. In 1964, this philosophy that the end justifies the means ran for the White House. The American people listened, and watched, and voted. You know the result.

I say in all seriousness, if we come to the place in this Nation where we are willing to use any means at our disposal to spy upon our own citizens, invade their right of privacy and assembly, and in other ways ignore the constitutional principles upon which this Republic is based, in an effort to upbraid a handfull among us who do not belong, then I say to you, we prostitute our history and make sewage out of our system of jurisprudence.

The guiding principle which serves this Republic is our refusal to use totalitarian methods to preserve our society. We have never found it necessary to use authoritarian techniques to save ourselves. There is certainly no such need now.

Our history vomits up this effort to ignore our government of laws, not a government of men. Our reason is repelled by it. Our conscience is offended by it.

I oppose S. 2171 in all particulars that I have mentioned here today and others that I have not taken the time to mention. Therefore, I shall join in the motion to return this bill to committee for consideration, death, and burial.

Mr. President, before I yield the floor, to carry out a commitment I made to the Senator from Pennsylvania, I suggest the absence of a quorum——

Mr. PROXMIRE. Mr. President, will the Senator yield before doing that?

Mr. MORSE. I yield.

Mr. PROXMIRE. Mr. President, the Senate has just had an opportunity to hear a man who I think is, without question, the outstanding constitutional authority in the U.S. Senate. I believe the Senator from Oregon was the youngest law school dean in the Nation when he became dean of a great law school. He has studied the Constitution throughout his life. He has contributed repeatedly on the floor of this body the most invaluable kind of constitutional advice. Many Senators who disagree with the Senator from Oregon on particular issues before the Senate have been repeatedly swayed by his constitutional knowledge, because they know he speaks as a real scholar, as one who knows the Constitution thoroughly, and as one who is devoted to its principles.

There is one other point I would like to make in connection with the speech the Senator from Oregon has just made. I have always been impressed, in the 10 years that I have been in the Senate, with the insistence of the Senator from Oregon that we should have a record on legislation before it comes on the floor. Again and again, even as to legislation which he wholeheartedly approves and wants to get through the Senate in a hurry, he has insisted that we have hearings on it and establish a record, because, as the Senator from Oregon has said, this is the very heart of legislation, and unless we have hearings, we vote on legislation with our eyes closed.

As to the argument the Senator from Oregon has so ably and eloquently made this afternoon, it seems to me that it is in the best traditions of this body; and I hope that every Senator will read his speech in the RECORD. If Senators do not do so, we shall do our best to refer them to it at a subsequent time, because I think this issue is absolutely vital, and, as the Senator from Oregon has said, one that goes to the very heart of freedom in this country: constitutional liberties. On such a subject especially, we should all be concerned to have pertinent information fully developed at a hearing.

Mr. MORSE. Mr. President, I thank the Senator from Wisconsin for his overgenerous comments. He is, of course, a biased friend, and biased friends are very precious jewels. I appreciate his friendship. I wish to tell him that it was a pleasure for me to follow his leadership on this bill, and that in my opinion great thanks are due to the Senator from Wisconsin for his courage in making it perfectly clear to the Senate that he would see to it that there was full and adequate debate on the bill before it came to a vote. I commend him for his position and his courage, and thank him for his leadership. It was a pleasure to serve as a private in the ranks over which he has acted as general, as he marshaled this bill through the course of debate in the Senate.

Mr. MCCARTHY. Mr. President, I wish to commend the Senator from Oregon for his statement on this serious matter.

Mr. President, it is my view that the history of the Subversive Activities Control Act provides conclusive evidence that any attempt to amend it should be subject to extensive hearings.

This is the normal procedure for any legislation, but in this case the record indicates need for special caution.

The House of Representatives in 1950 passed the Subversive Activities Control and Communist Registration Act by a vote of 354 to 20 and the Senate approved the bill by 70 to 7. President Truman vetoed the measure and the Congress passed it over his veto, by a vote of 286 to 48 in the House and 57 to 10 in the Senate.

Nearly everyone is familiar with what followed. It is not enough to have an overwhelming vote by Congress or for Congress to assert its power to override the President's veto. There are also constitutional questions, and the court decisions invalidating some of the statutory provisions have made the law ineffective to the point where in recent months the Board has been practically unemployed.

Now it is proposed by S. 2171 to amend the law, remove certain provisions, and continue the Board as an investigatory institution. But we are asked to do this without public hearings and without the careful examination of the constitutional questions.

Yesterday the Senator from New York [Mr. KENNEDY] who, as Attorney General had responsibility for several years for enforcement of the law, presented a summary of the Court decisions and of the constitutional questions which, in his judgment, still remain under the amended version now before the Senate.

As Senator KENNEDY stated, court decisions to the present have relied upon the privilege against self-incrimination but the right of association under the first amendment is also relevant, and this constitutional right as a result of court decisions over the past 17 years is clearer and more explicit than it was when the original measure was enacted.

In his statement yesterday the former Attorney General listed three additional constitutional questions which remain unanswered.

He stated:

First. The definitions of "Communist action" and "communist-infiltrated" groups are the same as they were in 1950—these definitions raise serious questions—they are vague about what groups are included and what groups are not. The Supreme Court's loyalty oath decisions have strongly suggested that vague definitions of "subversive" groups are not constitutionally permissible, because such lack of clarity discourages people from associating with legitimate groups. Yet section 782 of the act—which would not be affected by S. 2171—uses language of the most general sort.

Second. Although the Board's activities would be investigatory, there are a number of severe restrictions on members of suspect organizations which would apply once the

Board made its determination of "Communist-action" or "Communist-infiltration." The groups themselves are denied tax deductions—their mail must be stamped—their activities are subject to heavy supervision. Thus, the Board still has functions which are inherently punitive—and which may well be a violation of the privileges against self-incrimination.

In addition, the increased protection given political associations by the Supreme Court in recent years makes this kind of government supervision open to serious doubt under the first amendment.

Finally, the self-incrimination problem may be greater under this bill than under the existing act. What happens if an individual refused to answer political questions before the Board? Can he be punished for contempt? Is failure to testify evidence of subversive activity? If the Board's final determination results in severe restrictions on groups, is this not a use of investigatory power to punish?

Mr. President, this list of questions deserves careful consideration in hearings. It is not my view that the Congress should be awed by constitutional lawyers or that we should always refrain from action on their recommendations, but in an area involving constitutional rights so directly as this proposal does, we should hear what they have to say before taking action. We should not proceed to approve this bill until they have been carefully considered in hearings.

Apart from the constitutional questions there is a practical aspect which deserves reflection.

Members of the Senate recall the urgency with which the act of 1950 was pressed and the warnings of what would happen to the Nation if we failed to enact it. It is now 17 years later and for all practical purposes it has been ineffective; at least there have been no convictions under the law. Has the United States been endangered as a result? Have students in schools or citizens been subverted? Is communism stronger in the United States today? Has our freedom been endangered?

I believe the American people are better informed about the Communist challenge than 17 years ago. I believe they are better aware of the limitations and weaknesses of Communist nations than in 1950. Their judgment is a result principally of the events of history, of the evidence of inadequacies and failures of Communist parties as they have attempted to exercise political power in various nations, of the de-Stalinization revelations in the U.S.S.R. itself, of the Sino-Soviet split and the tension between Communist nations, of the Communist setbacks in Africa and Indonesia, and many other events.

On the positive side—and more important—the success of the Marshall plan in rebuilding Europe and the strength of Western European nations and the United States in moving forward under democratic governments have answered some of the questions and doubts of 1950. I do not believe we would routinely amend and extend a law dealing with subversive activities adopted in the spirit of 1950. Some old problems have been reduced and some new tensions have arisen. We should explore carefully whether we are establishing effective safeguards, or the most effective safeguards, for 1967 and the years ahead.

Of course, no nation can be unconcerned about subversive activities within its borders. The question is about the means to restrain them, and I believe this requires more thought and attention than has been given in reporting out S. 2171. In the meantime, I believe we can continue to have confidence in the FBI and the Department of Justice as to immediate dangers of subversive activities.

I am hopeful this measure will be sent back to committee and the entire question reviewed, adequate hearing held, and better procedures recommended to the Senate for debate and decision.

THE LETTER IN FACT AND FANCY

Mr. PROXMIRE. Mr. President, on Tuesday the distinguished minority leader dramatically waved in his hand a letter from the Attorney General of the United States, reportedly containing the opinion of the Attorney General on the pending legislation, S. 2171.

The Senator from Illinois [Mr. DIRKSEN], as is his privilege, preferred not to reveal the contents of that letter Tuesday.

I do not pretend to know the contents of Senator DIRKSEN's letter from the Attorney General. It is altogether possible that it could be one of the most important letters in United States' history. I, myself, cannot judge any letter's significance until I have had a chance to read it.

Perhaps it ranks with some of the great letters of history; with Disraeli's "Letters of Runnymede" or Gladstone's "Letters to Lord Aberdeen."

Perhaps this mysterious letter will be remembered by future generations along with the Federalist Papers which had their humble origin as mere letters.

But in the hope of setting the record straight, I want to inform the Senate that the distinguished minority leader is not the only Member of this body who receives correspondence from the Attorney General.

I checked my own files and discovered quite a number of epistles from Attorneys General.

Here is one from my early days in the Senate, just after my election. I had in mind a bill which I was convinced would settle many of the Nation's problems if it were constitutional. So I wrote to the Attorney General, at that time, and asked his opinion of my bill. His answer was not very encouraging. Although I had better not read the exact words, I will paraphrase his response. It went like this: "If your bill is enacted by the Congress, the Department of Justice will enforce it consistent with the Constitution and the standards of the act."

The Attorney General, at that time, was a very kind and tactful man. He let me down gently. I could hardly characterize his letter to me as a ringing endorsement of my bill.

So my imaginative proposal, which coincidentally had been the subject of no hearings and no reports from any executive agencies, did not save the Republic. But even without my bill's enactment, the Republic survived.

I also found in my files, after admittedly a cursory inspection, another letter from another Attorney General. But perhaps I had better not disclose the contents of this letter either, because it was written after the passage by the Senate of a major piece of domestic legislation during the Johnson administration.

The letter thanked me for my small part in Senate passage of that landmark measure. But I had best be careful because the letter went on to praise the distinguished minority leader for his unstinting dedication to the cause of civil liberties.

Perhaps it would be wiser not to read that letter at this particular time.

A third letter which I received from the Attorney General's office concerned a Federal judgeship in Wisconsin. But I better wait until the third reading of a bill from Senator TYDINGS' subcommittee to divulge that letter's contents.

I merely cite these examples to emphasize that the senior Senator from Wisconsin also receives letters from Attorneys General. I am sure that all Senators receive equally informative and interesting letters from the Attorney General from time to time.

But I do hope that no Senator will ever receive a letter from any Attorney General in response to an inquiry about a pet bill which states:

> If the bill is enacted, the Department of Justice will enforce it consistent with the Constitution and the standards of the act.

That would be too cruel a jolt. I confess to my colleagues that receiving such a letter from the highest legal officer in our Nation really shook my confidence. I do not wish the same experience for any Senator.

When I received that discouraging word from the Justice Department, I was reminded of the passage from Corinthians:

> Not of the letter but of the spirit; for the letter killeth, but the spirit giveth life.

Indeed the letter can "killeth."

Or maybe the Attorney General who had authored that deflating passage had, himself, heeded the advice of Thackeray, who wrote:

> The best way is to make your letters safe. I never wrote a letter in all my life that would commit me.

All the senior Senator from Wisconsin seeks on this bill is really quite simple. We want to hear the Attorney General, the head of the Department which will initiate any action under this bill. I want to hear what he has to say: whether he agrees with his distinguished predecessor, the very able Senator from New York [Mr. KENNEDY] who opposes the proposed legislation and says the bill will not, cannot, work or whether he supports this legislation.

I think Sir Francis Bacon summed up my position on the question of hearings on S. 2171 when he said:

> It is generally better to deal by speech than by letter.

Let us hear the Attorney General speak.

I yield the floor.

AUTHORITY FOR THE VICE PRESIDENT TO SIGN DULY ENROLLED BILLS DURING ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Vice President be authorized to sign duly enrolled bills presented to him today, even following the adjournment of the Senate.

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

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon tomorrow.

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

AMENDMENT OF THE SUBVERSIVE ACTIVITIES CONTROL ACT OF 1950

The Senate resumed the consideration of the bill (S. 2171) to amend the Subversive Activities Control Act of 1950, so as to accord with certain decisions of the courts.

Mr. MANSFIELD. Mr. President, on yesterday I had a colloquy with the distinguished senior Senator from Wisconsin, as shown by the RECORD on page 29259.

In that colloquy the Senator from Wisconsin [Mr. PROXMIRE] made the following suggestion with respect to the pending Dirksen bill:

> Will the Senator consider an amendment which would permit the Dirksen bill to be passed and provide that, in the event the Attorney General is not able to act under the bill, and does not bring any cases before the Subversive Activities Control Board within the next 12 months, in that event the Board would be abolished, and the idle Board, which under those circumstances would have gone almost 3 years with nothing to do, would cease to exist?

I replied to the proposal in the following manner:

> Mr. MANSFIELD. I would give consideration to any amendment offered by the distinguish Senator from Wisconsin. As to whether I could approve such an amendment, I, of course, would be unable to say at this time. Nor do I think the Senator would expect me to, because we have to study these matters and determine their full ramifications. However, the proposal sounds as if it has possibilities.
>
> If the Senator should offer such an amendment, I can assure him, as far as I am concerned—and I would assume the Senate as a whole would feel the same way—the amendment would receive every possible consideration. It would be one way of trying to arrive at a better position than we find ourselves in at the present time.

AMENDMENT NO. 414

Mr. MANSFIELD. 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 read as follows:

> On page 12, after line 17, insert the following new section:
>
> "SEC. 12. Section 12 of the Subversive Activities Control Act (50 U.S.C. 791) is amended by adding at the end thereof the following new subsection:
>
> "'(i) The Board shall cease to exist on June 30, 1969, unless in the period beginning on the date of enactment of this subsection and ending on December 31, 1968, proceedings under this Act shall have been instituted before the Board and hearings under this Act shall have been conducted by the Board. On January 1, 1969 the Attorney General shall determine whether such proceedings have been so instituted, and such hearings have been so conducted, within that period. The determination so made by the Attorney General shall be published in the Federal Register.'"

Mr. MANSFIELD. Mr. President, after considering the matter thoroughly this amendment, I believe, is largely in line with the suggestion made by the distinguished Senator from Wisconsin [Mr. PROXMIRE] on yesterday.

As originally drafted, line 3 of the amendment under (i) contained the words "one or more" before the word "proceedings," and also on line 5, the words "one or more" appeared before the word "hearings."

Those words were struck out because I, at least, felt that if it were a matter of a single hearing or a single proceeding, that would be insufficient and therefore those terms appear in their plural context.

I wanted to explain that to indicate that we are trying to make this as tight and as reasonable as possible.

Mr. PROXMIRE. I say to the distinguished majority leader that I very deeply appreciate this. Frankly, I had intended at a later date to introduce an amendment of this kind. It is far better coming from the majority leader. I think it accomplishes a great deal of what we are interested in accomplishing.

Frankly, the amendment of the Senator was made available to me by the majority leader. I checked the amendment with my staff and they seem to think that it fulfills the kind of proposal I made yesterday.

I would greatly appreciate it if the Senator from Montana would permit me to discuss it for a short time with other people who have shared the position I take on the floor. But I think that we should be able, under this proposal, to arrive at a determination on the bill.

Mr. MANSFIELD. Oh, of course. Anything the Senator desires is his for the asking.

Frankly, I did not know whether the Senator intended to offer an amendment of this kind. I thought the proposal deserved consideration; it was considered and the amendment was drawn. So I will refer to this as the Proxmire amendment from now on, because the idea was generated in the course of the colloquy between us on yesterday.

Mr. PROXMIRE. If there is to be a vote on it, I hope it is referred to as the Mansfield amendment. It would do a lot better.

Mr. MANSFIELD. Let us not quibble about it. I do not intend to push it today. But I did want the Senator to have a copy of the amendment as proposed so as to find out if in his view it agreed with what the Senator said yesterday. And hopefully we can perhaps get a vote on the amendment tomorrow, all matters being considered.

Mr. PROXMIRE. That would be agreeable.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House insisted upon its amendment to the bill (S. 889) to designate the San Rafael Wilderness, Los Padres National Forest, in the State of California, 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. BARING, Mr. JOHNSON of California, Mr. UDALL, Mr. SAYLOR, and Mr. REINECKE were appointed managers on the part of the House at the conference.

The message also announced that the House concurred in the amendments of the Senate to the amendment of the House to the bill (S. 1933) to provide for the disposition of judgment funds now on deposit to the credit of the Cheyenne-Arapaho Tribes of Oklahoma.

ESTABLISHMENT OF CONGRESSIONAL DISTRICTS COMPOSED OF CONTIGUOUS AND COMPACT TERRITORY FOR THE ELECTION OF REPRESENTATIVES

Mr. BAKER. Mr. President, on June 8, the Senate passed by a convincing margin, 55 to 28, legislation that would set definite legislative standards implementing and fully consistent with the Federal Constitution's strict requirement that each man's vote count as much as another man's vote in the election of Members of the U.S. House of Representatives.

That legislation would have prohibited the gerrymandering of congressional districts and would have permitted a population variance of only 10 percent between the smallest and largest districts in a State beginning with the 1968 elections.

The House-passed version of this legislation, H.R. 2508, left the question of gerrymandering to the States and would have permitted a population variance of 30 percent between the largest and smallest districts in a State until the 1972 elections.

Because of the differences between the Senate and House versions, there was a conference.

The appointed conferees met several times and reportedly were deadlocked over both the gerrymandering provisions and the question of what the acceptable temporary population variance between districts should be.

I am informed that today the conference has filed an agreement that avoids both of these issues. The agreement, first, makes illegal "at large" elections for House Members, except in Hawaii and New Mexico, beginning with the 1968 elections.

Second, the conference decided that no State shall be required to redistrict until after the 1970 census unless an earlier special census, paid for by the State, is available, with the further provision again that prior to such special census, no State shall be required to elect its Representatives at large.

Mr. President, the desirability of Congress' acting definitively and in this manner regarding the prohibition of at-large elections is clear. No one doubts that

Congress may properly enact such a provision pursuant to its constitutional power under article I, section 4, to alter regulations governing the times, places, and manner of holding elections for Senators and Representatives.

However, I respectfully submit that the unconstitutionality and undesirability of the second section of the conference agreement—that courts cannot require States to realine congressional districts until a special Federal census is available—is equally clear.

My objections to this latter provision are briefly these:

First. If this proposal is saying to the courts, "You cannot order a State to redistrict unless that State voluntarily agrees to pay for and provide a special Federal census," then the legislation is clearly unconstitutional. This is so because in *Wesberry* v. *Sanders*, 376 U.S. 1, 8 (1964), the Supreme Court declared that the Federal Constitution's plain objective is that "as nearly as is practicable one man's vote in a congressional election is to be worth as much as another's." To permit any State the option of declining to redistrict by refusing to authorize and pay for a special Federal census is to permit the State unconstitutionally to withdraw from the Federal court's established jurisdiction over implementation of the one-man, one-vote principle.

Second. If the conference proposal were deemed constitutional, its immediate effect would be to delay until the 1972 elections Federal court enforcement of fair districting in 18 States which include 259 Congressmen, or more than half the Members of the House of Representatives.

Third. Not only would this proposal bring to a grinding halt court enforcement of redistricting, it would turn back the clock by permitting the 33 States which either have completed or begun redistricting since the *Wesberry* decision on February 17, 1964, to redraw their lines with no constitutional limitations on what the population variance between the largest and smallest districts might be.

Fourth. The proposal is inconsistent because it seems to permit States voluntarily to redistrict without a special Federal census, but provides that States which are ordered to redistrict by courts must pay for a special Federal census.

Fifth. The expense of a special Federal census will be an unwelcome financial burden to the financially hard-pressed States. There are 18 States with congressional districts which have been declared unconstitutional by the courts, or which have been challenged in the courts, or which are vulnerable to challenge under the most recent Supreme Court decision. In the two largest of these States, New York and California, the cost to the State of a special Federal census would be more than $6 million. If, as is conceivable, the courts order all 18 to conduct special census and redistrict before the decennial census in 1970, the total cost to this group of States would be approximately $35,273,000.

Thus, one might say that in this time of financial crisis Congress is considering a $35 million redistricting bill and sending the tab to the hard-pressed States.

Sixth. Under present procedures, it would be 1970 before the Census Bureau could complete the required special censuses if the courts ordered as many as 10 or 15 States to redistrict. Probably, the Supreme Court would not tolerate such a delay, and would require that the census be done immediately. That would considerably raise the cost of the surveys to the States so as to simply make such surveys impossible.

Seventh. There has been no adequate justification demonstrated for making a special Federal census a condition precedent to a court-ordered redistricting. Of course, because of population shifts, the 1960 census figures are not precisely accurate. Nevertheless, no one has proved that the distortion in fair representation caused by inaccurate census figures is anywhere nearly as bad as the distortion caused in the 18 States which are currently electing 259 Congressmen upon the basis of lines that are clearly unconstitutional.

Notwithstanding the argument that the 1960 census is old by 7 years, and not therefore current, it seems infinitely preferable, by appropriate legislation, to require redistricting on the basis of the best available and newest figures and to require the States to redistrict on the basis of what they should have done 7 years ago. The Supreme Court has never accepted this argument as a justification for waiting until 1972 to implement the one-man, one-vote decision. And, too, population estimates can be used, where available, to minimize whatever distortion has been caused by population shifts since the 1960 decennial census.

Eighth. Finally, this legislation actually increases, rather than lessens, the probability that at least the 174 Members of the House from California, Indiana, New Jersey, Texas, Missouri, Ohio, New York, and Florida might be forced by the courts to run at large for election to Congress in 1968.

Because of the wide-ranging effect this last provision may have on so many Members of the House, I should like to discuss it in detail.

To begin with, it is my reluctant but firm conclusion that, if enacted, the legislation contained in the report filed today by the distinguished conference committee will be rather swiftly declared unconstitutional by the Federal courts. In the earlier debate in May and June on this legislation, I elaborated my views on why I believe that the Federal courts will tolerate no Federal legislation that attempts to modify or circumvent its rulings which during the last 2 years have directed or encouraged fair redistricting in 33 States. I refer to the RECORD, pages 14016–14018, 14784. Suffice it to say that, while I favor prompt congressional action in establishing more definite standards within the constitutional limits set by the Court, there is no doubt that congressional action which attempts to circumvent or modify the Supreme Court's interpretation of the one-man, one-vote rule will be regarded by the Court as unconstitutional.

The provision which states that the courts cannot require a State to redistrict unless the State first voluntarily orders and pays for a special Federal census is unconstitutional because it permits the State to unilaterally withdraw from the Court's jurisdiction over redistricting.

Even if the legislation is read to authorize the court to order a special census before it orders a State to redistrict, I still believe the courts will regard the census provision as an unjustified delaying tactic and still hold the legislation unconstitutional.

I say this because it appears that, if a number of States descended upon the Census Bureau with court-ordered requests for a special survey, the Bureau could not complete any in time for the 1968 elections. Under the Bureau's present procedures, if 10 to 15 of the vulnerable 18 States requested special censuses it would take 8 months to provide the information for the smaller States and up to 15 or 16 months to provide the information for the largest States, New York and California.

It could be that the Census Bureau with additional personnel could conduct a number of surveys in time for the 1968 elections, but it is not likely at this late date. Thus, I conclude that by the time the courts consider this legislation, if enacted, they will decide that enough delay is enough and declare the entire act unconstitutional.

And what will be the result, if I am correct in my analysis, when the courts declare that the legislation is unconstitutional? Given the usual delays in both the legislative and judicial process, this ruling might not occur until late next spring. During that time, the legislatures in California, Indiana, and New Jersey—which are under court order to redistrict—would likely wait to see whether the Federal law might prove valid and therefore shield them from the court's redistricting order. Probably, the courts which are considering the cases in Texas, Missouri, Ohio, New York, and Florida would wait for a definitive decision on the question from the Supreme Court. Perhaps by that time suits will be filed in the remaining 10 States where the congressional lines are vulnerable to attack under constitutional standards—Colorado, Connecticut, Georgia, Iowa, Louisiana, Minnesota, Nebraska, Pennsylvania, Washington, and West Virginia—and those cases will also be stalled, waiting for definitive Supreme Court action on this enacted legislation.

Then, assuming that the Supreme Court declares the law unconstitutional next spring, what will happen in the States where the legislatures and the courts have delayed their decision? The courts could immediately prepare their own redistricting plans for the 1968 elections. Most likely, some would order the legislatures to redistrict immediately in time for the 1968 elections. Too, it is entirely possible that the legislatures in several States, some of which may have adjourned, will not be able to meet or, if they meet, to agree upon a redistricting plan. It is likely that the courts then will, because of the recalcitrance of the legislatures and the shortness of time before

the elections, order that all the Congressmen in those States run at large. Needless to say, at-large elections for the House would have important political consequences, especially in a presidential election year.

I should note that it is of no avail to argue that a court might uphold the prohibition of at-large elections even though it declared unconstitutional the special census provision. There is no severability clause in the conference report.

If the Court rules any of the law unconstitutional, it will rule it all unconstitutional.

In conclusion, I should say that I am not happy with the prospect of opposing the report of the distinguished conference committee. I had hoped that even if the conference could not agree on the gerrymandering provisions that there might be some agreement on definite temporary and permanent standards for permissible population variance between the largest and the smallest districts in a State. Failing that, I had hoped that the conference might simply report a bill that eliminated at-large elections, except in Hawaii and in New Mexico. I am disappointed that, because the census provision both attempts to delay redistricting and raises the possibility that many Congressmen will be forced to run at large, I cannot support this conference report.

Because of the merit in eliminating at-large elections and because the report's effort to do so is jeopardized by the apparent unconstitutionality of the remainder of the conference report, I am considering introducing to the pending business in the Senate or to the next pending business an amendment that would eliminate at-large elections. I feel confident the Senate would support such a measure and that with that issue out of the way, the vote whether to accept the conference report could concentrate mainly upon the issue of whether it is constitutional and desirable to provide that no State may be required to redistrict unless a special Federal census is conducted and paid for by the State.

SECURITY CLEARANCE OF WALT WHITMAN ROSTOW

Mr. THURMOND. Mr. President, press reports over the weekend state that Walt Whitman Rostow, special assistant to the President for National Security Affairs, denies that he was refused a security clearance three times under the Eisenhower administration.

I believe that Mr. Rostow is being less than candid. Both the Washington Post and the Evening Star quote him as follows:

> From 1951 onward, I had continuous security clearance from various agencies of the Federal Government.

Mr. President, this reply is not responsive to the allegations presented by Mr. Otto Otepka in his brief filed recently before a State Department hearing officer on his long and complicated case. The specific issue is whether Rostow was initially rejected for a high-level clearance by the Department of the Air Force; and again in 1955 by Herbert Hoover, Jr., then Under Secretary of State; and again in 1957 by Roderick O'Connor, then Administrator of the State Department Bureau of Security. Rostow has not denied these allegations because he knows he cannot truthfully do so.

When Rostow says that he has had security clearance from various agencies since 1951, he is trying to obscure the issue. Anyone who knows anything about security clearances knows they are granted for various degrees of accessability and by various agencies. The standards of each agency may be, and frequently are, entirely different; and they may be bypassed completely by high-level command.

While Rostow's statement that he has had continuous security clearance from 1951 onward is possibly true, it does not offer any refutation to the original allegation. Whatever level of clearance he may have had, the fact is that he has been denied strict high-level clearance on the three occasions mentioned. For example: under the Hoover action of 1955, Rostow was disapproved to attend meetings of a psychological warfare panel of the Operations Coordinating Board—OCB—which operates directly under the jurisdiction of the National Security Council. This is, of course, a very high level, critical clearance.

The fact that Rostow was denied high-level clearance three times indicates that the security factors involved were not taken lightly.

State Department security standards are spelled out in law and regulation. It is a fact that Rostow did not meet those standards. Today Rostow is special assistant to the President for National Security Affairs. The fact that he now presumably has a high-level clearance—that is permission to have access to sensitive data—shows clearly that the security standards in our top echelons have been lowered.

There is widespread public confusion about the exact meaning of the word "clearance." It has nothing to do with the commonly accepted meaning in legal parlance that a person is "cleared" of charges filed against him, for lack of evidence. A security check is not a judicial proceeding. To be "cleared" simply means that a person has received permission to have access to information of a certain level of sensitivity.

The reasons for denying a clearance do not necessarily imply that a person has engaged in subversive activities. The subject may be open to blackmail for some unfortunate incident in the past, or because he may have relatives behind the Iron Curtain. Past incidents may have shown carelessness in handling classified data, or friendships that could lead to unintentional transmission of data to the enemy. The denial of a security clearance does not necessarily imply disloyalty.

However, denial does imply that high risk is involved because of a subject's background. Intentionally or unintentionally, the subject presents some weak spot which could be exploited by the enemy. Subsequent clearance does not mean that evidence of weak spots has been disproved; more likely it means that a subjective judgment has been made to take the risk despite the evidence. Ultimately, the Soviet Ambassador himself could be given a security clearance if the President decided it was in the national interest.

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

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). 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.

RECOGNITION OF SENATOR BYRD OF WEST VIRGINIA TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon completion of the transaction of routine morning business tomorrow, I be recognized for not to exceed 20 minutes.

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

SPENDING CEILINGS ARE NOT THE BEST WAY TO CONTROL EXPENDITURES

Mr. PROXMIRE. Mr. President, on yesterday, I warned the Senate of dangers inherent in meatax spending cuts as compared to a rational system of budgeting priorities. Action by the House yesterday points out even more clearly the desperate need for Congress to have before it some means of judging which programs are contributing the most to national welfare.

Across-the-board budget slashes help no one. While the objective of economy in Government remains paramount, moves to trim all programs indiscriminately tend over the long run to create demands for higher spending in order to remedy dislocations suffered in vital programs which suddenly are left without funds.

The term "economy in government" is not tantamount to advocating equal reductions in all programs. Instead, when we aim for economy in government, the target is that of realistic spending priorities. With such priorities, Congress would be able to selectively pare expenditures by starting to cut first from the lowest ranked programs.

A current example is quite relevant. If Congress had insisted that the administration use alternative discount rates in cost-benefit analysis of public works programs, significant savings could have been achieved. Alternative interest rates, for instance, the current yield on Government securities and/or the estimated discount rate employed in the private sector, would have shown zero or negative present value of many expensive public works projects.

In hearings last month by the Economy in Government Subcommittee of the Joint Economic Committee, testimony revealed that present Government discount rates, based on historical coupon rates of long-term Government

bonds, lead to inaccurate budget decisions which ultimately cause increased inflationary pressures and lower economic growth. Witnesses said that the extremely low discount rate now applied by the Government creates serious misallocations, and they called upon Congress to change current policies so that such misallocations could be minimized.

Mr. President, across-the-board reductions are simple expedients; they will not solve the problem of budget priorities. Congress must act to establish and encourage techniques which will lead to better spending decisions.

BETTER DISTRIBUTION OF FEDERAL RESEARCH AND DEVELOPMENT FUNDS CAN HELP SOLVE RURAL-URBAN PROBLEMS

Mr. PROXMIRE. Mr. President, much attention has focused recently on the wisdom of tackling our urban problems in the rural areas. While this idea may sound paradoxical on the surface, it makes a good deal of sense, because it recognizes the connection between our rural and urban problems. This approach raises the idea that megalopolis may not be the only answer to economic progress; that, in fact, there is no reason to make urban poor out of the rural poor. In other words, this approach suggests that we could go a long way toward solving our urban crisis if we stopped emigration of the rural poor to the cities.

The Senator from South Dakota [Mr. MUNDT] and I have been impressed by the logic of this approach, and have introduced Senate Concurrent Resolution 33 directing the Joint Economic Committee to study the relationship of population movements to economic growth and development. Although such a study and the guidelines it could supply for public policy are prospective, we can and should begin to evaluate Federal programs and expenditures in light of their impact on our urban/rural problems.

Federal expenditures for research and development—R. & D.—are an obvious example of an area in which the Federal government can influence economic development. We know that Federal funds have a significant influence on the development of strong scientific departments in our academic institutions; and that in turn universities with superior scientific capability attract to the area new business firms which have a need for research facilities and talent. Thus, it is apparent that the distribution of Federal funds for research and development can and does affect the pattern of economic development in the country. For example, it is a well known fact that the growth of the electronics industry in the Boston area was due to a large extent to the proximity of the Massachusetts Institute of Technology and Harvard University.

But despite the impact the Federal Government could have in directing economic change through research and development expenditures, this factor has been given little if any emphasis in determining the distribution of these funds. Instead of attempting to change current development patterns, we have, in effect, contributed to their growth by giving the bulk of our funds to institutions already most advanced and by spending most of our funds in the very areas which are growing so rapidly. The figures are illustrative.

In fiscal year 1965—the last year for which we have a breakdown by States—the Federal Government spent about $14.4 billion on research and development. During this year 31.7 percent of these funds went to one State alone—California, and this actually represented a decline from fiscal year 1964 when California's percentage was 34.6. New York was second with 9 percent, Maryland third with 6.1 percent, Massachusetts fourth with 5.1 percent, and Texas fifth with 5.1 percent. Thirty-one States received less than 1 percent—Wisconsin included—and nine of these States had less than one-tenth of 1 percent.

Yet this distribution of funds has little relationship to population distribution. Whereas the Federal Government spent $287 on research and development for every person in California, it only spent $31 per person in Wisconsin. And although Wisconsin ranked 14th in population among the States in the 1960 census, it ranked 23d in 1965 in the amount of Federal research and development funds received. And this rank marked a rise from the previous year when Wisconsin was 26th.

I cite the example of Wisconsin, because it is, of course, the instance with which I am most familiar. However, the discrepancy between population and research and development funds received would apply equally to many other States—especially States with a large rural population.

Mr. President, I think this evidence provides a dramatic example of our failure to take into account national objectives and problems in the distribution of funds for special Federal programs. It is clear to me that we would better serve our national goals by spending a larger portion of our research and development funds in the less urbanized States. Such a policy would contribute a powerful impetus to the economic development of these States and would ultimately lessen some of the pressures on our urban States and large cities.

TAX INCREASE NOT THE ANSWER TO INFLATION

Mr. PROXMIRE. Mr. President, the Milwaukee Journal recently spelled out in an editorial why the tax increase proposal of the administration will not solve the serious and developing inflation problem that faces the country.

In selling the increase to the country, the President has repeatedly put his prime emphasis on its desirability in holding down prices.

The trouble, Mr. President, is that the inflation we are now suffering—in retail food prices, in the prices for steel, autos, chemicals, and medical services, will not be restrained by a tax increase.

The answer in food is well known. A tax increase that omits—as this proposal properly does—people with incomes below $5,000 will have no restraining effect on the demand for food.

In steel, autos, chemicals, and many other lines, demand has diminished below last year and far, far below capacity.

Thus, a tax increase to restrain demand further is not the answer. Prices in these areas are rising because of a cost push. A tax increase will simply push those prices up further.

In the rapidly rising service area, in medical services, for example, the shortage of doctors, hospital nurses is so acute that any lessening of demand by a tax increase will have little substantial effect.

I ask unanimous consent that the editorial from the Milwaukee Journal be printed in the RECORD.

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

L. B. J. UNCONVINCING

President Johnson's warning that a refusal to raise taxes will cost Americans twice as much in the form of higher prices is a scare tactic.

The president predicts that an overheated economy will force the cost of living up 4 to 5% next year unless there is a surtax, in which case he says the increase will be held to only 2.5%.

While the cost of living index is a key indicator, the president is fudging when he treats it as a single indivisible force. The Green Bay Packers are a team, but they also are individuals of varying ability to influence the outcome of a game. Similarly, the cost of living index has its internal components. When these are examined it is plain that some items—notably medical services—have risen much faster than others in the last 10 years. Indeed, commodities—especially new cars and household appliances—have been slow risers.

Thus, even if galloping inflation were an imminent danger, which many experts aren't ready to concede, it is doubtful that a tax increase is necessarily the best remedy. To slow down inflation, a tax increase must draw money that would otherwise be spent on things that contribute heavily to inflation. This would not likely be the case with medical care and many other services—from dry cleaning to haircuts—which have been a strong cause of higher living costs.

On the contrary, the brunt of the tax hike probably would be felt by producers of durable goods—cars, dishwashers and TV sets—who have done tolerably well in restraining prices since 1957.

Moreover, there is no guarantee that a tax increase would have much impact on federal spending, a key factor in any threat of overheating. The tendency of new expenditures to absorb new revenue is well known.

The economy, now in its 80th month of expansion, is beset by diverse forces. Signs of inflationary surge mix with omens of economic sag. However, if hyperinflation does occur, a reduction in nonwar, nonpoverty spending should be the first resort. The moon can wait, as can the supersonic transport and plenty of pork barrel projects.

Congress might even muster enough fortitude to close shameful income tax loopholes that permit too many rich men to pay far less than a fair share.

COMPREHENSIVE REVISION OF THE STANDING RULES OF THE SENATE

Mr. CLARK. Mr. President, I submit, for appropriate reference, a resolution embodying a comprehensive revision of the Standing Rules of the Senate. With the exception of certain minor changes necessitated by the passage of time, this

resolution is identical with a resolution originally introduced by me in the second session of the 88th Congress, on September 23, 1963, as Senate Resolution 372, and subsequently reintroduced in the 89th Congress.

I ask unanimous consent that the text of this resolution, together with an explanatory memorandum, which first appeared in the RECORD on September 23, 1964, be printed at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. CLARK. Mr. President, for the benefit of those who may choose to pursue the matter in detail, I point out that the RECORD of September 23, 1964, also contained a comparative side-by-side print of this resolution and the existing standing rules of the Senate. However, because of the length and complexity of this material, I do not ask that it be placed in the RECORD again. I would hope that serious students of our obsolete, outmoded rules would refer back to the RECORD for September 23, 1964, in order that the details of this comprehensive rewrite of the rules may become apparent to them.

I would hope, if there are serious students of rules reform—and I am sure there are—that I will receive some constructive suggestions with respect to the very detailed and comprehensive changes which the draft I have just submitted makes in our present rules.

Although this matter has been pending before the Senate since 1964, the Senate Committee on Rules and Administration, to which it has been referred, has not held 1 day of hearings on this revision.

During the debate earlier this year on the Monroney-Madden legislative reorganization bill, I sought to obtain Senate approval of a number of the more significant reforms contained in this resolution.

My efforts, except in a few instances, were unavailing. And since it now appears that the other body is unlikely to act at this session on the legislative reorganization bill, and possibly not next year, either, even those few exceptions may go down the legislative drain.

One of the arguments made against my proposed amendments to the Monroney-Madden bill was that the Joint Committee on the Organization of the Congress lacked jurisdiction over matters relating to the Standing Rules of the Senate. Although the argument, in my judgment, is irrelevant in the context in which it was raised, I do not doubt that several of my colleagues were persuaded by it and voted against reforms which they support on the merits because of the manner in which they were brought to the floor.

There is another aspect to this question which I desire to note briefly. At the time of the debate on the Monroney-Madden bill, and again when the so-called clean elections bill was before the Senate, I offered three amendments which I called the "Bobby Baker" amendments. These amendments undertook to require financial disclosure of income, assets, and liabilities of Members and of those of their staffs who were receiving salaries in excess of $10,000 a year. The "Bobby Baker" amendments also hit at other abuses which were brought to light during the extensive inquiry into Mr. Baker's affairs which was held—I note the Senator from Tennessee [Mr. BAKER] has come to the floor, and I wish to make it abundantly clear that I am not talking about him.

Mr. BAKER. Mr. President, if the Senator will yield, I have no doubts in that respect.

Mr. CLARK. I thank the Senator from Tennessee.

These "Bobby Baker" amendments did receive substantial support on rollcall votes in the Senate. I think one reason why that support was not sufficient to pass them was that we had a commitment from my friend the Senator from Mississippi [Mr. STENNIS] that, as chairman of the Select Committee on Ethics, he would bring forward at this session, in time for it to be debated and disposed of at this session, a comprehensive code of ethics.

I realize that the members of that select committee have been busy with a wide variety of other matters, including military authorizations and appropriations. I realize further that pending before the select committee is the consideration of the behavior of one of our colleagues. But we do have a definite commitment that a proposed code of ethics will be forthcoming in time for the Senate to vote on it at this session. I hope that that commitment will be kept. It is now Thursday, October 19. Who knows how much longer we shall vegetate in Washington? I would suggest that if the commitment is to be kept, it is about time we saw some action.

I make these comments not in derogation of the ability or the zeal or the industry of the members of the select committee. I merely point out that a commitment is a commitment. I hope very much that it will be met.

Returning to the subject of the rules, there can be no question of the jurisdiction of the Committee on Rules and Administration, on which I serve, to consider and report the resolution which I am submitting today, either in its entirety or seriatim. Let the committee pick those changes in the rules that it believes are desirable and reject those that are not. Let us have some hearings. Let us call some experts. Let us have some debate. Let us have a committee report and, if necessary, minority or supplemental or concurring views.

But let us not sweep this vexed problem of a badly needed revision of the Rules of the Senate under the rug. Let us not go on, as we have for so many years, with rules which are totally inadequate to the needs of the 20th century—and the third third of the 20th century, at that.

I say to my friend from Wisconsin, whom, I am candid to say, I am assisting in his effort to get a free, full, and complete debate on the subversive activities control bill, let us get some rules which will make a long-winded filibuster impossible, so that when a majority of the Senate is ready for action, it will be able to act.

I should like to deny categorically that any of us who are assisting the Senator from Wisconsin in attempting to bring out into the open the many deficiencies in the substance of this bill and in the procedure by which the present bill was brought to the floor of the Senate, and is attempted to be jammed down our throats without adequate hearings, without any effort to write the kind of report which would be intelligible, are seeking to conduct a filibuster. But we ought to be able, under our rules, to stop that sort of menace. I am sure that the Senator from Wisconsin would agree with me, as he has in the past, that we do need some drastic reform of our present procedure of conducting unlimited debate until such time as two-thirds of the Members of the Senate present and voting are prepared to impose cloture.

Mr. PROXMIRE. Mr. President, will the Senator yield on that point?

Mr. CLARK. I am happy to yield to my friend from Wisconsin.

Mr. PROXMIRE. I wholeheartedly agree with the distinguished Senator from Pennsylvania. As the Senator knows, I have always voted for majority cloture and supported those who have advocated majority cloture. It seems logical and proper to me that a majority of Senators should be able to bring a matter to a vote whenever they wish to act.

On this particular point, I think it is mandatory that when you have no record, when you have no hearings, when you have no testimony, then you are forced into the position where you have to debate the matter at length on the floor, particularly if it is a controversial matter, one that does concern our Constitution and our most vital liberties. This is certainly true if it is a matter which the most distinguished law experts of our country have told us has serious constitutional defects; or which, as the Senator from Oregon said of this proposal earlier today, goes to the heart of freedom in this country; or which, as the former Attorney General of the United States, the Senator from New York [Mr. KENNEDY], has said, is unworkable, specifying the particular constitutional defects in it.

Under such circumstances, it seems to me it would be negligent on the part of Senators if they voted on the matter after a brief debate, without full, comprehensive discussion of the issues of the case, such as the Senator from Pennsylvania, the Senator from Oregon, the Senator from New York, and some of the other outstanding Members of the Senate have given this matter.

Mr. CLARK. I quite agree with my friend from Wisconsin, and I thank him for his helpful intervention.

I say in all good humor to our mutual and dearly beloved friend from Illinois [Mr. DIRKSEN]—whose absence from the floor I deeply regret, since this is a matter of great interest to him—that he has tried to impose cloture upon us with regard to this problem. He tried it just the other day, when he wanted, by a two-thirds waiver of the rules, to tack this

iniquitous measure onto an appropriation bill.

He failed.

I am sure the Senator from Illinois feels very strongly that the public interest requires the passage of this bill. I make these comments hoping that he, or some member of his staff, will pick them up from the RECORD, and that by this very action he may be persuaded to join the Senator from Wisconsin and me in attempting to change our rules so as to obtain majority cloture when the issue shall again come before the Senate.

Mr. President, in view of the continuing and, to my mind, highly justifiable outcry about the need for reform in the Senate, both procedural and ethical, I hope that the Committee on Rules and Administration will show more interest in the matters raised in this resolution than it has in the past.

I point out that a year or two ago the Committee on Rules and Administration, on motion of our beloved President pro tempore [Mr. HAYDEN], was given the authority to spend a substantial amount of money on an investigation of the rules of the Senate. They obtained another authorization for that purpose early this year. But so far as I know, the Committee on Rules and Administration, except for hiring a quite competent and able young man to look into the matter, has not done anything with respect to the study of the rules for which the money was appropriated. I do hope, perhaps as a result of this gentle reminder, that they will decide to have a good, hard look at this suggestion for proposed revision of the rules, which I now send to the desk and ask to have appropriately referred.

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

The resolution (S. Res. 179) was referred to the Committee on Rules and Administration, as follows:

S. RES. 179

Resolved, That the Standing Rules of the Senate are amended to read as follows:

"RULE I

"ELECTION OF PRESIDENT PRO TEMPORE AND SELECTION OF OFFICERS

"At the commencement of each Congress, the Senate shall elect a President pro tempore and shall choose its officers, the Secretary, the Sergeant at Arms, the Chaplain, the Secretary to the Majority, the Secretary to the Minority.

"RULE II

"APPOINTMENT OF A SENATOR TO THE CHAIR

"1. The President pro tempore shall perform the duties of the Chair in the absence of the Vice President or vacancy in the office of Vice President.

"2. In the absence of the Vice President, and pending the election of a President pro tempore, a Senator designated by the majority leader, with the concurrence of the minority leader, shall perform the duties of the Chair.

"3. The President pro tempore shall have the right to name in open Senate, or, if absent, in writing, a Senator to perform the duties of the Chair. In the absence of such designation by the President pro tempore, the majority leader, with the concurrence of the minority leader, shall designate a Senator or Senators to perform the duties of the Chair; but in neither instance shall such substitution extend beyond an adjournment, except by unanimous consent.

"4. Whenever any Senator shall be designated to perform the duties of the Chair during the temporary absence of the President pro tempore, such Senator shall be empowered to sign, as acting President pro tempore, the enrolled bills and joint resolutions coming from the House of Representatives for presentation to the President of the United States.

"RULE III

"PRESENTATION OF CREDENTIALS

"1. The presentation of credentials of Senators-elect and other questions of privilege shall always be in order, except while a question of order or a motion to adjourn is pending, or while the Senate is dividing; and all questions and motions arising or made upon the presentation of such credentials shall be proceeded with until disposed of.

"2. The Secretary shall keep a record of the certificates of election of Senators by entering in a well-bound book kept for that purpose the date of the election, the name of the person elected and the vote given at the election, the date of the certificate, the name of the governor and the secretary of state signing and countersigning the same, and the State from which such Senator is elected.

"RULE IV

"OATHS, ETC.

"The oaths or affirmations required by the Constitution and prescribed by law shall be taken and subscribed by each Senator, in open Senate, before entering upon his duties.

"RULE V

"COMMENCEMENT OF DAILY SESSIONS

"The Presiding Officer having taken the Chair, and a quorum being present, motions to correct any mistakes made in the entries of the Senate Journal of the preceding day shall be in order and proceeded with until disposed of, unless objected to. If objection is made, the Senator moving to correct the Senate Journal and the Senator objecting may file at the Clerk's desk briefs in support of their positions. Such briefs shall be printed in the Senate Journal for the calendar day on which the motion to correct was made, together with a notice that a vote on the motion will take place on the following calendar day on which the Senate is in session at a time certain to be set by the Presiding Officer. At the designated time, the motion to correct shall be submitted to the Senate and decided without debate.

"2. Unless a motion to read the Senate Journal of the preceding day, which shall be nondebatable, is made and passed by majority vote, the Senate Journal shall be deemed to have been read without actual recitation and approved.

"3. A quorum shall consist of a majority of the Senators duly chosen and sworn.

"RULE VI

"SENATE JOURNAL

"1. The proceedings of the Senate shall be accurately stated in the Senate Journal which shall be the Senate section of the Congressional Record. Messages of the President in full; titles of bills and joint resolutions, and such parts as shall be affected by proposed amendments; every vote, and a brief statement of the contents of each petition, memorial, or paper presented to the Senate; the legislative proceedings; and, the executive proceedings in open executive sessions, shall be entered.

"2. The executive proceedings in closed session, the confidential legislative proceedings, and the proceedings when sitting as a Court of Impeachment, shall each be recorded by the Journal Clerk in a separate book.

"RULE VII

"QUORUM—ABSENT SENATORS MAY BE SENT FOR

"1. No Senator shall absent himself from the service of the Senate without leave.

"2. If, at any time during the daily sessions of the Senate, a question shall be raised by the Majority Leader or the Minority Leader, or, in their absence, by the Acting Majority Leader or the Acting Minority Leader, as to the presence of a quorum, the Presiding Officer shall forthwith direct the Secretary to call the roll and shall announce the result, and these proceedings shall be without debate.

"3. Any Senator may raise the question as to the presence of a quorum but only for the purpose of seeking recognition and calling for a vote on the pending business once the presence of a quorum has been ascertained; and, declaration of such intention shall be made by such Senator immediately prior to his raising the question as to the presence of a quorum. Immediately upon the statement of such intention and the raising of such question by any Senator, the Presiding Officer shall forthwith direct the Secretary to call the roll and proceed as above provided.

"4. Whenever, during any quorum call as provided for in paragraphs 2 and 3, the Presiding Officer ascertains that a majority of the Senators are present in the Chamber, he shall direct that the quorum call be halted.

"5. Whenever upon such rollcall it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant at Arms to request, and when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn, shall be in order.

"RULE VIII

"ORDER OF RECOGNITION

"When a Senator desires to speak, he shall rise and address the Presiding Officer, and shall not proceed until he is recognized; and the Presiding Officer shall recognize the Senator who shall first address him, except that he shall first give recognition to the following Senators in the order prescribed if any of them shall also seek recognition:

"(1) The Majority Leader, or, in his absence, any Senator designated as Acting Majority Leader by the Majority Leader, and occupying the Majority Leader's desk.

"(2) The Minority Leader, or, in his absence, any Senator designated as Acting Minority Leader by the Minority Leader, and occupying the Minority Leader's desk.

"RULE IX

"DEBATE

"1. No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer; *Provided, however,* that such consent shall not be required where any Senator shall raise a germane point of order that the Senator in possession of the floor has transgressed the rules of the Senate. Unless submitted to the Senate, the germane point of order shall be decided by the Presiding Officer subject to an appeal to the Senate as provided in Rule X. Any Senator against whom a germane point of order shall have been raised and any Senator raising such point of order may appeal from the ruling of the Presiding Officer, which appeal shall be open to debate. If the Presiding Officer shall sustain the germane point of order and no appeal is taken, or if upon appeal the Senate shall sustain the germane point of order, the Senator against whom it has been made shall take his seat; otherwise he shall retain possession of the floor.

"A germane point of order may be raised in respect to enforcement of paragraphs 3 and 5 of this Rule.

"2. It shall not be in order to interrupt a Senator having the floor for the purpose of

introducing any petition, memorial, report of a committee, resolution, or bill. It shall be the duty of the Presiding Officer to enforce this Rule without any point of order hereunder being made by a Senator.

"3. No Senator shall speak more than twice upon any one question in debate on the same legislative day without leave of the Senate, which shall be determined without debate.

"4. Upon the request of any Senator who has been recognized, his remarks upon any subject may be delivered in writing, and if so delivered shall be printed in the Senate Journal in the same manner, and in the same size print, as if those remarks had been delivered orally. The Senate Journal shall contain a notation that the material was submitted but not delivered orally.

"5. Whenever a Senator has held the floor for three consecutive hours, he shall be required to yield the floor upon objection and any Senator may raise a point of order at any time thereafter that such Senator yield the floor.

"6. No Senator in debate shall directly or indirectly, by any form of words, impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator, or refer offensively to any State of the Union.

"7. If any Senator, in speaking or otherwise, in the opinion of the Presiding Officer transgresses the rules of the Senate by impugning the motives or integrity of another Senator, the Presiding Officer shall, either on his own motion or at the request of any other Senator, call him to order; and when a Senator shall be called to order he shall take his seat, and may not proceed without leave of the Senate, which, if granted, shall be upon motion that he be allowed to proceed in order, which motion shall be determined without debate. Any Senator directed by the Presiding Officer to take his seat, and any Senator requesting the Presiding Officer to require a Senator to take his seat, may appeal from the ruling of the Chair, which appeal shall be open to debate.

"8. If a Senator be called to order for words spoken in debate, then, upon the demand of the Senator or of any other Senator, the exceptionable words shall be read by the Official Reporter for the information of the Senate.

"9. Whenever confusion arises in the Chamber or the galleries, or demonstrations of approval or disapproval are indulged in by the occupants of the galleries, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator.

"10. No Senator shall introduce to or bring to the attention of the Senate during its sessions any occupant in the galleries of the Senate. No motion to suspend this rule shall be in order, nor may the Presiding Officer entertain any request to suspend it by unanimous consent.

"11. During the consideration of any measure, motion, or other matter, any Senator may move that all further debate under the order for pending business shall be germane to the subject matter before the Senate. If such a motion, which shall be nondebatable, is approved by the Senate, all further debate under the said order shall be germane to the subject matter before the Senate, and all questions of germaneness under this rule, when raised, including appeals, shall be decided by the Senate without debate.

"12. When the reading of a paper is called for, and objected to, it shall be determined by a vote of the Senate, without debate.

"13. No dilatory motion shall be entertained by the Presiding Officer. A Senator whose motion has been determined by the Presiding Officer to be dilatory may appeal from the decision of the Chair, which appeal shall be decided by the Senate without debate.

"14. Former Presidents of the United States shall be entitled to address the Senate upon appropriate notice to the Presiding Officer who shall thereupon make the necessary arrangements.

"RULE X

"QUESTIONS OF ORDER

"1. Subject to the limitations in Rule IX, a question of order may be raised at any stage of the proceedings, except when the Senate is dividing, and, unless submitted to the Senate, shall be decided by the Presiding Officer without debate, subject to an appeal to the Senate. When an appeal is taken, any subsequent question of order which may arise before the decision of such appeal shall be decided by the Presiding Officer without debate; and every appeal therefrom shall be decided at once, and without debate; and any appeal may be laid on the table without prejudice to the pending proposition, and thereupon shall be held as affirming the decision of the Presiding Officer.

"2. The Presiding Officer may submit any question of order for the decision of the Senate.

"3. When a question of order has been submitted to the Senate, or a debatable appeal has been taken on a decision of the Presiding Officer as provided herein, debate on such submission or appeal shall be limited, in all, to one hour, unless the Senate shall otherwise direct.

"RULE XI

"MORNING BUSINESS

"1. One hour, if that much time be needed, shall be set aside for the transaction of morning business as set forth in Rule XI, paragraph 2, on each legislative day at the opening of proceedings unless the Senate shall otherwise order by unanimous consent. The period for morning business may be extended for up to one additional hour, upon motion, which shall be nondebatable, approved by majority action.

"2. The Presiding Officer shall, during the period for morning business, lay before the Senate messages from the President, reports and communications from the heads of Departments, and other communications addressed to the Senate, and such bills, joint resolutions, and other messages from the House of Representatives as may remain upon his table from any previous day's session undisposed of. The Presiding Officer shall then call for:

"The presentation of petitions and memorials.

"Reports of standing and select committees.

"The introduction of bills and joint resolutions.

"Concurrent and other resolutions.

"Statements or comments not to exceed three minutes which may include requests for unanimous consent to insert articles and other printed matter in the Senate Journal and to submit statements.

"3. Until the morning business shall have been concluded, and so announced from the Chair, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the Calendar shall be entertained by the Presiding Officer, unless by unanimous consent; and if such consent be given, the motion shall not be subject to amendment, and shall be decided without debate upon the merits of the subject proposed to be taken up.

"RULE XII

"PETITIONS AND MEMORIALS

"1. Every petition or memorial shall be signed by the petitioner or memorialist and have indorsed thereon a brief statement of its contents, and shall be presented and referred to the appropriate committee without debate. But no petition or memorial or other paper signed by citizens or subjects of a foreign power shall be received, unless the same be transmitted to the Senate by the President.

"2. Every petition or memorial shall be referred, without putting the question, unless objection to such reference is made; in which case all motions for the reception or reference of such petition, memorial, or other paper shall be put in the order in which the same shall be made, and shall not be open to amendment, except to add instructions.

"3. Only a brief statement of the contents of such communications as are presented under the order of business 'Presentation of petitions and memorials' shall be printed in the Senate Journal; and no other portion of such communications shall be inserted in the Senate Journal unless specifically so ordered by the Senate, as provided for in Rule XL, paragraph 1; except that communications from the legislatures or conventions, lawfully called, of the respective States and insular possessions shall be printed in full in the Senate Journal whenever presented, and the original copies of such communications shall be retained in the files of the Secretary of the Senate.

"4. Senators having petitions, memorials, or private bills to present after the conclusion of the morning business may deliver them to the Secretary of the Senate, indorsing upon them their names. Said petitions, memorials, or bills shall, with the approval of the Presiding Officer, be entered on the Senate Journal with the names of the Senators presenting them as having been read twice and referred to the appropriate committees.

"RULE XIII

"CALENDAR MONDAY

"1. At the conclusion of the morning business on each Monday, unless upon motion decided without debate the Senate shall otherwise order, the Senate will proceed to the consideration of the Calendar of Bills and Resolutions, and bills and resolutions that are not objected to shall be taken up in their order. An objection may be interposed at any stage of the proceedings, but upon motion the Senate may continue such consideration; and this order shall commence immediately after the conclusion of morning business, and shall take precedence of the unfinished business and other special orders.

"RULE XIV

"MOTIONS TO CONSIDER

"1. All motions to proceed to the consideration of any matter shall be debatable, unless otherwise provided in these Rules; *Provided, however,* that when any Senator shall file, at the desk of the Clerk, a notice of intention to move to consider any matter on the Senate Calendar on the following calendar day on which the Senate is in session, such motion for consideration when made by such Senator shall be decided without debate. The notice of intent shall be printed in the Senate Journal.

"RULE XV

"SPECIAL ORDERS

"1. Any subject may, by a vote of two-thirds of the Senators present, be made a special order; and when the time so fixed for its consideration arrives the Presiding Officer shall lay it before the Senate, unless there be unfinished business of the preceding day, and if it is not finally disposed of on that day it shall take its place on the Calendar of Special Orders in the order of time in which it was made special, unless it shall become by adjournment the unfinished business.

"2. When two or more special orders have been made for the same time, they shall have precedence according to the order in which they were severally assigned, and that order shall only be changed by direction of the Senate.

"And all motions to make a subject a special order, or to change such order, or to

proceed to the consideration of other business, shall be decided without debate.

"RULE XVI

"BILLS, JOINT RESOLUTIONS, AND RESOLUTIONS

"1. Every bill and joint resolution shall receive three readings previous to its passage. The first reading and the second reading may be on the same calendar day, if the Senate by majority vote without debate, shall so direct; but the third reading must be on a different calendar day. The Presiding Officer shall give notice at each reading whether it be the first, second, or third. The first or second reading of each bill, or both, may be by title only, unless the Senate by majority vote without debate shall otherwise order.

"2. Every bill or joint resolution shall immediately after second reading be referred by the Presiding Officer to the appropriate committee. Appeals from rulings of the Presiding Officer referring bills and joint resolutions to committee shall be decided by the Senate without debate. A motion to place a bill or joint resolution on the Senate Calendar immediately and not refer it to committee may be made by any Senator after such bill or joint resolution has been read twice but before it has been referred to committee, and such motion shall be decided by majority vote of the Senate after debate not to exceed a period of one hour.

"3. Every bill and joint resolution having been read twice and referred to a committee, shall, upon being reported by the committee, immediately be placed on the Calendar. Every bill and joint resolution originating in a committee shall, upon being reported by the committee, be read twice and then placed on the Calendar.

"4. The Secretary of the Senate shall examine all bills, amendments, and joint resolutions before they go out of the possession of the Senate, and shall examine all bills and joint resolutions which shall have passed both Houses, to see that the same are correctly enrolled, and, when signed by the Speaker of the House and the President of the Senate, shall forthwith present the same, when they shall have originated in the Senate, to the President of the United States and report the fact and date of such presentation to the Senate.

"5. All resoluions shall lie over one calendar day for consideration unless the Senate shall by majority vote otherwise direct.

"RULE XVII

"REPORTS OF COMMITTEES AND MOTIONS TO DISCHARGE

"TO LIE OVER

"All reports of Committees and motions to discharge a committee from the consideration of a subject, and all subjects from which a committee shall be discharged, shall lie over one calendar day for consideration, unless the Senate, without debate, by a majority vote shall otherwise direct, or unless otherwise provided in these Rules.

"RULE XVIII

"REFERENCE TO COMMITTEES—AMENDMENTS

"When motions are made for reference of a subject to a select committee or a standing committee, the question of reference to a standing committee shall be put first; and a motion simply to refer shall not be open to amendment, except to add instructions.

"RULE XIX

"AMENDMENTS TO APPROPRIATION BILLS

"1. All general appropriation bills shall be referred to the Committee on Appropriations, and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate submitted in accordance with law.

"2. The Committee on Appropriations shall not report an appropriation bill containing amendments proposing new or general legislation or any restriction on the expenditure of the funds appropriated which proposes a limitation not authorized by law if such restriction is to take effect or cease to be effective upon the happening of a contingency, and if an appropriation bill is reported to the Senate containing amendments proposing new or general legislation or any such restriction, a point of order may be made against the bill, and if the point is sustained, the bill shall be recommitted to the Committee on Appropriations.

"3. All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations, and when actually proposed to the bill no amendment proposing to increase the amount stated in such amendment shall be received.

"4. No amendment which proposes general legislation shall be received to any general appropriation bill; nor shall any restriction on the expenditure of the funds appropriated which proposes a limitation not authorized by law be received if such restriction is to take effect or cease to be effective upon the happening of a contingency.

"5. No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the fact of the amendment.

"6. (a) Three members of the following-named committees, to be selected by their respective committees, shall be ex officio members of the Committee on Appropriations, to serve on said committee when the annual appropriation bill making appropriations for the purposes specified in the following table opposite the name of the committee is being considered by the Committee on Appropriations:

"Name of committee	*Purpose of appropriation*
Committee on Agriculture and Forestry.	For the Department of Agriculture.
Committee on Armed Services.	For the Department of Defense.
Committee on Aeronautical and Space Sciences.	For aeronautical and space activities and matters relating to the scientific aspects thereof, except those peculiar to or primarily associated with the development of weapons systems or military operations.
Committee on Commerce.	For the Department of Commerce and related activities.
Committee on the District of Columbia.	For the District of Columbia.
Committee on Finance, Committee on Post Office and Civil Service.	For the Departments of the Treasury and the Post Office.
Committee on Foreign Relations.	For the Department of State and related agencies, and for the foreign assistance programs.
Committee on Interior and Insular Affairs.	For the Department of the Interior and related agencies.
Committee on the Judiciary.	For the Department of Justice and for the Judiciary.
Committee on Labor and Public Welfare.	For the Departments of Labor and of Health, Education, and Welfare.
Committee on Public Works.	For Public Works.
Senate Members of the Joint Committee on Atomic Energy (to be selected by said members).	For the development and utilization of atomic energy.

"(b) At least one member of each committee enumerated in subparagraph (a), to be selected by his or their respective committees, shall be a member of any conference committee appointed to confer with the House upon the annual appropriation bill making appropriations for the purposes specified in the foregoing table opposite the name of his or their respective committee.

"7. When a point of order is made against any restriction on the expenditure of funds appropriated in a general appropriation bill on the ground that the restriction violates this rule, the rule shall be construed strictly and, in case of doubt, in favor of the point of order.

"RULE XX

"AMENDMENTS—GERMANENESS

"No amendment not germane or relevant to the subject matter contained in a bill under consideration shall be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy of amendments, when raised, shall be decided by the Presiding Officer, subject to appeal to the Senate to be decided without debate.

"RULE XXI

"AMENDMENT MAY BE LAID ON THE TABLE WITHOUT PREJUDICE TO THE BILL

"When an amendment proposed to any pending measure is laid on the table, it shall not carry with it, or prejudice, such measure.

"RULE XXII

"AMENDMENTS—DIVISION OF A QUESTION

"If the question in debate contains several propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor shall it prevent a motion simply to strike out; nor shall the rejection of a motion to strike out prevent a motion to strike out and insert. But pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question; and motions to amend the part to be stricken out shall have precedence.

"RULE XXIII

"AMENDMENTS AFTER THIRD READING—RECOMMITMENT

"When a bill or resolution shall have been ordered to be read a third time, it shall not be in order to propose amendments, unless by unanimous consent, but it shall be in order at any time before the passage of any bill or resolution to move its commitment; and when the bill or resolution shall again be reported from the committee it shall be placed on the Calendar unless the Senate by majority vote shall otherwise direct.

"RULE XXIV

"MOTIONS

"1. All motions shall be reduced to writing, if desired by the Presiding Officer or by

any Senator, and shall be read before the same shall be debated.

"2. Any motion or resolution may be withdrawn or modified by the mover at any time before a decision, amendment, or ordering of the yeas and nays, except a motion to reconsider, which shall not be withdrawn without leave.

"RULE XXV

"PRECEDENCE OF MOTIONS—PREVIOUS QUESTION

"1. When a question is pending, no motion shall be received but—

"To adjourn.

"To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.

"To take a recess.

"To proceed to the consideration of executive business.

"To lay on the table.

"For the previous question.

"To postpone indefinitely.

"To postpone to a day certain.

"To commit.

"To amend.

Which several motions shall have precedence as they stand arranged, except that after the previous question shall have been ordered on the passage of a bill or joint resolution, no motion to lay on the table shall be in order; and the motions relating to adjournment, to take a recess, for the previous question, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.

"2. (a) Whenever any motion or amendment to a measure pending before the Senate has received consideration for a total of not less than fifteen hours, during a total of not less than three calendar days, any Senator may move the previous question with respect to such motion or amendment.

"(b) Whenever any measure pending before the Senate, together with any motions or amendments relating to it, has received consideration for a total of not exceeding fifteen calendar days, any Senator may move the previous question with respect to such measure and any or all motions or amendments relating to it.

"(c) When such a motion is made and a quorum is ascertained to be present, it shall be submitted immediately to the Senate by the Presiding Officer, without debate and shall be determined by a "yea" and "nay" vote, a majority prevailing. A previous question may be asked and ordered with respect to one or more measures, motions, amendments, or matters, and may embrace one or more amendments to any pending measure, motion or matter described therein, and the passage or rejection of the pending bill or resolution; Provided, however, that any or all motions or amendments not so embraced by the motion for the previous question shall be deemed rejected. If the previous question is so ordered as to any measure, motion, amendment, or matter, that measure, motion, amendment, or matter shall be presented immediately to the Senate for determination. One hour of debate, equally divided between opponents and proponents, shall be allowed on any motion, amendment, or matter, other than the passage or rejection of the measure, bill, or resolution on which the previous question has been ordered; and, four hours of debate, divided in the same manner, shall be allowed on the passage or rejection of the measure, bill, or resolution covered by such order.

"All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal, or otherwise, without debate.

"RULE XXVI

"PREAMBLES

"When a bill or resolution is accompanied by a preamble, the question shall first be put on the bill or resolution and then on the preamble, which may be withdrawn by a mover before an amendment of the same, on ordering of the yeas and nays; or it may be laid on the table without prejudice to the bill or resolution, and shall be a final disposition of such preamble.

"RULE XXVII

"VOTING, ETC.

"1. A demand for the yeas and nays, when seconded by eleven Senators, shall be sufficient to require a rollcall vote. When the yeas and nays are ordered, the names of Senators shall be called alphabetically; and each Senator shall, without debate, declare his assent or dissent to the question unless excused by the Senate. Senators entering the chamber after their names have been called may obtain recognition from the Presiding Officer and have their votes recorded prior to the announcement of the vote; but no Senator shall be permitted to vote after the decision shall have been announced by the Presiding Officer, except that a Senator may, for sufficient reasons, with unanimous consent, change or withdraw his vote. No motion to suspend this rule shall be in order, nor shall the Presiding Officer entertain any request to suspend it by unanimous consent.

"2. When a Senator declines a vote on call of his name, he shall be required to assign his reasons therefor, and having assigned them, the Presiding Officer shall submit the question to the Senate: 'Shall the Senator, for the reasons assigned by him, be excused from voting?', which question shall be decided without debate; and these proceedings shall be had after the rollcall and before the result is announced; and any further proceedings in reference hereto shall be after such announcement.

"3. No request by a Senator for unanimous consent for the taking of a final vote on a specified date upon the passage of a bill or joint resolution shall be submitted to the Senate for agreement thereto until, upon a rollcall ordered for the purpose by the Presiding Officer, it shall be discovered that a quorum of the Senate is present; and when a unanimous consent is thus given, the same shall operate as the order of the Senate, but any unanimous consent may be revoked by another unanimous consent granted in the manner prescribed above upon one day's notice.

"RULE XXVIII

"RECONSIDERATION

"1. When a question has been decided by the Senate, any Senator voting with the prevailing side or who has not voted may, on the same day or on either of the next two days of actual session thereafter, move a reconsideration; and if the Senate shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent. Every motion to reconsider shall be decided by a majority vote, and may be laid on the table without affecting the question in reference to which the same is made, which shall be a final disposition of the motion.

"2. When a bill, resolution, report, amendment, order, or message, upon which a vote has been taken, shall have gone out of the possession of the Senate and been communicated to the House of Representatives, the motion to reconsider shall be accompanied by a motion to request the House to return the same; which last motion shall be acted upon immediately and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

"RULE XXIX

"APPOINTMENT OF COMMITTEES

"1. At the beginning of each Congress the Senate shall proceed by ballot to appoint the members of each standing committee, and unless otherwise ordered, of each other committee of the Senate. All members of each such committee so appointed shall be appointed by one ballot. A plurality of the votes cast shall be required for the appointment of the members of each such committee.

"In the event a vacancy occurs for any reason in the membership of a standing committee and of any other committee of the Senate during a session of Congress, the Senate shall proceed by ballot to fill the vacancy. A plurality of the votes cast shall be required in the filling of a vacancy.

"2. Upon the appointment of the members of each such committee at the beginning of a Congress pursuant to paragraph 1, the majority Members thereof shall elect by secret ballot of the majority members of the committee one member of that committee to be chairman thereof. Such member shall be of the majority party of the Senate. A majority of the whole number of votes given shall be required for the election of a chairman of any such committee.

"No Senator shall be elected or shall continue to serve as chairman of a standing committee after he has attained the age of seventy years.

"When a permanent vacancy occurs for any reason in the chairmanship of a standing committee and of any other committee of the Senate, the vacancy in the membership shall first be filled (if necessary) as provided in paragraph 1 hereof, and a successor chairman thereafter elected as hereinabove provided.

"No Senator shall be chairman of more than one standing committee nor of more than one subcommittee of each committee of which he may be a member.

"RULE XXX

"STANDING COMMITTEES

"1. The following standing committees shall be appointed at the commencement of each Congress, with leave to report by bill or otherwise:

"(a)(1) Committee on Aeronautical and Space Sciences, to consist of sixteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"(A) Aeronautical and space activities, as that term is defined in the National Aeronautics and Space Act of 1958, except those which are peculiar to or primarily associated with the development of weapons systems or military operations.

"(B) Matters relating generally to the scientific aspects of such aeronautical and space activities, except those which are peculiar to or primarily associated with the development of weapons systems or military operations.

"(C) National Aeronautics and Space Administration.

"(2) Such committee also shall have jurisdiction to survey and review, and to prepare studies and reports upon, aeronautical and space activities of all agencies of the United States, including such activities which are peculiar to or primarily associated with the development of weapons systems or military operations.

"(b) Committee on Agriculture and Forestry, to consist of fifteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Agriculture generally.

"2. Inspection of livestock and meat products.

"3. Animal industry and diseases of animals.

"4. Adulteration of seeds, insect pests, and protection of birds and animals in forest reserves.

"5. Agricultural colleges and experiment stations.

"6. Forestry in general, and forest reserves other than those created from the public domain.

"7. Agricultural economies and research.
"8. Agricultural and industrial chemistry.
"9. Dairy industry.
"10. Entomology and plant quarantine.
"11. Human nutrition and home economics.
"12. Plant industry, soils, and agricultural engineering.
"13. Agricultural educational extension services.
"14. Extension of farm credit and farm security.
"15. Rural electrification.
"16. Agricultural production and marketing and stabilization of prices of agricultural products.
"17. Crop insurance and soil conservation.

"(c) Committee on Appropriations, to consist of twenty-six Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to appropriation of the revenue for the support of the Government.

"(d) Committee on Armed Services, to consist of eighteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
"1. Common defense generally.
"2. The Department of Defense, the Department of the Army, the Department of the Navy, and the Department of the Air Force generally.
"3. Soldiers' and sailors' homes.
"4. Pay, promotion, retirement, and other benefits and privileges of members of the armed forces.
"5. Selective service.
"6. Size and composition of the Army, Navy, and Air Force.
"7. Forts, arsenals, military reservations, and navy yards.
"8. Ammunition depots.
"9. Maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone.
"10. Conservation, development, and use of naval petroleum and oil shale reserves.
"11. Strategic and critical materials necessary for the common defense.
"12. Aeronautical and space activities peculiar to or primarily associated with the development of weapons systems or military operations.

"(e) Committee on Banking and Currency, to consist of fourteen Senators, to which committee shall be referred all proposed legislation, messages, petitioners, memorials, and other matters relating to the following subjects:
"1. Banking and currency generally.
"2. Financial aid to commerce and industry, other than matters relating to such aid which are specifically assigned to other committees under this rule.
"3. Deposit insurance.
"4. Public and private housing.
"5. Federal Reserve System.
"6. Gold and silver, including the coinage thereof.
"7. Issuance of notes and redemption thereof.
"8. Valuation and revaluation of the dollar.
"9. Control of prices of commodities, rents, or services.
"10. Bonded debt of the United States.
"11. Deposit of moneys.

"(f) Committee on Commerce, to consist of eighteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
"1. Interstate and foreign commerce generally.
"2. Regulation of interstate railroads, busses, trucks, and pipe lines.
"3. Communication by telephone, telegraph, radio, and television.
"4. Civil aeronautics, except aeronautical and space activities of the National Aeronautics and Space Administration.
"5. Merchant marine generally.
"6. Registering and licensing of vessels and small boats.
"7. Navigation and the laws relating thereto, including pilotage.
"8. Rules and international agreements to prevent collisions at sea.
"9. Merchant marine officers and seaman.
"10. Measures relating to the regulation of common carriers by water and to the inspection of merchant marine vessels, lights and signals, lifesaving equipment, and fire protection on such vessels.
"11. Coast and Geodetic Survey.
"12. The Coast Guard, including lifesaving service, lighthouses, lightships, and ocean derelicts.
"13. The United States Coast Guard and Merchant Marine Academies.
"14. Weather Bureau.
"15. Except as provided in paragraph (d), the Panama Canal and interoceanic canals generally.
"16. Inland waterways.
"17. Fisheries and wildlife, including research, restoration, refuges, and conservation.
"18. Bureau of Standards, including standardization of weights and measures and the metric system.
"19. Transportation of dutiable goods.

"(g) Committee on the District of Columbia, to consist of eight Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
"1. All measures relating to the municipal affairs of the District of Columbia in general, other than appropriations therefor, including—
"2. Public health and safety, sanitation, and quarantine regulations.
"3. Regulation of sale of intoxicating liquors.
"4. Adulteration of food and drugs.
"5. Taxes and tax sales.
"6. Insurance, executors, administrators, wills, and divorce.
"7. Municipal and juvenile courts.
"8. Incorporation and organization of societies.
"9. Municipal code and amendments to the criminal and corporation laws.

"(h) Committee on Finance, to consist of seventeen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
"1. Revenue measures generally.
"2. Customs, collection districts, and ports of entry and delivery.
"3. Revenue measures relating to the insular possessions.
"4. Veterans' measures generally.
"5. Pensions of all the wars of the United States, general and special.
"6. Life insurance issued by the Government on account of service in the armed forces.
"7. Compensation of veterans.

"(i) Committee on Foreign Relations, to consist of nineteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
"1. Relations of the United States with foreign nations generally.
"2. Treaties.
"3. Establishment of boundary lines between the United States and foreign nations.
"4. Protection of American citizens abroad and expatriation.
"5. Neutrality.
"6. International conferences and congresses.
"7. The American National Red Cross.
"8. Intervention abroad and declarations of war.
"9. Measures relating to the diplomatic service.
"10. Acquisition of land and buildings for embassies and legations in foreign countries.
"11. Measures to foster commercial and cultural intercourse with foreign nations and to safeguard American business interests abroad.
"12. United Nations Organization and international financial and monetary organizations.
"13. Foreign loans and grants.
"14. Reciprocal trade agreements.
"15. Tariffs and import quotas and matters related thereto.

"(j)(1) Committee on Government Operations, to consist of fifteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
"(A) Budget and accounting measures, other than appropriations.
"(B) Reorganization in the executive branch of the Government.
"(2) Such committee shall have the duty of—
"(A) receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the Senate as it deems necessary or desirable in connection with the subject matter of such reports;
"(B) studying the operation of Government activities at all levels with a view to determining its economy and efficiency;
"(C) evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government;
"(D) studying the intergovernmental relationships between the United States and the States and municipalities.

"(k) Committee on Interior and Insular Affairs to consist of seventeen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
"1. Public lands generally, including entry, easements, and grazing thereon.
"2. Mineral resources of the public lands.
"3. Forfeiture of land grants and alien ownership, including alien ownership of mineral lands.
"4. Forest reserves and national parks created from the public domain.
"5. Military parks and battlefields, and national cemeteries.
"6. Preservation of prehistoric ruins and objects of interest on the public domain.
"7. Measures relating generally to the insular possessions of the United States, except those affecting their revenue and appropriations.
"8. Irrigation and reclamation, including water supply for reclamation projects, and easements of public lands for irrigation projects.
"9. Interstate compacts relating to apportionment of waters for irrigation purposes.
"10. Mining interests generally.
"11. Mineral land laws and claims and entries thereunder.
"12. Geological survey.
"13. Mining schools and experimental stations.
"14. Petroleum conservation and conservation of the radium supply in the United States.
"15. Relations of the United States with the Indians and the Indian tribes.
"16. Measures relating to the care, education, and management of Indians, including the care and allotment of Indian lands and general and special measures relating to claims which are paid out of Indian funds.

"(l) Committee on the Judiciary, to consist of sixteen Senators, to which committee shall be referred all proposed legislation,

messages, petitions, memorials, and other matters relating to the following subjects:

"1. Judicial proceedings, civil and criminal, generally.

"2. Constitutional amendments.

"3. Federal courts and judges.

"4. Local courts in the Territories and possessions.

"5. Revision and codification of the statutes of the United States.

"6. National penitentiaries.

"7. Protection of trade and commerce against unlawful restraints and monopolies.

"8. Holidays and celebrations.

"9. Bankruptcy, mutiny, espionage, and counterfeiting.

"10. State and Territorial boundary lines.

"11. Meetings of Congress, attendance of Members, and their acceptance of incompatible offices.

"12. Civil liberties.

"13. Patents, copyrights, and trademarks.

"14. Patent Office.

"15. Immigration and naturalization.

"16. Apportionment of Representatives.

"17. Measures relating to claims against the United States.

"18. Interstate compacts generally.

"(m) Committee on Labor and Public Welfare, to consist of sixteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Measures relating to health, education, labor, or public welfare generally.

"2. Mediation and arbitration of labor disputes.

"3. Wages and hours of labor.

"4. Convict labor and the entry of goods made by convicts into interstate commerce.

"5. Regulation or prevention of importation of foreign laborers under contract, and migratory labor generally.

"6. Child labor.

"7. Labor statistics.

"8. Labor standards.

"9. School-lunch program.

"10. Vocational rehabilitation.

"11. Railroad labor and railroad retirement and unemployment, except revenue measures relating thereto.

"12. United States Employees' Compensation Commission.

"13. Columbia Institution for the Deaf, Dumb, and Blind; Howard University; Freedmen's Hospital; and St. Elizabeths Hospital.

"14. Welfare of miners.

"15. Vocational rehabilitation and education of veterans.

"16. Veterans' hospitals, medical care and treatment of veterans.

"17. Soldiers' and sailors' civil relief.

"18. Readjustment of servicemen to civil life.

"19. National social security.

"20. Employment, unemployment and the utilization of manpower.

"(n) Committee on Post Office and Civil Service, to consist of twelve Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. The Federal civil service generally.

"2. The status of officers and employees of the United States, including their compensation, classification, and retirement.

"3. The postal service generally, including the railway mail service, and measures relating to ocean mail and pneumatic-tube service; but excluding post roads.

"4. Postal-savings banks.

"5. Census and the collection of statistics generally.

"6. The National Archives.

"(o) Committee on Public Works, to consist of sixteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Flood control and improvement of rivers and harbors.

"2. Public works for the benefit of navigation, and bridges and dams (other than international bridges and dams).

"3. Water power.

"4. Oil and other pollution of navigable waters.

"5. Public buildings and occupied or improved grounds of the United States generally.

"6. Measures relating to the purchase of sites and construction of post offices, customhouses, Federal courthouses, and Government buildings within the District of Columbia.

"7. Measures relating to the Capitol building and the Senate and House Office Buildings.

"8. Measures relating to the construction or reconstruction, maintenance, and care of the buildings and grounds of the Botanic Gardens, the Library of Congress, and the Smithsonian Institution.

"9. Public reservations and parks within the District of Columbia, including Rock Creek Park and the Zoological Park.

"10. Measures relating to the construction or maintenance of roads and post roads.

"(p) (1) Committee on Rules and Administration, to consist of nine Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"(A) Matters relating to the payment of money out of the contingent fund of the Senate or creating a charge upon the same; except that any resolution relating to substantive matter within the jurisdiction of any other standing committee of the Senate shall be first referred to such committee.

"(B) Except as provided in paragraph (o)8, matters relating to the Library of Congress and the Senate Library; statuary and pictures; acceptance or purchase of works of art for the Capitol; the Botanic Gardens; management of the Library of Congress; purchase of books and manuscripts; erection of monuments to the memory of individuals.

"(C) Except as provided in paragraph (o)8, matters relating to the Smithsonian Institution and the incorporation of similar institutions.

"(D) Matters relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; Federal elections generally; Presidential succession.

"(E) Matters relating to parliamentary rules; floor and gallery rules; Senate Restaurant; administration of the Senate Office Buildings and the Senate wing of the Capitol; assignment of office space; and services to the Senate.

"(F) Matters relating to printing and correction of the Congressional Record.

"(2) Such committee shall also have the duty of assigning office space in the Senate wing of the Capitol and in the Senate Office Buildings.

"(3) Such committee shall have jurisdiction to investigate every alleged violation of the rules of the Senate, and to make appropriate findings of fact and conclusions with respect thereto after according to any individual concerned due notice and opportunity for hearing. In any case in which the committee determines that any such violation has occurred, it shall be the duty of the committee to recommend to the Senate appropriate disciplinary action, including reprimand, censure, suspension from office or employment, or expulsion from office or employment.

"2. The said committees shall continue and have the power to act until their successors are appointed.

"3. (a) Except as provided in paragraph (b) of this subsection, each standing committee, and each subcommittee of any such committee, is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee, subject to the provisions of section 133(d) of the Legislative Reorganization Act of 1946.

"(b) Each standing committee, and each subcommittee of any such committee, is authorized to fix a lesser number than one-third of its entire membership who shall constitute a quorum thereof for the purpose of taking sworn testimony.

"4. Each Senator shall serve on two and no more of the following standing committees: Committee on Aeronautical and Space Sciences; Committee on Agriculture and Forestry; Committee on Appropriations; Committee on Armed Services; Committee on Banking and Currency; Committee on Commerce; Committee on Finance; Committee on Foreign Relations; Committee on Government Operations; Committee on Interior and Insular Affairs; Committee on the Judiciary; Committee on Labor and Public Welfare; and the Committee on Public Works. No Senator shall serve on more than one of the following standing committees: Committee on the District of Columbia; Committee on Post Office and Civil Service; and the Committee on Rules and Administration. Each Senator shall serve on no more than two of the subcommittees of any standing committee of which he may be a member, except that he may serve on more than two subcommittees of the Appropriations Committee. The foregoing provisions of this paragraph shall not be effective during any period when there are more than forty-six Senators of the minority party.

"5. No standing committee shall sit without special leave while the Senate is in session. A motion for leave for a standing committee to sit while the Senate is in session shall be a privileged motion and shall not be debatable.

"RULE XXXI

"COMMITTEE PROCEDURE

"1. Each standing committee shall meet at such time as it may prescribe by rule in accordance with provisions of section 133(a) of the Legislative Reorganization Act of 1946, upon the call of the chairman thereof, and at such other time as may be fixed by written notice signed by a majority of the members of the committee and filed with the committee clerk.

"2. The business to be considered at any meeting of a standing committee shall be determined in accordance with its rules. Any measure, motion, or matter within the jurisdiction of the committee which a majority of the members of the committee indicate their desire to consider by votes or by presentation or written notice filed with the committee clerk, shall be considered at such meeting.

"Action for the initiation, conduct, and termination of hearings by a standing committee upon any measure or matter within its jurisdiction shall be determined by majority vote of the members of the committee.

"3. Whenever any measure, motion, or other matter pending before a standing committee has received consideration in executive session or sessions of the committee for a total of not less than five hours, any Senator may move the previous question with respect thereto. When such a motion is made and seconded, or a petition signed by a majority of the committee is presented to the chairman, and a quorum as prescribed by committee rules pursuant to paragarph 3 of Rule XXX is present, it shall be submitted immediately to the committee by the chairman, and shall be determined without debate by yea-and-nay vote. A motion for the previous question shall be decided by a majority vote of the Senators voting. A previous ques-

tion may be asked and ordered with respect to one or more pending measures, motions, or matters, and may embrace one or more pending amendments to any pending measure, motion, or matter described there in and final action by the committee on the pending bill or resolution. If the previous question is so ordered as to any measure, motion, or matter, that measure, motion, or matter shall be presented immediately to the committee for determination. Each member of the committee desiring to be heard on one or more of the measures, motions, or other matters on which the previous question has been ordered shall be allowed to speak thereon for a total of thirty minutes.

"4. The provisions of paragraph 1 herein, where applicable, and of paragraphs 2 and 3 herein shall be applicable to meetings and procedure thereat at any meeting of any subcommittee of any standing committee.

"RULE XXXII

"INSTRUCTIONS TO REPORT ON MAJOR LEGISLATIVE MATTERS

"1. It shall be in order at any time after the concusion of morning business for any Senator to make a motion to denominate any measure then pending in any committee or subcommittee of the Senate as a 'major legislative matter,' and such motion shall be a privileged matter and subject to immediate consideration, provided that a notice of intention to make such a motion shall have been presented on the previous calendar day on which the Senate was in session, and printed in the Senate Journal.

"2. Debate upon such motion shall be limited to eight hours, the time to be evenly divided between the opponents and proponents of the motion.

"3. Such motion, when agreed to, shall constitute an instruction to the committee to which the measure denominated a 'major legislative matter' has been referred to report such measure to the Senate within 30 calendar days, by poll or otherwise, with the recommendation (a) that it be passed, or (b) that it not be passed, or (c) that it be passed with such amendments as shall be recommended.

"RULE XXXIII

"SESSION WITH CLOSED DOORS

"On motion made and carried by a vote of a majority of Senators present and voting to close the doors of the Senate on the discussion of any business which may, in the opinion of a Senator, require secrecy, the Presiding Officer shall direct the galleries to be cleared; and during the discussion of such motion the doors shall remain closed.

"RULE XXXIV

"EXECUTIVE SESSIONS

"1. When the President of the United States shall meet the Senate in the Senate Chamber for the consideration of Executive business, he shall have a seat on the right of the Presiding Officer. When the Senate shall be convened by the President of the United States to any other place, the Presiding Officer of the Senate and the Senators shall attend at the place appointed, with the necessary officers of the Senate.

"2. All business in the Senate shall be transacted in open session, unless the Senate in closed session by a majority vote shall determine that a particular nomination, treaty, or other matter shall be considered in closed executive session, in which case all subsequent proceedings with respect to said nomination, treaty, or other matter shall be kept secret; *Provided,* That the injunction of secrecy as to the whole or any part of proceedings in closed executive session may be removed on motion adopted by a majority vote of the Senate in closed executive session; *Provided, further,* That Rule XXXIII shall apply to open executive session; *And provided further,* That any Senator may make public his vote in closed executive session.

"3. When the Senate is acting in closed executive session, the Senate Chamber shall be cleared of all persons except the Secretary, the Chief Clerk, the Sergeant at Arms, the Parliamentarian, and such other officers as the Presiding Officer shall think necessary; and all such officers shall be sworn to secrecy.

"4. All confidential communications made by the President of the United States to the Senate shall be by the Senators and the officers of the Senate kept secret until the Senate shall, by resolution, take off the injunction of secrecy, or unless the same shall be considered in open executive session.

"5. Any Senator or officer of the Senate who shall disclose the secret or confidential business or proceedings of the Senate (except for the disclosure by a Senator of his vote in closed executive session) shall be liable, if a Senator, to suffer expulsion from the body; and if an officer, to dismissal from the service of the Senate, and to punishment for contempt.

"6. Whenever, by the request of the Senate or any committee thereof, any documents or papers shall be communicated to the Senate by the President or the head of any Department relating to any matter pending in the Senate, the proceedings in regard to which are secret or confidential under the rules, said documents and papers shall be considered as confidential, and shall not be disclosed without leave of the Senate.

"RULE XXXV

"EXECUTIVE SESSIONS—PROCEEDINGS ON TREATIES

"1. When a treaty shall be laid before the Senate for ratification, it shall be read a first time; and no motion in respect to it shall be in order except to refer it to a committee, or to consider it in open executive session.

"When a treaty is reported from a committee with or without amendment, it shall, unless the Senate shall otherwise direct, lie one day for consideration; after which it may be read a second time and considered as in Committee of the Whole, when it shall be proceeded with by articles, and the amendments reported by the committee shall be first acted upon, after which other amendments may be proposed; and when through with, the proceedings had as in Committee of the Whole shall be reported to the Senate, when the question shall be, if the treaty be amended, 'Will the Senate concur in the amendments made in Committee of the Whole?' And the amendments may be taken separately or in gross, if no Senator shall object; after which new amendments may be proposed.

"The decisions thus made shall be reduced to the form of a resolution of ratification, with or without amendments, as the case may be, which shall be proposed on a subsequent day, unless the Senate shall otherwise determine; at which stage no amendment shall be received unless by unanimous consent.

"On the final question to advise and consent to the ratification in the form agreed to, the concurrence of two-thirds of the Senators present shall be necessary to determine it in the affirmative; but all other motions and questions upon a treaty shall be decided by a majority vote, except a motion to postpone indefinitely, which shall be decided by a vote of two-thirds.

"2. Treaties transmitted by the President to the Senate for ratification shall be resumed at the second or any subsequent session of the same Congress at the stage in which they were left at the final adjournment of the session at which they were transmitted; but all proceedings on treaties shall terminate with the Congress, and they shall be resumed at the commencement of the next Congress as if no proceedings had previously been had thereon.

"RULE XXXVI

"EXECUTIVE SESSION—PROCEEDINGS ON NOMINATIONS

"1. When nominations shall be made by the President of the United States to the Senate, they shall, unless otherwise ordered, be referred to appropriate committees; and the final question on every nomination shall be, 'Will the Senate advise and consent to this nomination?', which question shall not be put on the same day on which the nomination is received, nor on the day on which it may be reported by a committee, unless the Senate, by majority vote, should so direct.

"2. When a nomination is confirmed or rejected, any Senator voting in the majority may move for a reconsideration on the same day on which the vote was taken, or on either of the next two days of actual executive session of the Senate; but if a notification of the confirmation or rejection on a nomination shall have been sent to the President before the expiration of the time within which a motion to reconsider may be made, the motion to reconsider shall be accompanied by a motion to request the President to return such notification to the Senate. Any motion to reconsider the vote on a nomination may be laid on the table without prejudice to the nomination, and shall be a final disposition of such motion.

"3. Nominations confirmed or rejected by the Senate shall not be returned by the Secretary to the President until the expiration of the time limited for making a motion to reconsider the same, or while a motion to reconsider is pending, unless otherwise ordered by the Senate.

"4. When the Senate shall adjourn or take a recess for more than thirty days, all motions to reconsider a vote upon a nomination which has been confirmed or rejected by the Senate, which shall be pending at the time of taking such adjournment or recess, shall fail; and the Secretary shall return all such nominations to the President as confirmed or rejected by the Senate, as the case may be.

"5. Nominations neither confirmed nor rejected during the session at which they are made shall not be acted upon at any succeeding session without being again made to the Senate by the President; and if the Senate shall adjourn or take a recess for more than thirty days, all nominations pending and not finally acted upon at the time of taking such adjournment or recess shall be returned by the Secretary to the President, and shall not again be considered unless they shall again be made to the Senate by the President.

"RULE XXXVII

"THE PRESIDENT FURNISHED WITH COPIES OF RECORDS OF EXECUTIVE SESSIONS

"The President of the United States shall, from time to time, be furnished with an authenticated transcript of the executive records of the Senate, but no further extract from the Executive Journal shall be furnished by the Secretary, except by special order of the Senate; and no paper, except original treaties transmitted to the Senate by the President of the United States, and finally acted upon by the Senate, shall be delivered from the office of the Secretary without an order of the Senate for that purpose.

"RULE XXXVIII

"CONFERENCE COMMITTEES

"1. A majority of the Senate members of a committee of conference shall have indicated by their votes their sympathy with the bill as passed and their concurrence in the prevailing opinion of the Senate on the matters in disagreement with the House of Representatives which occasion the appointment of the committee.

"2. The presentation of reports of committees of conference shall always be in order except if a question of order or a motion to adjourn is pending, or which the Senate is dividing; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

"3. Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report, or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report, and if the point of order is sustained, the report shall be recommitted to the committee of conference.

"4. Every report of a committee of conference shall be accompanied by a detailed statement of the Senate conferees sufficiently explicit to inform the Senate what effect such amendments or propositions as the conference shall have agreed to will have upon the measures to which they relate. The statement shall be in writing and shall be signed by at least a majority of the Senate conferees.

"5. (a) In any case in which a disagreement to an amendment in the nature of a substitute has been referred to conferees, it shall be in order for the conferees to report a substitute on the same subject matter; but they may not include in the report matter not committed to them by either House. They may, however, include in their report in any such case matter which is a germane modification of subjects in disagreement.

"(b) In any case in which the conferees violate subsection (a), the conference report shall be subject to a point of order.

"RULE XXXIX

"MESSAGES; MATTER FROM THE PRESIDENT AND THE HOUSE OF REPRESENTATIVES

"1. Messages from the President of the United States or from the House of Representatives may be received at any stage of proceedings, except while the Senate is dividing, or while a question of order or a motion to adjourn is pending.

"2. Messages shall be sent to the House of Representatives by the Secretary, who shall previously certify the determination of the Senate upon all bills, joint resolutions, and other resolutions which may be communicated to the House, or in which its concurrence may be requested; and the Secretary shall also certify and deliver to the President of the United States all resolutions and other communications which may be directed to him by the Senate.

"3. The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate, any bill or other matter sent to the Senate by the President or the House of Represenatives, and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate.

"RULE XL

"PRINTING OF PAPERS, ETC.

"1. Every motion to print documents, reports, and other matter transmitted by any of the executive departments, or to print memorials, petitions, accompanying documents, or any other paper, except bills of the Senate or House of Representatives, resolutions submitted by a Senator, communications from the legislatures or conventions, lawfully called, of the respective States, and motions to print by order of the standing or select committees of the Senate, shall, unless the Senate shall otherwise order, be referred to the Committee on Rules and Administration. When a motion is made to commit with instructions, it shall be in order to add thereto a motion to print.

"2. Motions to print additional numbers shall also be referred to the Committee on Rules and Administration; and when the committee shall report favorably, the report shall be accompanied by an estimate of the probable cost thereof; and when the cost of printing such additional numbers shall exceed the sum of twelve hundred dollars, the concurrence of the House of Representatives shall be necessary for an order to print the same.

"3. Every bill and joint resoluiton introduced on leave or reported from a committee, and all bills and joint resolutions received from the House of Representatives, and all reports of committees, shall be printed, unless, for the dispatch of the business of the Senate, such printing may be dispensed with.

"4. Whenever a committee reports a bill or a joint resolution repealing or amending any statute or part thereof it shall make a report thereon and shall include in such report or in an accompanying document (to be prepared by the staff of such committee) (a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the committee. The subsection shall not apply to any such report in which it is stated that, in the opinion of the committee, it is necessary to dispense with the requirements of the subsection to expedite the business of the Senate.

"RULE XLI

"WITHDRAWAL OF PAPERS

"1. No memorial or other paper presented to the Senate, except original treaties finally acted upon, shall be withdrawn from its files except by order of the Senate. But when an act may pass for the settlement of any private claim, the Secretary is authorized to transmit to the officer charged with the settlement the papers on file relating to the claim.

"2. No memorial or other paper upon which an adverse report has been made shall be withdrawn from the files of the Senate unless copies thereof shall be left in the office of the Secretary.

"RULE XLII

"REFERENCE OF CLAIMS CASES AND OF CLAIMS ADVERSELY REPORTED

"1. Whenever a private bill is under consideration, it shall be in order to move, as a substitute for it, a resolution of the Senate referring the case to the Court of Claims, under the provisions of the act approved March 3, 1883, as amended.

"2. Whenever a committee of the Senate, to whom any claim has been referred, reports adversely, and the report is agreed to, it shall not be in order to move to take the papers from the files for the purpose of referring them at a subsequent session, unless the claimant shall present a petition therefor, stating that new evidence has been discovered since the report, and setting forth the substance of such new evidence. But when there has been no adverse report, it shall be the duty of the Secretary to transmit all such papers to the committee in which such claims are pending.

"RULE XLIII

"BUSINESS CONTINUED FROM SESSION TO SESSION

"1. At the second or any subsequent session of a Congress, the legislative business of the Senate which remained undetermined at the close of the next preceding session of that Congress shall be resumed and proceeded with in the same manner as if no adjournment of the Senate had taken place.

"2. The rules of the Senate shall be adopted at the beginning of each Congress on a yea and nay vote, a quorum being present. A majority of the Senators voting and present shall prevail. They may be changed at any time as provided in these rules.

"RULE XLIV

"PRIVILEGE OF THE FLOOR

"No person shall be admitted to the floor of the Senate while in session, except as follows:

"The President of the United States and his private secretary.

"The President elect and Vice President elect of the United States.

"Ex-Presidents and ex-Vice Presidents of the United States.

"Judges of the Supreme Court.

"Ex-Senators and Senators elect.

"The officers and employees of the Senate in the discharge of their official duties.

"Ex-Secretaries and ex-Sergeants at Arms of the Senate.

"Members of the House of Representatives and Members-elect.

"Ex-Speakers of the House of Representatives.

"The Sergeant at Arms of the House and his chief deputy and the Clerk of the House and his deputy.

"Heads of the Executive Departments.

"Ambassadors and Ministers of the United States.

"Governors of States and Territories.

"Members of the Joint Chiefs of Staff.

"Members of National Legislatures of foreign countries.

"Judges of the Court of Claims.

"Commissioners of the District of Columbia.

"The Librarian of Congress and the Assistant Librarian in charge of the Law Library.

"The Architect of the Capitol.

"The Secretary of the Smithsonian Institution.

"Clerks to Senate committees and clerks to Senators when in the actual discharge of their official duties. Clerks to Senators, to be admitted to the floor, must be regularly appointed and borne upon the rolls of the Secretary of the Senate as such.

"RULE XLV

"REGULATION OF THE SENATE WING OF THE CAPITOL

"1. The Senate Chamber shall not be granted for any other purpose than for the use of the Senate; no smoking shall be permitted at any time on the floor of the Senate, or lighted cigars be brought into the Chamber.

"2. It shall be the duty of the Committee on Rules and Administration to make all rules and regulations respecting such parts of the Capitol, its passages and galleries, including the restaurant and the Senate Office Building, as are or may be set apart for the use of the Senate and its officers, to be enforced under the direction of the Presiding Officer. They shall make such regulations respecting the reporters' galleries of the Senate, together with the adjoining rooms and facilities, as will confine their occupancy and use to bona fide reporters for daily newspapers and periodicals, to bona fide reporters of news or press associations requiring telegraph service to their membership, and to bona fide reporters for daily news dissemination through radio, television, wire, wireless, and similar media of transmission. These regulations shall so provide for the use of such space and facilities as fairly to distribute their use to all such media of news dissemination.

"RULE XLVI

"SUSPENSION AND AMENDMENT OF THE RULES

"No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof. These rules may be

amended by a majority vote, but a two-thirds vote of the Senators present, a quorum being present, is required for their suspension. Any rule may be suspended without notice by the unanimous consent of the Senate, except as otherwise provided in clause 1, Rule XXVII.

"RULE XLVII

"DISCLOSURE OF FINANCIAL INTERESTS

"1. Each individual who at any time during any calendar year serves as a Member of the Senate, or as an officer or employee of the Senate compensated at a gross rate in excess of $10,000 per annum, shall file with the Secretary of the Senate for that calendar year a written report containing the following information:

"(a) The fair market value of each asset having a fair market value of $5,000 or more held by him or by his spouse or by him and his spouse jointly, exclusively of any dwelling occupied as a residence by him or by members of his immediate family, at the end of that calendar year;

"(b) The amount of each liability in excess of $5,000 owed by him or by his spouse, or by him and his spouse jointly at the end of that calendar year;

"(c) The total amount of all capital gains realized, and the source and amount of each capital gain realized in any amount exceeding $5,000, during that calendar year by him or by his spouse, by him and his spouse jointly, or by any person acting on behalf or pursuant to the direction of him or his spouse, or him and his spouse jointly, as a result of any transaction or series of related transactions in securities or commodities, or any purchase or sale of real property or any interest therein other than a dwelling occupied as a residence by him or by members of his immediate family;

"(d) The source and amount of each item of income, each item of reimbursement for any expenditure, and each gift or aggregate of gifts from one source (other than gifts received from any relative or his spouse) received by or accruing to him, his spouse, or from him and his spouse jointly from any source other than the United States during that calendar year, which exceeds $100 in amount or value; including any fee or other honorarium received by him for or in connection with the preparation or delivery of any speech or address, attendance at any convention or other assembly of individuals, or the preparation of any article or other composition for publication, and the monetary value of subsistence, entertainment, travel, or other facilities received by him in kind;

"(e) The name and address of any professional firm which engages in practice before any department, agency, or instrumentality of the United States in which he has a financial interest; and the name, address, and a brief description of the principal business of any client of such firm for whom any services involving representation before any department, agency, or instrumentality of the United States which were performed during that calendar year, together with a brief description of the services performed, and the total fees received or receivable by the firm as compensation for such services;

"(f) The name, address, and nature of the principal business or activity of each business or financial entity or enterprise with which he was associated at any time during that calendar year as an officer, director, or partner, or in any other managerial capacity.

"2. Each asset consisting of an interest in a business or financial entity or enterprise which is subject to disclosure under paragraph 1 shall be identified in each report made pursuant to that paragraph by a statement of the name of such entity or enterprise, the location of its principal office, and the nature of the business or activity in which it is principally engaged or with which it is principally concerned, except that an asset which is a security traded on any securities exchange subject to supervision by the Securities and Exchange Commission of the United States may be identified by a full and complete description of the security and the name of the issuer thereof. Each liability which is subject to disclosure under paragraph 1 shall be identified in each report made pursuant to that paragraph by a statement of the name and the address of the creditor to whom the obligation of such liability is owed.

"3. Except as otherwise hereinafter provided, each individual who is required by paragraph 1 to file a report for any calendar year shall file such report with the Secretary of the Senate not later than January 31 of the next following calendar year. No such report shall be required to be made for any calendar year beginning before January 1, 1968. The requirements of this rule shall apply only with respect to individuals who are Members of the Senate or officers or employees of the Senate on or after the date of adoption of this rule. Any individual who ceases to serve as a Member of the Senate or as an officer or employee of the Senate, before the close of any calendar year shall file such report on the last day of such service, or on such date not more than three months thereafter as the Secretary of the Senate may prescribe, and the report so made shall be made for that portion of that calendar year during which such individual so served. Whenever there is on file with the Secretary of the Senate a report made by any individual in compliance with paragraph 1 for any calendar year, the Secretary may accept from that individual for any succeeding calendar year, in lieu of the report required by paragraph 1, a certificate containing an accurate recitation of the changes in such report which are required for compliance with the provisions of paragraph 1 for that succeeding calendar year, or a statement to the effect that no change in such report is required for compliance with the provisions of paragraph 1 for that succeeding calendar year.

"4. Reports and certificates filed under this rule shall be made upon forms which shall be prepared and provided by the Secretary of the Senate, and shall be made in such manner and detail as he shall prescribe. The Secretary may provide for the grouping within such reports and certificate of items which are required by paragraph 1 to be disclosed whenever he determines that separate itemization thereof is not feasible or is not required for accurate disclosure with respect to such items. Reports and certificates filed under this rule shall be retained by the Secretary as public records for not less than six years after the close of the calendar year for which they are made, and while so retained shall be available for inspection by members of the public under such reasonable regulations as the Secretary shall prescribe.

"5. As used in this rule—

"(a) the term 'asset' includes any beneficial interest held or possessed directly or indirectly in any business or financial entity or enterprise, or in any security or evidence of indebtedness, but does not include any interest in any organization described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of such Code.

"(b) the term 'liability' includes any liability of any trust in which a beneficial interest is held or possessed directly or indirectly.

"(c) the term 'income' means gross income as defined by section 61 of the Internal Revenue Code of 1954.

"(d) the term 'security' means any security as defined by section 2 of the Securities Act of 1933, as amended (15 U.S.C. 77b).

"(e) the term 'commodity' means any commodity as defined by section 2 of the Commodity Exchange Act, as amended (7 U.S.C. 2).

"(f) the term 'dealing in securities or commodities' means any acquisition, transfer, disposition, or other transaction involving any security or commodity.

"(g) the term 'officer or employee of the Senate' means (1) an elected officer of the Senate who is not a Member of the Senate, (2) an employee of the Senate or any committee or subcommittee of the Senate, (3) the Legislative Counsel of the Senate and employees of his office, (4) an Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties, (5) a member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate, (6) an employee of the Vice President if such employee's compensation is disbursed by the Secretary of the Senate, (7) an employee of a Member of the Senate if such employee's compensation is disbursed by the Secretary of the Senate, and (8) an employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate.

"RULE XLVIII

"PROHIBITED ACTIVITIES

"1. No Member of the Senate or any officer or employee of the Senate may engage or participate in any business or financial venture, enterprise, combination, or transaction with any person, firm, or corporation which is—

"(a) engaged in any lobbying activity;

"(b) engaged for compensation in the practice of rendering advisory or public relations services relating to the securing of contracts with the United States or any department, agency, or instrumentality thereof; or

"(c) engaged in, or seeking to become engaged in, the performance of any construction, manufacturing, research, development, or service contract with the United States or any department, agency, or instrumentality thereof.

"2. No Member of the Senate or any officer or employee of the Senate may accept—

"(a) at any time from any individual, entity, or enterprise which is engaged in lobbying activity any gift of money, property, entertainment, travel, or any other valuable consideration in an amount or having a value in excess of $100; or

"(b) within any calendar year from any such individual, entity, or enterprise such gifts in an aggregate amount or having an aggregate value in excess of $100.

"3. No officer or employee of the Senate may be vested with or exercise any authority or responsibility for, or participate in any way in any consideration of or determination with respect to, the allocation among Members of the Senate of any funds available for use to defray expenses incurred or to be incurred by any individual for or in connection with any campaign for the nomination or election of any individual to be a Member of the Senate.

"4. As used in this rule—

"(a) the term 'officer or employee of the Senate' has the meaning given thereto by rule XLVII; and

"(b) the term 'lobbying activity' means any activity undertaken by any person other than a Member of the Congress to influence directly or indirectly the introduction, passage, defeat, amendment, or modification of any legislative measure in either House of the Congress.

"RULE XLIX

"TESTIMONY OF MEMBERS OF THE SENATE BEFORE COMMITTEES

"Whenever any standing, special, or select committee of the Senate or any joint committee of the Congress, which is engaged in any investigation within its jurisdiction, has reason to believe that the testimony of any Member of the Senate may be pertinent to such investigation, such committee, with the approval of a majority of its members (including at least one member of the minority

party), by written communication may request such Member of the Senate to appear before the committee to give testimony concerning the subject matter under investigation. Such Member of the Senate shall appear before such committee in obedience to such request unless within ten days after receipt thereof he delivers to the chairman of such committee a written statement, duly signed by such Member of the Senate, stating that he is without knowledge of the subject matter under investigation.

"RULE L

"OUTSIDE EMPLOYMENT

"1. No officer or employee of the Senate shall engage in any business, financial, or professional activity or employment for compensation or gain unless—

"(a) such activity or employment is not inconsistent with the conscientious performance of his official duties; and

"(b) express permission has been granted by the Members of the Senate charged with supervision of such officer or employee by this rule;

Provided, however, That in no event shall any officer or full-time employee of the Senate, without special leave of the Senate—

"(a) serve in any managerial capacity in any business or financial enterprise; or

"(b) engage in any regular professional or consulting practice, or maintain an association with any professional or consulting firm.

"2. For the purposes of this rule—

"(a) each Member of the Senate shall be charged with the supervision of each of his employees;

"(b) each Member of the Senate who is the chairman of a Senate or joint committee or subcommittee shall be charged with the supervision of each employee of such committee or subcommittee;

"(c) the majority leader shall be charged with the supervision of each officer and employee of the majority, and the minority leader shall be charged with the supervision of each officer and employee of the minority;

"(d) the Vice President shall be charged with the supervision of each of his employees; and

"(e) the President pro tempore shall be charged with the supervision of all other officers and employees of the Senate.

"3. As used in this rule, the term 'officer or employee of the Senate' has the meaning given thereto by rule XLVII.

"RULE LI

"The Presiding Officer shall construe these rules so as to give effect to their plain meaning. Precedents and rulings in force prior to the adoption of these rules shall not be binding in the construction of these rules."

The explanatory statement is as follows:

EXHIBIT 1

SIGNIFICANT CHANGES IN COMPREHENSIVE REVISION OF SENATE RULES PROPOSED BY SENATOR JOSEPH S. CLARK

"1. Journal: The Senate Journal is nothing more than a quaint anachronism which is never looked at by anyone and is read only for purposes of delay. Its place has been taken, for practical purposes by the CONGRESSIONAL RECORD. The revision recognizes this fact, and satisfies article I, section 5, clause 3, of the Constitution, which requires each House to keep a journal of its proceedings, by stating that the Senate section of the CONGRESSIONAL RECORD shall be the Senate Journal.

Since the CONGRESSIONAL RECORD is printed and available to Senators each morning following a session, there is no need to have it read aloud, and the right to require that is abolished. Presumably any errors in the CONGRESSIONAL RECORD will be corrected informally, or by unanimous consent, as they are today. But a procedure for correcting mistakes by motion, without debate, is provided for those cases in which unanimous consent cannot be obtained. Under this procedure, the Senator seeking to make the correction, and the Senator objecting to the correction may file written briefs in support of their positions for publication in the CONGRESSIONAL RECORD in advance of the vote.

2. Quorums: The unrestricted right of any Senator to call for a quorum has frequently been the source of great harassment and delay. The revision circumscribes this right by requiring a Senator to declare his intention to call for a vote on the pending business once the presence of a quorum has been ascertained. Only on this condition could an individual Senator suggest the absence of a quorum. However the majority or minority leaders, or in their absence, the acting majority or minority leaders, could call for a quorum at any time. The Presiding Officer would have the duty to halt the quorum call once he ascertains the presence of a quorum in the Chamber.

3. Order of recognition: This provision codifies and elaborates the unwritten rule that the Chair will always give preference in recognition to the majority and minority leaders. In the absence of the leaders, it gives equivalent rights to any Senator designated to act in that capacity and occupying the leader's desk.

4. Germane points of order: The revision seeks to clear up the confusing situation which presently exists with regard to the right to interrupt a Senator who has the floor for the purpose of raising a point of order. It provides that a Senator may be interrupted without his consent for the purpose of raising a point of order that the Senator in possession of the floor has committed a transgression of the rules of the Senate germane to his possession of the floor.

5. Submission of speeches without delivery: Upon request, a Senator would be permitted to have his written remarks printed in the CONGRESSIONAL RECORD in normal size print without the requirement of full oral delivery. However, the RECORD would contain a notation to the effect that the material was submitted but not delivered orally.

6. Three-hour rule: Whenever a Senator has held the floor for more than 3 consecutive hours, an objection to his continued possession of the floor, if made by any Senator, would compel him to yield the floor.

7. Germaneness of debate: The present rule, which provides for a daily 3-hour period of germane debate, would be made more flexible by the adoption of a procedure whereby a majority of the Senate, by nondebatable motion, could require further debate on the pending business to be germane to the subject matter before the Senate until the business was disposed of.

8. Points of order: This new provision would limit debate on questions of order submitted to the Senate, and debatable appeals from rulings of the Chair, to 1 hour, in all, unless the Senate orders otherwise.

9. Morning business: The morning hour rule has been revised extensively to abolish the confusing distinction between morning hour and morning business, and to dispense with the need for unanimous consent to make statements or comments of not more than 3 minutes' duration. There would be a daily period of 1 hour, if that much time should be needed, set aside at the opening of each new legislative day for the conduct of morning business. The Senate, by majority vote without debate, could extend the period for up to 1 additional hour. During this period, under the regular order of business, Senators would have the privilege of making 3-minute statements and could seek unanimous consent to have printed matter inserted in the RECORD.

10. Motions to take up: This revision would provide a means by which a Senator could convert a motion to proceed to the consideration of any measure on the Senate Calendar, which would ordinarily be debatable, into a nondebatable motion. This could be done by filing at the desk of the clerk a notice of intention to make such a motion on the following calendar day on which the Senate is in session. The notice of intention would be printed in the CONGRESSIONAL RECORD.

11. Procedure for bills, joint resolutions and resolutions: This rule has been extensively rewritten both to clarify its operation, and to reduce the potential for disruption of normal legislative procedures by the objection of a single Senator. The provision by which any Senator can prevent a bill from being referred to committee, and have it placed directly on the calendar after second reading, has been eliminated. However, this may be done on motion by a majority of the Senate after 1 hour of debate, equally divided between opponents and proponents. The section permitting any Senator to force a postponement of the introduction of any bill or joint resolution for 1 day has also been eliminated.

12. Ex officio members of appropriation committee: The Senate rules presently provide for the selection of three ex officio members of the Appropriations Committee from each of eight legislative committees. These ex officio members serve on the Appropriations Committee for the limited purpose of considering annual appropriations for programs within the jurisdiction of their particular legislative committee. The revision of this rule adds five more legislative committees to this list, on the ground that they have equally valid claims to participate in appropriations decisions affecting matters within their jurisdiction. These five additional committees are: Commerce, Finance, Interior and Insular Affairs, Judiciary and Labor and Public Welfare.

13. Germaneness of amendments: This provision, which is similar to the present practice of the House of Representatives, incorporates a general prohibition against nongermane amendments. Questions of germaneness are to be decided by the Presiding Officer subject to appeal to the Senate without debate.

14. Previous question: The cumbersome and unwieldy cloture provisions of rule XXII would be deleted by this revision. In their place would be substituted a split-level motion for the previous question, by which a majority of Senators present and voting could terminate debate: (1) on any motion or amendment to a measure pending before the Senate after that motion or amendment has received 15 hours of consideration on not less than 3 calendar days; or (2) on the measure itself, together with any motions or amendments relating to it, after the measure plus all related motions and amendments has received consideration for 15 calendar days.

If the previous question is ordered, 1 hour of debate equally divided between opponents and proponents, would be allowed as to any motion or amendment encompassed by the motion for the previous question, and 4 hours, divided in the same manner, would be allowed on final passage. Unlike the cloture procedure under which Senators may call up for a vote after cloture any germane amendment which has previously been presented and read, this procedure would limit consideration after the previous question had been ordered to amendments embraced by the motion. All other amendments would be deemed rejected.

15. Voting: Two additions have been made to the existing rule, both for the purpose of codifying existing practice: (1) A demand for the yeas and nays, when seconded by 11 Senators, shall be sufficient to require a rollcall vote; and (2) Senators entering the Chamber after their names have been called may obtain recognition from the Presiding

Officer and have their votes recorded prior to the announcement of the vote.

16. Selection and retirement of committee chairmen: Chairmen of standing committees would be chosen by secret ballot of the majority members of the committee at the beginning of each new Congress. In addition, no Senator would be permitted to serve as chairman of a standing committee after he has attained the age of 70.

17. Jurisdiction of committees: The jurisdiction of the Senate Committees on Finance, Banking and Currency, Foreign Relations, Commerce, and Labor and Public Welfare would be shifted to provide a more logical and equitable division of responsibility. In addition, the jurisdiction of the Committee on Rules and Administration would be enlarged in accordance with Senate Resolution 338, to include violations of the rules of the Senate. The Rules Committee would also be given the power to recommend appropriate disciplinary action, including reprimand, censure, suspension or expulsion from office or employment after making findings of fact and conclusions and after according notice and an opportunity for a hearing to any individual concerned.

18. Limit on committee memberships: The present rule which limits Senators to membership on not more than two major and one minor committee contains a grandfather clause making an exception for members of the Government Operations and Aeronautical and Space Sciences Committees. As a result, some Senators serve on as many as four major and one minor committee. This revision would strike the exception, and make up the difference by reducing slightly committee memberships. The Appropriations Committee would be reduced from 27 to 24 members. Of the remaining major committees, 10 would be cut back from 17 to 15 members, and two would be cut back from 15 to 13 members.

19. Committee meetings during Senate sessions: Although standing committees may now sit without special leave during the period while morning business is conducted, a single Senator still has the power to prevent every standing committee and every subcommittee of a standing committee from meeting while the Senate is in session after the close of morning business. The sole purpose of this revision is to implement the intention of the drafters of the Legislative Reorganization Act by stating that a committee may obtain leave to sit while the Senate is in session by a privileged, nondebatable motion.

20. Committee bill of rights: A majority of the members of each standing committee would be authorized, in addition to the procedures now provided in individual committee rules, to convene meetings; to direct the initiation, conduct, and termination of hearings; to call up bills for consideration; and to terminate debate in committee after a measure has received committee consideration in executive session for a total of 5 hours.

21. Instructions to report on major legislative matters: Although it is axiomatic that the committees of the Senate are its creatures and agents, no procedures presently exist by which the Senate can exercise its authority in a fair, orderly, and effective manner.

The rules do presently provide for a motion to discharge a committee from further consideration of a measure. But this motion cannot be used to secure committee consideration of a subject, nor does it provide a device for obtaining a committee's recommendations. Moreover, such a motion can be filibustered, since it is debatable.

This proposal remedies these defects by creating a privileged motion to denominate any measure pending in committee or subcommittee as a "major legislative matter." This motion would be nondebatable, provided that a notice of intention to make such a motion had been presented on the previous calendar day, and printed in the CONGRESSIONAL RECORD.

Debate on the motion would be limited to 8 hours, the time to be divided equally between opponents and proponents. Such motion, if carried by a majority of Senators present and voting, would constitute an instruction to the committee in which the measure was then pending to report it to the Senate within 30 calendar days, by poll or otherwise, with the recommendation (a) that it be passed, or (b) that it not be passed, or (c) that it be passed with amendments, stating the recommended amendments.

22. Selection of conferees and explanatory statement: A majority of the Senate members of a conference committee would have to be chosen from those who indicated by their votes their concurrence with the prevailing view in the Senate on matters in disagreement with the House. Senate conferees would be required to prepare a statement explaining the action of the conference, just as the managers on the part of the House are required to do under the House rules.

23. Adoption of rules for each Congress: The provision continuing the rules of the Senate from one Congress to the next Congress would be deleted, and a majority of Senators present and voting would be empowered to adopt rules at the beginning of each Congress.

24. Disclosure of financial interests: This new rule, which was offered as an amendment in the nature of a substitute to the disclosure resolution favorably reported by the Rules Committee earlier in the year, would require every Senator and every Senate officer or employee compensated at a gross rate in excess of $10,000 per annum, to file a financial report each year. The report would contain the following kinds of information:

a. Assets: The identity and fair market value of any asset having a fair market value of $5,000 or more.

b. Liabilities: The amount of each liability in excess of $5,000, and the name and address of the creditor.

c. Capital gains: Source and amount of all capital gains realized in the preceding calendar year in excess of $5,000.

d. Income: Source and amount of every item of income for the calendar year in excess of $100, including gifts other than gifts from a relative.

e. Assets belonging to a trust; assets, liabilities, capital gains, and income of a spouse; and capital gains earned through a strawman are all covered. Family homes and tax-exempt charitable entities are exempted.

f. Association with a professional firm which practices before Federal Government agencies.

g. Service as director, officer, or manager in a business enterprise.

25. Relations with lobbyists: This is another new rule which was offered as an amendment to the Rules Committee proposals. It prohibits Senators, and Senate officers and employees from engaging in joint ventures with lobbyists, and from accepting gifts worth more than $100 from lobbyists.

26. Testimony of Senators before committees: This new rule, also offered as an amendment to the Rules Committee conflict-of-interest resolution, would grant authority to any duly authorized committee of the Senate to request any Senator to come before it and give any pertinent testimony it has reason to believe he can give on the subject matter under investigation. A Senator receiving such a request would be required to appear and give testimony, unless within 10 days he delivers to the chairman of the committee a signed statement to the effect that he is without knowledge of the subject matter under investigation.

The Rules Committee would have the power to investigate breaches of this rule, and to recommend appropriate disciplinary action, including reprimand, censure, suspension, or expulsion.

27. Moonlighting by Senate employees: This rule was also a part of the omnibus substitute amendment offered to the Rules Committee resolution. It would prohibit officers and full-time employees of the Senate from serving in any managerial capacity in any business or financial enterprise, or engaging in any regular professional or consulting practice, or maintaining an association with any professional or consulting firm without special leave of the Senate. In addition, it would permit moonlighting only if two conditions are met: (1) the activity or employment must not be inconsistent with the conscientious performance of the officer or employee's official duties; and (2) express permission must have been given by the Member of the Senate charged with the supervision of the officer or employee. For the purposes of this rule, each Senator would be responsible for supervising his own staff; chairmen of committees would supervise committee staffs; the majority and minority leaders and the Vice President would supervise their own employees; and the President pro tempore would be charged with the supervision of all other officers and employees of the Senate.

PROPOSALS REQUIRING CONCURRENT ACTION OF BOTH HOUSES

1. Appropriations Committee procedures: House and Senate Appropriations Committees would be authorized to hold joint hearings and half of the appropriations bills each year would originated in each Chamber to expedite congressional business. (S. Con. Res. 28, introduced by Senator CLARK on March 7, 1963, and pending in Rules Committee.)

2. Separate session for appropriations: (S. 2198, introduced by Senator MAGNUSON, and cosponsored by Senators CLARK, NEUBERGER, and HART; pending in Rules Committee.) This bill would divide the annual session of Congress into two parts: a "legislative session" which would begin on January 3 of each year and end not later than the first Monday in November; and a "fiscal session" beginning on the second Monday in November and ending not later than December 31. Under the proposed procedure, Congress would devote the early session to substantive legislation including authorizations. It could then recess for the summer and come back in November to deal with appropriations. The bill also changes the fiscal year to make it correspond with the calendar year, so that all appropriations bills will be enacted before the beginning of the fiscal year to which they pertain.

THE WAR ON POVERTY

Mr. CLARK. Mr. President, recent developments in the House of Representatives with respect to the war on poverty and legislative authorizations, and indeed appropriations, for that most necessary war, have indicated an opinion on the part of some of our colleagues in the House of Representatives that the war on poverty has not been a success; that it is vulnerable in terms of support by the constituents of the Members of the House of Representatives; and that, therefore, a political field day can be had at the expense of the war on poverty by chopping it to pieces, refusing to permit the employees of the Office of Economic Opportunity to receive the pay raise which the House has joyously voted for all other Federal employees, and cutting back, as it did yesterday, the appropriations for the poverty war to a far greater extent than other appropriations—indeed, as I understand it, chopping an

additional $500 million out of those appropriations for the current fiscal year, reducing the appropriations which were eventually passed from a figure of around $1,650,000,000 to $1,200,000,000 or less.

My purpose in raising this question on the floor of the Senate today, before we take up the drastic action of the House of Representatives in the cutting of domestic expenditures at an extraordinary session last night, is to give tongue, if you will, to my view that our friends in the other body vastly underestimate the strong public support, all over the country, for the war on poverty.

If I am right, our colleagues will come to regret the precipitate action taken last night.

VISTA WORKS QUIETLY FOR A BETTER AMERICA

Mr. CLARK. Mr. President, the past summer was not the best of summers for Americans who are happy to serve their country and their fellow men in quiet, unobtrusive ways. The headlines have gone to those who set whole neighborhoods ablaze with incendiary words and incendiary Molotov cocktails. Television has seemed preoccupied with the handful of individuals who denounced their country and preached sedition from Communist havens in Cuba and Hanoi.

But for all their sound and fury they actually do amount to only a handful of demagogs who are already repudiated by the vast majority of Americans of all races, creeds, and national origins.

But while this treacherous handful was ranting and rabble rousing, many Americans this summer were quietly, peacefully and devotedly building better towns and cities, a better Nation. They were, in fact, building a more encompassing and more enduring American brotherhood.

I speak particularly, Mr. President, of the self-sacrificing and self-effacing men and women, and boys and girls, who are the warriors in our country's war on poverty. Their unsung accomplishments are creating a better world for all of us, a world of pervading social and economic justice. Among these antipoverty warriors, I would like to single out today the VISTA—Volunteers in Service to America.

The story of what the VISTA volunteers have done and are doing at Maple Lodge, the former resort home of the world-famous philosopher John Dewey near Pittsburgh, deserves the widest possible audience. And the VISTA young people, themselves, deserve our praise and heartfelt thanks for what they are doing in this instance and other instances.

I ask unanimous consent, Mr. President, to have printed in the RECORD an article in VISTA and the Maple Lodge Camp, which appeared in a recent issue of the Pittsburgh Point, a weekly newspaper, which comments from time to time on matters of importance to the greater Pittsburgh metropolitan area, and is a splendid weekly, always containing perceptive and stimulating articles.

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

MAPLE LODGE CAMP: A SUCCESS STORY

(By Carl Gershman)

Just a little over a month ago a short article appeared in this newspaper describing a place called Maple Lodge. Some VISTA workers in Pittsburgh were trying to get a camp under way there, and a request was made for financial assistance. At the time the project seemed to many people like another good idea that was doomed to falter on the traditional stumbling blocks of insufficient funds and talent. But to the pleasant surprise of everybody, Maple Lodge Camp is now a going concern, complete with children, adults, horses, dogs, a chicken that lays an egg a day, and a sheep named Beeswing.

In days past Maple Lodge was the resort home of the famous American philosopher and educator John Dewey and his wife. Situated on a beautiful 45-acre estate, the lodge was an ideal place where Dewey could study and write. There also the Dewey's entertained some of Western Pennsylvania's most eminent citizens. Since Dewey died, in 1952, the lodge has had only limited use, although its history is remembered with pride by the residents of the small neighboring town of Slickville, who still talk of the beautiful flowers and the "fine people."

About two years ago Mrs. Dewey offered to lease Maple Lodge for a dollar a year to the Mayor's Committee on Human Resources. It was her understanding that the Mayor's Committee, the administrative body of the poverty program in Pittsburgh, would both pay the $1300 annual insurance fee for the property and develop a program that would enable some of the city's less privileged children to take advantage of her former home. In 1965 The Mayor's Committee was able to satisfy the first criterion with a federal grant, but somehow it never accomplished the more demanding task of developing a program. With the 1966 cutback in federal funds, the grant for the insurance was lost; and as the lodge had not been used in the past, it was decided not to raise the money privately but to give up the property.

In February of this year, some two months before the lease was to run out, a VISTA from Homewood-Brushton took a group of ten children out to the estate. That Saturday was one of the coldest days of the year, but the children didn't seem to mind. According to the kids, the Dewey property was one of the "baddest" places they had ever been to, and they were all for coming back again on the following Saturday.

Each Saturday new VISTAs organized car pools to make the 30-mile trek out to Maple Lodge. As the weather got warmer, the kids started playing in the small creek that runs by the house. One VISTA even brought two large families out, and it is still uncertain whether or not the parents enjoyed the outing more than the kids. The Dewey property was never referred to as such back in the neighborhoods. Some called it "the farm," others "East Pittsburgh," but to most it was simply "the country," and soon the VISTAs were not able to satisfy all the requests to go there.

When the VISTAs learned of the Mayor's Committee's decision to give up the property, they were surprised as well as disappointed. Many parents and children suggested that the $1300 needed to keep the property be raised through car-washes and bake-sales. One thing was clear to everybody—that under no circumstances should the property be lost.

In April several of the VISTAs got together to draw up a proposal for the use of the property, with the objective that if presented to the Board of Directors of the Mayor's Committee, they would not simply change their vote but also assist in raising the funds. The proposal outlined an eight-week-VISTA-supervised summer camp for children—one week for each of the eight poverty neighborhoods—as well as weekends devoted to leadership seminars for teenagers, classes for un-wed mothers, and short vacations for the elderly. When it was presented to the Board there was some grumbling about alleged VISTA immorality in New Mexico, and lack of proper supervision, but in the end the Board gave its unanimous approval for the idea, on the understanding that the VISTAs would raise the money.

Things started slowly, as it was hoped the money might be coming from a local foundation. When no money did come, a candy-sale was organized in which the children and the VISTAs, with the help of some friends from the middle-class neighborhoods, raised $1000. Mrs. Dewey sent a contribution of $450, and a group of junior high school kids from Squirrel hill netted another $100 with a picnic. The Point article also brought in some money, and soon the whole project was underway.

Chuck Koloms, chairman of the VISTA Council, contacted Jean Vondracek, who has had considerable experience with camps as well as with the Summerhill School. After seeing the estate she volunteered to run the camp, while Koloms was to take care of all matters concerning money, transportation, and enrollment. Much fixing up was needed at the property, and during the month of June an enormous amount of labor was devoted to that purpose. The grass was cut, the garage was transformed into an arts and crafts center, and the main house was thoroughly cleaned, as were the creek and the fields, to make certain that there were no dangerous objects lying about. Virgil Walters, a neighboring farmer who said he's for "any place for kids to play," brought his tractor down and cut the grass on the fields that for years had been left untouched. On one Saturday, through Bob Pease of the Urban Redevelopment Authority, 15 teenagers from the URA came out to help. Pease also arranged for Richard Mellon to donate a tractor.

While all this was going on the Mayor's Committee submitted a request to Washington for OEO summer funds and for government surplus food. The camp was to begin on July 3, and it was not until June 30 that the money came in from Washington—not $5000, as requested, but $7000. This was in addition to some money that the Mayor's Committee had already allotted the project. And so the camp did begin as planned, as 12 girls from Homewood-Brushton, aged 11–14, accompanied by two VISTAs, arrived at Maple Lodge on the morning of July 3.

Judy Nelson and Linnea Hendrickson, the two VISTAs, realized that to adhere rigidly to program they had planned would be phony. The activities were determined by the children after they had felt out the place and adjusted to its mood of freedom and peacefulness. At any time during the day some children would be painting or making candles at the arts and crafts center, others might be catching minnows down at the creek or fooling around in the water, and still others might be riding horses or playing with Beeswing. If somebody wanted to do nothing that was all right also.

Everything is very personal at Maple Lodge. The number of children is small (Mrs. Vondracek's four children stay there in addition to the kids brought by the VISTAs), and they know each other, as well as the VISTAs, before coming. The experience is one of individuals living in community. Mrs. Vondracek described this as letting "each one do as he pleases" without ever violating the rights of others. For example, the first night some children wanted to listen to the radio while others wanted to sleep. The solution was simply to play the radio quietly. Acting as the devil's advocate, I asked Mrs. Vondracek:

if the group decided to do a certain thing and one person did not care to participate, would not this be a case of lack of adjustment? She replied, "Adjustment to what?"

It would be wrong to imply that anarchy reigns at Maple Lodge. The children asked that they be trusted with responsibility and not merely be ordered to do things as they are at home and at school. The trust was given and they were remarkably responsible. They abided by all the health and safety rules and imposed discipline on themselves. The work required of them was divided into four chores which were assigned on a rotating basis to four groups of four children each. As the kids regarded Maple Lodge as their own home as well as somebody else's, they were very thorough in doing their chores. One girl called the place "a home away from home."

The group activities that were planned were attended by everybody. There were cook-outs, movies, and story-telling. One night Becky Coker, a detached youth-worker from the Y on the Northside, came out to show a film on human reproduction. A box for write-in questions was set aside so that the children could ask impersonally about things they might otherwise have been embarrassed to mention. There was little giggling during the discussion after the film. On the contrary, the children participated in a mature discussion of a very serious subject. One girl wrote in, "I have no question but thank you for taking the trouble to come out and speak to us."

There are many things planned for Maple Lodge. The camp is still only in experimental stages, but as its founders are learning, there is joy in discovery. One still pressing need is someone to help with the cooking so that some of the pressure can be taken off Mrs Vondracek. (If anyone is interested in giving this assistance, contact Curt Roemele at the Mayor's Committee, 261–5191.) On the last weekend in July there will be a teenage leadership workshop. About 20 teenagers will come out for a weekend of seminars with community leaders from Pittsburgh on such subjects as "The New Face of Politics in America," "Civil Rights and the Law," and "Careers." Hopefully these workshops can become a regular program.

It is, of course, still too early to assess the success of Maple Lodge Camp in terms of its effect on the children or as an experiment in communal living. Judging by the quiet satisfaction of those who have worked to make it a reality, as well as by the sometimes not-so-quiet reaction of the children who have attended it, it would seem that the prospects for success are considerable. All of the children at the camp come from poverty areas, many from Pittsburgh's crowded ghettoes. Out at the camp, however, the burden of poverty and distinction of race seem irrelevant. They are forgotten, if only temporarily, in the solitude of the surroundings and in the uncompromised individuality of community life. It's a safe bet that if John Dewey were alive, he would approve of the use being given his former home.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, 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 House to the bill (S. 1160) to amend the Communications Act of 1934 by extending and improving the provisions thereof relating to grants for construction of educational television broadcasting facilities, by authorizing assistance in the construction of noncommercial educational radio broadcasting facilities, by establishing a nonprofit corporation to assist in establishing innovative educational programs, to facilitate educational program availability, and to aid the operation of educational broadcasting facilities; and to authorize a comprehensive study of instructional television and radio; and for other purposes.

The message also announced that the House had passed the bill (S. 2310) to provide more effectively for the regulation of the use of, and for the preservation of safety and order within, the U.S. Capitol Buildings and the U.S. Capitol Grounds, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

PRESERVATION OF SAFETY WITHIN THE U.S. CAPITOL BUILDINGS AND GROUNDS

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2310.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2310) to provide more effectively for the regulation of the use of, and for the preservation of safety and order within, the U.S. Capitol buildings and the U.S. Capitol Grounds, and for other purposes, which was to strike out all after the enacting clause and insert:

That (a) the first section of the Act entitled "An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes", approved July 31, 1946 (60 Stat. 718; 40 U.S.C. 193a; D.C. Code 9–118), is amended by—

(1) inserting therein, immediately after the words "book 127, page 8,", the words "including all additions added thereto by law subsequent to June 25, 1946,"; and

(2) striking out the words "as defined on the aforementioned map".

(b) Section 6 of that Act (40 U.S.C. 193f; D.C. Code 9–123) is amended to read as follows:

"SEC. 6. (a) It shall be unlawful for any person or group of persons—

"(1) Except as authorized by regulations which shall be promulgated by the Capitol Police Board:

"(A) to carry on or have readily accessible to the person of any individual upon the United States Capitol Grounds or within any of the Capitol Buildings any firearm, dangerous weapon, explosive, or incendiary device; or

"(B) to discharge any firearm or explosive, to use any dangerous weapon, or to ignite any incendiary device, upon the United States Capitol Grounds or within any of the Capitol Buildings; or

"(C) to transport by any means upon the United States Capitol Grounds or within any of the Capitol Buildings any explosive or incendiary device; or

"(2) Knowingly, with force and violence, to enter or to remain upon the floor of either House of the Congress.

"(b) It shall be unlawful for any person or group of persons willfully and knowingly—

"(1) to enter or to remain upon the floor of either House of the Congress, to enter or to remain in any cloakroom or lobby adjacent to such floor, or to enter or to remain in the Rayburn Room of the House or the Marble Room of the Senate, unless such person is authorized, pursuant to rules adopted by that House or pursuant to authorization given by that House, to enter or to remain upon such floor or in such cloakroom, lobby, or room;

"(2) to enter or to remain in the gallery of either House of the Congress in violation of rules governing admission to such gallery adopted by that House or pursuant to authorization given by that House;

"(3) to enter or to remain in any room within any of the Capitol Buildings set aside or designated for the use of either House of the Congress or any Member, committee, subcommittee, officer, or employee of the Congress or either House thereof with intent to disrupt the orderly conduct of official business;

"(4) to utter loud, threatening, or abusive language, or to engage in any disorderly or disruptive conduct, at any place upon the United States Capitol Grounds or within any of the Capitol Buildings with intent to impede, disrupt, or disturb the orderly conduct of any session of the Congress or either House thereof, or the orderly conduct within any such building of any hearing before, or any deliberations of, any committee or subcommittee of the Congress or either House thereof;

"(5) to obstruct, or to impede passage through or within, the United States Capitol Grounds or any of the Capitol Buildings;

"(6) to engage in any act of physical violence upon the United States Capitol Grounds or within any of the Capitol Buildings; or

"(7) to parade, demonstrate, or picket within any of the Capitol Buildings.

"(c) Nothing contained in this section shall forbid any act of any Member of the Congress, or any employee of a Member of the Congress, any officer or employee of the Congress or any committee or subcommittee thereof, or any officer or employee of either House of the Congress or any committee or subcommittee thereof, which is performed in the lawful discharge of his official duties."

(c) Section 8 of that Act (40 U.S.C. 193h; D.C. Code 9–125) is amended to read as follows:

"SEC. 8. (a) Any violation of section 6(a) of this Act, and any attempt to commit any such violation, shall be a felony punishable by a fine not exceeding $5,000, or imprisonment not exceeding five years, or both.

"(b) Any violation of sections 2, 3, 4, 5, 6(b), or 7 of this Act, and any attempt to commit any such violation, shall be a misdemeanor punishable by a fine not exceeding $500, or imprisonment not exceeding six months, or both.

"(c) Violations of this Act, including attempts or conspiracies to commit such violations, shall be prosecuted by the United States attorney or his assistants in the name of the United States. None of the general laws of the United States and none of the laws of the District of Columbia shall be superseded by any provision of this Act. Where the conduct violating this Act also violates the general laws of the United States or the laws of the District of Columbia, both violations may be joined in a single prosecution. Prosecution for any violation of section 6(a) or for conduct which constitutes a felony under the general laws of the United States or the laws of the District of Columbia shall be in the United States District Court for the District of Columbia. All other prosecutions for violations of the Act may be in the District of Columbia Court of General Sessions. Whenever any person is convicted of a violation of this Act and of the general laws of the United States or the laws of the District of Columbia, in a prosecution under this subsection, the penalty which may be imposed for such violation is the highest penalty authorized by any of the laws for

violation of which the defendant is convicted."

(d) Section 16(a) of that Act (40 U.S.C. 193m; D.C. Code 9–132) is amended to read as follows:

"SEC. 16. (a) As used in this Act—

"(1) The term 'Capitol Buildings' means the United States Capitol, the Senate and House Office Buildings and garages, the Capitol power plant, all subways and enclosed passages connecting two or more of such structures, and the real property underlying and enclosed by any such structure.

"(2) The term 'firearm' shall have the same meaning as when used in section 1(3) of the Federal Firearms Act (52 Stat. 1252, as amended; 15 U.S.C. 901(3)).

"(3) The term 'dangerous weapon' includes all articles enumerated in section 14(a) of the Act of July 8, 1932 (47 Stat. 654, as amended; D.C. Code 22–3214(a)) and also any device designed to expel or hurl a projectile capable of causing injury to persons or property, daggers, dirks, stilettoes, and knives having blades over three inches in length.

"(4) The term 'explosive' shall have the same meaning as when used in section 1(1) of the Act of October 6, 1917 (40 Stat 385, as amended; 50 U.S.C. 121).

"(5) The term 'act of physical violence' means any act involving (1) an assault or any other infliction or threat of infliction of death or bodily harm upon any individual, or (2) damage to or destruction of any real property or personal property."

SEC. 2. Section 15 of the Act of July 29, 1892 (27 Stat. 325; 40 U.S.C. 101; D.C. Code 4–120, 22–3111), is amended by deleting "shall, upon conviction thereof, be fined not more than $50.", and inserting in lieu thereof: "shall be fined not more than $500, or imprisoned not more than six months, or both."

SEC. 3. Prosecutions for violations of the Act of July 31, 1946 (60 Stat. 718; 40 U.S.C. 193a et seq., D.C. Code 9–118 et seq.) and of section 15 of the Act of July 29, 1892 (27 Stat. 325; D.C. Code 4–120, 22–3111), occurring prior to the enactment of these amendments shall not be affected by these amendments or abated by reason thereof. The provisions of this Act shall be applicable to violations occurring after its enactment.

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the House amendment.

The motion was agreed to.

Mr. MANSFIELD. 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.

ADJOURNMENT

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 12 noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 58 minutes p.m.) the Senate adjourned until tomorrow, Friday, October 20, 1967, at 12 noon.

NOMINATION

Executive nomination received by the Senate October 19, 1967:

U.S. ATTORNEY

K. Edwin Applegate, of Indiana, to be U.S. attorney for the southern district of Indiana for the term of 4 years, vice Richard P. Stein, resigned.

CONFIRMATION

Executive nomination confirmed by the Senate October 19, 1967:

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Jerre S. Williams, of Texas, to be Chairman of the Administrative Conference of the United States for a term of 5 years.

EXTENSIONS OF REMARKS

Our Friend Sam Davenport

EXTENSION OF REMARKS
OF
HON. WM. JENNINGS BRYAN DORN
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 19, 1967

Mr. DORN. Mr. Speaker, though Sam Davenport is no longer officially associated with the Congress, we often think of him and his splendid service to the membership. Most of us perhaps will always remember Sam as connected with the Office of the Coordinator of Information. We know how faithful and dedicated he was to duty. While here he answered thousands of our questions and inquiries annually. He often answered the phone himself and would often bring a reply in person so as to explain more fully.

He was devoted to the House as a great American institution. He loved the House and respected it as the most direct representation the people have in our democracy. Sam Davenport was well aware that a Congressman not only had to legislate, but he has to perform tasks for his individual constituents. He realized that a Congressman was no more effective than his political strength back home.

While serving us here Sam was courteous, sympathetic, and kind. He is a true gentleman.

I first knew Sam not as one to provide the answer to our difficult questions, but as an unofficial member of the House Christian Breakfast Group. In the old 80th Congress Sam was there every Thursday morning and this is where I first learned to know, respect, and admire him. He is a Christian soldier who fervently believes that Christianity is the answer to our complex modern-day problems. He is truly one of the finest men it has ever been my privilege to know.

While Sam is no longer officially associated with the Congress, he will continue to be of service to his country and to his fellow man.

Mrs. Dorn and my staff join with me in wishing for Sam and his family the very best always.

Gen. Casimir Pulaski

EXTENSION OF REMARKS
OF
HON. FRANK J. BRASCO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 19, 1967

Mr. BRASCO. Mr. Speaker, 188 years ago, the cause of freedom lost an outstanding general in Casimir Pulaski.

After a courageous, but unsuccessful struggle against Russian control of his own beloved Poland, this great Polish patriot learned of the American Revolutionary War, and immediately volunteered his services in our fight for independence.

The dedication with which he performed his self-imposed duty to defend our right to freedom and democracy inspired troops at Brandywine, Germantown, Valley Forge, and finally at Savannah, where he gave his life for the most important cause in the world—freedom.

For his courage, his dedication, and his adherence to principle against all odds, America shall never forget General Pulaski, nor the significant contribution he made toward our struggle for democracy.

Treatment of Prisoners of War in North Vietnam

EXTENSION OF REMARKS
OF
HON. L. MENDEL RIVERS
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 19, 1967

Mr. RIVERS. Mr. Speaker, recent releases of news concerning American military personnel held captive in North Vietnam starkly point out some facts which should be spread before the American public and the peoples of the entire world.

The conditions under which our young men exist as prisoners appear to be adequate by North Vietnamese standards and on that basis Hanoi claims that it is giving the prisoners humane treatment.

Humane treatment covers more than getting barely enough to eat and having a leaky roof over one's head. These men have families and they are naturally concerned for their families' welfare.

Hanoi has consistently refused to announce the names of the prisoners it is holding. Out of the more than 200 American prisoners the Department of Defense